RULES
OF
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

CHAPTER 1200-01-20
ASBESTOS ACCREDITATION REQUIREMENTS

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1200-01-20-.01 ASBESTOS ACCREDITATION REQUIREMENTS: GENERAL

(1) General

(a) Purpose

This Rule states the scope and applicability of these Rules and provides definitions of terms when used in these Rules.

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

1. These Rules are applicable to all persons and firms who perform asbestos activities in schools or public and commercial buildings. They stipulate that only accredited persons, as defined in paragraph (2) of this Rule, may perform all asbestos activities inclusive of developing management plans in schools, project designs, performing response actions, inspections, and collect clearance air samples to confirm the completion of a response action involving friable and non-friable asbestos-containing materials and asbestos-containing building material in schools or public and commercial buildings.

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

3. Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government, and State of Tennessee having jurisdiction over any property or facility, or engaging in any asbestos activities, which may result in a release of friable asbestos-containing material and/or friable asbestos-containing building material; and each officer, agent, or employee thereof, shall be subject to, and comply with all Federal, State, interstate, and local requirements, both substantive and procedural, including the requirements of these Rules regarding asbestos activities conducted in schools or public and commercial buildings.

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

(I) Inclusions:

I. A Local Education Agency (hereinafter, “LEA”) shall comply with the requirements outlined in the federal Asbestos

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Hazard Emergency Response Act (hereinafter, "AHERA") and 40 CFR Part 763, Subpart E Asbestos-Containing Materials in Schools regulations;

II. A LEA shall comply with these Rules; and

III. Firms, which include contractors, consultants, staffing services, and subcontractors, hired by a LEA to perform asbestos activities shall comply with the requirements of these Rules with no exemptions.

(II) Exemptions:

I. LEAs (county/city Boards of Education) and its employees are exempt from the financial obligation of fees for accreditation and re-accreditation outlined in Rule 1200-01-20-.05, when persons conducting the asbestos activity(ies) are employed directly by LEAs and their school systems to ensure their compliance with AHERA requirements detailed in the Code of Federal Regulations, Title 40, Part 763, Subpart E [40 CFR Part 763, Subpart E] and these Rules.

(Note: This exemption includes custodial, maintenance employees and designated persons responsible to ensure that LEAs comply with the AHERA regulations. This exemption from the fee requirements of Rule 1200-01-20-.05 does not extend to persons, even though employed by the LEA, involved with non-LEA asbestos activities.)

II. Compliance inspections performed by Federal, State, or local regulatory agencies when the purpose of the inspections are to determine adherence to applicable statutes or regulations, and not to locate, assess, or remedy the condition of asbestos-containing building material are exempt from these Rules.

4. Nothing in these Rules requires the performance of asbestos activities.

(Note:See the Division of Air Pollution Control's Hazardous Air Contaminant Rule 1200-03-11-.02(2)(d) Standard for Demolition and Renovation for applicable asbestos requirements.)

5. These Rules require that each person and firm that conducts asbestos activities in schools or public and commercial buildings shall be accredited in accordance with the provisions of these Rules.

6. These Rules require that an asbestos training provider be accredited to offer an accredited asbestos training course or courses in accordance with the provisions of these Rules.

(c) Use of Number and Gender

As used in these Rules:

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

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2. Words in the singular include the plural; and

3. Words in the plural include the singular.

(d) Rule Structure

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

(1) paragraph

(a) subparagraph

1. part

(i) subpart

(I) item

I. subitem

A. section

(A) subsection

(2) Definitions [40 CFR Part 763.83 and 40 CFR Part 763, Subpart E, Appendix C – Asbestos Model Accreditation Plan]

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

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

"Accredited" or "accreditation" when referring to a person, firm or training provider means that the Commissioner has issued an accreditation certificate pursuant to these Rules to that person, firm or training provider, and when referring to a laboratory means that the laboratory entity is accredited in accordance with Title II of Section 206 of the federal Toxic Substances Control Act.

"Accredited firm" means a firm that engages in asbestos activities, to which the Commissioner has issued an accreditation certificate pursuant to these Rules.

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

"Accredited management planner" means a person who has successfully completed the required three (3) day accredited asbestos inspector and accredited two (2) day management planner training courses required by these Rules and is accredited by the Commissioner.

(Rule 1200-01-20-.01, continued)

This person is accredited to conduct asbestos inspections and risk assessments, determine the appropriate response actions, and to prepare an asbestos management plan for use in schools.

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

"Accredited project monitor" means a person who has successfully completed the required five (5) day accredited project monitor training course required by these Rules and is accredited by the Commissioner. An accredited project monitor observes response actions performed by supervisors and generally serves as a building owner's representative to ensure that abatement work is completed according to the specifications and in compliance with all relevant statutes and regulations. The accredited project monitor performs the vital role of collecting clearance air samples to confirm the completion of a response action involving friable and non-friable asbestos-containing material and asbestos-containing building material.

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

"Accredited training course" means an initial or refresher asbestos training course in one of the following disciplines: worker, inspector, management planner, project designer, supervisor, and project monitor that meet the training requirements and have been accredited by the Commissioner pursuant to Rule 1200-01-20-.02.

"Accredited training provider" means a training provider that has been accredited by the Commissioner pursuant to Rule 1200-01-20-.02 to offer one or more accredited training course.

"Accredited worker" means a person who has successfully completed the required four (4) day accredited asbestos worker training course required by these Rules and is accredited by the Commissioner. An accredited worker is responsible in a non-supervisory capacity to carry out the following activities with respect to friable asbestos-containing building material in schools and public and commercial buildings: a response action, other than a small-scale, short duration activity, a maintenance activity that disturbs friable asbestos-containing building material other than a small-scale, short duration activity, or a response action for a major fiber release episode.

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

"Annually" means a one-year period from the initial or refresher accredited training course completion certificate date or the date on the accreditation certificate issued to a person or firm.

(Rule 1200-01-20-.01, continued)

"Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite.

"Asbestos activities" means providing an accredited initial and/or refresher asbestos training course(s), and/or conducting inspections, response actions, project monitoring, preparing management plans and project designs.

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

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

"Asbestos Hazard Emergency Response Act" or "AHERA" means, for the purpose of these Rules, both the statutory and its associated Environmental Protection Agency regulations that require local educational agencies which operate public and private non-profit elementary and secondary schools to:

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

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

(c) Have samples analyzed by appropriate techniques referred to in these Rules; and

(d) Use persons who have been accredited to perform asbestos activities inclusive of, but not limited to: inspections, management plans, project designs, project monitoring, and response actions.

"Asbestos School Hazard Abatement Reauthorization Act" or "ASHARA" means the Congressional mandate passed in 1990 to amend the AHERA requirements to extend some of the training and accreditation requirements for persons performing asbestos activities in schools and public and commercial buildings inclusive of, but not limited to: inspections, management plans, project designs, project monitoring, abatement and response actions. For the purpose of these Rules, the term also includes any associated Environmental Protection Agency regulations.

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

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

"Clearance air levels" means the collection of air samples in a school using aggressive sampling in accordance with 40 CFR Part 763 Subpart E (Asbestos-Containing Materials in Schools) Appendix A to Subpart E (Interim Transmission Electron Microscopy Analytical Methods – Mandatory and Non-Mandatory – and Mandatory Section to Determine Completion of Response Actions), to determine completion of response actions involving ACBM or materials assumed to be ACBM, other than small-scale, short-duration repairs, samples shall be analyzed for asbestos using one of the following determinations:

(a) Transmission Electron Microscopy (hereinafter, "TEM") using laboratories accredited by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program (The response action shall be considered complete when the average concentration of asbestos of five air samples collected within the affected

(Rule 1200-01-20-.01, continued)

functional space and analyzed by the TEM method, that is not statistically significantly different, as determined by the Z-test calculation found in 40 CFR Part 763, Appendix A of Subpart E, from the average asbestos concentration of five air samples collected at the same time outside the affected functional space and analyzed in the same manner, and the average asbestos concentration of the three field blanks described in 40 CFR Part 763, Appendix A of Subpart E is below the filter background level, as defined in 40 CFR Part 763, Appendix A of Subpart E, of 70 structures per square millimeter [70 s/mm^2].); or

(b) An action may also be considered complete if the volume of air drawn for each of the five samples collected within the affected functional space is equal to or greater than 1,199 liters (L) of air for a 25 mm filter or equal to or greater than 2,799 L of air for a 37 mm filter and the average concentration of asbestos as analyzed by the TEM method in 40 CFR Part 763, Appendix A of Subpart E, for the five air samples does not exceed the filter background level, as defined in 40 CFR Part 763, Appendix A of Subpart E, of 70 s/mm^2. If the average concentration of asbestos of the five air samples with the affected functional space exceeds 70 s/mm^2, or if the volume of air in each of the samples is less than 1,199 L of air for a 25 mm filter or less than 2,799 L of air for a 37 mm filter, the action shall be considered complete only when the requirements of subparagraph (a) or (c), of this definition are met.

(c) Air monitoring samples collected for clearance purposes to confirm completion of response action (removal, encapsulation, or enclosure) of ACBM or materials assumed to be ACBM that is greater than small scale-short-duration and less than or equal to 160 square feet or 260 linear feet may be analyzed by phase contrast microscopy (hereinafter, "PCM"). (The action shall be considered completed when the results of samples collected in the affected functional space and analyzed by PCM using the National Institute for Occupational Safety and Health (hereinafter, "NIOSH") Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM [0.01 fibers per cubic centimeter [0.01 f/cm^3] of air].); and

(d) To determine the amount of ACBM affected under subparagraph (c) of this definition, add the total square or linear footage of ACBM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACBM or materials assumed to be ACBM (Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school building shall not be separated to qualify under subparagraph (c) of this definition.).

"Clearance air sampling" means the collection of air samples using aggressive air sampling performed by an accredited project monitor to confirm the completion of a response action involving ACBM or materials assumed to be ACBM, conducted prior to the re-occupancy in a school of the contained work area for the purpose of protecting the public from the health hazards associated with exposure to friable ACM, except for projects that are small-scale, short-duration:

(a) Air samples collected for clearance purposes to confirm the completion of a removal, encapsulation, or enclosure of ACBM or material assumed to be ACBM for the re-occupancy of schools are required to be analyzed by Transmission Electron Microscopy by laboratories accredited by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program.

(b) Air samples collected for clearance purposes to confirm the completion of removal, encapsulation, or enclosure of ACBM or material assumed to be ACBM in a school that

(Rule 1200-01-20-.01, continued)

is greater than small-scale, short-duration and less than or equal to 160 square feet or 260 linear feet shall be analyzed by phase contrast microscopy using laboratories enrolled in the American Industrials Hygiene Association Proficiency Analytical Testing Program.

"Commissioner" means the Commissioner of the Tennessee Department of Environment and Conservation or the Commissioner's designee.

"Completion of response actions" means conducting the following actions at the conclusion of any action to remove, encapsulate, or enclose ACBM or material assumed to be ACBM in a school, and shall be conducted by an accredited project monitor:

(a) A visual inspection of each functional space where such action was conducted to determine whether the action has been properly completed;

(b) The collection of air samples using aggressive sampling in accordance with 40 CFR Part 763 Subpart E (Asbestos-Containing Materials in Schools) Appendix A to Subpart E (Interim Transmission Electron Microscopy Analytical Methods – Mandatory and Non-Mandatory – and Mandatory Section to Determine Completion of Response Actions), to monitor air for clearance after each removal, encapsulation, and enclosure project involving ACBM or materials assumed to be ABCM, except for projects that are of small-scale, short-duration repairs; and

(c) A determination of the completion of response actions using analytical data generated from clearance air samples.

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

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

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

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

"Course completion certificate" means training course certificate issued to a student that successfully completes the requirements outlined in paragraph (4) of Rule 1200-01-20-.02 for a specific discipline and passes the course examination with a grade of 70% or greater.

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

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

"Current [initial or refresher] accredited asbestos training course completion certificate" means a certificate that is within nine months of its date of issuance. If the accredited asbestos training course completion certificate submitted with a person's application is within

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three (3) months of its expiration date, the person will be required to complete the appropriate Commissioner accredited asbestos refresher training course(s) and obtain a current accredited asbestos training course completion certificate in order to complete the application process.

"Department" means the Tennessee Department of Environment and Conservation.

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

"EPA" means the United States Environmental Protection Agency.

"Employee" means a person who is employed by a business, local education agency, or an asbestos firm.

"Encapsulation" means the treatment of asbestos-containing building material with a material that coats, binds, surrounds or embeds asbestos fibers in an adhesive to prevent release of asbestos fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

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

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

"Friable asbestos-containing material" means any material containing more than one (1) percent asbestos which has been applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which, when dry, may be crumbled, pulverized, or reduced to a powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

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

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

"Guest Instructor" means a person designated by the accredited training program manager to provide instruction specific to the lecture, hands-on training exercises, or work practice components of a course and who has received approval from the Commissioner in accordance with Rule 1200-01-20-.02.

"Hands-on training assessment" means an evaluation that tests the student's ability to satisfactorily perform the work practices and procedures taught in an accredited asbestos training course in the appropriate discipline identified in these Rules.

(Rule 1200-01-20-.01, continued)

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

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

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

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

(a) Periodic surveillance conducted solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing building material;

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

(c) Visual inspections conducted solely for the purpose of determining completion of response actions.

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

"Local Education Agency" or "LEA" means:

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

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

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

"Major fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of more than three (3) square or linear feet of friable asbestos-containing building material.

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

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

(Rule 1200-01-20-.01, continued)

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

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

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

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

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

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

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

"Principal instructor" means the person who has the primary responsibility for organizing and teaching an accredited asbestos training course and has received approval from the Commissioner in accordance with Rule 1200-01-20-.02.

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

"Removal" means the taking out or the stripping of substantially all asbestos-containing building material from a damaged area, a functional space, or a homogeneous area in a school or public and commercial building.

"Repair" means returning damaged asbestos-containing building material to an undamaged condition or to an intact state so as to prevent a fiber release.

"Response action" means a method, including removal, encapsulation, enclosure, repair, and operations, and maintenance, that protects human health and the environment from friable asbestos-containing building material.

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

"School building" means:

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

(Rule 1200-01-20-.01, continued)

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

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

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

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

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

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

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

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

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

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

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

SSSD can be further defined by the following considerations:

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

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

(h) Minor repairs to damaged thermal system insulation which does not require removal;

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

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

"State-of-the-art work practices" means the use of proper work practices for asbestos abatement activities, including: descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high–efficiency particulate air ("HEPA") vacuums; and proper clean-up and disposal procedures. The term also means: proper work practices for: removal, encapsulation, enclosure, and repair of asbestos-containing material; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and

(Rule 1200-01-20-.01, continued)

prohibited work practices. New abatement-related techniques and methodologies may be used.

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

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

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

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

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

"Training Provider" means the person or firm who is applying for or who has received accreditation from the Commissioner to conduct asbestos training in Tennessee, and who is responsible to comply with the applicable requirements of these Rules.

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

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

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.02 ACCREDITATION OF TRAINING PROVIDERS AND TRAINING COURSE(S) [40 CFR Part 763, Subpart E, Appendix C]

(1) Scope and General Requirements

(a) This Rule contains procedures and requirements for the accreditation of an asbestos training provider and an asbestos course or courses.

(b) A training provider seeking accreditation from the Commissioner to provide initial and/or refresher training shall follow the procedures of paragraph (2) of this Rule. An accredited training provider shall comply with the requirements of paragraphs (3) and (4) of this Rule. An accredited training provider seeking re-accreditation shall comply with the requirements of paragraph (6) of this Rule. Paragraph (7) of this Rule addresses the records an accredited training provider shall obtain and maintain. Paragraph (8) of this Rule addresses audits of all aspects of a training provider's training program by the Commissioner.

(Rule 1200-01-20-.02, continued)

(c) A training provider may seek accreditation to offer accredited initial and/or refresher asbestos training courses in any of the following disciplines: inspector, management planner, supervisor, project designer, worker, and project monitor.

(d) A training provider shall apply to the Commissioner for accreditation of the provider's initial and/or refresher asbestos training course or courses pursuant to this Rule on or after the effective date of these Rules.

(e) Except as provided in Rule 1200-01-20-.08, a training provider shall not provide or claim to provide, offer, or conduct a State of Tennessee-accredited initial and/or refresher asbestos training course or courses without first applying for and receiving accreditation from the Commissioner in accordance with the requirements of this Rule.

(2) Training Provider Accreditation Application Process

The following are procedures a training provider shall follow to receive state accreditation from the Commissioner to offer asbestos initial and/or refresher training courses, and to obtain approval from the Commissioner for the training manager, principal and guest instructors:

(a) Initial and/or Refresher Training Course Approval

(Note: A training provider may apply for accreditation for a refresher course concurrently with its application for accreditation of the corresponding initial training course.)

A training provider seeking accreditation to offer initial and/or refresher asbestos training courses in English or another language shall submit a written application to the Commissioner containing the following information in a notebook(s) with sections clearly divided and labeled, along with the accreditation fee(s) as set forth in Rule 1200-01-20-.05(2)(a)1, Table 1:

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

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

3. A list of EPA authorized States and EPA Regions in which the training provider currently maintains accreditation to conduct an initial and/or refresher asbestos training course or courses and the dates each accreditation was issued;

4. (i) The names, qualifications and copies of credentials meeting the requirements of part (3)(a)5 of this Rule for principal instructors, guest instructors and the training manager;

(ii) The principal instructors, guest instructors and the training manager identified in subpart (i) of this part shall meet the academic and experience requirements, as required by parts (3)(a)1, 2, and 3 of this Rule; and

(iii) Documentation that each instructor and the training manager meets the current Federal Employment Eligibility requirements as outlined by the Department of Homeland Security U. S. Citizenship and Immigration Services (e.g., state issued photo identification card or driver's license, a U.S. passport, foreign passport stamped by the U.S. Government, military active duty/retiree/reservist identification card, etc.);

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5. A description of the facilities and equipment to be used for administering the initial and/or refresher training course or courses;

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

7. If a published textbook is used as supplemental initial and/or refresher training course material, the author's name, textbook title, publisher and publication date;

8. If a training provider is seeking accreditation for an initial and/or refresher asbestos training course in a non-English language, a copy of the student and instructor manuals in both the English language and non-English language versions;

9. A statement signed by the training provider certifying that the initial and/or refresher training program, as described in the application, meets the requirements set forth in paragraphs (3) and (4) of this Rule, with emphasis on:

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

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

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

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

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

10. A copy of each initial and/or refresher course examination blueprint, course examination and examination answer key;

11. An example of the uniquely numbered training certificate containing all the requirements of part (3)(a)11 of this Rule, which shall be issued to students who successfully complete each initial and/or refresher training course and pass the examination;

12. A copy of the quality control plan as required by part (3)(a)13 of this Rule; and

13. A course evaluation form developed to receive feedback from students to help determine the strengths and weaknesses of each course and/or instructor in order to promote continuous improvement in the delivery of the training course(s) by the instructor(s).

(b) Upon receipt, the Commissioner will review the application for completeness, and once deemed complete, evaluate the applicant's ability to comply with the requirements of paragraphs (3) and (4) of this Rule. The Commissioner will complete the review within 180 days after the application is deemed complete. The Commissioner, at his or her discretion, may work with an applicant to address inadequacies in the application for accreditation. The Commissioner may also request additional information, or consider additional information from other sources, including but not limited to a training provider's work history, and/or materials retained by that training provider under paragraph (7) of this Rule. In the case of approval, an accreditation certificate will be

(Rule 1200-01-20-.02, continued)

sent to a training provider which identifies the accredited initial and/or refresher training course or courses an accredited training provider may offer. In the case of disapproval, a letter describing the reasons for disapproval will be sent to the applicant. If disapproved, a training provider may reapply for accreditation at any time and pay the appropriate accreditation fee(s).

(c) A training provider may apply for accreditation to offer initial and/or refresher courses in as many disciplines as it chooses. A training provider may seek accreditation for additional courses at any time as long as a training provider can demonstrate that it meets the requirements of this Rule. A classroom-based annual refresher training course approval does not extend to an on-line annual refresher training course. Each online annual refresher training course shall be approved separately.

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

(e) A training provider's initial and/or refresher training course accreditation shall expire after two (2) years on the last day of the month of issuance. If the training provider meets the requirements of paragraph (6) of this Rule, the training provider shall be re-accredited provided its accreditation has not be revoked or suspended due to non-compliance with part (1)(a)8 or subparagraph (1)(b) of Rule 1200-01-20-.06, or with Rule 1200-01-20-.08.

(f) A training provider shall allow the Commissioner to audit any part of the training program free of charge, wherever a training course is being taught, to verify the accuracy of any part of the contents of the application for accreditation submitted to the Commissioner by a training provider.

(g) Changes to the initial and/refresher training program rosters such as the manager, principal instructor and/or guest instructor list shall be submitted by a training provider to the Commissioner for review, together with the documentation required by part (a)4 of this paragraph for each person to be approved. The Commissioner will submit written approval or disapproval within thirty (30) days of receipt of the completed amended application. An application review fee set forth in Rule 1200-01-20-.05(2)(a)1, Table 1 shall be submitted with the amended application.

(3) Requirements for the Accreditation of Initial and/or Refresher Training Provider(s) and Course(s)

(a) For a training provider of initial and/or refresher training to obtain and retain accreditation from the Commissioner, the following requirements shall be met:

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

(i) (I) A bachelor's or graduate degree in building construction technology, occupational safety, public health, education, business administration, program management or related scientific field;

(II) A license to practice as a registered architect, engineer, or certified industrial hygienist;

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

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(IV) At least two years experience in managing a training program specializing in environmental hazards; and

(i) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health.

(Note:The training program manager cannot be an instructor in a class in which the instructor intends to receive a course completion certificate.)

2. For each course, a training provider's training manager shall designate a qualified principal instructor who has:

(i) Successfully completed the appropriate EPA-authorized State accredited asbestos training course(s) for each discipline in which the principle instructor is listed to instruct; and

(ii) Academic credentials (Associate's Degree or high school diploma) and experience in teaching adults in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

(Note:The principal instructor cannot be an instructor in a class in which the instructor intends to receive a course completion certificate.)

3. A training provider's training manager may designate a qualified guest instructor as needed to provide specific instruction to the lecture, hands-on activities, or work practice components of a course. To be qualified as a guest instructor, one shall be:

(i) A journeyman in a specific trade (inclusive of, but not limited to, journeymen contractors, plumbers, or electricians); or

(ii) A professional in a specific discipline (inclusive of, but not limited to, professionals such as lawyers, insurance agents, or doctors).

(Note: A guest instructor cannot be an instructor in a class in which the guest instructor intends to receive a course completion certificate.)

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

5. The documents listed in subparts (i), (ii), and (iii) of this part shall be recognized by the Commissioner as evidence that the training manager, principal instructor, and guest instructor have met the educational, work experience, training requirements, or demonstrated experience required by parts 1, 2 and 3 of this subparagraph. This documentation shall be submitted with the accreditation application as required by part (2)(a)4 of this Rule and shall be retained by a training provider as required by paragraph (7) of this Rule.

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

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

(iii) Certificates from initial and consecutive refresher(s) course completion certificates in the appropriate specific asbestos training course(s) as evidence of meeting the training requirements.

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

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

8. For the initial asbestos training courses to be accredited, a training provider shall provide an instructor for each course, and courses that meet the following hour requirements and content requirements:

(i) The inspector course shall last a minimum of twenty four (24) training hours (3 days) and will include lectures, demonstrations, course review, a written examination, respirator fit-testing methods, a field trip and a minimum of four (4) hours of hands-on training activities. The minimum curriculum requirements for the inspector course are contained in part (4)(b)1 of this Rule.

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

(iii) The supervisor course shall last a minimum of forty (40) training hours (5 days) and shall include lectures, demonstrations, with a minimum of fourteen (14) hours of hands-on training activities, individual respirator fit-testing, course review and a written examination. The minimum curriculum requirements for the supervisor course are contained in part (4)(b)3 of this Rule.

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

(Rule 1200-01-20-.02, continued)

(v) The worker course shall last a minimum of thirty two (32) hours (4 days) and shall include lectures, demonstration, at least fourteen (14) hours of hands-on training activities, individual respirator fit-testing, course review, and a written examination. The minimum curriculum requirements for the worker course are contained in part (4)(b)5 of this Rule.

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

9. Refresher courses.

(i) For a refresher training course to be accredited, a training provider shall provide a course that meets the following hour requirements and content requirements:

(I) For the discipline covered in subpart 8(i) of this subparagraph, the refresher course shall last a minimum of four (4) training hours (1/2 day);

(II) For the discipline covered in subpart 8(ii) this subparagraph, the refresher course shall last a minimum of four (4) training hours (1/2 day). However, in order to maintain accreditation as a management planner a person shall complete both the inspector refresher course (a minimum of four (4) training hours) and the management planner refresher course (a minimum of four (4) training hours) for a total of eight (8) training hours; and

(III) For the disciplines covered in subparts 8(iii) through (vi) of this subparagraph, the refresher courses shall last a minimum of eight (8) training hours (1 day);

(ii) A refresher course(s) shall include a comprehensive overview of the curriculum requirements contained in paragraph (4) for the discipline covered;

(iii) A refresher course shall be specific to a discipline and shall be conducted as separate and distinct course and not combined with any other training during the period of the refresher course; and

(iv) A training provider shall either provide a refresher course that is an instructor based classroom lecture that may utilize audiovisual material to complement the lecture, or an online refresher course provided the training provider of the online refresher course:

(I) Submits the instructor's credentials (including the credentials of those who conduct and/or develop the online annual refresher training course) and provides updates of any subsequent changes in course instructors;

(II) Has systems in place that authenticate the students taking the training and the student's eligibility to enroll in the course (Student authentication could be obtained by the student submitting personal and sensitive information to a training provider such as social

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security number, date of birth, state asbestos license number, and/or special question and answer combination. That information shall be requested prior to beginning the online annual refresher training, and at intermittent, designated intervals during the training. A training provider shall use appropriate encryption technologies to protect the student's sensitive user information. Such systems will help to deter fraud, including the falsification of student identity.);

(III) Has systems in place that ensure students are focusing on the training material throughout the entire training period (Online educational technology should provide a strong interactive component to ensure continued student focus through threaded discussion between the student and the instructor and via interactive video clips.);

(IV) Has systems in place that prevent a student from prematurely skipping ahead (A training provider shall make sure there are minimum time allotments for each section of the training, monitor and record the student's actual time spent online, including breaks and these records retained.);

(V) Has a specific discipline course instructor available to answer questions that students have while they are taking the online annual refresher training (This could be facilitated via online threaded discussion, message boards, or a toll-free telephone number available during training periods for a student to call with questions for a specific discipline course instructor regarding the course material.);

(VI) Provides technical support via methods outlined in item (V) of this subpart, to the student during training periods to address any technical problems that arise, such as with the student's computer or with the online application (If a student is inadvertently logged out of an online session due to technical difficulties, the student shall be given credit for the portion of the course already completed. Similarly, that student shall be required to make-up the portion of the training missed.);

(VII) Verifies the identity of the student taking the examination for an online course in some manner to prevent fraud. A training provider may have either a testing center or proctor-based exam for the examination portion of the online training (The examination questions shall be randomized from course to course so that the same examination is not given repeatedly. An item bank (or a pool of questions used to vary the questions asked) shall be used to ensure that examination questions are not used repeatedly. Controls shall be instituted to ensure that the examination screen can not be saved, copied, or printed.);

(VIII) Includes a review and discussion of changes in Federal, State and local regulations that are applicable to Tennessee (A training provider shall clearly identify the particular State the online course is specifically applicable to and approved by when advertising the course, or when registering a student for the course.);

(Rule 1200-01-20-.02, continued)

(IX) Provides and retains, in the provider's records, a course evaluation of the online course to help determine the strengths and weaknesses of such course and to promote continuous improvement; and

(VIII) Allows the Commissioner unrestricted access to conduct audits of an online course at any time that the course is being provided.

10. Minimum Student Competency and Proficiency Requirements

(i) For each initial course offered, the training manager shall require the instructor to conduct a hands-on training assessment (if applicable) and a course examination at the completion of each course as required. The minimum passing score on any, initial or refresher, course examination shall be 70% correct. In order for any student to pass an initial training course the student shall successfully complete the hands-on training assessment and pass the course examination. The Commissioner recommends that the enrollment in any given class be limited to 25 students, so that adequate opportunities exist for individual hands-on experience.

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

(iii) A training provider is responsible for maintaining the validity and integrity of an initial or refresher course examination to ensure that it accurately evaluates the student's knowledge and retention of the course topics contained in paragraph (4) of this Rule.

(iv) A course examination shall be developed in accordance with the course blueprint and submitted with the training course accreditation application required by part (2)(a)11 of this Rule. A training provider shall administer a closed book examination for each discipline, except the worker initial and/or refresher course examination, which may be administered orally to a student, if requested. Each examination shall cover the topics included in the training course for that discipline. A training provider shall document that each person who receives an initial or refresher-training course completion certificate has achieved a passing score of 70% on the examination. These records shall clearly indicate the date upon which the examination was administered, the training course and discipline for which the examination was given, the name of the person who proctored the examination, a copy of the examination, and the name and test score of each person taking the examination. The following are the requirements for examination in each initial and refresher asbestos training course:

(I) Worker, Inspector and Management Planner

Initial: 50 multiple-choice questions
Refresher: 25 multiple-choice questions

(II) Supervisor, Project Designer and Project Monitor

Initial: 100 multiple-choice questions
Refresher: 25 multiple-choice questions

(Rule 1200-01-20-.02, continued)

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

    (I) A unique certificate number;

    (II) Name of person;

    (III) Discipline of the training course completed;

    (IV) Dates of the training course;

    (V) Date of the examination;

    (VI) An expiration date of one (1) year after the date upon which the person successfully completed the course and examination;

    (VII) The name, address, and telephone number of the training provider that issued the course completion certificate; and

    (VIII) A statement that the person receiving a management planner certificate has completed the inspector course prerequisite training for asbestos accreditation as required.

    (ii) A training provider providing an initial and/or refresher training course (classroom-based or an online refresher course) shall have systems in place that reduce opportunities for document fraud. A training provider shall provide a uniquely numbered training certificate as required by subpart (i) of this part. Students successfully completing any training course shall be provided with a printed certificate that contains an original signature. The training course completion certificate issued to a student for an online refresher training course shall specifically reference that the course was taken online. Training providers shall notify the Commissioner via mail, fax, electronic mail ("e-mail") whenever a student completes online training.

12. A training provider offering the initial management planner training course shall request documentation from the student that he/she has completed a valid initial and/or refresher asbestos inspector-training course and possesses an inspector course completion certificate before granting course admission.

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

(Rule 1200-01-20-.02, continued)

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

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

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

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

(v) A requirement applicable for all courses that a specific course shall be completed by a student within two weeks of the training course start date.

14. A training provider shall be responsible for ensuring compliance with all of the requirements of this Rule.

15. A training provider shall offer initial and/or refresher asbestos training courses which teach the work practice standards set forth for each discipline in parts (4)(b)1 through 6 of this Rule for conducting asbestos activities.

16. For an initial and/ or refresher training course, a training provider shall:

(i) Use forms designated by the Commissioner, provide a written notification, via mail, e-mail or fax of the starting date, location, name of the principal instructor, and the language in which each course will be taught at least twenty (20) days prior to commencement of the first day of instructional training;

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

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

17. A training provider's failure to provide timely notifications as required by part 16 of this subparagraph may result in the Commissioner not accepting the course completion certificates for that training course issued by the training provider as part of a student's individual application packet for accreditation pursuant to Rule 1200-01-20-.03.

(4) Minimum Training Curriculum Requirements

(Rule 1200-01-20-.02, continued)

(a) General

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

2. A course review of the key aspects for a specific training course shall be conducted at the end of the course. A written closed book examination shall be given at the end of the course. The closed book examination for the worker discipline may be administered written or orally to a student, if applicable.

3. In-person, classroom based, lectures shall be conducted for all initial accredited courses.

4. The Commissioner recommends the use of interactive audiovisual classroom exercises and materials to complement lectures.

5. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in more than one of the six accredited MAP disciplines included in subparagraph (b) of this paragraph shall not attend more than one concurrently held course at a time, but may attend courses sequentially.

(b) Disciplines

1. Inspector

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

The inspector-training course shall address the following:

(i) Background information on asbestos—

Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings; and physical appearance of asbestos;

(ii) Potential health effects related to asbestos exposure—

The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; and a discussion of the

(Rule 1200-01-20-.02, continued)

relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) Functions/qualifications and role of inspectors—

Discussion of prior experience and qualifications for inspectors and management planners; discussion of the functions of an accredited inspector as compared to those of an accredited management planner; and a discussion of inspection process including inventory of ACM and physical assessment;

(iv) Legal liabilities and defenses—

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

(v) Understanding building systems—

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

(vi) Public/employee/building occupant relations—

Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and education of the building occupants about actions being taken;

(vii) *Pre-inspection planning and review of previous inspection records—

Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling, abatement records of building; and the role of the inspector in exclusions for previously performed inspections;

(viii) *Inspecting for friable and non-friable ACM and assessing the condition of friable ACM—

Procedures to follow in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factors;

(Rule 1200-01-20-.02, continued)

(ix) *Bulk sampling/documentation of asbestos—

Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a October 1985)"; techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of non-friable materials; techniques for bulk sampling; inspector's sampling and repair equipment; patching or repair of damage from sampling; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; and quality control and quality assurance procedures. The Commissioner recommends that all bulk samples collected from school or public and commercial buildings be analyzed by a laboratory that is accredited under the National Voluntary laboratory Accreditation Program administered by the National Institute of Standards and Technology;

(x) *Inspector respiratory protection and personal protective equipment—

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

(xi) *Recordkeeping and writing the inspection report—

Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; and information required for inclusion in the management plan required for school buildings under TSCA Title II, section 203(i)(1). The Commissioner recommends the use of standardized forms for recording the results of inspections in schools or public or commercial buildings, and that the course curriculum includes an example of a standardized form;

(xii) Regulatory review—

The following topics shall be covered: NESHAP (40 CFR Part 61, Subparts A and M); EPA Worker Protection Rule (40 CFR Part 763, Subpart G); OSHA Asbestos Construction Standard (29 CFR 1926.1101); OSHA Respiratory Protection (29 CFR 1910.134); the Asbestos-Containing Materials in School Rule (40 CFR Part 763, Subpart E); and applicable State and local regulations, and differences between Federal and State requirements where they apply, and the effects, if any, on public and nonpublic schools or commercial or public buildings;

(xiii) *Field trip—

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

(Rule 1200-01-20-.02, continued)

(xiv) Course review—

A review of key aspects of the training course; and

(xv) Written examination.

2. Management Planner

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

(Note: These Rules and Toxic Substances Control Act ("TSCA") Title II do not require the accreditation for persons performing the management planner role in public and commercial buildings. Nevertheless, such persons may find this training and accreditation helpful in preparing them to design or administer asbestos operations and maintenance programs for public and commercial buildings.)

The management planner training course shall address the following:

(i) Course overview—

The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; and protection of building occupants;

(ii) Evaluation/interpretation of survey results—

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

(iii) Hazard assessment—

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

(iv) Legal implications—

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

(Rule 1200-01-20-.02, continued)

(v) Evaluation and selection of control options—

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

(vi) Role of other professionals—

Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; and a team approach to design of high-quality job specifications;

(vii) *Developing an operations and maintenance (O&M) plan—

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

(viii) Regulatory Review—

The following topics shall be covered: NESHAP (40 CFR Part 61, Subparts A and M); OSHA Asbestos Construction Standard (29 CFR 1926.1101); EPA Worker Protection Rule (40 CFR Part 763, Subpart G); TSCA Title II; and applicable state regulations;

(ix) Recordkeeping for the management planner—

Use of field inspector’s data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; and procedures for recordkeeping. The Commissioner recommends the use of standardized forms for purposes of management plans. The form that is used shall be incorporated into the initial training course for management planners;

(x) Assembling and submitting the management plan—

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

(xi) Financing abatement actions—

Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operation and maintenance costs; and Asbestos School Hazard Abatement Act grants and loans;

(xii) Course review—

A review of key aspects of the training course; and

(xiii) Written examination.

3. Supervisor

A person shall be accredited as a supervisor to supervise (directly or indirectly) any of the following activities with respect to friable ACBM in a school or public and commercial building: a response action other than a SSSD activity, a maintenance activity that disturbs friable ACBM other than a SSSD activity, or a response action for a major fiber release episode.

All persons seeking accreditation as a supervisor shall complete at least a five (5) day training course as outlined in this part. The training course shall include lectures, demonstrations, a minimum of fourteen (14) hours of hands-on training, individual respirator fit-testing, course review, and a written examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement.

Supervisors include those persons who provide supervision and direction to workers performing response actions. Supervisors may include those persons with the position title of foreman, working foreman, or lead man pursuant to collective bargaining agreements. At least one supervisor is required to be at the worksite at all times while response actions are being conducted. Asbestos workers shall have access to an accredited supervisor throughout the duration of the project.

The supervisor training course shall address the following:

(i) The physical characteristics of asbestos and asbestos-containing materials—

Identification of asbestos; aerodynamic characteristics; typical uses; physical appearance; a review of hazard assessment considerations; and a summary of abatement control options;

(ii) Potential health effects related to asbestos exposure—

The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; and the latency period for diseases;

(iii) *Employee personal protective equipment—

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

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protective clothing; the use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment;

(iv) *State-of-the-art work practices—

Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices (New abatement-related techniques and methodologies may be discussed.);

(v) *Personal hygiene—

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

(vi) *Additional safety hazards—

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

(vii) Medical monitoring—

OSHA and EPA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays and a medical history for each employee;

(viii) Air monitoring—

Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples and interpretation of results

(Note: Although Transmission Electron Microscopy (“TEM”) is required for analysis of final clearance samples in schools, EPA and the Commissioner recommends that TEM be used for analysis of final air clearance samples for public and commercial buildings and that sample analyses be performed by laboratories accredited by the National Institute of Standards and Technology’s National Voluntary Laboratory Accreditation Program);

(ix) Relevant Federal, State and local regulatory requirements, procedures, and standards, including requirements of the Toxic Substances Control Act (“TSCA”) Title II; National Emission Standards for Hazardous Air Pollutants (40 CFR part 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos); OSHA Respiratory Protection (29 CFR

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1910.134); OSHA Asbestos Construction Standard (29 CFR 1926.1101); EPA Worker Protection Rule (40 CFR part 763, Subpart G); and applicable state and local asbestos regulatory requirements;

(x) Respiratory Protection Programs and Medical Monitoring Programs;

(xi) Insurance and liability issues—

Supervisor, contractor, and/or firm issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions;

(xii) Recordkeeping for asbestos abatement projects—

Records required by federal, state, and local regulations; records recommended for legal and insurance purposes;

(xiii) Supervisory techniques for asbestos abatement activities—

Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices;

(xiv) Contract Specifications—

Discussions of key elements that are included in a contract specifications;

(xv) Course review—

A review of key aspects of the training course; and

(xvi) Written examination.

4. Project Designer

A person shall be accredited as a project designer to design any of the following activities with respect to friable ACBM in a school or public and commercial building: a response action other than a SSSD maintenance activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response action for a major fiber release episode. All persons seeking accreditation as a project designer shall complete at least a minimum three (3) day training course as outlined in this part. The project designer course shall include lectures, demonstrations, a field trip, course review and a written examination.

The abatement project designer training course shall address the following:

(i) Background information on asbestos—

Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; and the physical appearance of asbestos;

(ii) Potential health effects related to asbestos exposure—

The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the

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synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos-related diseases; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) Overview of abatement construction projects—

Abatement as a portion of renovation projects; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101);

(iv) *Safety system design specifications—

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

(v) *Field trip—

A visit to an abatement site or other suitable building site, including on-site discussions of abatement design and building walk-through inspection. Include discussion of rationale for the concept of functional spaces during the walk-through;

(vi) *Employee personal protective equipment—

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

(vii) Additional safety hazards—

Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards;

(viii) Fiber aerodynamics and control—

Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; and aggressive air movement and negative-pressure exhaust ventilation as a clean-up method;

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(ix) Designing abatement solutions—

Discussion of removal; enclosure; encapsulation methods; and asbestos waste disposal;

(x) Final clearance process—

Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance

(Note: Although Transmission Electron Microscopy ("TEM") is required for analysis of final clearance samples in schools, EPA and the Commissioner recommends that TEM be used for analysis of final air clearance samples for public and commercial buildings and that sample analyses be performed by laboratories accredited by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program);

(xi) Budgeting/cost estimating—

Development of cost estimates; present costs of abatement versus future operation and maintenance costs; and setting priorities for abatement jobs to reduce costs;

(xii) Writing abatement specifications—

Preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications for a particular building; worker and building occupant health/medical considerations; and replacement of ACM with non-asbestos substitutes;

(xiii) Preparing abatement drawings—

Significance and need for drawings, use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; the relationship of drawings to design specifications; and particular problems related to abatement drawings;

(xiv) Contract preparation and administration;

(xv) Legal/liabilities/defenses—

Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; and claims made versus occurrence policies;

(xvi) Replacement—

Replacement of asbestos with asbestos-free substitutes;

(xvii) Role of other consultants—

Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design;

(xviii) Occupied buildings—

Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; and scheduling of renovation to minimize exposure;

(xix) Relevant federal, state and local regulatory requirements, procedures, and standards, including, but not limited to Requirements of the Toxic Substances Control Act ("TSCA") Title II; National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos); OSHA Respiratory Protection (29 CFR 1910.134); OSHA Asbestos Construction Standard (29 CFR 1926.1101); EPA Worker Protection Rule (40 CFR Part 763, Subpart G); OSHA Hazard Communication Standard (29 CFR 1926.59); and applicable state and local asbestos regulatory requirements;

(xx) Course Review—

A review of key aspects of the training course; and

(xxi) Written examination.

5. Worker

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

The worker training course shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit-testing, course review and a written examination to the class as whole or an oral examination to an individual student if requested. Hands-on training shall permit workers to have actual experience performing tasks associated with asbestos abatement. A person who is otherwise accredited as an asbestos supervisor may perform in the role of a worker without possessing a separate state accreditation certification as an asbestos worker.

The asbestos worker training course shall address the following:

(i) The physical characteristics of asbestos—

Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options;

(ii) Potential health effects related to asbestos exposure—

The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergistic effect between cigarette smoking and asbestos exposure; and latency period for asbestos-related diseases; and a discussion of the relationship

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of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) *Employee personal protective equipment—

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

(iv) *State-of-the-art work practices—

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

(v) *Personal hygiene—

Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure;

(vi) *Additional safety hazards—

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

(vii) Medical monitoring—

OSHA and EPA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays and a medical history for each employee;

(viii) Air monitoring—

Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;

(ix) Relevant federal, state and local regulatory requirements, procedures and standards—

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With particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers;

(ix) Establishment of respiratory protection programs;

(x) Course review—

A review of key aspects of the training course; and

(xi) A written or individual oral examination.

6. Project Monitor

A person shall be accredited as a project monitor to observe abatement activities performed by supervisors and generally serve as a building owner's representative to ensure that abatement work is completed according to specification and in compliance with all relevant statutes and regulations. The project monitor may also perform the vital role of air monitoring for purposes of determining final clearance.

All persons seeking accreditation as a project monitor shall complete a minimum five (5) day training course, which consists of lectures and demonstrations, at least six (6) hours of hands-on training, course review of key aspects and a written examination. The hands-on training component shall be satisfied by having the student simulate participation in or performance of any of the relevant job functions or activities (or by incorporation of the workshop component described in subpart (xiv) of this part).

The project monitor training course shall address the following:

(i) Roles and responsibilities of the project monitor—

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

(ii) Characteristics of asbestos and asbestos-containing materials—

Typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; and presentation of the health effects of asbestos exposure, including routes of exposure, dose-response relationships, and latency periods for asbestos-related diseases;

(iii) Federal asbestos regulations—

Overview of pertinent EPA regulations; including: NESHAP (40 CFR Part 61, subparts A and M); AHERA, 40 CFR Part 763, (Subpart E – Asbestos-Containing Materials in Schools); and the EPA Worker Protection Rule (40 CFR Part 763, Subpart G). Overview of pertinent OSHA regulations, including; Construction Industrial Standard for Asbestos (29 CFR 1926.1101); Respirator Protection Standard (29 CFR 1910.134); the Hazard Communication Standard (29 CFR 1926.59); applicable state and local asbestos regulatory requirements; and regulatory interrelationships;

(iv) Understanding building construction and building systems—

(Rule 1200-01-20-.02, continued)

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

(v) Asbestos abatement contracts, specifications, and drawing—

Basic provisions of the contract; relationships between principle parties, establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading and interpreting records and abatement drawings; discussion of change orders; and common enforcement responsibilities and authority of project monitors;

(vi) Response actions and abatement practices—

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

(vii) Asbestos abatement equipment—

Typical equipment found on an abatement project; air filtration devices, vacuum systems, negative pressure differential monitoring; high–efficiency particulate air (“HEPA”) filtration units, theory of filtration, design / construction of HEPA filtrations units, qualitative and quantitative performance of HEPA filtrations units, sizing the ventilation requirements, location of HEPA filtration units, qualitative and quantitative tests of containment barrier integrity; and best available technology;

(viii) Personal protective equipment—

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

(ix) Air monitoring strategies—

Sampling equipment; sampling pumps (low vs. high volume); flow regulating devices (critical and limiting orifices); the use of fibrous aerosol monitors on abatement projects; sampling media; types of filters; types of cassettes; filter orientation; storage and shipment of filters; calibration techniques; primary calibration standards; secondary calibration standards; temperature/ pressure effects; frequency of calibration; recordkeeping and field work documentation; calculations; air sample analysis; techniques available and limitations of AHERA on their use; transmission electron microscopy (background to sample preparation and analysis, air sample

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conditions which prohibit analysis, the state's recommended technique for analysis of final air clearance samples); phase contrast microscopy (background to sample preparation, and AHERA's limits on the use of phase contrast microscopy), and what each technique measures; analytical methodologies, AHERA TEM protocol, NIOSH 7400, OSHA reference method (non clearance), the Commissioner's recommendation for clearance (TEM); sampling strategies for clearance monitoring, types of air samples (personal breathing zone vs. fixed station area) sampling location and objectives (pre-abatement, during abatement, and clearance monitoring), number of samples to be collected; minimum and maximum air volumes; clearance monitoring (post-visual-inspection) (number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results, calculations); quality assurance; and special sampling problems, crawl spaces, acceptable samples for laboratory analysis, sampling in occupied buildings (barrier monitoring);

(x) Safety and health issues other than asbestos—

Confined-space entry; electrical hazards; fire and explosion concerns; ladders and scaffolding; heat stress; air contaminants other than asbestos; fall hazards; and hazardous materials on abatement projects;

(xi) Conducting visual inspections—

Inspections during abatement, visual inspections using the ASTM E1368 document; conducting inspections for completeness of removal; discussion of "how clean is clean?";

(xii) Legal responsibilities and liabilities of project monitors—

Specification enforcement capabilities; regulatory enforcement; licensing; and powers delegated to project monitors through contract documents;

(xiii) Recordkeeping and report writing—

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

(xiv) *Workshops (six (6) hours spread over three (3) days)—

(I) Contracts, specifications, and drawings:

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

(II) Air monitoring strategies/asbestos abatement equipment:

This workshop shall consist of simulated abatement sites for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstrations and exhibition, the project monitor may also be able to gain a better

(Rule 1200-01-20-.02, continued)

understanding of the function of various pieces of equipment used on abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.).

(III) Conducting visual inspections:

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

(xv) Course review—

A review of key aspects of the training course; and

(xvi) Written examination.

(5) (Reserved)

(6) Re-accreditation of training providers for Initial and/or Refresher Training Course(s)

(a) A training provider's re-accreditation certificate to offer initial and/or refresher-training course(s) shall expire after two (2) years on the last day of the month of issuance. If a training provider meets the requirements of this paragraph, the training provider shall be re-accredited provided its accreditation has not be revoked or suspended due to non-compliance with part (1)(a)8 or subparagraph (1)(b) of Rule 1200-01-20-.06, or with Rule 1200-01-20-.08.

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

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

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

2. The course or a list of courses for which it is applying for re-accreditation;

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

4. A statement signed by the training provider stating that the training provider will comply at all times with all requirements of Rule 1200-01-20-.02; and

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

(d) A training provider shall allow the Commissioner to audit any part of the training program free of charge, wherever a training course is being taught, to verify the accuracy of any part of the contents of the application for re-accreditation submitted to the Commissioner by the training provider.

(7) Training Provider recordkeeping requirements

(Rule 1200-01-20-.02, continued)

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

1. All documents specified in part (3)(a)5 of this Rule that demonstrate the instructor qualifications listed in parts (3)(a)1, 2 and 3 of this Rule for the training manager, principal and guest instructors;

2. Copies of all instructional materials such as: current and past curriculum (course) materials, course agenda, course test blueprint, course examinations, learning objectives for each lecture, exercises, hands-on training exercise, examinations, course evaluations, and other documents used in the delivery of the classroom training. Documentation of revision(s) shall also be maintained;

3. Documentation that each person who receives a course completion certificate for an initial training course has achieved a passing score on the examination (These records must clearly indicated the date upon which the examination was administered, the training course and discipline for which the examination was given, the name of the person who proctored the examination, a copy of the examination, and the name and test scored of each person taking the examination. The topic and dates of the training course must correspond to those listed on that person's course completion certificate.);

4. Records that document the names of all persons who have been awarded course completion certificates, their certificate numbers, the disciplines for which the course completion certificate was conferred, training and expiration dates, and the training location (A training provider shall maintain records in a manner that allows verification by telephone of the required information.); and

(Note: The Commissioner recommends that a training provider of a refresher training course(s) confirm that their students possess a valid initial or refresher course completion certificate or accreditation from an authorized EPA state in the appropriate discipline before granting course admission. The Commissioner further recommends that a training provider offering the initial management planner training course verify that students have met the prerequisite of possessing a valid inspector accreditation from an authorized EPA state or an initial or refresher, inspector course completion certificate at the time of course admission. In accordance with part (2)(b)2 of Rule 1200-01-20-.03, a student will not be able to obtain accreditation without presenting this information with their application.)

(b) An accredited training provider shall retain the records required by subparagraph (a) of this paragraph at the address specified on the training provider's accreditation or re-accreditation application for a minimum of three (3) years and shall allow reasonable access to all of the records as required by paragraph (8) of this Rule, and to any other records which were submitted to the Commissioner for the approval of an asbestos training course or courses, training manager, principal and guest instructors.

(c) A training provider shall allow reasonable access to all records required by these Rules, and to copies of any other records submitted to the Commissioner which were used to gain approval of an asbestos training course, program manager, principal and guest instructor(s), on request. The Commissioner encourages a training provider to make this information equally accessible to the general public.

(d) If a training provider ceases to conduct training, the training provider shall provide the Commissioner written notification thirty (30) days prior and give the Commissioner the

(Rule 1200-01-20-.02, continued)

opportunity to take possession of the training provider's applicable Tennessee asbestos training records.

(8) Training provider audits

(a) The Commissioner may conduct unannounced audits of a training provider's records and an initial or refresher asbestos training course in any discipline to ensure compliance with the requirements of these Rules.

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

(c) Unless a training provider notifies the Commissioner of changes in a training course site and/or course cancellation at least five (5) days prior to the date of the course, the Commissioner may assess travel cost to that training provider for reimbursement. The estimated travel costs will be assessed using the State of Tennessee Finance and Administration's "General Reimbursement Rate Schedule" policy.

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.03 ACCREDITATION OF PERSONS AND FIRMS ENGAGED IN ASBESTOS ACTIVITIES
[40 CFR Part 763, Subpart. E, Appendix C]

(1) Scope and Applicability

(a) Paragraph (2) of this Rule contains the requirements a person must meet in order conduct asbestos activities in Tennessee and to obtain an accreditation from the Commissioner to conduct asbestos activities within a specific discipline.

(b) Paragraph (3) of this Rule establishes the minimum education and experience required in order for a person to be accredited by the Commissioner.

(c) Unless granted an extension under subparagraph (4)(b) of this Rule, an accredited person seeking re-accreditation within sixty (60) days prior to or thirty (30) days after the expiration date of their current accreditation need only comply with the requirements of paragraph (4) of this Rule.

(d) A firm seeking accreditation shall comply with the requirements of paragraph (5) of this Rule.

(2) Accreditation of a Person

(a) In order to conduct asbestos activities in a particular discipline, a person shall be in possession of a valid State of Tennessee issued accreditation certificate and photo identification card. An accredited person shall have either the accreditation certificate and/or the photo identification card with them at the work site.

(b) A person seeking accreditation by the Commissioner to engage in asbestos activities in schools and public and commercial buildings shall:

(Rule 1200-01-20-.03, continued)

1. Submit to the Commissioner a completed application on forms provided by the Commissioner, along with the following:

   (i) The documentation required by subparagraphs (3)(b) of this Rule that the applicant satisfies the educational and experience requirements of subparagraph (3)(a) of this Rule for the particular discipline for which accreditation is being sought;

   (ii) The applicable accreditation fee in Rule 1200-01-20-.05(2)(a)1, Table 3;

   (iii) A copy of a current initial, or a current refresher and the previous accredited asbestos training course completion certificate(s) in the appropriate discipline(s) (the current certificate and the one from the year before) (Note: a person shall be granted a 12-month grace period from the date a required asbestos course completion certificate has expired to complete the appropriate refresher training course without having to re-take the initial training course, otherwise, the initial applicable training course is required.); and

   (iv) In addition to the requirements of subparts (i), (ii) and (iii) of this part, a person seeking accreditation as a management planner shall also submit the applicable accredited inspector course completion certificate in addition to the applicable accredited management planner course completion certificate.

2. Submit one standard color passport photograph with each application for the asbestos discipline for which accreditation is sought.

3. Indicate on the application whether the applicant is in possession of a valid:

   (i) State issued photo identification card or driver's license;

   (ii) A U. S. passport, foreign passport stamped by the U.S. Government;

   (iii) Military active duty/retiree/reservist identification card; or

   (iv) If the applicant possesses other document(s) currently listed by the Department of Homeland Security U.S. Citizenship and Immigration Services, list the specific document by name.

(c) A person's accreditation shall be valid for one (1) year. The expiration date shall be one (1) year from the last day of the month of issuance.

(d) In considering a person's application for accreditation, the Commissioner shall not recognize a course completion certificate of training issued by any asbestos training provider whose course approval or accreditation is denied, suspended or revoked by the Commissioner, EPA, or another EPA authorized State.

(e) Following the submittal of the information required by subparagraph (b) of this paragraph, the Commissioner will approve or disapprove a person's request for accreditation within sixty (60) days following the application being deemed complete. The Commissioner will review the completed application and any additional information, including but not limited to work history from other sources, and, after considering the requirements of subparagraph (f) of this paragraph and paragraph (3) of this Rule for the appropriate discipline, will respond with an Accreditation Certificate or a letter describing any deficiency.

(Rule 1200-01-20-.03, continued)

(f) Upon receiving accreditation or re-accreditation from the Commissioner, and in order to maintain that accreditation or re-accreditation, a person conducting asbestos activities shall comply with the work practice standards of parts 1 through 6 of this subparagraph specific to the discipline for which that person is accredited. An accredited person shall not conduct asbestos activities appropriate to other disciplines for which accreditation or re-accreditation has not been obtained.

1. Accredited Inspector.

(i) An accredited inspector inspects, identifies, and provides written assessments of all friable known or assumed ACBM in schools and public and commercial buildings.

(ii) For each inspection and re-inspection, an accredited inspector shall sign and date the assessment and include the inspector's Commissioner-issued accreditation number on all reports.

(iii) An accredited inspector shall classify and give reasons in the written assessment for classifying the ACBM and suspected ACBM assumed to be ACM in schools and public and commercial buildings into one of the following categories:

(I) Damaged or significantly damaged thermal system insulation ACM;

(II) Damaged friable surfacing ACM;

(III) Significantly damaged friable surfacing ACM;

(IV) Damaged or significantly damaged friable miscellaneous ACM;

(V) ACBM with potential for damage;

(VI) ACBM with potential for significant damage; or

(VII) Any remaining friable ACBM or friable suspected ACBM.

(iv) An accredited inspector's assessment may include the following considerations:

(I) Location and the amount of the material, both in total quantity and as a percentage of the functional space; and

(II) Condition of the material, specifying:

I. Type of damage or significant damage (e.g., flaking, blistering, water damage, or other signs of physical damage);

II. Severity of damage (e.g., major flaking, severely torn jackets, as opposed to occasional flaking, minor tears to jackets); and

III. Extent or spread of damage over large areas or large percentages of the homogeneous area.

(v) An accredited inspector shall determine whether the material is accessible.

(Rule 1200-01-20-.03, continued)

(vi) An accredited inspector shall determine the material's potential for disturbance.

(vii) An accredited inspector shall determine the known or suspected causes of damage or significant damage (e.g., air erosion, vandalism, vibration, water).

(viii) An accredited inspector shall determine preventive measures which might eliminate the reasonable likelihood of undamaged ACM from becoming significantly damaged.

2. Accredited Management Planner.

(i) An accredited management planner develops management plans to review the results of each inspection, re-inspection, and assessment for the school building and to conduct any other necessary activities in order to recommend in writing to the local education agency appropriate response actions.

(ii) An accredited management planner shall sign and date the recommendation and include the planner's Commissioner-issued accreditation number in the management plan.

3. Accredited Supervisor.

(i) An accredited supervisor provides supervision (directly or indirectly) for the following activities with respect to friable ACBM in schools and public and commercial buildings:

(I) Conducting a response action other than a SSSD activity;

(II) A maintenance activity that disturbs friable ACBM other than a SSSD activity; or

(III) A response action for a major fiber release episode.

(Note: An accredited supervisor may conduct OSHA requirements for which they are properly trained.)

(ii) An accredited supervisor shall use state-of-the-art work practices:

(I) Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high–efficiency particulate air vacuums; and proper clean-up and disposal procedures. Work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices; and

(II) New abatement-related techniques and methodologies may be used.

(Rule 1200-01-20-.03, continued)

(iii) (I) One accredited supervisor is required to be at the work-site at all times while response actions are being conducted; and

(II) Accredited workers shall have access to an accredited supervisor throughout the duration of the project.

(iv) An accredited supervisor shall include the supervisor's Commissioner-issued accreditation number on all reports.

4. Accredited Project Designer.

(i) An accredited project designer produces written specifications and designs for any of the following asbestos activities with respect to friable ACBM in a school or public and commercial building:

(I) Any response action other than a SSSD maintenance activity;

(II) A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity; or

(III) A response action for a major fiber release episode.

(ii) An accredited project designer shall sign and date the written specification packet and include the project designer's Commissioner-issued accreditation number.

(iii) Duties of an accredited project designer are inclusive of, but not limited to the following activities: determination of the scope of work; work sequence; performance standards for response actions, including preparation of specifications, plans; contract documents used with respect to the handling of friable and non-friable ACBM (The project design also includes: techniques for completing an initial cleaning of the work area; the rationale behind establishment of functional spaces; written diagrams and methods of diagramming all containment barriers; a written rationale for air clearance; and the clarification of what constitutes a complete visual clearance.).

5. Accredited Worker.

(i) An accredited worker is responsible for carrying out any of the following activities with respect to friable ACBM in schools and public and commercial buildings:

(I) A response action other than a SSSD maintenance activity;

(II) A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity; or

(III) A response action for a major fiber release episode.

(ii) An accredited worker shall provide the worker's Commissioner-issued accreditation upon request.

6. Accredited Project Monitor.

(Rule 1200-01-20-.03, continued)

(i) An accredited project monitor monitors response actions performed by the supervisors and generally serves as the building owner's representative to ensure compliance with contract/job specifications and regulatory requirements, except for projects that are of SSSD. The functional role of a project monitor is specific to a particular response action and are inclusive of:

(I) Performing visual audits of a job site before, during and after a response action is undertaken; and

(II) Performing air monitoring as a part of a response action or for purpose of clearing a response action.

(ii) An accredited project monitor shall sign and date the written report, and include the project monitor's Commissioner-issued accreditation number.

(iii) An accredited project monitor may also perform the vital role of determining completion of response actions. At the conclusion of any response action to remove, encapsulate, or enclose ACBM or material assumed to be ACBM, the accredited project monitor shall conduct the following activities to determine the completion of a response action and collect clearance air samples:

(I) Visually inspect each functional space where such action was conducted to determine whether the action has been properly completed; and

(II) Collect air samples using aggressive sampling methods used to determine project completion after each response action involving ACBM, except for projects that are of SSSD, and analyzed for asbestos by:

I. Transmission Electron Microscopy ("TEM") using laboratories accredited by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program (The response action shall be considered complete when the average concentration of asbestos of five air samples collected within the affected functional space and analyzed by TEM method, that is not statistically significantly different, as determined by the Z-test calculation found in 40 CFR Part 763, Appendix A of subpart E, from the average asbestos concentration of five air samples collected at the same time outside the affected functional space and analyzed in the same manner, and the average asbestos concentration of the three field blanks described in 40 CFR Part 763, Appendix A of subpart E is below the filter background level, as defined in 40 CFR Part 763, Appendix A of subpart E, of 70 structures per square millimeter [70 s/mm^2].); or

II. An action may also be considered complete if the volume of air drawn for each of the five samples collected within the affected functional space is equal to or greater than 1,199 liters (L) of air for a 25 mm filter or equal to or greater than 2,799 L of air for a 37 mm filter and the average concentration of asbestos as analyzed by the TEM method

(Rule 1200-01-20-.03, continued)

in 40 CFR Part 763, Appendix A of subpart E, for the five air samples does not exceed the filter background level, as defined in Appendix A, of 70 s/mm^2. If the average concentration of asbestos of the five air samples with the affected functional space exceeds 70 s/mm^2, or if the volume of air in each of the samples is less than 1,199 L of air for a 25 mm filter or less than 2,799 L of air for a 37 mm filter, the action shall be considered complete only when the requirements of subitems I or III of this item are met.

III. Air monitoring samples collected for clearance purposes to confirm completion of response action (removal, encapsulation, or enclosure) of ACBM or materials assumed to be ACBM that is greater than SSSD and less than or equal to 160 square feet or 260 linear feet may be analyzed by phase contrast microscopy ("PCM"). (The action shall be considered completed when the results of samples collected in the affected functional space and analyzed by PCM using the National Institute for Occupational Safety and Health ("NIOSH") Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM [0.01 fibers per cubic centimeter [0.01 f/cm^3] of air].); and

IV. To determine the amount of ACBM affected under subitem III of this item, add the total square or linear footage of ACBM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACBM or materials assumed to be ACBM (Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school building shall not be separated to qualify under subitem III of this item.).

(g) Except as provided in Rule 1200-01-20-.08, a person shall not conduct any asbestos activity described in these Rules after the effective date of these Rules if that person has not been accredited by the Commissioner pursuant to these Rules.

(h) A person's initial accreditation or re-accreditation may be suspended or revoked for non-compliance with subparagraph (2)(f) of this Rule, or for committing Prohibited Acts identified in parts (1)(a)2 through 7 or subparagraph (c) of Rule 1200-01-20-.06, or for non-compliance with Rule 1200-01-20-.08.

(3) Requirements for accreditation of a person in the appropriate discipline

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

1. Successfully complete a Commissioner accredited or recognized asbestos training course in the appropriate discipline that meets the requirements outlined in Rule 1200-01-20-.02(4)(b);

(Rule 1200-01-20-.03, continued)

2. Pass the accredited training course final examination and hands-on training assessment, if applicable, and receive a course completion certificate in the appropriate discipline; and

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

(i) Inspectors

(I) A high school diploma (or equivalent).

(II) (RESERVED)

(ii) Management Planner

(I) Successfully complete a three (3) day accredited inspector training course with four (4) hours of hands-on training and an accredited two (2) day management planner training course; and have:

(II) I. Current credentials as a registered architect, certified industrial hygienist, licensed professional engineer and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist);

II. A bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction);

III. An associate degree and two years experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

IV. A high school diploma and have four (4) years of experience in a related field (e.g., environmental remediation work, asbestos, lead) or in the building construction trades.

(iii) Supervisor

(I) Have at least one (1) year experience as an accredited asbestos worker (no specific level of education is required); or

(II) Have at least two (2) years experience in a related field (e.g., environmental remediation work, asbestos, lead) or in the building construction trades (no specific level of education is required).

(iv) Project Designer

(I) Currently hold credentials as a registered architect, certified industrial hygienist, licensed professional engineer and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist);

(II) Have a bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(Rule 1200-01-20-.03, continued)

(III) Have an associate degree and two years experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction).

(v) Worker

(I) No additional experience and/or education requirements.

(II) (RESERVED)

(vi) Project Monitor

(I) Currently hold credentials as a registered architect, certified industrial hygienist, licensed professional engineer and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist);

(II) Have a bachelor's degree and one year experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction);

(III) Have an associate degree and two years experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(IV) Have a high school diploma and four (4) years of experience in a related field (e.g., environmental remediation work, asbestos, lead) or in the building construction trades and designs.

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

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

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

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

(4) Re-accreditation for a Person

(a) To maintain accreditation in a particular discipline, an accredited person shall complete the requirements of subparagraphs (c), (d) and (e) of this paragraph for the appropriate discipline(s) within sixty (60) days prior to or thirty (30) days after the expiration date of their current accreditation.

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

(Rule 1200-01-20-.03, continued)

(c) A person shall submit to the Commissioner a re-accreditation application with a legible copy of the accredited refresher asbestos training course completion certificate or certificates.

(d) A person shall also submit to the Commissioner one (1) standard two inch by two inch (2X2 inch) color passport photograph with each application for re-accreditation.

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

(5) Accreditation and Re-accreditation of Firms

(a) Except as provided in Rule 1200-01-20-.08, a firm shall not conduct any asbestos activity in schools or public and commercial buildings after the effective date of these Rules, unless that firm is accredited by the Commissioner pursuant to these Rules.

(b) A firm seeking accreditation shall submit to the Commissioner:

1. A completed application on forms provided by the Commissioner;

2. The appropriate accreditation fee in accordance with Rule 1200-01-20-.05(2)(a)1, Table 2; and

3. A letter attesting that when conducting asbestos activities in schools or public and commercial buildings, the firm shall:

(i) Only employ appropriately accredited persons;

(ii) Ensure that these appropriately accredited persons perform only the tasks specific to their respective accredited disciplines; and

(iii) Ensure that while performing these tasks, the firm complies with the work practice standards of subparagraph (2)(f) of this Rule.

(c) Following the submittal of a complete firm application in accordance with subparagraph (b) of this paragraph, the Commissioner will approve or disapprove a firm's request for accreditation within sixty (60) days following the application being deemed complete. The Commissioner will review the completed application and any additional information, including but not limited to work history from other sources, and respond with an Accreditation Certificate or a letter describing any deficiency.

(d) In order to offer to conduct asbestos activities, a firm shall possess the appropriate valid Tennessee Accreditation Certificate(s).

(e) A firm shall maintain records: personnel employment, contracts for performance, final asbestos abatement reports, personnel and clearance air monitoring reports, etc. Upon request, the Commissioner shall be allowed to review appropriate documents to determine a firm's compliance with these Rules.

(f) A firm may apply to the Commissioner for accreditation to engage in asbestos activities after the effective date of these Rules.

(g) Unless the Commissioner revokes or suspends the accreditation of a firm to perform asbestos activities, the accreditation shall be valid for one (1) year from the last day of the month of issuance the following year. A firm's initial accreditation or re-

(Rule 1200-01-20-.03, continued)

accreditation may be suspended or revoked due to non-compliance with part (1)(a)1 or subparagraph (1)(d) of Rule 1200-01-20-.06, or with Rule 1200-01-20-.08.

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

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.04 RECIPROCITY

The Commissioner will seek to establish written reciprocal arrangements with other EPA authorized States that have established accreditation training program requirements that meet or exceed the requirements of EPA MAP and these Rules. The training program reciprocity agreement may address cooperation in the approval determination, the review (inclusive of conducting record and course audits, and compliance monitoring) of training programs, instructors, student testing and examination administration, curriculum development, policy formulation and the exchange of information and data. The Commissioner may recognize an accredited initial and/or refresher asbestos training course or courses approved by an EPA authorized State provided the Commissioner has a written reciprocity agreement with that entity.

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.05 FEES

(1) General

(a) Purpose

The purpose of this Rule is to establish and impose fees for accrediting or re-accrediting a person and a firm engaged in asbestos activities and for accrediting or re-accrediting a training provider that offers an initial and/or refresher asbestos training course or courses.

(b) Who shall pay a fee

1. Except as provided otherwise by item (1)(b)3(i)(II) of Rule 1200-01-20-.01, a training provider applying for accreditation or re-accreditation of a training program to conduct an initial and/or refresher asbestos training course or courses for the following disciplines: worker, supervisor, project designer, inspector, management planner or project monitor.

2. Except as provided otherwise by item (1)(b)3(i)(II) of Rule 1200-01-20-.01, a firm and a person applying for accreditation or re-accreditation to engage in asbestos activities associated with one or more of the following disciplines: worker, supervisor, project designer, inspector, management planner or project monitor.

(2) Fees for Asbestos Accreditation

(a) Fee Amounts

1. Accreditation

(Rule 1200-01-20-.05, continued)

Initial accreditation and re-accreditation fees as specified in the following Tables:

Table 1
Training Provider Fees

Training Course and Modifications	Initial Two (2) Year Accreditation Fees	Re-Accreditation (every two (2) years)
Initial Course & Minimum Time Required		
Worker - 4 day course	$1400	$900
Project Monitor - 5-day course	$1750	$1225
Inspector - 3-day course	$1050	$735
Supervisor - 5-day course	$1750	$1225
Project Designer - 3-day course	$1050	$735
Management Planner -- 2-day management training course	$700	$490
Refresher Course & Minimum Time Required		
Worker - 1-day	$350	$350
Project Monitor - 1-day	$350	$350
Inspector - 1/2-day	$175	$175
Supervisor - 1-day	$350	$350
Project Designer - 1-day	$350	$350
Management Planner - 1/2-day	$175	$175
Modification of Rosters	Application Review Fee for Modification of Roster	
To Change or Add a person, as the Training Manager, Principal Instructor(s) or Guest Instructor(s)	$25.00	

(Rule 1200-01-20-.05, continued)

Table 2
Firm Accreditation Fees

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

Table 3
Accreditation Fees for a Person

Individual Accreditation	Initial Annual Accreditation Fee	Individual Re-Accreditation Annual Fee
Worker	$25.00	$25.00
Project Monitor	$75.00	$75.00
Inspector	$125.00	$125.00
Management Planner	$200.00	$200.00
Supervisor	$125.00	$125.00
Project Designer	$150.00	$150.00

(b) Application/Payment Procedure

1. Accreditation and Re-accreditation

(i) Person—

Submit the appropriate accreditation fee with the applicable completed application, documents and/or materials required by subparagraph (2)(b) or paragraph (4) of Rule 1200-01-20-.03.

(ii) A Firm and/or Training Provider—

Submit the appropriate accreditation fee with the applicable completed application, documents and/or materials required by Rule 1200-01-20-.02 (training providers), and/or subparagraphs (5)(b) and (h) of Rule 1200-01-20-.03 for other asbestos activities.

2. Application forms and instructions can be obtained from the Toxic Substances Program, Tennessee Department of Environment and Conservation by calling 1-888-771-5323 toll free.

(c) Accreditation Card or Certificate Replacement

1. A person or firm seeking an accreditation card or certificate replacement shall complete the applicable portions of the appropriate application in accordance with the instructions provided. The types of applications include:

(i) Person— “Application for a Person to Conduct Asbestos Activities”.

(ii) Firm— “Application for a Firm to Conduct Asbestos Activities”.

(iii) Training Provider— “Accreditation Application for Training Providers”.

2. A person or firm seeking an accreditation card or certificate replacement shall submit the appropriate application and payment (Initial Accreditation, Re-

(Rule 1200-01-20-.05, continued)

Accreditation, or Replacement Accreditation Card or Certificate) as specified in part 3 of this subparagraph.

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

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.06 PROHIBITED ACTS

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

(a) General Accreditation Prohibited Acts—

Except as allowed by Rule 1200-01-20-.08:

1. No firm shall perform or offer to perform any asbestos activity such as providing an asbestos training course, conduct an inspection, response action (other than a small-scale, short-duration repair activity), project monitoring, project design in a school or public and commercial building and/or prepare a management plan for a school unless that firm is accredited by the Commissioner to perform such activity.

2. No person shall identify, detect, or assess asbestos containing materials in a school or public and commercial building unless the person is accredited by the Commissioner to perform such activity.

3. No person shall determine the appropriate response action, or prepare an asbestos management plan for a school unless that person is accredited by the Commissioner to perform such activity.

4. Unless specifically accredited by the Commissioner, no person shall design the following activities with respect to friable ACBM in a school or public and commercial building scope of work, work sequence, or performance for:

(i) A response action other than a SSSD maintenance activity;

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity; or

(iii) A response action for a major fiber release episode.

5. No person shall oversee any asbestos abatement, response action or collect clearance air samples used to determine the completion of the project in a school or public and commercial building unless that person is specifically accredited by the Commissioner.

6. Unless specifically accredited by the Commissioner as an asbestos supervisor, no person shall supervise any of the following activities with respect to friable ACBM in a school or public and commercial building:

(i) Response action other than a SSSD activity;

(Rule 1200-01-20-.06, continued)

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD activity; or

(iii) A response action for a major fiber release episode.

7. Unless specifically accredited by the Commissioner as an asbestos worker or supervisor, no person shall carry out any of the following activities with respect to friable ACBM in a school or public and commercial building:

(i) Response action other than a SSSD activity;

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD activity; or

(iii) A response action for a major fiber release episode.

8. No training provider shall offer to conduct an asbestos training course in the following disciplines: worker, supervisor, project designer, project monitor, inspector, and/or management planner unless that training provider is accredited by the Commissioner pursuant to Rule 1200-01-20-.02.

(b) Accredited Training Provider Prohibited Acts—

An Accredited Training Provider shall not:

1. Misrepresent the contents of an asbestos initial and/or refresher-training course content and/or training hour requirements;

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

3. Fail to maintain requisite records;

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

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

6. Make false or misleading statements on its application for accreditation or re-accreditation;

7. Fail to meet the requirements of paragraphs (3) or (4) of Rule 1200-01-20-.02 as determined by a course audit or in-house program audit;

8. Misrepresent the extent of a training course's approval by the Commissioner;

9. Allow an approved principal instructor or other person with supervisory authority over the delivery of a training course to not comply with a requirement or any provision of these regulations;

10. Except as allowed by Rule 1200-01-20-.08, offer to conduct an asbestos training course or refresher course without first applying for and receiving accreditation from the Commissioner; and

11. Fail to comply with any applicable provision of these Rules.

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

(Rule 1200-01-20-.06, continued)

1. Obtain documentation of asbestos training or examinations through fraudulent means;

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

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

4. Except as allowed by Rule 1200-01-20-.08, perform asbestos activities requiring accreditation at a job site without being in physical possession current state issued accreditation certificate and/or identification card available at the job site for inspection;

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

6. Perform work in accordance with the work practice standards set forth for each discipline in parts (2)(f)1 through 6 of Rule 1200-01-20-.03 for which accreditation is required, but for which appropriate accreditation has not been applied for and/or received;

7. Obtain accreditation from a training provider that does not have approval to offer training for the particular discipline from the Commissioner, or a Commissioner recognized EPA authorized State program; and/or

8. Fail to comply with any applicable provision of these Rules.

(d) Accredited Firm Prohibited Acts—

An Accredited Firm shall not:

1. Except as allowed by Rule 1200-01-20-.08, perform asbestos activities that require the use of an accredited person who is not properly accredited by the Commissioner;

2. Fail to comply with the work practice standards in accordance with the work practice standards set forth for each discipline in parts (2)(f)1 through 6 of Rule 1200-01-20-.03 established for conducting asbestos activities;

3. Misrepresent facts on the application for accreditation;

4. Fail to maintain required records;

5. Allow a person with supervisory authority at the work site to not comply with a requirement or any applicable provision of these Rules; or

6. Fail to comply with any applicable provision of these Rules or the Act.

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.07 SUSPENSION OR REVOCATION OF ACCREDITATION

(1) The Commissioner may suspend or revoke the accreditation for any accredited person, firm, or training provider who has violated any provision of these Rules.

(2) The Commissioner may suspend or revoke the accreditation of a training provider for some or all of the accredited training courses where an approved training course instructor, or other person with supervisory authority over the delivery of training, has been found to have committed an act prohibited by part (1)(a)8 or subparagraph (1)(b) of Rule 1200-01-20-.06, or found in violation of the requirements of Rule 1200-01-20-.02 or Rule 1200-01-20-.08.

(3) If the Commissioner decides to suspend or revoke the accreditation for a person, firm or training provider, the revocation or suspension will be conducted in accordance with the Uniform Administrative and Procedures Act, T.C.A. § 4-5-301 et seq.

(4) Any notice or decision issued by the Commissioner under this Rule, and any documents filed by an accredited person, firm or training provider in accordance with the procedures of paragraph (3) of this Rule, including during the hearing, shall be available to the public, except as otherwise provided by section 14 of TSCA or by 40 CFR Part 2. Any such hearing at which oral testimony is presented shall be open to the public, except that the Hearing Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidential treatment under section 14 of TSCA or 40 CFR Part 2.

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*

1200-01-20-.08 IMPLEMENTATION OF RULE CHAPTER 1200-01-20 ASBESTOS ACCREDITATION REQUIREMENTS

(1) (a) These Rules shall apply in Tennessee on their effective date. Except as allowed in subparagraph (b) of this paragraph, a training provider, person or firm shall not conduct asbestos activities in Tennessee after the effective date of these Rules unless accredited by the Commissioner.

(b) A training provider, person or firm may continue to conduct asbestos activities in Tennessee after the effective date of these Rules until an accreditation decision is made by the Commissioner, provided:

1. The training provider, person or firm is accredited by an EPA authorized state to conduct asbestos activities on the effective date of these rules; and

2. The training provider, person or firm applies for accreditation in Tennessee pursuant to Rule 1200-01-20-.02 or Rule 1200-01-20-.03, as applicable, within ninety (90) days after the effective date of these Rules.

(2) A training provider accredited by an EPA Model Accreditation Plan authorized state, to conduct asbestos training courses in Tennessee may convert the training provider's accreditation to a Tennessee accreditation by completing the application process, submitting required documents, and paying the applicable fee within ninety (90) days of the effective date of these Rules.

Authority: *T.C.A. §§ 62-41-101 et seq. and § 11-1-101.* ***Administrative History:*** *Original rule filed April 9, 2009; effective June 23, 2009.*