

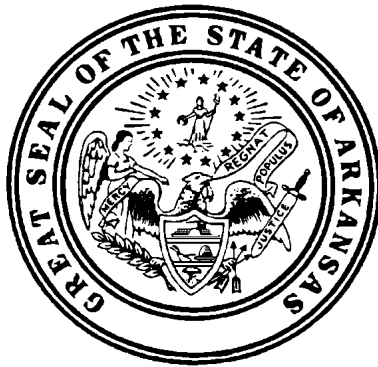
Pollution Control and Ecology Commission # 014.00-021

ARKANSAS POLLUTION CONTROL and ECOLOGY COMMISSION

RULE 21

ARKANSAS ASBESTOS ABATEMENT RULE

Commented [PI1]: Changes to Rule 21
1.Changed from Regulation to Rule
2. Formatted to be fully justified
3.Changed title page to Times New Roman



Adopted by the PC&E Commission **INSERT DATE**

TABLE OF CONTENTS

CHAPTER 1: TITLE, INTENT, AND PURPOSE

Commented [P12]: Renamed Chapter
Moved Elements of this chapter from other chapters to make more consistent with other OAQ Rules.

Rule 21.101 Title

The following rules, adopted pursuant to the Removal of Asbestos Material Act and the Arkansas Water and Air Pollution Control Act, shall be known as the “Asbestos Abatement Rule hereinafter “Rule 21.

Rule 21.102 Purpose

In accordance with Removal of Asbestos Material Act, the purpose of Rule 21 is to provide guidelines to protect public health and safety and the environment by enabling the Division to:

- (A) Administer and enforce a program that licenses
 - (1) Asbestos Abatement Contractors,
 - (2) Asbestos Abatement Consultants, and
 - (3) Training Providers; and
- (B) Certifies
 - (1) Workers;
 - (2) Supervisors;
 - (3) Inspectors;
 - (4) Air Monitor Technicians;
 - (5) Project Designers; and
 - (6) Management Planners; and
- (C) Establish and enforce standards for demolitions, renovations, and the disposal of asbestos-containing materials in accordance with the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M.

Rule 21.103 Applicability

- (A) Rule 21 shall be applicable to the following person(s) and entities:
 - (1) The owner and/or operator of any facility involved in demolition or renovation activities;

Commented [A3]: this covers facilities that may not have asbestos that still have to file NOIs.

- (2) Any person or entity that acts as an agent for the owner or operator in performing demolitions, renovations, air monitoring, and/or response actions that involves, or may involve, the removal or disturbance of asbestos-containing material in any facility;
 - (3) Any person conducting inspections, air monitoring, preparing management plans, developing project designs, and/or conducting response actions as defined in Rule 21; and
 - (4) Any person or entity who conducts training programs for asbestos professional disciplines that are regulated in Rule 21; and
 - (5) The owner and/or operator of an active waste disposal site that receives asbestos-containing waste material.
- (B) Rule 21 shall be applicable to the following asbestos-related activities and asbestos-related actions:
- (1) Management and disposal of asbestos-containing waste materials;
 - (2) Demolition, renovation, and response actions involving regulated asbestos-containing material that are not a small-scale short-duration activity or minor fiber release episode as defined in Chapter 2;

Rule 21.104 Severability

If any provision of Rule 21, or the application thereof, to any person, entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of Rule 21 that can be given effect without the invalid provision or application. The provisions of Rule 21 are severable.

Rule 21.105 Effective Date

This rule is effective 10 days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

CHAPTER 2: DEFINITIONS

Commented [PI4]: Definitions moved from Chapter 4 for consistency with other Rules

- 1.Acronyms replaced with the real term
2. Added terms and definitions
- 3.Removed Obsolete terms – Department, individual

CHAPTER 3: LICENSING

Rule 21.301 RESERVED

Rule 21.302 Licensing Requirements

- (A) A person or entity shall not perform the functions of an Asbestos Abatement Contractor, Asbestos Abatement Consultant, or Training Provider without first obtaining a license pursuant to this Chapter.
- (B) The following persons and entities are exempt from the requirement to obtain a license.
 - (1) State and federal government agencies and subdivisions thereof, including school districts;
 - (2) Any facility owner who conducts demolition, renovation, or response actions within the confines of the facility if the actions are conducted by permanent employees of the facility owner who:
 - (a) Are trained in the proper discipline(s) in accordance with Asbestos School Hazard Abatement Reauthorization Act and 40 CFR Part 763, Appendix C to Subpart E;
 - (b) Are certified in the proper discipline(s) by the Division; and
 - (c) Conduct only asbestos-related activities that are associated with the performance of that person's permanent employment. If the employee conducts asbestos-related activities on any other buildings or structures not associated with that person's permanent employment, then the person must be under the supervision of an Asbestos Abatement Contractor or Asbestos Abatement Consultant licensed pursuant to Rule 21.

Rule 21.303 Application Requirements for Asbestos Abatement Consultants

Application for an asbestos abatement consultant license shall be made on Division forms and shall include:

- (A) The applicable annual fee for an asbestos abatement consultant license pursuant to Rule [Insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify any and all subsidiaries;

Commented [P15]: Terms that affect this section that I added to the definitions include:

- 1.Initial Training
- 2.Refresher Training
- 3.Primary Instructor
- 4.Secondary Instructor
- 5.Permanent employee
- 6.License period
- 7.Guest instructor
- 8.Accreditation
- 9.Demolition contractor
- 10.Arkansas Awareness

Would like to delete training day from definitions

Commented [A6]: we will have specifics on fee payment in the specific chapter.

(C) Proof of a minimum of \$1,000,000 professional liability coverage for errors and omissions in the form of a certificate of insurance issued by an insurance carrier authorized to do business in Arkansas. The certificate of issuance must:

- (1) Certify the applicable coverages for the types of asbestos services provided; and
- (2) Name the Division of Environmental Quality as the certificate holder and specify that insurer shall notify the Division within ten (10) business days of any substantive changes made to the policy, including, but not limited to, termination or failure to renew, or any reduction of the monetary limits of coverage; and

(D) Any other information that the Division may reasonably require.

Commented [A7]: Specification that they must be authorized by the Arkansas Insurance Department removed because we haven't been able to confirm that that is where these businesses would be authorized. Left it vague here.

Commented [A8]: Catch all if we need it.

Rule 21.304 Application Requirements for Asbestos Abatement Contractors

Application for an asbestos abatement contractor license shall be made on Division forms and shall include:

(A) The applicable annual fee for an asbestos abatement contractor license pursuant to Rule [Insert citation];

(B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify any and all subsidiaries;

(C) Proof that the asbestos abatement contractor employs at least one certified Supervisor. Acceptable proof includes:

- (1) Name of Supervisor and Division-issued certification number; or
- (2) Name of Supervisor and a copy of the active Division-issued certificate; and

(D) Proof of a minimum of \$1,000,000 liability insurance coverage in the form of a certificate of insurance issued by an insurance carrier authorized to do business in Arkansas. The certificate of issuance shall:

- (1) Certify the liability insurance coverage for the types of asbestos services provided; and
- (2) Name the Division of Environmental Quality as the certificate holder and specify that the insurer shall notify the Division within ten (10) business days of any substantive changes made to the liability insurance policy, including, but not limited to, termination or failure to renew, or any reduction of the monetary limits of coverage; and

(E) Any other information that the Division may reasonably require.

Commented [A9]: we will have specifics on fee payment in the specific chapter.

Commented [A10]: DK indicated that this covers the rider item and is in terms more understandable by the insurance industry.

Rule 21.305 Application Requirements for Training Providers

Application for a training provider license shall be made on Division forms and shall include:

- (A) The applicable annual fee for training provider license pursuant to Rule [Insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify any and all subsidiaries in the disclosure statement;
- (C) Proof that the instructor of each training course has academic and/or field experience in the discipline of asbestos abatement that he or she teaches, including:
 - (1) A resume that specifies the name, background, qualifications, training, and field experience; and
 - (2) A copy of certification(s) issued to the instructor by the Division pursuant to Rule 21 that match the training course the instructor will teach;
- (D) A list of training courses and the training course types. Training course types include:
 - (1) Worker Training;
 - (2) Supervisor Training;
 - (3) Inspector Training;
 - (4) Air Monitor Technician Training;
 - (5) Project Designer Training;
 - (6) Management Planner Training;
 - (7) Refresher for the disciplines in Rule 21.305(D)(1)–(6); and
 - (8) Arkansas Awareness;
- (E) For each training course:
 - (1) The name, address, and telephone number of the instructor(s);
 - (2) A list of any other states that currently approve the training course;
 - (3) A course curriculum that details:
 - (a) The specific topics that the instructor will cover;
 - (b) The time allocated to instruction of each topic;
 - (c) The training methods to be used to present each topic;

Commented [A11]: we will have specifics on fee payment in the specific chapter.

Commented [A12]: So a person being recertified in the discipline of air monitor takes the supervisor training. Does this mean this should say 21.304(C)(1) – (3) and (5) – (6)?

- (d) The amount and type of hands-on training; and
 - (e) Length of training in days, or fractions thereof;;
 - (4) A copy of all course materials in English and in any other language in which the course will be taught, including, but not limited to:
 - (a) Student manuals
 - (b) Instructor notebooks
 - (c) Handouts; and
 - (d) A copy of the examination and answers;
 - (5) A detailed statement about the development of the examination used in the course;
 - (6) A description of and an example of the certificates issued to students who attend the course and pass the examination pursuant to Rule[insert citation]; and
- (F) Any other information that the Division may reasonably require.

Commented [A13]: This is where we will cite to the minimum requirements for training certificates in the training chapter.

Rule 21.306 License Period

- (A) The Division shall issue licenses approved pursuant to Rule 21.309 for a twelve-month period.
- (B) An asbestos abatement contractor, asbestos abatement consultant, or training provider who lets his or her license expire shall not perform asbestos-related work or training until that person has met all renewal requirements under Rule 21.307 and has received a license from the Division.

Commented [A14]: Twelve month period will be a defined term.

Rule 21.307 License Renewal Requirements

Application for renewal of an asbestos abatement contractor license, an asbestos abatement consultant license, or a training provider license shall be made on Division forms and shall include:

- (A) The applicable annual fee pursuant to Rule [Insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify any and all subsidiaries in the disclosure statement;

Commented [PI15]: Just need to mention this that during the Asbestos Lean event, Stuart approved for application fees to be nonrefundable. I'm not sure that's a go since it wasn't a part of the regulation. Need to remember to address in fee section.

TT: I agree.

Commented [A16]: we will have specifics on fee payment in the specific chapter.

- (C) For Asbestos Abatement Consultant license renewals, proof of appropriate insurance coverage that meets the requirements of Rule 21.303(C);
- (D) For Asbestos Abatement Contractor license renewals,
 - (1) Proof of a certified Supervisor on staff as a permanent employee as specified in Rule 21.304(C);
 - (2) Proof of appropriate insurance coverage that meets the requirements of Rule 21.304(D); and
- (E) For Training Provider license renewals, any changes in training instructors, curriculum, or materials, including:
 - (1) For changes in training instructors, proof that the new instructor of each training course has academic and/or field experience in the discipline of asbestos abatement that he or she teaches as specified in Rule 21.305(D); and
 - (2) For changes in curriculum or training materials, details of any changes to the information required under Rule 21.305(C) and (E); and
- (F) Any other information that the Division may reasonably require.

Rule 21.308 License Revisions

All changes to a license prior to expiration of the license are subject to Division approval pursuant to Rule 21.309. Changes pursuant to Rule 21.308 prior to expiration of a license shall not require a fee payment and shall not extend the license period of the license to be revised.

- (A) Ownership
 - (1) To transfer the license to another person, an Asbestos Abatement Consultant shall submit to the Division the following:
 - (a) A cover letter that explains the change in ownership;
 - (b) A complete application on Division forms and the documents and information required under Rule 21.303(B), (C), and (D) for the person to whom the license is being transferred.
 - (2) To transfer the license to another person, an Asbestos Abatement Contractor shall submit to the Division the following:
 - (a) A cover letter that explains the change in ownership;
 - (b) A complete application on Division forms and the documents and information required under Rule 21.304(B), (C), (D), and (E) for the person to whom the license is being transferred.

- (3) To transfer the license to another person, a Training Provider shall submit to the Division the following:

- (a) A cover letter that explains the change in ownership;
- (b) A complete application on Division forms and the documents and information required under Rule 21.305(B) and (F) for the person to whom the license is being transferred.

(B) Name or Location of Licensee

An Asbestos Abatement Consultant, Asbestos Abatement Contractor, or Training Provider seeking to change the name or location on their license shall submit:

- (1) A cover letter that explains the change;
- (2) A disclosure statement on Division forms and completed in accordance with Rule 8; and

Commented [A17]: Do we also need an application form?

(C) Changes to Instructors, Courses, Curriculum, and Training Materials

A Training Provider seeking to add a course, add an instructor, or make changes to Division-approved courses on the license shall submit the following:

- (1) A cover letter that explains change;
- (2) A complete application on Division forms;
- (3) A disclosure statement on Division forms, completed in accordance with Rule 8;
- (4) For changes in training instructors, proof that the new instructor of each training course has academic and/or field experience in the discipline of asbestos abatement that he or she teaches as specified in Rule 21.305(D); and
- (5) For changes in courses, curriculum or training materials, details of any changes to the information required under Rule 21.305(C) and (E).

Rule 21.309 Processing of License Applications

(A) Application Review

- (1) The Division shall review applications for Asbestos Abatement Consultant licenses, revisions, and renewals and Asbestos Abatement Contractor licenses, revisions, and renewals to determine whether the application is complete and whether the applicant meets the requirements for licensure under Rule 21.

- (2) The Division shall review applications for Training Provider licenses, revisions, and renewals to determine whether the application is complete and whether the applicant meets the requirements for licensure under Rule 21 and the training courses meet the requirements of Rule 21 and 40 CFR Part 763, Appendix C to Subpart E.
- (3) The Division may require the applicant to address any deficiencies in the application and may request additional information from the applicant or other persons prior to taking action on the application. Failure to address any deficiencies or provide additional information requested by the Division shall result in disapproval of the application for licensure.

(B) Action on Applications

(1) Issuance of Licenses

- (a) If the Division determines that the application for an Asbestos Abatement Consultant or Asbestos Abatement Contractor license, revision, or renewal is complete and the applicant meets the requirements of Rule 21, the Division shall grant the applicant a license to act in a capacity approved by the Division. The license shall specify:
 - (i) The name of the licensee;
 - (ii) The type of license;
 - (iii) The license number;
 - (iv) The license issue date; and
 - (v) The license expiration date.
- (b) If the Division determines that the application for a Training Provider license, revision or renewal is complete and the applicant meets the requirements of Rule 21 and the training courses meet the requirements of Rule 21 and 40 CFR Part 763, Appendix C to Subpart E, the Division shall grant the applicant a Training Provider license. The Division may approve, on a case-by-case basis, refresher training courses to be offered online. The license shall specify:
 - (i) The name of the licensee;
 - (ii) The type of license;
 - (iii) The approved training courses;
 - (iv) The license issue date; and

(v) The license expiration date.

(2) Disapproval

If an applicant fails to submit a complete application, provides fraudulent information, or fails to meet any of the requirements for license approval, the Division shall disapprove the license application. In the case of disapproval, the Division shall send a letter that addresses the reasons for disapproval to the applicant. Upon resolution of the identified issues, a person may submit a new application, including the applicable fee, to the Division.

Rule 21.310 Suspension and Revocation of Licenses

The Division may suspend or revoke an Asbestos Abatement Contractor license, Asbestos Abatement Consultant license, or Asbestos Training Provider license, if the licensee fails to meet the standards established by Rule 21, including:

Commented [A18]: Denial is covered in disapproval section

Commented [A19]: Should this be shall? The word may implies that this is discretionary. For instance, based on this language, we could choose not to revoke a license even if the licensee failed to comply with the requirements of Rule 21.

(A) General

- (1) Failure to comply with the applicable requirements of Rule 21;
- (2) A history of incompetence or negligence on the part of the licensee or his or her employees, as determined by the Division;
- (3) Submission of fraudulent or incomplete information;
- (4) Performing asbestos-related activities without the correct license;
- (5) Allowing the licensee's employees to perform asbestos-related activities without being properly trained and certified;
- (6) Allowing the duplication and/or use of the licensee's license by another;
- (7) Violating the provisions of the Removal of Asbestos Material Act or Rule 21; and
- (8) Failure to comply with the terms of a consent administrative order; a default administrative order, an emergency order, or any other final order issued by the Division and/or the Commission.

(B) Training Provider Licenses

- (1) Misrepresentation of the extent of a training course approval pursuant to Rule 21;
- (2) Failure to submit required information or provide timely notification;
- (3) Failure to maintain records in accordance with Rule 21;

- (4) Falsification of accreditation records, instructor qualifications, or accreditation information;
- (5) Failure to adhere to applicable 40 CFR Part 763, Appendix C to Subpart E requirements;
- (6) Failure to comply with the terms of a Division-issued notice of violation or consent administrative order;
- (7) Being subject to a final order imposing a civil penalty or conviction under § 16 of the Toxic Substance Control Act, 15 U.S.C § 2615, or 15 U.S.C. § 2647;
- (8) Violation of any of the provisions of the Removal of Asbestos Material Act, Rule 21, 40 CFR Part 763, § 113 of the Clean Air Act, or 40 CFR Part 61, Subpart M.

Rule 21.311 Appeal of Division Actions on Licenses

Any person may appeal the Division's decision to approve, deny, disapprove, or revoke a license. A person may submit a request for appeal in accordance with the Rule 8.

CHAPTER 4: CERTIFICATIONS

Rule 21.401 Certification Requirement

A person shall not perform the asbestos-related functions of a Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner without first obtaining a certification pursuant to Chapter 4. An appropriately accredited person can apply for certification in one or more discipline.

Commented [P120]:

Terms that affect this section that I added to the definitions include:

- 1.Initial Training
- 2.Refresher Training
- 3.Permanent employee
- 4.Certification period
- 5.Accreditation
- 6.Arkansas Awareness
- 7.certified

Would like to delete from definitions

Rule 21.402 Training Requirements Prior to Application for Certification

Applicants shall complete the following training courses prior to application for a certification from the Division:

Commented [A21]: I would like to not use prerequisite here, because it could be confused for what we mean later when we are talking about prerequisite courses to complete other training courses.

Commented [P122]: The legislative drafting guide advises against using this. Need to get Will's weigh in.

(A) Initial Training Requirements

- (1) For Workers,
 - (a) A worker initial training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E; or
 - (b) A supervisor initial training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E;
- (2) For Supervisors, a supervisor initial training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (3) For Inspectors, an inspector initial training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (4) For Project Designers, a project designer initial training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (5) For Management Planners,
 - (a) A management planner initial training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E; and
 - (b) An inspector initial training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E;
- (6) For Air Monitor Technicians,

- (a) A supervisor initial training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E; and
- (b) An air monitor technician training course that meets the requirements of Rule 21.[insert citation]. The air monitor technician training course is not a prerequisite to certification if the person seeking certification is a Certified Industrial Hygienist;

(B) Refresher Training Requirements

- (1) For Workers,
 - (a) A worker refresher training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E; or
 - (b) A supervisor refresher training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E;
- (2) For Supervisors, a supervisor refresher training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (3) For Inspectors, an inspector refresher training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (4) For Project Designers, a project designer refresher training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E;
- (5) For Management Planners,
 - (a) A management planner refresher training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E; and
 - (b) An inspector refresher training course that meets the requirements of Rule 21.[insert citation] or 40 CFR Part 763, Appendix C to Subpart E;
- (6) For Air Monitor Technicians,
 - (a) A supervisor refresher training course that meets the requirements of Rule 21.[INSERT CITATION] or 40 CFR Part 763, Appendix C to Subpart E.
 - (b) An air monitor technician training course that meets the requirements of Rule 21.[insert citation]. The air monitor technician training course is not a prerequisite to certification if the person seeking certification is a Certified Industrial Hygienist;

Rule 21.403 Application Requirements for Worker Certification

Application for a worker certification shall be made on a Division form and shall include:

- (A) The applicable fee pursuant to Rule [insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification;
- (C) The most recent training certificate that demonstrates accreditation in the worker discipline or supervisor discipline issued by a Training Provider that is;
 - (1) Licensed by the Division pursuant to Rule 21; or
 - (2) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763 Appendix C to Subpart E. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
- (D) A current photograph of the applicant that;
 - (1) Is not blurry, grainy, or pixelated;
 - (2) Has no holes, creases, smudges or other damage;
 - (3) Is two (2) inches wide by three (3) inches tall;
 - (4) Shows the full face of the applicant with the face being no less than three-quarters (3/4) of an inch wide; and
 - (5) Meets any other specifications that the Division may require; and
- (E) Any other information that the Division may reasonably require.

Rule 21.404 Application Requirements for Supervisor, Inspector, or Project Designer Certification

Application for a supervisor, inspector, or project designer certification shall be made on Division forms and shall include:

- (A) The applicable fee pursuant to Rule [insert citation];

Commented [PI23]: Unlike the licenses, the fee here is technically not annual. If a person submits a training certificate that has two months left on it, they will need to pay another fee if they decide to reapply using a new training certificate. Just informational

Commented [PI24]: According to our definition a training provider is licensed pursuant to rule 21 do we need another word?

I think that we need to redefine training provider. Since we later say in the body of the rule that training providers require licenses. We don't define asbestos abatement contractors as persons who are licensed under Rule 21.

Here is my stab:

Training Provider means any person or other legal entity that conducts some or all of the training programs for the asbestos disciplines that are regulated in Rule 21 or under another state or tribe to which the Environmental Protection Agency has delegated authority pursuant to 40 CFR 763, Subpart E, Appendix C.

I don't think that we should say that are licensed under Rule 21 in the definition.

Tricia's tweak to her tweak:

Training Provider means any person or other legal entity that conducts some or all of the training programs for the asbestos disciplines that are established by Rule 21 and 40 CFR 763, Subpart E, Appendix C.

Commented [KD25]: The definition for TP says that they meet the licensing requirements not that they are "licensed" per say. I see that as two different things. We can further discuss.

Commented [A26]: If we are leaving it ambiguous so that we can decide via memo, then this should just say a.

Commented [A27]: (IP) Regarding 21.2401(B) TT wrote... I don't think we need this since we are ambiguous in the section above as to whether we are requiring an original or a copy. We just say the most recent certificate. This provides the Division with flexibility as to whether to require original, or copy plus some other proof of training. The Division can specify on its forms that the applicant is required to complete.

Commented [KD28]: Do we need to define applicant?

TT: No. It is clear from the context in which it is used and will be different in each context. Here it is the applicant for a worker certification. IN the next section, it may be the applicant for a designer certification.

Commented [KD29]: I agree that the photograph requirements in being in the regulation are not necessary since no one follows those requirements particularly in regards to the photo resolution. Now if we need the photo dimensions to make sure that the photos received can be placed in the ID cards than that can remain. The passport sized photos seem to work ok which is 2in x 2 in.

And I agree that we don't have the equipment to take photographs.

Commented [PI30]: I really have issues with this requirement. We really don't know if the photograph we receive is that person. Many of the photographs are horrible. The asbestos program does not have the equipment to photograph applicants.

Also, Regulation 21.1501 has additional requirements for photographs that I don't think are necessary.

Commented [A31]: This is the 1 by 1.5 inches is the relative dimensions of the photos on the id cards.

- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification;
- (C) The most recent training certificate that demonstrates accreditation in the discipline for which the applicant is seeking certification that is issued by a Training Provider that is;
 - (1) Licensed by the Division pursuant to Rule 21; or
 - (2) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763 Appendix C to Subpart E. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21; _____
- (D) A photograph of the applicant that;
 - (1) Is not blurry, grainy, or pixelated;
 - (2) Has no holes, creases, smudges or other damage;
 - (3) Is two (2) inches wide by three (3) inches tall; _____
 - (4) Shows the full face of the applicant with the face being no less than three-quarters (3/4) of an inch wide; and
 - (5) Meets any other specifications that the Division may require; and
- (E) Any other information that the Division may reasonably require.

Commented [A32]: This needs to change if we think we are going to require the original (as we currently require) instead of a copy. If we require the original, then we need to add in that they can submit a copy if they also provide to us a copy of their current certification issued by the a delegated state or tribe and Arkansas awareness.

Commented [A33]: This is the 1 by 1.5 inches is the relative dimensions of the photos.

Rule 21.405 Application Requirements for Air Monitor Technician Certification

Application for an air monitor technician certification shall be made on Division forms and shall include:

- (A) The applicable fee pursuant to Rule [insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification; _____
- (C) The most recent training certificate that demonstrates accreditation in the Air Monitor Technician discipline issued by a Training Provider that is licensed by the Division pursuant to Rule 21 or proof of current certification as a Certified Industrial Hygienist.
- (D) The most recent training certificate that demonstrates accreditation in the supervisor discipline by a Training Provider that is _____

Commented [PI34]: Should we say certification or license since we do not know what other states issue?

Commented [PI35]: According to our definition a training provider is licensed pursuant to rule 21 do we need another word?

- (1) Licensed by the Division pursuant to Rule 21; or
 - (2) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
- (E) A photograph of the applicant that;
- (1) Is not blurry, grainy, or pixelated;
 - (2) Has no holes, creases, smudges or other damage;
 - (3) Is two (2) inches wide by three (3) inches tall;
 - (4) Shows the full face of the applicant with the face being no less than three-quarters (3/4) of an inch wide; and
 - (5) Meets any other specifications that the Division may require; and
- (F) Any other information that the Division may reasonably require.

Commented [A36]: This is the 1 by 1.5 inches is the relative dimensions of the photos.

Rule 21.406 Application Requirements for Management Planner Certification

Application for a management planner certification shall be made on Division forms and shall include:

- (A) The applicable fee pursuant to Rule [insert citation];
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification or license;
- (C) The most recent training certificates that demonstrate accreditation in the Inspector and Management Planner disciplines issued by a Training Provider that is;
 - (1) Licensed by the Division pursuant to Rule 21; or
 - (2) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;

Commented [P137]: Since we don't know what other states do for sure should this just read "certification" or should it read "certification or license"

Commented [P138]: Need clarification from Demetria on whether she wants the inspector certificate as an application requirement.

- (E) A photograph of the applicant that:
- (1) Is not blurry, grainy, or pixelated;
 - (2) Has no holes, creases, smudges, or other damage;
 - (3) Is two (2) inches wide by three (3) inches tall;
 - (4) Shows the full face of the applicant with the face being no less than three-quarters (3/4) of an inch wide; and
 - (5) Meets any other specifications that the Division may require; and
- (F) Any other information that the Division may reasonably require.

Rule 21.407 Certification Period

- (A) The Division shall issue each certification pursuant to Rule 21.408 for a twelve-month period or until the accreditation for the discipline in which the person is certified expires, whichever is less.
- (B) A worker, supervisor, inspector, air monitor technician, project designer, or management planner who lets his or her certification expire shall not perform work functions of a discipline requiring certification until the Division issues a certification.
- (C) A worker, supervisor, inspector, air monitor technician, project designer, or management planner who holds a current certification or who has let his or her certification expire may complete the applicable refresher course training as specified in Rule [insert citation] and apply for renewal of a certification pursuant to Rule 21.407(C) if the certificate holder completes the required training within twelve (12) months of the expiration of the certification.
- (D) If a certificate holder fails to complete the applicable refresher course within twelve (12) months of the expiration of certification, the Division shall require the certificate holder to meet the requirements for initial certification:
- (1) For worker certifications, Rule 21.403;
 - (2) For supervisor, inspector, or project designer certification, Rule 21.404;
 - (3) For air monitor technicians, Rule 21.405; or
 - (4) For management planner certification, Rule 21.406.

Rule 21.408 Certification Renewal

Application for renewal of a worker, supervisor, inspector, air monitor technician, project designer, or management planner certification shall be made on Division forms and shall include:

Commented [KD39]: Do we need to say until an application is submitted and the Division issues a certification?

TT: I think so because it can be reinstated. Can we fix this by saying an active certification?

Commented [A40]: I could also see these being part of the renewal section instead of here.

- (A) The applicable fee, as pursuant to Rule [insert citation];
- (B) A completed a Division issued disclosure statement in accordance with Rule 8. The applicant should include all states where the applicant is certified or licensed to work; and
- (C) The training certificate for the refresher course(s) required under Rule [INSERT CITATION] for the discipline for which the applicant is applying to renew certification;
 - (1) The training certificate(s) shall be issued no more than twelve months after the expiration of the certification by a Training Provider that is:
 - (a) Licensed by the Division pursuant to Rule 21; or
 - (b) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
 - (2) If an air monitor technician submitted proof of certification as a Certified Industrial Hygienist instead of accreditation through an Air Monitor Technician course, the air monitor technician shall submit proof of their current certification status or a training certificate that demonstrates accreditation in the Air Monitor Technician discipline issued by a Training Provider that is licensed by the Division pursuant to Rule 21; and
- (D) Any other information that the Division may reasonably require.

Commented [A41]: We will talk about the specifics of refresher course training requirements in the training chapter.

Rule 21.409 Processing of Certification Applications

- (A) Application Review
 - (1) The Division shall review applications for worker, supervisor, inspector, air monitor technician, project designer, and management planner certifications and certification renewals to determine if the application is complete and if the applicant meets the requirements for certification under Rule 21.
 - (2) The Division may require the applicant to address any deficiencies in the application and may request additional information from the applicant or other persons prior to taking action on the application. Failure to address any deficiencies or provide additional information requested by the Division shall result in disapproval of the application for certification.
- (B) Action on Applications

(1) Issuance of Certifications

- (a) If the Division determines that the application for a worker, supervisor, inspector, air monitor technician, project designer, or management planner is complete and the applicant meets the requirements of Rule 21, the Division shall grant the applicant a certification and an identification card to act in a capacity approved by the Division. The certification and identification card shall specify:
 - (i) The name of the certified person;
 - (ii) The approved discipline(s);
 - (iii) The certification number;
 - (iv) The certification date; and
 - (v) The certification expiration date.

(2) Disapproval

If an applicant fails to submit a complete application, provides fraudulent information, or fails to meet any of the requirements for certification approval, the Division shall disapprove the certification application. In the case of disapproval, the Division shall send a letter that addresses the reasons for disapproval to the applicant. Upon resolution of the identified issues, a person may submit an application, including the applicable fee, to the Division.

Rule 21.410 Suspension and Revocation of Certifications

The Division may suspend or revoke certification for a worker, supervisor, inspector, air monitor technician, project designer, or management planner certification, if the certified person fails to meet the standards established by Rule 21, including:

- (A) Failure comply with applicable requirements of Rule 21;
- (B) A history of incompetence or negligence on the part of the certified person;
- (C) Submission of fraudulent or incomplete information, including:
 - (1) Obtaining accreditation through fraudulent representation of education, training, professional registration, experience or examination documents;
 - (2) Obtaining training documentation through fraudulent means; and
 - (3) Gaining admission to and completing refresher training through fraudulent representation of initial training or previous refresher training documentation;

Commented [PI42]: Tricia has concerns regarding this wording.

- (D) Performing asbestos-related activities without the correct certification;
- (E) Performing asbestos-related activities requiring certification at a job site without being in physical possession of proof of correct certification for the activity—an unexpired certificate of certification or unexpired certification identification card constitutes proof of certification;
- (F) Allowing the duplication and/or use of a certified person's certification by another person;
- (G) Violating the provisions of the Removal of Asbestos Material Act or Rule 21; and
- (H) Failure to comply with the terms of a consent administrative order; a default administrative order; an emergency order, or any other final order issued by the Division and/or the Commission.

Rule 21.411 Appeal of Division Actions on Certifications

Any person may appeal the Division's decision to approve, deny, disapprove, or revoke a certification. A person may submit a request for appeal in accordance with Rule 8.

Commented [PI43]: To me, in this section an individual is responsible for their own actions. So does this kinda make the responsibility someone else's?

TT: My read would be if they allowed (as in gave them their license to copy or told them they could) that this would be enforceable against the certified person and the uncertified person. If someone stole it, I think they could argue that they didn't allow another person to use it. I think intent matters here.

CHAPTER 5: TRAINING

Rule 21.501 [RESERVED]

Rule 21.502 Applicability

The requirements of this Chapter apply to Training Providers licensed by the Division pursuant to Chapter 3.

Rule 21.503 Verification of Prerequisite Training Prior to Admission to a Training Course

A Training Provider licensed by the Division to teach an initial training course or refresher training course shall verify that each student possesses valid prerequisite accreditation and/or certification before granting the student admission to a training course.

Rule 21.504 Separate Training and Prohibition on Self-Accreditation

- (A) A Training Provider licensed by the Division shall not combine a training course for one discipline with a training course of any other discipline unless otherwise specified herein.
- (B) A Training Provider licensed by the Division shall not allow an employee to accredit himself or herself in any training course. However, an employee may attend and earn accreditation in a course taught by another instructor employed by the Training Provider if the training course has been approved by the Division to be taught by the Training Provider.

Rule 21.505 Worker Initial Training Course Requirements and Content

A Training Provider licensed by the Division to teach worker initial training shall ensure that each worker initial training course meets the following minimum requirements:

- (A) Course length is a minimum of thirty-two (32) hours with a minimum of fourteen (14) hours dedicated to hands-on instruction;
- (B) The course is taught in English or Spanish;
- (C) A closed-book written exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.[insert citation]; and
- (D) The worker initial training course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
 - (1) Physical characteristics of asbestos:
 - (a) Identification of asbestos;
 - (b) Aerodynamic characteristics;

Commented [A44]: I know you wanted to get at this concept.

(IP)
Yes, thank you!

Commented [A45]: Using defined term

- (c) Typical uses;
 - (d) Physical appearance; and
 - (e) Summary of abatement control options;
- (2) Potential health effects related to asbestos exposure:
- (a) Nature of asbestos-related disease;
 - (b) Routes of exposure;
 - (c) Dose response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure;
 - (e) Latency period for asbestos-related diseases; and
 - (f) The relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
- (3) Employee personal protective equipment:
- (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance, and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection;
 - (h) Factors that alter respiratory fit (e.g., facial hair);
 - (i) Components of a proper respiratory protection program;
 - (j) Selection and use of personal protective clothing;
 - (k) Use, storage, and handling of nondisposable clothing; and
 - (l) Rules covering personal protective equipment;
- (4) State-of-art work practices:

- (a) Proper work practices for asbestos abatement activities, including descriptions of proper construction;
 - (b) Maintenance of barriers and decontamination enclosure systems;
 - (c) Positioning of warning signs;
 - (d) Lock-out of electrical and ventilation systems;
 - (e) Proper working techniques for minimizing fiber release;
 - (f) Use of wet methods;
 - (g) Use of negative pressure exhaust ventilation equipment;
 - (h) Use of high efficiency particulate air vacuums;
 - (i) Proper cleanup and disposal procedures;
 - (j) Work practices for removal, encapsulation, enclosure, and repair of asbestos-containing material;
 - (k) Emergency procedures for sudden releases;
 - (l) Potential exposure situations;
 - (m) Transport and disposal procedures; and
 - (n) Recommended and prohibited work practices;
- (5) Personal hygiene:
- (a) Entry and exit procedures for the work area;
 - (b) Use of showers;
 - (c) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and
 - (d) Potential exposures, such as family exposure;
- (6) Additional safety hazards—hazards encountered during abatement activities and how to deal with them, including:
- (a) Electrical hazards;
 - (b) Heat stress;
 - (c) Air contaminants other than asbestos;

- (d) Fire and explosion hazards;
 - (e) Scaffold and ladder hazard;
 - (f) Slips, trips, and falls; and
 - (g) Confined spaces;
- (7) Medical monitoring—Occupational Safety and Health Administration and Environmental Protection Agency Worker Protection Rule requirements for physical examinations, including:
- (a) Pulmonary function test;
 - (b) Chest x-rays; and
 - (c) Medical history for each employee;
- (8) Air monitoring—procedures to determine airborne concentrations of asbestos fibers, including:
- (a) Descriptions of aggressive air sampling;
 - (b) Sampling equipment and methods;
 - (c) Reasons for air monitoring;
 - (d) Types of samples; and
 - (e) Interpretation of results;
- (9) Federal, Arkansas, and local regulatory requirements, procedures, and standards relevant to asbestos abatement workers;
- (10) Establishment of respiratory protection programs; and
- (11) Course review—a review of key aspects of the Worker initial training course.

Commented [PI46]: What are the key aspects?
TT: I would say that is subject to interpretation.

Rule 21.506 Supervisor Initial Training Course Requirements and Content

A Training Provider licensed by the Division to teach supervisor initial training shall ensure that each supervisor initial training course meets the following minimum requirements:

- (A) Course length is a minimum of forty (40) hours with a minimum of fourteen (14) hours dedicated to hands-on instruction;
- (B) The course is taught in English;

- (C) A closed-book written exam of one hundred (100) multiple-choice questions is administered that meets the requirements of Rule 21.[insert citation]; and
- (D) The supervisor initial training course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
 - (1) The physical characteristics of asbestos and asbestos-containing material:
 - (a) Identification of asbestos;
 - (b) Aerodynamic characteristics;
 - (c) Typical uses;
 - (d) Physical appearance;
 - (e) Review of hazard assessment considerations; and
 - (f) Summary of abatement control options.
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related diseases;
 - (b) Routes of exposure;
 - (c) Dose-response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure; and
 - (e) Latency period for diseases;
 - (3) Employee personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection factors that alter respiratory fit (e. g., facial hair);

- (h) Components of a proper respiratory protection program;
- (i) Selection and use of personal protective clothing;
- (j) Use, storage, and handling of nondisposable clothing; and
- (k) Rules covering personal protective equipment;

(4) State-of-the-art work practices:

- (a) Proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems;
- (b) Positioning of warning signs;
- (c) Lock-out of electrical and ventilation systems;
- (d) Proper working techniques for minimizing fiber release;
- (e) Use of wet methods;
- (f) Use of negative pressure exhaust ventilation equipment;
- (g) Use of high efficiency particulate air vacuums and proper cleanup and disposal procedure;
- (h) Work practices for removal, encapsulation, enclosure, and repair of asbestos-containing material;
- (i) Emergency procedures for unplanned releases;
- (j) Potential exposure situations;
- (k) Transport and disposal procedures and recommended and prohibited work practices; and
- (l) New abatement-related techniques and methodologies may be discussed;

(5) Personal hygiene:

- (a) Entry and exit procedures for the work area;
- (b) Use of showers;
- (c) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and
- (d) Potential exposures, such as family exposure, shall also be included;

Commented [A47]: changed this to match format used for worker. Content is slightly different per MAP

- (6) Additional safety hazards—hazards encountered during abatement activities and how to deal with them, including:
 - (a) Electrical hazards;
 - (b) Heat stress;
 - (c) Air contaminants other than asbestos;
 - (d) Fire and explosion hazards;
 - (e) Scaffold and ladder hazards;
 - (f) Slips, trips, and falls; and
 - (g) Confined spaces;
- (7) Medical monitoring—Occupational Safety and Health Administration and Environmental Protection Agency Worker Protection Rule requirements for physical examinations including:
 - (a) Pulmonary function test;
 - (b) Chest X-rays; and
 - (c) Medical history for each employee;
- (8) Air monitoring—procedures to determine airborne concentrations of asbestos fibers including:
 - (a) Descriptions of aggressive air sampling;
 - (b) Sampling equipment and methods;
 - (c) Reasons for air monitoring;
 - (d) Types of samples; and
 - (e) Interpretation of results;
- (9) Relevant Federal, Arkansas, and local regulatory requirements, procedures and standards including:
 - (a) Requirements of Toxic Substances Control Act Title II;
 - (b) National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos);

- (c) Occupational Safety and Health Administration standards for permissible exposure to airborne concentrations of asbestos fibers respiratory protection (29 CFR 1910.134) and subsequent changes;
 - (d) Occupational Safety and Health Administration Asbestos Construction Standard (29 CFR 1926.1101) or any subsequent revisions;
 - (e) Environmental Protection Agency Worker Protection Rule (40 CFR Part 763, Subpart G) or any subsequent revisions; and
 - (f) Rule 21.
- (10) Respiratory Protection Programs and Medical Monitoring Programs;
- (11) Insurance and liability issues:
- (a) Contractor issues;
 - (b) Worker's compensation coverage and exclusions;
 - (c) Third-party liabilities and defenses; and
 - (d) Insurance coverage and exclusions;
- (12) Record keeping for asbestos abatement projects:
- (a) Records required by federal, Arkansas, and local regulations; and
 - (b) Records recommended for legal and insurance purposes;
- (13) Supervisory techniques for asbestos abatement activities—supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
- (14) Contract specifications—discussions of key elements that are included in contract specifications;
- (15) Course review—a review of key aspects of the Supervisor initial training course.

Commented [P148]: what are the key aspects?

Rule 21.507 Inspector Initial Training Course Requirements and Content

A Training Provider shall ensure that each Inspector initial training course meets the following minimum requirements:

- (A) Course length is a minimum of twenty-four (24) hours with a minimum of four (4) hours dedicated to hands-on instruction;

- (B) The course is taught in English;
- (C) A closed-book exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.[insert citation]; and
- (D) The Inspector initial training course adequately addresses the following topics using a combination of lecture, demonstration, field exercise, and hands-on instruction:
 - (1) Background information on asbestos:
 - (a) Identification of asbestos and examples;
 - (b) Discussion of the uses and locations of asbestos in buildings; and
 - (c) Physical appearance of asbestos;
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related diseases;
 - (b) Routes of exposure;
 - (c) Dose-response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure;
 - (e) Latency periods for asbestos-related diseases; and
 - (f) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs;
 - (3) Functions/qualifications and role of Inspectors:
 - (a) Discussions of prior experience and qualifications for Inspectors and Management Planners;
 - (b) Discussions of the functions of an accredited Inspector as compared to those of an accredited Management Planner; and
 - (c) Discussion of inspection process including inventory of asbestos-containing material and physical assessment;
 - (4) Legal liabilities and defenses:
 - (a) Responsibilities of the Inspector and Management Planner;
 - (b) Discussion of comprehensive general liability policies;
 - (c) Claims-made and occurrence-based policies;

- (d) Environmental and pollution liability policy clauses;
 - (e) State liability insurance requirements; and
 - (f) Bonding and the relationship of insurance availability to bond availability;
- (5) Understanding building systems—the interrelationship between building systems, including:
- (a) Overview of common building physical plan layout;
 - (b) Heating, ventilation, and air conditioning system types;
 - (c) Physical organization, and where asbestos is found on heating, ventilation, and air conditioning components;
 - (d) Building mechanical systems, their types and organization, and where to look for asbestos on the systems;
 - (e) Inspecting electrical systems, including appropriate safety precautions; and
 - (f) Reading blueprints and as-built drawings;
- (6) Public/employee/building occupant relations:
- (a) Notifying employee organizations about the inspection;
 - (b) Signs to warn building occupants;
 - (c) Tact in dealing with occupants and the press;
 - (d) Scheduling of inspections to minimize disruptions; and
 - (e) Education of building occupants about actions being taken;
- (7) Pre-inspection planning and review of previous inspection records:
- (a) Scheduling the inspection and obtaining access;
 - (b) Building record review;
 - (c) Identification of probable homogeneous areas from blueprints or as-built drawings;
 - (d) Consultation with maintenance or building personnel;
 - (e) Review of previous inspection, sampling, and abatement records of a building; and

- (f) Role of the Inspector in exclusions for previously performed inspections;
- (8) Inspecting for friable and nonfriable asbestos-containing material and assessing the condition of friable asbestos-containing material:
 - (a) Procedures to follow in conducting visual inspections for friable and nonfriable asbestos-containing material;
 - (b) Types of building materials that may contain asbestos;
 - (c) Touching materials to determine friability;
 - (d) Open return air plenums and their importance in heating, ventilation, and air conditioning systems;
 - (e) Assessing damage, significant damage, potential damage, and potential significant damage;
 - (f) Amount of suspected asbestos-containing material, both in total quantity and as a percentage of the total area;
 - (g) Type of damage;
 - (h) Accessibility;
 - (i) Material's potential for disturbance;
 - (j) Known or suspected causes of damage or significant damage; and
 - (k) Deterioration as assessment factors;
- (9) Bulk sampling/documentation of asbestos:
 - (a) Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-03 October 1985)" and any subsequent revisions;
 - (b) Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials;
 - (c) Sampling of nonfriable materials;
 - (d) Techniques for bulk sampling;
 - (e) Inspector sampling and repair equipment;
 - (f) Patching or repair of damage from sampling;
 - (g) Discussion of polarized light microscopy;

- (h) Choosing an accredited laboratory to analyze bulk samples; and
- (i) Quality control and quality assurance procedures;
- (10) Inspector respiratory protection and personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance, and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair);
 - (h) Components of a proper respiratory protection program;
 - (i) Selection and use of personal protective clothing; and
 - (j) Use, storage, and handling of nondisposable clothing;
- (11) Record keeping and writing the inspection report:
 - (a) Labeling of samples and keying sample identification to sampling location;
 - (b) Recommendations on sample labeling;
 - (c) Detailing of asbestos-containing material inventory;
 - (d) Photographs of selected sampling areas and examples of asbestos-containing material condition; and
 - (e) Information required for school buildings under Toxic Substances Control Act Title II, Section 203(i)(1);
- (12) Regulatory review:
 - (a) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61, Subparts A and M); Environmental Protection Agency Worker Protection Rule (40 CFR Part 763, Subpart G);

- (b) Occupational Safety and Health Administration Asbestos Construction Standard (29 CFR 1926.1101);
 - (c) Occupational Safety and Health Administration respirator requirements (29 CFR 1910.134); The Friable Asbestos in Schools Rule (40 CFR Part 763, Subpart E); and
 - (d) Applicable Arkansas and local regulations, including, but not limited to, the items listed in Rule 21, and the effects, if any, on public and nonpublic schools or commercial or public buildings;
- (13) Field trip—a field exercise including:
- (a) A walk-through inspection;
 - (b) On-site discussion about information gathering and the determination of sampling locations;
 - (c) On-site practice in physical assessment; and
 - (d) Classroom discussion of the field exercise; and
- (14) Course review—a review of key aspects of the inspector initial training course.

Commented [P149]: I think if we add this phrase back to the end of each section then we have to determine what key aspects are in a separate section because it will vary from TP to TP

Rule 21.508 Air Monitor Technician Training Course Requirements and Content

Commented [A50]: Do we need to designate this as an initial training course if there is no refresher?

- (A) A Training Provider licensed by the Division to teach Air Monitor Technician training shall ensure that each attendee has completed the Supervisor initial training course prior to admittance to the Air Monitor Technician course.
- (B) A Training Provider licensed by the Division to teach Air Monitor Technician training shall ensure that each Air Monitor Technician course meets the following minimum requirements:
 - (1) Course length is a minimum of twelve (12) hours with a minimum of four (4) hours dedicated to hands-on instruction;
 - (2) The course is taught in English;
 - (3) A closed-book exam of fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.[insert citation]; and
 - (4) The Air Monitor Technician course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
 - (a) Types of air monitoring:

- (i) Personal air monitoring;
- (ii) Area air monitoring;
- (iii) Preclearance air monitoring; and
- (iv) Clearance air monitoring;
- (b) Purpose and intent of clearance air monitoring;
- (c) How to conduct clearance air monitoring;
- (d) Air Sampling:
 - (i) Air sampling procedures, strategies, and equipment;
 - (ii) How to conduct aggressive sampling; and
 - (iii) Limitations of air sampling;
- (e) Calibration of instruments;
- (f) Selection of appropriate equipment and media;
- (g) Sample placement;
- (h) Calculations, chain of custody, preparation of reports, and sample labeling:
 - (i) General discussion of laboratories;
 - (j) Health considerations including decontaminating the equipment and the person performing the air monitoring;
- (k) Hands-on demonstrations, including:
 - (i) Calculations;
 - (ii) Calibration of instruments;
 - (iii) Placement of air monitors;
 - (iv) Aggressive air monitoring;
 - (v) Decontamination procedures; and
 - (vi) Labeling; and
- (l) Reading and interpreting specifications and drawings;

Commented [PI51]: Changed from original

Commented [PI52]: Not part of original

(m) Applicable State and federal rules

(i) Rule 21;

(ii) 40 CFR Part 763 Appendix A; and

(iii) 40 CFR 61 Subpart M; and

(n) Course review—a review of key aspects of the air monitor technician training course.

Commented [PI53]: Not part of the original

Rule 21.509 Project Designer Initial Training Course Requirements and Content

A Training Provider licensed by the Division to teach Project Designer initial training shall ensure that each Project Designer initial training course meets the following minimum requirements:

- (A) Course length is a minimum of twenty-four (24) hours;
- (B) The course is taught in English;
- (C) A closed-book exam of one hundred (100) multiple-choice questions is administered that meets the requirements of Rule 21.^[insert citation]; and
- (D) The Project Designer initial training course adequately addresses the following topics using a combination of lecture, demonstration, field exercise, and hands-on instruction:
 - (1) Background information on asbestos:
 - (a) Identification of asbestos;
 - (b) Examples and discussion of the uses and locations of asbestos in buildings; and
 - (c) Physical appearance of asbestos;
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related disease and routes of exposure;
 - (b) Dose-response relationships and the lack of a safe exposure level;
 - (c) Synergistic effect between cigarette smoking and asbestos exposure;
 - (d) Latency periods for asbestos-related diseases; and

- (e) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
- (3) Overview of abatement construction projects:
 - (a) Abatement as a portion of a renovation project; and
 - (b) Occupational Safety and Health Administration requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101);
- (4) Safety system design specifications:
 - (a) Design, construction and maintenance of containment barriers and decontamination enclosure systems;
 - (b) Positioning of warning signs;
 - (c) Electrical and ventilation system lockout;
 - (d) Proper working techniques for minimizing fiber release;
 - (e) Entry and exit procedures for the work area;
 - (f) Use of wet methods;
 - (g) Proper techniques for initial cleaning;
 - (h) Use of negative-pressure exhaust ventilation equipment;
 - (i) Use of high efficiency particulate air vacuums;
 - (j) Proper cleanup and disposal of asbestos;
 - (k) Work practices as they apply to encapsulation, enclosure, and repair; and
 - (l) Use of glovebags and a demonstration of glovebag use;
- (5) Field trip—a visit to an abatement site or other suitable building site, including on-site discussions of abatement design and building walk-through inspection and a discussion of the rationale for the concept of functional spaces during the walk-through;
- (6) Employee personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;

- (c) Proper selection and inspection;
 - (d) Donning, use, maintenance and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair);
 - (h) Components of a proper respiratory protection program;
 - (i) Selection and use of personal protective clothing;
 - (j) Use, storage, and handling of nondisposable clothing; and
 - (k) Regulations covering personal protective equipment;
- (7) Additional safety hazards—hazards encountered during abatement activities and how to deal with them including:
- (a) Electrical hazards;
 - (b) Heat stress;
 - (c) Air contaminants other than asbestos; and
 - (d) Fire and explosion hazards;
- (8) Fiber aerodynamics and control:
- (a) Aerodynamic characteristics of asbestos fibers;
 - (b) Importance of proper containment barriers;
 - (c) Settling time for asbestos fibers;
 - (d) Wet methods in abatement;
 - (e) Aggressive air monitoring following abatement; and
 - (f) Aggressive air movement and negative-pressure exhaust ventilation as a cleanup method;
- (9) Designing abatement solutions:
- (a) Discussions of removal, enclosure, and encapsulation methods; and

- (b) Asbestos waste disposal;
- (10) Final clearance process:
 - (a) Discussion of the need for a written sampling rationale for aggressive final air clearance;
 - (b) Requirements of a complete visual inspection; and
 - (c) Relationship of the visual inspection to final air clearance;
- (11) Budgeting/cost estimating:
 - (a) Development of cost estimates;
 - (b) Present costs of abatement versus future operation and maintenance costs; and
 - (c) Setting priorities of abatement jobs to reduce costs;
- (12) Writing abatement specifications:
 - (a) Preparation of and need for a written project design;
 - (b) Means and methods specifications versus performance specifications;
 - (c) Design of abatement in occupied buildings;
 - (d) Modification of guide specifications for a particular building;
 - (e) Worker and building occupant health/medical considerations; and
 - (f) Replacement of asbestos-containing material with nonasbestos substitutes;
- (13) Preparing abatement drawings:
 - (a) Significance and need for drawings;
 - (b) Use of as-built drawings as base drawings;
 - (c) Use of inspection photographs and on-site reports;
 - (d) Methods of preparing abatement drawings;
 - (e) Diagramming containment barriers;
 - (f) Relationship of drawings to design specifications; and
 - (g) Particular problems related to abatement drawings;

- (14) Contract preparation and administration;
- (15) Legal/liabilities/defenses;
 - (a) Insurance considerations;
 - (b) Bonding and hold-harmless clauses;
 - (c) Use of abatement contractor's liability insurance; and
 - (d) Claims-made versus occurrence-based policies;
- (16) Replacement of asbestos with asbestos-free substitutes;
- (17) Role of other consultants:
 - (a) Development of technical specification sections by industrial hygienists or engineers; and
 - (b) Multi-disciplinary team approach to abatement design;
- (18) Occupied buildings:
 - (a) Special design procedures required in occupied buildings;
 - (b) Education of occupants;
 - (c) Extra monitoring recommendations;
 - (d) Staging of work to minimize occupancy exposure; and
 - (e) Scheduling of renovation to minimize exposure;
- (19) Relevant Federal, Arkansas and local regulatory requirements, procedures and standards, including, but not limited to the items listed in Rule 21[insert citation for Arkansas awareness] and;
 - (a) Requirements of Toxic Substances Control Act Title II;
 - (b) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61) Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
 - (c) Occupational Safety and Health Administration Respirator Standard found in 29 CFR 1910.134;
 - (d) Environmental Protection Agency Worker Protection Rule found in 40 CFR Part 763, Subpart G;

- (e) Occupational Safety and Health Administration Asbestos Construction Standard found in 29 CFR 1926.1101;
 - (f) Occupational Safety and Health Administration Hazard Communication Standard found in 29 CFR 1926.59; and
- (20) Course review—a review of key aspects of the Project Designer initial training course.

Rule 21.510 Management Planner Initial Training Course Requirements and Content

- (A) A Training Provider licensed by the Division to teach Management Planner initial training shall ensure that each attendee has completed the Inspector initial training course and possesses a current and valid inspector certification prior to admittance to the Management Planner initial training course.
- (B) A Training Provider licensed by the Divisions to teach Management Planner initial training shall ensure that each Management Planner initial training course meets the following minimum requirements:
- (1) Course length is a minimum of sixteen (16) hours;
 - (2) The course is taught in English;
 - (3) A closed-book exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.[insert citation]; and
 - (4) The Management Planner initial training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (a) Course overview—the role and responsibilities of the Management Planner:
 - (i) Operations and maintenance programs;
 - (ii) Setting work priorities; and
 - (iii) Protection of building occupants;
 - (b) Evaluation/interpretation of survey results:
 - (i) Review of Toxic Substances Control Act Title II requirements for inspection and management plans for school buildings as given in Section 203(i)(1) of Toxic Substance Control Act Title II;
 - (ii) Interpretation of field data and laboratory results; and

Commented [A54]: MAP also requires this

- (iii) Comparison of field inspector's data sheet with laboratory results and site survey;
- (c) Hazard assessment:
 - (i) Amplification of the difference between physical assessment and hazard assessment;
 - (ii) Role of the Management Planner in hazard assessment;
 - (iii) Explanation of significant damage, potential damage, and potential significant damage;
 - (iv) Use of a description (or decision tree) code for assessment of asbestos-containing material;
 - (v) Assessment of friable asbestos-containing material; and
 - (vi) Relationship of accessibility, vibration sources, use of adjoining space and air plenums and other factors to hazard assessment;
- (d) Legal implications:
 - (i) Liability;
 - (ii) Insurance issues specific to planners;
 - (iii) Liabilities associated with interim control measures, in-house maintenance, repair and removal; and
 - (iv) Use of results from previously performed inspections.
- (e) Evaluation and selection of control options:
 - (i) Overview of encapsulation;
 - (ii) Enclosure;
 - (iii) Interim operations and maintenance and removal;
 - (iv) Advantages and disadvantages of each method;
 - (v) Response actions described via a decision tree or other appropriate method;
 - (vi) Work practices for each response action;
 - (vii) Staging and prioritizing of work in both vacant and occupied buildings; and

- (viii) Need for containment barriers and decontamination in response actions;
- (d) Role of other professionals:
 - (i) Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions;
 - (ii) Any requirements that may exist for architect sign-off of plans; and
 - (iii) Team approach to design of high-quality job specifications;
- (e) Developing an operations and maintenance plan:
 - (i) Purpose of the plan;
 - (ii) Discussion of applicable Environmental Protection Agency guidance documents;
 - (iii) What actions should be taken by custodial staff; proper cleaning procedures;
 - (iv) Steam cleaning and high efficiency particulate air vacuuming;
 - (v) Reducing disturbance of asbestos-containing material;
 - (vi) Scheduling operations and maintenance for off-hours;
 - (vii) Rescheduling or canceling renovation in areas with asbestos-containing material;
 - (viii) Boiler room maintenance;
 - (ix) Disposal of asbestos-containing material;
 - (x) In-house procedures for asbestos-containing material bridging and penetrating encapsulant;
 - (xi) Pipe fittings, and metal sleeves;
 - (xii) Polyvinyl chloride, canvas, and wet wraps;
 - (xiii) Muslin with straps, fiber mesh cloth;
 - (xiv) Mineral wool and insulating cement;
 - (xv) Discussion of employee protection programs and staff training; and

- (xvi) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced);
- (f) Regulatory review focusing on:
 - (i) The Occupational Safety and Health Administration Asbestos Construction Standard found at 29 CFR 1926.1101 and subsequent revisions;
 - (ii) National Emissions Standards for Hazardous Air Pollutants found at 40 CFR Part 61, Subpart A (General Provisions) and M (National Emission Standard for Asbestos);
 - (iii) Environmental Protection Agency Worker Protection Rule found at 40 CFR Part 763, Subpart G; Toxic Substances Control Act Title II; and
 - (iv) Applicable Arkansas regulations including but not limited to the items listed in Rule 21 [insert citation for Arkansas awareness];
- (g) Record keeping of the Management Planner:
 - (i) Use of field inspector's data sheet along with laboratory results;
 - (ii) Ongoing record keeping as a means to track asbestos disturbance; and
 - (iii) Procedures for record keeping;
- (h) Assembling and submitting the management plan:
 - (i) Plan requirements for schools in Toxic Substances Control Act Title II Section 203(I)(1); and
 - (ii) The management plan as a planning tool.
- (i) Financing abatement actions:
 - (i) Economic analysis and cost estimates;
 - (ii) Development of cost estimates;
 - (iii) Present costs of abatement versus future operation and maintenance cost; and
 - (iv) Asbestos School Hazard Abatement Act grants and loans; and

- (5) Course review—a review of key aspects of the Management Planner initial training course.

Rule 21.511 Arkansas Awareness Course Requirements and Content

A Training Provider licensed by the Division to teach Arkansas Awareness training shall ensure that each Arkansas Awareness training course meets the following minimum requirements:

- (A) Course length is a minimum of two (2) hours;
- (B) The course is taught in English or Spanish; and
- (C) The Arkansas Awareness course adequately addresses the following topics:

(1) The Division's relationship with the Environmental Protection Agency;

- (a) Environmental Protection Agency authority to promulgate and enforce rules setting standards and other requirements for asbestos;

(i) Congressional findings and purpose—15 US Code § 2641;

(ii) Asbestos Hazard Emergency Response Act—15 U.S. Code §§ 2641-2656

(iii) Clean Air Act—42 U.S. Code 7401 et seq.;

(iv) Asbestos Hazardous Abatement Reauthorization Act—40 CFR 763;

(v) The Environmental Protection Agency's preemptive status—29 U.S. Code § 653;

(vi) Control of Toxic Substances—15 U.S. Code Subchapter I.;

- (b) Process for partial and complete delegation of implementation and enforcement authority of Asbestos rules to State and Tribal programs;
- (c) Federal asbestos standards and requirements delegated to the Division, including:

(i) Asbestos Hazardous Abatement Reauthorization Act—40 CFR 763;

(ii) Model Accreditation Plan—40 CFR 763, Appendix C to Subpart E; and

(iii) Demolition and renovation of buildings containing asbestos—40 CFR Part 61 with the exception of (1)(d);

Commented [PI55]: Do we need to mention something to the affect that Arkansas Awareness is to be taken when a n initial or refresher is given by a provider not licensed pursuant to rule 21?

Commented [PI56]: Break out the things that need to be covered in the Arkansas Awareness (get specific) see if these rules can provide some clarification:

Arkansas Water and Air Pollution Control Act
Removal of Asbestos Material Act (Ark. Code Ann. § 20-27-1001 et seq.).
National Emission Standards for Hazardous Air Pollutants, 40 CFR, Part 61 Subpart M
Toxic Substances Control Act Title II
Occupational Safety and Health Administration Respirator Standard found in 29 CFR 1910.134
40 CFR Part 763, Subpart G
Standard found in 29 CFR 1926.1101
29 CFR 1926.59
Section 203(i)(1) of Toxic Substance Control Act Title II
Toxic Substances Control Act Title II Section 203(i)(1)
Toxic Substances Control Act Title II, Section 203(i)(1)
Occupational Safety and Health Administration Asbestos Construction Standard (29 CFR 1926.1101)
(40 CFR Part 61) Subparts A (General Provisions) and M (National Emission Standard for Asbestos);

Commented [PI57]:
TT: Other language that is not a clarification on current scope of what is required for Arkansas Awareness that Iris wishes the Asbestos team to consider:

Incorporation of other Codes, Statutes or Regulations in Rule 21

- (a) National Emissions Standards for Hazardous Air Pollutants – 40 CFR 61 Subpart M;
- (b) . 40 CFR 763
- (c) Model Accreditation Plan 40 CFR Appendix C to Subpart E
- (d) . Department of Transportation 49 CFR 171(03) and 49 CFR 172;
- (e) Occupational Safety and Health Administration;
- (f) . Division of Environmental Quality Rule 22 (40 CFR 261);

I remember having a training provider call me up and ask what is the relationship between the EPA and the DEQ. It makes me suspicious about what TPs are actually conveying in this regard. I know we are not supposed to add any informational things to the regulation but it would be nice if we could.

I wrote the following based off information I got from this link https://www.epa.gov/sites/production/files/2015-12/documents/jt_statement_epastate_relations_0794.pdf

The Environmental Protection Agency and the States share the responsibility to protect the United States environment. While the State addresses implementation and issues unique to Arkansas it also implements regulatory and enforcement functions that the Environmental Protection Agency initiated. Basically, the separate and unique functions of the Environmental Protection Agency and the State are:

Commented [A58]: List Rules

(IP) I'm not sure what you are talking about

Commented [A59]: from delegation federal register notice.

- (iiiiv) [National Emissions Standards for Hazardous Air Pollutants—40 CFR 61.145;](#)
 - (2) The Division’s authority to enforce Rule 21 on federal facilities;
 - (a) [Titles I and II of the Toxic Substances Control Act;](#)
 - (3) Differences between Rule 21 and National Emissions Standards for Hazardous Air Pollutant—40 CFR 61 Subpart M;
 - (4) The relationship between the Division and Occupational Safety and Health Administration:
 - (a) Federal enforcement of Occupational Health and Safety Standards
 - (b) Occupational Safety and Health Administration requirements in parts of 40 CFR 61 Subpart M delegated to Arkansas:
 - (i) [The State’s Environmental Protection Agency and Arkansas’s preemptive status relationship to federal agencies—29 U.S. Code § 653\(b\)\(1\);](#)
 - (ii) Arkansas’s relationship to the Occupational Safety and Health Administration when exercising authority under Toxic Substances Control Act—15 U.S. Code § 2608(c);
 - (iii) Arkansas’s relationship to the Occupational Safety and Health Administration when exercising authority under Toxic Substances Control Act to accredit [contractors and laboratories—15 U.S. Code § 2646;](#)
 - (iv) [State jurisdiction and plans—29 U.S. Code § 667;](#)
 - (v) [State’s authority to enforce emission standards—42 U.S. Code § 7412\(d\)\(1\);](#)
 - (vi) [State’s authority to enforce work practice standards and other requirements—42 U.S. Code § 7412\(h\)\(1\);](#)
 - (5) Arkansas certification and licensing requirements.
 - (a) Differences between a certification and license;
 - (b) Persons requiring a license or certification;
 - (c) Length of certification or license period; and
 - (d) How acquire a license or certification.

Commented [A60]: We don't have delegation according to OSHA's webpage so we don't have the authority to enforce their standards, but we do have authority to enforce our requirements in Rule 21. This means that persons engaged in the activities are subject to enforcement by OSHA and DEQ separately.

Commented [A61]: Create a list with citations to where they are in Rule 21, where they come from in the NESHAP, and where they come are in OSHA rules.

Rule 21.512 Worker Refresher Training Course Requirements and Content

A Training Provider licensed by the Division to teach worker refresher training shall ensure that each Worker refresher training course meets the following minimum requirements:

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English or Spanish;
- (C) The worker initial training course or the supervisor initial training course is a prerequisite to the worker refresher training course;
- (D) The Worker refresher course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in the state-of-the-art practices listed in Rule[insert citation here] ; and
 - (3) Review of key topics of the Worker initial training course listed at Rule[insert citation], including:
 - (a) Identification of asbestos;
 - (b) How exposure to asbestos relates to asbestos-related disease
 - (c) Federal and State statutes and laws related to personal protective clothing and equipment;
 - (d) Use of personal protective equipment;
 - (e) Work area entry and exit procedures; and
 - (4) Course review—a review of key aspects of the Worker refresher training course.

Commented [PI62]: What is adequately?

TT The term adequately is used in MAP. There are upsides and downsides to this term.

Pros:

Gives the Division discretion to determine what it thinks is adequate. Chevron deference for an agency to interpret its own rules.

It is used in MAP.

Cons:

Without defining, it is not clear to the instructors what "adequate" means. So we may get arguments if we decide that they are not "adequately addressing" a topic.

Avoid using minimally addresses. I think we could say just addresses.

Commented [PI63]: I'm trying to outline the key aspects of each training. Otherwise it may differ from TP to TP.

Demetria and Ron are supposed to figure out what they want to see as key aspects. What I've provided for each are guesses.

TT: Demetria and Ron,

Please weigh in on this. If you don't have any specific items in mind, we will delete the including part. If you do want to specify the key topics, please edit the list below.

Commented [PI64]: I don't like the a review of key aspects wording. It could be confusing does it just mean to review the section called key aspects?

Rule 21.513 Supervisor Refresher Training Course Requirements and Content

A Training Provider licensed by the Division to provide Supervisor refresher training shall ensure that each Supervisor refresher training course meets minimum criteria including:

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English;

- (C) The supervisor initial training course is a prerequisite to the supervisor refresher training course;
- (D) The Supervisor refresher training course adequately addresses the following topics through lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in the state-of-the-art practices listed in Rule[insert citation here]; and
 - (3) Review of key topics of the Initial Supervisor initial training course listed at Rule[insert citation], including:
 - (a) Identification of asbestos;
 - (b) How exposure to asbestos relates to asbestos-related disease
 - (c) Occupational Safety and Health Administration and Environmental Protection Agency worker protection requirements;
 - (d) Donning, use, maintenance and storage procedures for respirators;
 - (e) Use of personal protective clothing and equipment;
 - (f) Work area entry and exit procedures;
 - (g) Purpose of Air Monitoring;
 - (h) Sampling equipment and methods;
 - (i) Aggressive air sampling;
 - (j) Interpreting air sampling results;
 - (k) Supervisory techniques; and
 - (4) Course review—a review of key aspects of the Supervisor refresher training course.

Commented [A65]: TT: Demetria and Ron, Please weigh in on this. If you don't have any specific items in mind, we will delete the including part. If you do want to specify the key topics, please edit the list below.

Rule 21.514 Inspector Refresher Training Course Requirements and Content

A Training Provider licensed to teach Inspector refresher training shall ensure that each Inspector refresher training course meets the following minimum requirements:

- (A) Course length is a minimum of four (4) hours;

- (B) The course is taught in English;
- (C) The inspector initial training course is a prerequisite to the inspector refresher training course;
- (D) The Inspector refresher training course adequately addresses the following topics using a combination of lecture and demonstration;
- (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-the-art procedures;
 - (3) Review of key topics of the Inspector initial training course listed at [insert citation], including:
 - (a) Identification of asbestos;
 - (b) How asbestos is used and where it is found in buildings;
 - (c) How exposure to asbestos relates to asbestos-related disease;
 - (d) Responsibilities of the Inspector;
 - (e) How to understand building systems;
 - (f) Building occupant relations;
 - (g) Pre-inspection planning and records review;
 - (h) Visual inspections;
 - (i) Assessing asbestos-containing material;
 - (j) Techniques for random sampling;
 - (k) Techniques for bulk sampling;
 - (l) Accredited laboratories
 - (m) Use of personal protective clothing and equipment;
 - (n) How to write an inspection report;
 - (4) Course review—a review of key aspects of the Inspector refresher training course.

Commented [A66]: State of the art practices isn't part of the initial inspector training course.

Commented [A67]: TT: Demetria and Ron, Please weigh in on this. If you don't have any specific items in mind, we will delete the including part. If you do want to specify the key topics, please edit the list below.

Commented [A68]: There is no air monitor technician refresher course. They just take the supervisor refresher course. This is specified in the certifications chapter.

Rule 21.515 Project Designer Refresher Training Course Requirements and Content

A Training Provider licensed by the Division to teach Project Designer refresher training shall ensure that each Project Designer refresher training course meets the following minimum requirements:

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English;
- (C) The Project Designer initial training course is a prerequisite to the Project Designer refresher training course;
- (D) The Project Designer refresher training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-art procedures; and
 - (3) Review of key topics of the Project Designer initial training course listed at [insert citation], including:
 - (a) Identification of asbestos;
 - (b) How asbestos-containing material is used and where it is located in buildings;
 - (c) How exposure to asbestos relates to asbestos-related disease;
 - (d) Overview of abatement construction projects;
 - (e) Use of personal protective clothing and equipment;
 - (f) Occupational Safety and Health Administration required signage;
 - (g) Containment Barriers and enclosure systems;
 - (h) Work area entry and exit procedures;
 - (i) Use of ventilation equipment
 - (j) Cleanup and disposal;
 - (4) Course review—a review of key aspects of the Project Designer refresher training course.

Commented [A69]: Not listed in initial training

Commented [A70]: TT: Demetria and Ron, Please weigh in on this. If you don't have any specific items in mind, we will delete the including part. If you do want to specify the key topics, please edit the list below.

Rule 21.516 Management Planner Refresher Training Course Requirements and Content

A Training Provider licensed by the Division to teach Management Planner Refresher Training shall ensure each Management Planner refresher training course meets the following minimum requirements:

- (A) Course length is a minimum of four (4) hours;
- (B) The course is taught in English;
- (C) The Inspector initial training course and Management Planner initial training course are prerequisites to the Management Planner refresher training course;
- (D) The Management Planner refresher training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-the-art procedures; and
 - (3) Review of key topics of the Management Planner initial training course listed at [insert citation], including:
 - (a) Interpretation of inspection results and laboratory;
 - (b) Differences between physical assessment and hazard assessment;
 - (c) Assessing asbestos-containing material;
 - (d) Overview of encapsulation and containment;
 - (e) Operations and maintenance and removal;
 - (f) How to develop a management plan;
 - (4) Course review—a review of key aspects of the Management Planner refresher training course.

Commented [A71]: Come back to this.

Commented [A72]: Not a requirement of MAP or current rule 21.
We do specify that they have to take the inspector refresher training and the management planner refresher training prior to applying for certification renewal for management planner in the certification chapter.

Commented [A73]: TT: Demetria and Ron,
Please weigh in on this. If you don't have any specific items in mind, we will delete the including part. If you do want to specify the key topics, please edit the list below.

Rule 21.517 Exam Requirements and Successful Course Completion

- (A) A Training Provider licensed by the Division to teach one or more initial training course(s) shall ensure that the final exam for each initial training course meets the following requirements:
 - (1) The final exam shall be closed-book and multiple-choice;

- (2) The final exam questions shall be derived from the initial training course content; and
 - (3) A member of the licensed Training Provider staff shall be present at all times during the final exam.
- (B) The Division reserves the right to provide and administer initial training course final exams.
- (C) The minimum passing score for any exam shall be seventy (70) percent. The Training Provider shall not issue an accreditation certificate to a person who fails to score higher than the minimum passing score.

Rule 21.518 Requirements for Accreditation Certificates

- (A) A Training Provider licensed by the Division shall present each student who successfully completes an initial training course, refresher training course, or Arkansas Awareness course with an accreditation certificate that includes the following:
- (1) The name of the person who is awarded the accreditation certificate;
 - (2) The accreditation certificate number;
 - (3) The accreditation discipline or Arkansas Awareness, as applicable;
 - (4) The training date;
 - (5) The training location; and
 - (6) The accreditation certificate expiration date.
- (B) Accreditation for initial training courses and shall expire twelve (12) months from the examination date for initial courses.
- (C) Accreditation for refresher training courses and the Arkansas Awareness training course shall expire twelve (12) months from the date the training course was taken.

Commented [A74]: If we are going to require an original, we should probably add something here about embossing or some other mark to demonstrate an original versus a copy. If we are ok with a copy, then its not necessary.

Commented [A75]: Not sure why this was removed. I didn't see it in Demetria's spreadsheet.

Rule 21.519 Training Provider Recordkeeping Requirements

A Training Provider licensed by the Division under Rule 21 shall comply with the following minimum recordkeeping requirements:

- (A) The Training Provider shall retain for a minimum of three years:

- (1) Copies of all training course materials (e.g. student manuals; instructor notebooks; and handouts);
- (2) Copies of all instructors' resumes and any document referenced by the resumes, or, for published documents, a bibliography citation sufficient to allow the document to be located;
- (3) Records that accurately identify for each training course:
 - (a) The instructor that taught the training course; and
 - (b) The date the course was taught.
- (4) Records that clearly indicate the following for each final exam administered for an initial training course:
 - (a) The date the exam was administered;
 - (b) The training course title;
 - (c) The name of the discipline for which the exam was given;
 - (d) The name of the person who administered the exam;
 - (e) A copy of the exam; and
 - (f) The name and test score of each person who took the exam.
- (5) Records of all accreditation certificates issued by the Training Provider that allow the Division to verify the following information by telephone:
 - (a) The name of any person who received a certificate;
 - (b) The accreditation certificate number;
 - (c) The accreditation discipline;
 - (d) The training and expiration date;
 - (e) The training location; and
- (6) Photographs for each initial training course that clearly show the face of each student who received a passing score for the initial training course along with a caption that identify each student;
- (7) Records demonstrating that, for each student, the Training Provider verified that the student possesses valid prerequisite accreditation and/or certification before granting course admission into any initial training course or refresher training course;

Commented [P176]: I think these two can be combined. The discipline name is usually in the course title. Taken from 21.1807(C)

Commented [P177]: I think this contradicts 21.1807C; it says the person who received a passing score. Not everyone will receive a passing score.

Commented [P178]: Can insert the class photograph citation instead of repeating this.

Commented [A79]: Split this off from the others. I don't think you can verify this by phone.

- (B) The training provider shall allow reasonable access to all records required by Rule 21 to the Division or the Environmental Protection Agency upon request;
- (C) Any training provider who ceases to conduct training shall notify the Division to allow the Division the opportunity to take possession of the training provider's records;
- (D) The Division may require a training provider to produce copies or to grant access to the Division to inspect copies or originals of records or materials required by Rule 21.

Rule 21.520 Training Provider Required Notices and Submittals

A Training Provider licensed by the Division pursuant to Rule 21 shall comply with the following requirements for notices and submittals:

(A) Course Scheduling

At least seven (7) days prior to the start date of any initial training course, refresher training course, or Arkansas Awareness training course; the Training Provider offering the training course shall submit a written notice to the Division. The notice shall include the following information:

Commented [A80]: let's be silent as to method of transmission.

(1) Training Provider information, including:

- (a) Training Provider name;
- (b) Address;
- (c) Telephone number;
- (d) Facsimile number; and
- (e) E-mail address or other electronic contact information (Facebook, website, et cetera);

(2) Training course information, including:

- (a) Course name;
- (b) Course location;
- (c) Course date(s);
- (d) Course time(s); and
- (e) Instructor name(s);

(B) Changes to Scheduled Training Courses

- (1) The Training Provider shall notify the Division in writing at least two (2) business days prior to the originally scheduled training course date if:

Commented [PI81]: Not really sure if this should be business days or working days.

- (a) Any of the following information about the training course changes from the initial notification:

(i) Course name;

(ii) Course location;

(iii) Course date(s);

(iv) Course time(s); or

(v) Instructor name(s); or

- (b) The training course is cancelled.

Commented [A82]: As currently written Reg. 21.611(4) is ambiguous as to what changes are allowed. Please weigh in on whether we want them to be able to change the type of course or whether this would require a 7-days working notice. The rest of the information seems fine.

- (2) The Division may allow a Training Provider to provide less than two (2) business days' notice if the Training Provider demonstrates that there is good cause for why it was not feasible to submit notice at least (2) business days prior to originally scheduled training course date.

(C) Submissions Required after Completion of a Training Course

A Training Provider shall submit to the Division within ten (10) business days after the completion of an initial training course, refresher training course, or Arkansas Awareness course the following information about the training course:

- (1) The course discipline and type (initial, refresher, or Arkansas Awareness;
- (2) The course dates;
- (3) The instructor's name;
- (4) A roster of training course attendee who successfully completed the course, including the following information for each attendee:
 - (a) Attendee name and address; and
 - (b) Certificate number; and
- (5) An individual or class photograph that meets the specifications of Rule 21[insert citation]. The photo submission requirement does not apply to refresher training courses or the Arkansas Awareness training course.

Rule 21.521 Training Course Attendance by the Division and Records Audits

A Training Provider licensed by the Division pursuant to Rule 21 shall allow a Division representative to attend any part of any initial training course, refresher training course, or Arkansas Awareness training course free of charge and audit records for training courses required pursuant to Rule.[insert citation to recordkeeping requirements]. The purpose of training course attendance and/or records audit by a Division representative shall be to determine compliance with Rule 21 and the correctness of the information being presented.

CHAPTER 6: REQUIREMENTS PRIOR TO COMMENCEMENT OF DEMOLITION, RENOVATION, OR RESPONSE ACTIONS

Rule 21.601 [RESERVED]

Rule 21.602 [RESERVED]

Rule 21.603 [RESERVED]

Rule 21.604 [RESERVED]

Rule 21.605 [RESERVED]

Rule 21.606 Applicability

The requirements of this Chapter apply to the owner or operator of any facility where a demolition, renovation, or response action will occur.

Commented [A83]: Note an asbestos abatement contractor or consultant is authorized to act on the behalf of the owner or operator per definitions, but the responsibility falls on the owner/operator.

Rule 21.607 Requirement for a Site Inspection and Inspection Report

- (A) Prior to commencement of a demolition, renovation, or response action, the owner or operator of the facility shall thoroughly inspect the affected facility or part of the facility where the demolition, renovation, or response action will occur for the presence of asbestos, including without limitation Category I nonfriable asbestos-containing material and Category II nonfriable asbestos-containing material.
- (1) The inspection shall be conducted by a person who is certified as an Inspector by the Division pursuant to Rule 21.
 - (2) The inspection shall include the work area and immediately surrounding areas that could foreseeably be disturbed by the actions necessary to perform the demolition, renovation, or response action operation.
- (B) The Inspector shall prepare a written inspection report that identifies and describes:
- (1) The location and street address of the facility that was inspected;
 - (2) The date the inspection was performed;
 - (3) The specific part(s) of the facility that was inspected;
 - (4) The condition, at the time of inspection, of the facility or the part of the facility that will be affected during the project;
 - (5) All building materials that may be affected by the project and are suspected of containing asbestos;

- (6) The condition of any asbestos-containing material; and
 - (7) Procedures, including analytical methods, employed to detect the presence of regulated-asbestos containing material, Category I nonfriable asbestos containing material, and Category II nonfriable asbestos containing material;
- (C) If an inspection of the facility or a part of the facility cannot be performed before a demolition, renovation, or response action, all material in the part of the facility that will be affected during the project and that was not inspected shall be presumed to contain asbestos and shall be treated as asbestos-containing building material.
- (D) The owner or operator of the facility shall maintain a copy of the inspection report at the job site and shall provide the inspection report to the Division upon request.

Rule 21.609 Project Design

- (A) Prior to commencement of a demolition, renovation, or response action, the owner or operator shall produce a written project design. Small-scale short-duration activities, minor release episodes, and projects that do not involve regulated asbestos-containing material are exempt from the requirement for a project design.
- (B) The project design shall be prepared by a person certified as a Project Designer by the Division pursuant to Rule 21.
- (C) The project design shall include:
- (1) The type of operation: demolition, renovation, or response action;
 - (2) The location of the facility where the demolition, renovation, or response action will take place, including without limitation:
 - (a) Street address (including building number or name, if applicable);
 - (b) City;
 - (c) County; and
 - (d) State;
 - (2) A description of the affected part of the facility where the demolition, renovation, or response action will take place, including without limitation:
 - (a) Size in square meters or square feet;
 - (b) Number of floors affected;
 - (c) Age of the affected part of the facility; and

Commented [PI84]: Our current regulation does not outline what must be in a project design. I took information from either Texas or Oklahoma to develop this section.

TT: A lot of the requirements of the NOI seem like project design. Since they have to provide this info in the NOI, it seems reasonable to put it as requirements in the project design.

- (d) Present and prior use of the facility;
- (3) The approximate amount of regulated asbestos containing material to be removed from the facility in terms of:
 - (a) Linear meters or linear feet for piping;
 - (b) Square meters or square feet for surface areas on other facility components; or
 - (c) Cubic meters or cubic feet if the length or area cannot be measured;
- (4) The approximate amount of Category I nonfriable asbestos-containing material and Category II nonfriable asbestos-containing material that will not be removed from the affected part of the facility prior to demolition, renovation, or response action;
- (5) A description of planned demolition or renovation work to be performed and the method(s) to be employed, including demolition or renovation techniques to be used and a description of facility components;
- (6) A description of work practices and engineering controls to be used to comply with Rule 21 requirements, including without limitation: asbestos removal, containment, and waste-handling emission control procedures;
- (7) A description of procedures to be followed in the event that unexpected regulated asbestos-containing material is found or Category II nonfriable asbestos containing material becomes crumbled, pulverized, or reduced to powder;
- (8) Procedures, including analytical methods, employed to detect the presence of regulated-asbestos containing material, Category I nonfriable asbestos containing material, and Category II nonfriable asbestos containing material; and
- (9) Name and location of the waste disposal site where the asbestos-containing waste will be deposited;
- (D) A copy of the project design shall be maintained at the job site and shall be provided to the Division upon request.

Rule 21.610 Notices of Intent Requirements

(A) Requirement to Submit a Notice of Intent

The owner or operator of a facility to be renovated or demolished shall submit to the Division a Notice of Intent for:

- (1) Any demolition project, even if no asbestos is present;

(2) Any renovation project that involves the following amounts of regulated asbestos-containing material:

(a) Eighty (80) or more linear meters (two-hundred sixty [260] or more linear feet) on pipes;

(b) Fifteen (15) or more square meters (one hundred sixty [160] or more square feet) on any other facility component; or

(c) One (1) or more cubic meters (thirty-five cubic feet) if the length or area could not be measured prior to submission of the notice of intent;

(3) Any renovation project that involves fifteen (15) or more square meters (one hundred sixty [160] or more square feet) of resilient floor, associated mastic covering, or both that contains asbestos-containing material even if no regulated asbestos-containing material is present.

(4) Any annual renovation operation that involves individual, nonscheduled operations for which the combined additive amount of regulated asbestos containing material to be removed during a calendar year (January 1 through December 31) is predicted to be:

(a) Eighty (80) or more linear meters (two-hundred sixty [260] or more linear feet) on pipes;

(b) Fifteen (15) or more square meters (one hundred sixty [160] or more square feet) on any other facility component; or

(c) One (1) or more cubic meters (thirty-five cubic feet) if the length or area could not be measured prior to submission of the notice of intent;

(B) Timeliness of a Notice of Intent

The owner or operator shall submit a complete written Notice of Intent to the Division by hand-delivery, post-marked by the United States Postal Service, or post-marked by a commercial delivery service:

(1) No later than ten (10) working days before the commencement of demolition activity except as provided by Rule 21.610(B)(2);

(2) No later than one (1) working day following commencement of demolition if the facility is being demolished under order of a State or local government agency because the facility is structurally unsound and in danger of imminent collapse;

(3) No later than ten (10) working days prior to asbestos stripping, removal work, or any other activity—including site preparation that would break up, dislodge, or disturb asbestos containing material;

Commented [A85]: Note: Based on discussions with asbestos staff, we are not wanting emergency NOIs for projects that would not otherwise be subject to the requirement to submit a NOI if it were not an emergency. Therefore, leaving out the language about any emergency renovation that isn't a minor release episode or SSSD. Emergency renovation options will be discussed in timing of NOI submissions.

Commented [A86]: Complete will be discussed in contents section.

- (4) By December 21 for the upcoming calendar period of January 1 through December 31 for annual renovation operations; and
- (5) No later than one (1) working day following commencement of emergency renovation operations involving a sudden, unexpected event that is not a small-scale short duration activity or minor release episode.

Commented [A87]: This needs to be a defined term

(C) Notice of Intent Contents

Each notice of intent required pursuant to this Chapter shall be submitted in writing on a form provided by the Division and shall include:

Commented [A88]: I would prefer to leave indication as to whether it is original or revised off. I think we can cover this by any other information that the Division may reasonably require. It can also be on the form.

- (1) The applicable fee specified in Rule 21.[INSERT CITATION]
- (2) The name, address, and telephone number, and any additional method of contact that the Division may request for:
 - (a) Both the owner and operator of the facility;
 - (b) Any Asbestos Abatement Contractor or Asbestos Abatement Consultant hired by the owner or operator;
 - (c) The waste transporter;
- (3) The type of operation (demolition or renovation);
- (4) The location of the facility where the demolition or renovation will take place, including without limitation:
 - (a) Street address (including building number or name, if applicable);
 - (b) City;
 - (c) County; and
 - (d) State;
- (5) A description of the affected part of the facility where the demolition or renovation will take place, including without limitation:
 - (a) Size in square meters or square feet;
 - (b) Number of floors affected;
 - (c) Age of the affected part of the facility; and
 - (d) Present and prior use of the facility;

Commented [A89]: define

- (6) The approximate amount of regulated asbestos containing material to be removed from the facility in terms of:
 - (a) Linear meters or linear feet for piping;
 - (b) Square meters or square feet for surface areas on other facility components; or
 - (c) Cubic meters or cubic feet if the length or area cannot be measured;
- (7) The approximate amount of Category I nonfriable asbestos-containing material and Category II nonfriable asbestos-containing material that will not be removed from the affected part of the facility prior to demolition, renovation, or response action;
- (8) A description of planned demolition or renovation work to be performed and the method(s) to be employed, including demolition or renovation techniques to be used and a description of facility components;
- (9) A description of work practices and engineering controls to be used to comply with Rule 21 requirements, including without limitation: asbestos removal, containment, and waste-handling emission control procedures;
- (10) A description of procedures to be followed in the event that unexpected regulated asbestos-containing material is found or Category II nonfriable asbestos containing material becomes crumbled, pulverized, or reduced to powder;
- (11) Procedures, including analytical methods, employed to detect the presence of regulated-asbestos containing material, Category I nonfriable asbestos containing material, and Category II nonfriable asbestos containing material;
- (12) Name and location of the waste disposal site where the asbestos-containing waste will be deposited;
- (13) The name, address, and telephone number, any additional method of contact that the Division may request, and Division certification number for the:
 - (a) Inspector;
 - (b) Supervisor;
 - (c) Project Designer, if a project design is required pursuant to Rule 21.609; and
 - (d) Air Monitoring Technician, if air monitoring is required pursuant to Rule 21 [INSERT CITATION]

- (14) A certification that at least one (1) Supervisor licensed by the Division pursuant to Rule 21 shall supervise the stripping and removal described in this Notice of Intent;
 - (15) The scheduled starting and completion dates of the following, except as provided in Rule [INSERT CITATION TO PERMANENT EMPLOYEES STUFF]:
 - (1) The demolition or renovation project involving regulated asbestos-containing material;
 - (2) Any activity, including site preparation and asbestos removal work, that would break up, dislodge, or disturb asbestos-containing material;
 - (16) For an annual renovation operation, the scheduled starting date and completion dates shall include only the beginning and ending dates of the calendar year for which the Notice of Intent is submitted;
 - (17) For a facility that is being demolished under order of a State or local government agency:
 - (a) The name, title, and authority of the State or local government representative who ordered the demolition;
 - (b) The date on which the demolition was ordered to begin; and
 - (c) A copy of the order requiring demolition; and
 - (18) For an emergency renovation operation:
 - (a) The date and time the emergency occurred;
 - (b) A description of the sudden, unexpected event that caused the emergency; and
 - (c) An explanation of how the event caused an unsafe condition or would cause equipment damage or an unreasonable financial burden; and
 - (19) Any other information that the Division may reasonably require;
- (D) A copy of the Notice of Intent shall be maintained at the job site.

Rule 21.611 Notice of Intent Revisions

The owner or operator shall notify the Division of any changes to a previously submitted Notice of Intent using a method approved by the Division.

- (A) If the beginning date for prepping, asbestos removal, or both changes, the owner or operator shall submit a written notice of the change to the Division.
- (1) The written notice shall be submitted on a form provided by the Division and shall include:
- (a) The applicable fee pursuant to Rule 21[INSERT CITATION];
 - (b) The reason for the change;
 - (c) The new beginning date for prepping, asbestos removal, or both; and
 - (d) Any other information that the Division may reasonably require.
- (2) The owner or operator shall submit the written notice to the Division by hand-delivery, post-marked by the United States Postal Service, or post-marked by a commercial delivery service:
- (a) No later than ten (10) working days prior to the beginning of any stripping or removal work if the start date is earlier than the date provided to the Division in the original Notice of Intent; and
 - (b) No later than original start date provided to the Division in the original Notice of Intent.
- (B) If the amount of asbestos affected by a demolition or renovation operation changes by twenty percent (20%) or more, the owner or operator shall submit a written notice of the change to the Division.
- (1) The written notice shall be submitted on a form provided by the Division and shall include:
- (a) The applicable fee pursuant to Rule 21[INSERT CITATION];
 - (b) The reason for the change;
 - (c) The amount of asbestos that will be affected by the demolition or renovation operation in terms of:
 - (i) Linear meters or linear feet for piping;
 - (ii) Square meters or square feet for surface areas on other facility components; or
 - (iii) Cubic meters or cubic feet if the length or area cannot be measured; and
 - (d) Any other information that the Division may reasonably require.

- (2) The owner or operator shall submit the written notice to the Division by hand-delivery, post-marked by the United States Postal Service, or post-marked by a commercial delivery service by [INSERT A REQUIRED TIMEFRAME].
- (C) If the operator changes, the owner shall submit a new Notice of Intent with a new notification period and a new fee in accordance with Rule 21.610.
- (D) The owner or operator shall notify the Division if any of the following changes:
- (1) Scheduled ending date for the renovation or demolition project;
 - (2) Scheduled ending date for any activity, including site preparation and asbestos removal work, that would break up, dislodge, or disturb asbestos-containing material;
 - (3) Scheduled work hours;
 - (4) Engineering controls;
 - (5) Work practices;
 - (6) Disposal site;
 - (7) Air Monitoring Technician, Inspector, and/or Project Designer; or
 - (8) Owner.
- (E) The notification pursuant to Rule 21.611(D) shall:
- (1) Be submitted using a method approved by the Division;
 - (2) Describe the change; and
 - (3) Not require payment of a fee. (

Commented [A90]: Reg 21 is currently unclear about when this needs to be submitted to the Division.

Rule 21.612 Action on Notices of Intent and Notice of Intent Revisions

- (A) The Division shall review each notice of intent and notice of intent revision to determine whether the notice of intent or notice of intent revision is complete, accurate and meets the applicable requirements of Rule 21.
- (B) If a Notice of Intent or Notice of Intent revision is incomplete, provides incorrect information, or fails to comply with the applicable requirements of Rule 21, the Division shall return the Notice of Intent or Notice of Intent revision and issue a Notice of Deficiency that:
- (1) Identifies the deficiencies with the Notice of Intent submittal;

- (2) Specifies the time frame within which the owner or operator shall correct and resubmit the Notice of Intent or Notice of Intent revision; and
- (3) Specifies a new time period between submission of the corrected Notice of Intent or Notice of Intent revision and commencement of renovation or demolition operations.

