CHAPTER 20.
VIRGINIA ASBESTOS LICENSING REGULATIONS.

PART I.
SCOPE.

18 VAC 15-20-10. Scope.

The purpose of this section is to identify ~~those~~ individuals and firms ~~in the asbestos industry~~ who need ~~a specific Virginia asbestos license~~ to be licensed. ~~The following lists the types of asbestos license and those required to be licensed.~~

Asbestos Contractor's License: Required for ~~companies that~~ firms that contract with another person, for compensation, to carry out an asbestos abatement project, that exceeds 10 linear or 10 square feet. ~~Asbestos RFS Contractors License: Required for companies that contract with another person, for compensation, to remove nonfriable asbestos-containing roofing, flooring, or siding. This material must remain nonfriable during the entire removal process. Employees of RFS contractors are not required to be licensed, however, they must have RFS training specific to the type of nonfriable asbestos containing material they remove (roofing, flooring, or siding).~~

Asbestos Worker's License: Required for ~~those~~ individuals who remove or otherwise engage in an asbestos project.*

Asbestos Supervisor's License: Required for ~~those~~ individuals who supervise an asbestos abatement project. The Commonwealth of Virginia National Emission Standards for Hazardous Air Pollutants (NESHAP) Program recognizes the "competent person" as an individual licensed under this classification.*

Asbestos ~~Building~~ Inspector's License: Required for ~~those~~ individuals who inspect buildings to identify~~, classify, record, sample, test and prioritize by exposure potential~~ asbestos-containing material.*

~~RFS Inspector License: Required for those who identify the presence of asbestos-containing roofing, flooring or siding material through sampling and interpretation of testing reports prepared by a licensed asbestos analytical laboratory.~~

Asbestos Management Planner's License: Required for ~~those~~ individuals who prepare or update an asbestos management plan.*

Asbestos Project Monitor's License: Required for ~~those~~ individuals who act as a project monitor on asbestos abatement sites. Project monitors who analyze ~~PCM~~ Phase Contrast Microscopy (PCM) asbestos air samples on an asbestos abatement project ~~must~~ shall be employed by a firm that holds a valid Virginia Asbestos Analytical Laboratory license, and shall have National Institute of Occupational Safety and Health (NIOSH) 582

training, or equivalent [~~as approved by the American Industrial Hygiene Association (AIHA)~~].

Asbestos Analytical Laboratory License: Required for laboratories ~~who~~ that analyze air or bulk samples for the presence of asbestos by ~~PLM~~ Polarized Light Microscopy (PLM), PCM, or ~~TEM~~ Transmission Electron Microscopy (TEM).

Asbestos Project Designer's License: Required for ~~those~~ individuals who prepare or update an asbestos abatement project design, specifications for asbestos abatement projects, and addenda to the specifications.*

Accredited Asbestos Training Program: Required for those who offer asbestos training programs to individuals seeking licensure as an asbestos worker, supervisor, inspector, management planner, project monitor or project designer.

* Employees who conduct asbestos response actions, inspections, prepare management plans or project designs for their employer, on property owned or leased by the employer, are exempt from Virginia asbestos licensure; however, they are required to meet all [OSHA and] EPA training requirements.

PART II.
DEFINITIONS AND GENERAL.

18 VAC 15-20-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"AAR" means Asbestos Analyst Registry.

"AAT" means Asbestos Analyst Testing.

"Accredited asbestos training program" means a training program that has been approved by the board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as a project monitor.

"Accredited asbestos training provider" means a firm or individual who has been approved by the board to offer an accredited asbestos training program.

"ACM" means asbestos containing material.

"AHERA" means Asbestos Hazard Emergency Response Act. 40 CFR 763, Subpart E.

"AIHA" means American Industrial Hygiene Association.

"Approval letter" means a written notice confirming the firm or individual applicant's licensure or accreditation by the board.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite. ~~any material containing more than 1.0% asbestos by area as determined by microscopy.~~*

"Asbestos Analytical Laboratory License" means an authorization issued by the ~~department~~ board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.*

"Asbestos contractor" means any person who has met the board's requirements and has been issued an asbestos contractor's license by the board to enter into contracts to perform asbestos projects.

"Asbestos Contractor's License" means an authorization issued by the ~~department~~ board permitting a person to enter into contracts to perform an asbestos abatement project.*

"Asbestos containing material" or "ACM" means any material or product which contains more than 1.0% asbestos or such percentage as established by EPA final rule. ~~by area as determined by microscopy~~

"Asbestos inspector" means any person who performs ~~an on-site investigation to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials~~ an inspection as defined in this chapter.

"Asbestos Inspector's License" means an authorization issued by the ~~department~~ board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure, potential asbestos-containing materials.*

"Asbestos Management Plan" means a program designed to control or abate any potential risk to human health from asbestos.*

"Asbestos management planner" means any person preparing or updating a management plan.

"Asbestos Management Planner's License" means an authorization issued by the ~~department~~ board permitting a person to ~~develop or alter~~ prepare or update an asbestos management plan.*

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of asbestos[-]containing materials. An asbestos project or asbestos abatement project shall not include nonfriable asbestos containing roofing, flooring and siding material which when installed, encapsulated or removed does not become friable.*

"Asbestos project design" means any descriptive form written as instructions or drafted as a plan describing the construction of an asbestos abatement area or site, response action or work practices to be utilized on the asbestos abatement project.

"Asbestos project designer" means any person providing an asbestos project design or specifications for an asbestos abatement project.

"Asbestos Project Designer's License" means an authorization issued by the ~~department~~ board permitting a person to design an asbestos abatement project.~~*~~

"Asbestos project monitor" means any person hired by a building owner, lessee or his agent to monitor, inspect, provide visual clearance or clearance monitoring of an asbestos abatement project.

"Asbestos Project Monitor's License" means an authorization issued by the ~~department~~ board permitting a person to monitor an asbestos project, subject to ~~department~~ board regulations.~~*~~

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.~~*~~

"Asbestos Supervisor's License" means an authorization issued by the ~~department~~ board permitting an individual to supervise and work on an asbestos project.

"Asbestos worker" means any person who engages in an asbestos abatement ~~activity~~ project.

"Asbestos Worker's License" means an authorization issued by the ~~department~~ board permitting an individual to work on an asbestos project.~~*~~

"ASHARA" means Asbestos School Hazard Abatement Reauthorization Act, 40 CFR Part 763, Subpart E.

"Board" means the Virginia ~~Asbestos Licensing Board~~ Board for Asbestos, Lead[,] and Home Inspectors.

"Department" means the Department of Professional and Occupational Regulation.~~*~~

~~"Demolition" means the wrecking or taking out of any load-supporting structural member of a structure or solid barrier which is known to contain or be enclosing an asbestos-containing material.~~

"Director" means the Director of the Department of Professional and Occupational Regulation.~~*~~

"Direct supervision" means a licensed or accredited inspector, management planner, project monitor or project designer, who undertakes to supervise the activities of an unlicensed inspector, management planner, project monitor or project designer, shall be physically present on the premises at all times while any unlicensed inspector, management planner, project monitor or project designer under his supervision is engaged in the activities of an inspector, management planner, project monitor or project designer.

"Employee" means all persons in the service of another under any contract of hire, express or implied, oral or written.

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

"Encasement" means any process by which an ~~asbestos-containing material~~ asbestos containing material (ACM) is sprayed with an insulating sealer which is then mechanically fastened to the asbestos covered substrate. The insulating sealer is then covered with a sealer to give structural strength and durability.

"Enclosure" means the construction or installation over or around the ~~ACM~~ asbestos containing material (ACM) of any leak tight solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"Environmental remediation activity" means any activity planned or carried out for the purpose of reducing or eliminating any environmental hazard, including activities necessary to train individuals in the proper or lawful conduct of such activities which are regulated by federal or state law or regulation.

"EPA" means United States Environmental Protection Agency.

"Financial interest" means financial benefit accruing to an individual ~~officer or an employee~~ or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds, or may be reasonably anticipated to exceed~~,~~ $1,000 from ownership in real or personal property or a business~~,~~; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed $1,000 annually~~,~~; (iv) ownership of real or personal property if the interest exceeds $1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits or benefits from the use of property.

"Friable" means that the material when dry, may be crumbled, pulverized or reduced to powder by hand pressure and includes previously nonfriable material after such previously

nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.*

~~"Full approval" means approval given to a training provider for a course that has met the requirements of this chapter.~~

"Guest instructor" means an instructor who is invited to instruct a specific topic or topics in an accredited asbestos training program and whose instruction is limited to two hours per day.

"Hands-on experience" means the physical participation of students in an asbestos training ~~class~~ program. The physical participation includes mock sampling and inspection techniques, report preparation, writing project specifications, glovebag demonstrations and containment construction.

"Immediate family" means (i) a spouse, (ii) a sibling or step sibling, (iii) a parent or step parent, (iv) children or step children, ~~and~~ or (v) any other person residing in the same household as the individual ~~officer or employee~~.

"Inspection" means an activity undertaken to determine the presence or location, or to access the condition of, friable or nonfriable asbestos containing material (ACM) or suspected ACM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACM which has been previously identified. The term does not include the following:

1. Periodic surveillance of the type described in 40 CFR 763.92(b) solely for the purpose of recording or reporting a change in the condition of known or assumed ACM;

2. Inspections performed by employees or agents of federal, state, or local government[s] solely for the purpose of determining compliance with applicable statutes or regulations; or

3. Visual inspections solely for the purpose of determining completion of response actions.

"Instructor" means a person who instructs one or more accredited asbestos training programs, to include the principal instructor, but excluding guest instructors.

~~"Local education agency" or "LEA" shall have the meaning provided in the USEPA AHERA regulations set forth in 40 CFR 763.*~~

"NIOSH" means National Institute of Occupational Safety and Health.

"NIST" means National Institute of Standards and Technology.

"NVLAP" means National Voluntary Laboratory Accreditation Program.

"Occupied" means any area of any building designed or intended for human ~~habitation~~ occupancy for any purpose.

~~"Officer" means any person appointed, elected or hired by any company, whether or not he receives compensation or any other emolument of office.~~

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

["OSHA Class III Work" means repair and maintenance operations, where asbestos containing material (ACM), including thermal system insulation and surfacing material, is likely to be disturbed.]

"PAT" means Proficiency Analytical Testing.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.*

"Preliminary review" means a review conducted by the ~~board~~ department following the submission of training materials to ascertain if the proposed [asbestos] training ~~course~~ program meets the standards established by ~~these regulations~~ this chapter.

~~"Primary instructor"~~ "Principal instructor" means an instructor whose main responsibility is to instruct ~~courses~~ accredited asbestos training programs, supervise other instructors and manage the overall ~~course~~ [asbestos] training [~~course~~ program] curriculum.*

"PCM" means phase contrast microscopy.

"PLM" means polarized light microscopy.

~~"RFS Contractor's License" means an authorization issued by the department permitting a person to enter into contracts to install, remove or encapsulate nonfriable asbestos-containing roofing, flooring and siding materials.~~

~~"RFS inspector" means any person performing on-site investigations to identify, classify, record or sample suspect asbestos-containing roofing, flooring or siding materials.~~

~~"RFS Inspector's License" an authorization issued by the department authorizing a person to identify the presence of asbestos-containing roofing, flooring or siding material through sampling and interpretation of testing reports prepared by a licensed asbestos analytical laboratory.*~~

"Removal" means the physical removal of ~~ACM~~ asbestos containing material (ACM) ~~and disposal of it~~ in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged ~~ACM~~ asbestos containing material (ACM) to an undamaged condition or to an intact state so as to prevent fiber release.

"Residential buildings" means site-built homes, modular homes, condominium units, mobile homes, manufactured housing, and duplexes, or other multi-unit dwellings consisting of four units or ~~less~~ fewer that are currently in use or intended for use only for residential purposes.

"Response action" means any method, including removal, encapsulation, ~~enclosure or encasement that remediates an~~ enclosure, encasement, or operation and maintenance, that protects human health and the environment from friable asbestos[-]containing material.

~~"Site" means an area established by the employer or contractor to demarcate areas where the airborne concentration of asbestos exceeds or can reasonably be expected to exceed the permissible exposure limit. The area may take the form of a temporary enclosure as defined by 29 CFR 1926.58(e)(6) or be demarcated in any manner which restricts employees from entering the area.~~

[~~"Small-scale, short-duration" (SSSD) means activities involving the removal of three linear or three square feet or less of friable asbestos containing material (ACM) if required in the performance of another maintenance activity, replacement of asbestos-containing gaskets, installation, repair or other maintenance work through or proximate to ACM.~~]

~~"Structure" means any building or load supporting framework whether fixed or portable utilized for occupancy, storage, or conveyance of public utilities or industrial materials.~~

"Substantial change" means a change in overall ~~course curriculum~~ [asbestos] training program, materials, [~~primary~~ principal] instructors, [training managers,] directors, ownership, facilities, equipment, examinations, and certificates of completion. The addition of updated regulations, exam questions or news articles shall not be considered a substantial change.

"TEM" means transmission electron microscopy.

["Training manager" means the individual responsible for administering a training program and monitoring the performance of the instructors.]

~~"USEPA" means United States Environmental Protection Agency.~~

"Visual inspection" means a process of looking for conditions, which if not corrected during the asbestos abatement project, will lead to residual asbestos-containing dust or debris. Visual inspection includes examination of an asbestos abatement project area prior to

clearance air monitoring for evidence that the project has been successfully completed as indicated by the absence of residue, dust and debris.

~~* Cited from § 54.1-500 of the Code of Virginia~~

18 VAC 15-20-21. Waiver of the requirements of this chapter.

Except as required by law, the board may, in its reasonable discretion, waive any of the requirements of this chapter when in its judgment it finds that the waiver in no way lessens the protection provided by this chapter and Title 54.1 of the Code of Virginia to the public health, safety and welfare. The burden of proof which demonstrates continued public protection rests with the party requesting the waiver. Documents referenced are in effect as they existed as of the date the act or action has occurred.

PART III.
GENERAL ENTRY AND RENEWAL REQUIREMENTS.

18 VAC 15-20-30. License application.

A. ~~Individual and business applicants are responsible for obtaining a current application. All requests for applications should be directed to:~~ Application for asbestos licensure shall be made on forms provided by the department.

~~Assistant Director~~
~~Virginia Board for Asbestos Licensing~~
~~Virginia Department of Professional and Occupational Regulation~~
~~3600 West Broad Street~~
~~Richmond, Virginia 23230~~

B. Each individual applicant shall be at least 18 years of age.

~~B.~~ C ~~Individuals~~ Each individual applying for initial licensure as a supervisor, inspector, management planner, project designer or project monitor shall provide ~~proof~~ evidence of successful completion of an EPA/AHERA or board-approved initial [accredited] asbestos training ~~course~~ program and all subsequent EPA/AHERA or board-approved [accredited asbestos] refresher [~~courses~~ training programs], relevant to the applicant's discipline. ~~If, at any time, there has been a lapse of AHERA accreditation of more than 24 months, the applicant must show successful completion within the past 12 months of an EPA/AHERA or board approved initial asbestos training course, relevant to the applicants discipline~~ [~~The date of training completion shall be no later than 12 months before the date the department receives the application.~~ The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.]

D. Each individual applying for initial licensure as a worker shall provide proof of successful completion of (i) an EPA/AHERA or board-approved initial [accredited] asbestos worker training program and all subsequent EPA/AHERA or board-approved [accredited] asbestos worker refresher training program[s] or (ii) proof of successful completion of an EPA/AHERA or board-approved initial [accredited] supervisor [~~course~~ asbestos training program] and all subsequent EPA/AHERA or board-approved[accredited asbestos] supervisor refresher training program[s]. [~~The date of training completion shall be no later than 12 months before the date the department receives the application.~~ The training certificate must indicate that the training was taken within 12 months preceding the date the department receives the application.]

E. Each applicant for licensure as an asbestos contractor shall submit a completed asbestos contractor[~~s~~] application to the department.

F. Each applicant for licensure as an asbestos analytical laboratory shall submit a completed asbestos analytical laboratory application and all documents required by this chapter to the department.

G. Each applicant for approval as an accredited asbestos training program shall submit to the board a completed accredited asbestos training program application and all documents required by this chapter.

~~C.~~H. Each application for a license shall be signed by the applicant and shall include a certification, by the applicant, [~~that within three years prior to the application date,~~] the applicant's license or other authorization to perform asbestos related work has not been suspended or revoked by any jurisdiction and that no enforcement action by any jurisdiction is pending against the applicant.

~~D.~~ I. In the event disciplinary actions have been taken against the applicant, in any jurisdiction, the applicant shall submit the following information~~, as the board may deny an applicant's request for a license based on prior disciplinary actions which indicate that the asbestos related work may not be performed in a manner that would protect the public health, safety and welfare~~:

1. A complete list of all prior disciplinary actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement or inspection activities, or both, conducted by the applicant that were terminated prior to completion, including the circumstances of the termination.

3. A copy of all reports compiled by the enforcement agency or a copy of a final report.

~~E.~~J. ~~All~~ Each application shall be completed according to the instructions provided by the department with the application. Incomplete applications will be returned to the applicant; fees received ~~will~~ shall not be refunded. ~~Applicants who submit checks which are dishonored by the institution on which they are drawn shall pay a $25 service fee in addition to the application fee required by this chapter~~.

18 VAC 15-20-40. Experience and Education[~~al~~] Verification Forms ~~(Form A)~~.

Each application for inspector, management planner, project monitor and project designer shall include an Experience ~~and Education~~ Verification Form ~~(Form A)~~ completed by the applicant and signed by a supervisor verifying the job description of the applicant during the term of employment. ~~Form A~~ The form shall contain the name and address of the employer, a complete and concise job description, a job title, the dates of employment or dates of work performed and the signature, typewritten or printed name, address and phone number of the supervisor verifying the experience. In lieu of a verifying signature for experience, an applicant who is self employed may submit a copy of three completed inspections, management plans, project designs or project monitor reports, whichever is applicable. [A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form.] If verification of a degree is required, the [~~D~~degree Education] V~~v~~erification F~~f~~orm ~~must~~ shall be sent directly from the school to the department. ~~An incomplete Form A will be returned to the applicant with an explanation for the return, and will constitute an incomplete application for licensure. Form A may be resubmitted following completion by the applicant~~ [~~A letter from a supervisor verifying the experience may be submitted in lieu of the Experience Verification Form.~~]

18 VAC 15-20-50. Fees.

A. The fee for an initial application for or a renewal of an asbestos worker, supervisor, inspector, ~~RFS inspector,~~ management planner, project designer, or project monitor license shall be $25.

B. The renewal fee for [~~individual licenses~~ an asbestos worker, supervisor, inspector, management planner, project designer, or project monitor license] not renewed within 30 days after its ~~the noted~~ expiration date shall be $50.

C. The fee for an initial application for or a renewal of an ~~A~~asbestos ~~A~~analytical ~~L~~laboratory ~~L~~license shall be $40.

D. The renewal fee for ~~A~~asbestos ~~A~~analytical ~~L~~laboratory ~~L~~licenses not renewed within 30 days after ~~the~~ its ~~noted~~ expiration date shall be $65.

E. The fee for an initial application for or a renewal of an ~~A~~asbestos ~~C~~contractor's ~~License and RFS Asbestos Contractor L~~license shall be $40.

F. The renewal fee for ~~A~~asbestos ~~C~~contractor ~~L~~licenses ~~or RFS Contractors Licenses~~ not renewed within 30 days after ~~the~~ its ~~noted~~ expiration date shall be $65.

G. The fee for an initial application for approval of an accredited asbestos training program shall be $400 per day of training.

H. The renewal fee for an accredited asbestos training program shall be $50 [~~per training provider~~].

I. The renewal fee for accredited asbestos training programs not renewed within 30 days after its expiration date shall be $75 [~~per training provider~~].

~~G.~~ J. A license not renewed within six months after the expiration date printed on the license shall not be renewed and the person ~~licensee~~ shall apply for a new license.

K. All checks or money orders shall be made payable to the Treasurer of Virginia.

~~H.~~ [~~L.~~] ~~Applicants~~ [~~Persons who submit a dishonored check will be charged a $25 service fee in addition to the required application fee.~~]

M. Fees received shall not be refunded.

18 VAC 15-20-60. Expiration.

A. ~~All~~ Each individual asbestos ~~licenses~~ license issued under this chapter shall expire one year from the last day of the month ~~in which they are issued as indicated on the license~~ [in which it was issued ~~wherein the applicant's initial training or most recent refresher training required by 18 VAC 15-20-30 was completed~~].

B. Each asbestos contractor and each asbestos analytical laboratory license issued under this chapter shall expire one year from the last day of the month in which it was issued.

C. Each accredited asbestos training program approved prior to [the effective date of these regulations] shall expire 24 months from the last day of the month [of [the effective date of these regulations] ~~in which it was approved~~] and may be renewed for 24 months at a time thereafter. Each accredited asbestos training program approved after [the effective date of these regulations] shall expire 24 months from the last day of the month in which it was approved.

18 VAC 15-20-70. Renewal application.

A. The department ~~will~~ shall mail a renewal notice to ~~the~~ each licensee and to each approved accredited asbestos training program at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee or the approved accredited asbestos training program of the obligation to renew in a timely fashion.

B. Prior to the expiration date shown on the license or approval letter, each ~~licensee~~ licensed asbestos contractor, licensed asbestos analytical laboratory and approved accredited asbestos training program desiring to renew the license or approval shall return ~~to the board~~ the renewal notice and appropriate fee to the department. Should the licensee fail to receive the renewal notice, a copy of the current license may be submitted with the required fee. Should an approved accredited asbestos training program fail to receive the renewal notice, a letter indicating the desire to renew and the applicable fee may be submitted.

C. ~~For individual licenses, only asbestos refresher training courses approved by the board shall meet the training requirement for license renewal.~~ Prior to the expiration date shown on the individual's current license, the individual desiring to renew that license shall provide evidence of meeting the annual refresher training requirement for license renewal and the appropriate fee. [~~Asbestos refresher courses training programs approved by the USEPA under AHERA Regulations will not fulfill the renewal requirements unless the course training program is also a Virginia board approved asbestos refresher training course program.~~] [The Board will accept any asbestos training programs that are approved by EPA/AHERA or the board.] ~~All refresher courses must be discipline specific. Applicants for renewal shall forward proof that the annual retraining requirements and an examination has been successfully completed.~~ A copy of the training certificate meeting the requirements outlined in ~~18 VAC 15-20-500 of~~ this chapter shall accompany the renewal ~~card~~ notice and fee.

D. Project monitors who also hold a valid Virginia asbestos supervisor or project designer license may meet the renewal training requirements by completing the supervisor refresher or project designer refresher, whichever is applicable. Project monitors who hold only a project monitor license shall complete an accredited asbestos project monitor refresher training program to meet the renewal training requirements.

E. Annual refresher training certificates shall only be used once to renew an individual license.

~~D.~~ F. ~~If the renewal fee is not received by the department within 30 days after the expiration date noted on the license, a late renewal fee shall be required in addition to the renewal fee as stated in 18 VAC 15-20-50~~ Each license and each accredited asbestos training program approval that is not renewed within 30 days of the expiration date on the license or [~~accreditation~~ approval] shall be subject to late fees as established in 18 VAC 15-20-50.

~~E.~~ G. ~~Licensees failing to renew their licenses within six months after the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants. Applicants shall reapply in accordance with Part III of this chapter~~. Each license and each approved accredited asbestos training program not renewed within six months after the expiration date shall not be renewed and

the licensee or approved accredited asbestos training program shall apply for a new license or new approval.

18 VAC 15-20-80. Change of address or name.

~~All~~ Each licensees~~s~~ and approved accredited asbestos training program shall notify the board, in writing, of any change of address or name. This notification shall be sent to the board within 30 days of such relocation or name change.

PART IV.
ASBESTOS WORKER ~~AND SUPERVISOR~~ LICENSING REQUIREMENTS.

18 VAC 15-20-90. Qualifications for licensure.

Each individual applying to the board for licensure as an asbestos worker ~~or asbestos supervisor shall have the following qualifications:~~ shall submit a completed application, all training documentation as required by 18 VAC 15-20-30 D and the appropriate fee as required by 18 VAC 15-20-50.

~~1. Applicants shall be at least 18 years of age.~~

~~2. Applicants shall provide all evidence of completion of an EPA/AHERA approved training course as per 18 VAC 15-20-30 B.~~

~~18 VAC 15-20-100. Completed application.~~

~~A completed application, as defined in 18 VAC 15-20-30, shall be accompanied by the required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the required fee.~~

PART V.
ASBESTOS SUPERVISOR LICENSING REQUIREMENTS.

18 VAC 15-20-101. Qualifications for licensure.

Each individual applying to the board for licensure as an asbestos supervisor shall submit a completed application, all training documentation as required by 18 VAC 15-20-30 C and the appropriate fee as required by 18 VAC 15-20-50.

~~PART V~~ PART VI.
ASBESTOS CONTRACTOR LICENSING REQUIREMENTS.

18 VAC 15-20-110. Qualifications for licensure.

~~Applicants shall have all occupational or professional licenses as required by state statute or local ordinance to transact the business of an asbestos contractor in addition to the requirements in this chapter.~~

A. Each applicant shall submit a completed asbestos contractor application and fee as required by 18 VAC 15-20-50.

B. Each applicant shall hold a valid Virginia contractor license with an asbestos specialty and shall be in compliance with all other requirements found in Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia governing the regulation of contractors.

~~18 VAC 15-20-120. Asbestos contractor responsibilities.~~

~~A. Licensed asbestos contractors shall comply with all requirements, procedures, standards and regulations covering any part of an asbestos project established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry, and the Divisions of Air Pollution and Waste Management of the Department of Environmental Quality.~~

~~B. Licensed asbestos contractors may also be required to comply with the requirements found in § 54.1-1100 of the Code of Virginia governing the regulation of general contractors.~~

~~C. The licensed asbestos contractor may designate a licensed supervisor to serve as his agent for the purpose of meeting the training requirements.~~

~~D. A licensed asbestos contractor shall use only licensed asbestos supervisors and workers to perform work on any asbestos project.~~

~~E. A licensed asbestos supervisor must be present at each job site while an asbestos project is in progress.~~

18 VAC 15-20-130. ~~Maintenance of licensing and training records at the asbestos job site.~~ (Repealed)

~~A. The asbestos contractor shall be responsible for maintaining, at each job site, a list or copy of the license of each asbestos worker and supervisor. This list shall include the current license numbers and the license expiration dates of those workers and supervisors. The section does not relieve the contractor of any specific AHERA and ASHARA requirements concerning training certificates.~~

~~B. A licensed asbestos contractor shall maintain a copy of their Virginia asbestos contractors license on the job site.~~

~~C. Records maintained at the job site shall be available for review by the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and all other agencies having authorization to inspect an asbestos job site.~~

18 VAC 15-20-140. ~~Conflict of interest.~~ (Repealed)

~~Pursuant to § 54.1-501.1 of the Code of Virginia, the following situations and relationships between license categories are deemed to represent a conflict of interest and are prohibited.~~

~~1. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have an employee/employer relationship with, or financial interest, in a laboratory utilized by the contractor for asbestos sample analysis. Laboratories owned by a building owner performing analysis on suspect asbestos samples taken from the building owners' property are exempt from this section.~~

~~2. It is a conflict of interest and a violation of this chapter for an asbestos contractor to have an employee/employer relationship with an asbestos project monitor working on an asbestos project performed by that asbestos contractor. An asbestos contractor shall not have any financial interests in the firm of which a project monitor is an employee. This section does not relieve a contractor of the OSHA personal monitoring requirements set forth in 29 CFR 1926.58(f).~~

~~3. It is a conflict of interest and a violation of this chapter for an asbestos contractor to enter into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with or financial interest in, the asbestos contractor, unless the asbestos contractor provides the building owner with the Virginia Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing Inspector/Project Designer/Contractor Disclosure Form as prescribed by the department. The asbestos contractor's relationship with the asbestos inspector, asbestos RFS inspector, or project designer on the project must be disclosed. The disclosure form must be signed and dated by the building owner or his agent and the contracting entity prior to the bid or contract submission. The building owner must provide the disclosure form to all parties involved in the asbestos project. The disclosure form will be kept on the asbestos project site and available for review.~~

18 VAC 15-20-150. Denial of license.

The board may refuse to issue a license to any asbestos contractor <u>applicant</u> ~~who is shown to have a substantial identity of interest with~~ <u>if the applicant or its owners, officers or directors have a financial interest in</u> an asbestos contractor ~~or RFS contractor~~ whose asbestos license has been revoked, suspended or ~~not renewed~~ <u>denied renewal in any jurisdiction</u>.

~~A substantial identity of interest is defined to include, but is not limited to, (i) a controlling financial interest by the individual or corporate principals of the asbestos contractor whose license has been revoked or not renewed or (ii) any officers or directors whose license has been denied, revoked, or not renewed.~~

18 VAC 15-20-160~~. Transfer of Asbestos Contractor License.~~(Repealed)

~~The transfer of an Asbestos Contractor License is prohibited. Whenever there is any change in the controlling interest of the licensed legal entity, whether in proprietorship or change of partner in partnership or the creation of a corporation, a new license is required.~~

~~PART VI.~~
~~RFS CONTRACTOR LICENSING REQUIREMENTS.~~

18 VAC 15-20-170~~. General.~~(Repealed)

~~All individual workers and supervisors on RFS projects must have fulfilled the RFS training requirements specified in Part XVI of this chapter.~~

18 VAC 15-20-180.~~ Qualifications for licensure.~~ (Repealed)

~~Applicants shall have all occupational or professional licenses required by state statute or local ordinance to transact the business of an asbestos RFS contractor, in addition to the requirements set forth in this chapter.~~

18 VAC 15-20-190~~. RFS contractor responsibilities.~~(Repealed)

~~A. Licensed RFS contractors shall comply with all requirements, procedures, standards and regulations relating to asbestos established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry, and the Divisions of Air Pollution and Waste Management of the Department of Environmental Quality.~~

~~B. Licensed RFS contractors may also be required to comply with the requirements found in § 54.1-1100 of the Code of Virginia, governing the regulation of general contractors.~~

~~C. A licensed RFS Contractor shall use only RFS trained workers and RFS trained supervisors to perform work on any RFS removal project.~~

~~D. A trained RFS supervisor must be present at each job RFS job site.~~

18 VAC 15-20-200.~~ Maintenance of training records at the asbestos job site.~~ (Repealed)

~~A. The RFS contractor shall be responsible for maintaining, at each job site, a copy of the training certificates for each RFS asbestos worker and supervisor and shall include the date of each worker and supervisor RFS training.~~

~~B. A licensed RFS contractor shall maintain a copy of their Virginia RFS asbestos contractors license on each job site.~~

~~C. Records maintained at the job site shall be available for review by the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and all other agencies having authorization to inspect an RFS job site.~~

18 VAC 15-20-210. ~~Conflict of interest.~~(Repealed)

~~Pursuant to § 54.1-501.1 of the Code of Virginia, the following situations and relationships between license categories are deemed to represent a conflict of interest and are prohibited.~~

~~1. It is a conflict of interest and a violation of this chapter for an asbestos RFS contractor to have an employee/employer relationship with, or financial interest in, a laboratory utilized by the contractor for asbestos sample analysis. Laboratories owned by a building owner performing analysis on suspect asbestos samples taken from said building owner's property are exempt from this section.~~

~~2. It is a conflict of interest and a violation of this chapter for an asbestos RFS contractor to have an employee/employer relationship with an asbestos project monitor working on a removal project performed by that asbestos RFS contractor. An asbestos RFS contractor shall not have any financial interests in the firm of which a project monitor is an employee. This section does not relieve a contractor of the OSHA personal monitoring requirements in 29 CFR 1926.58(f).~~

~~3. It is a conflict of interest and a violation of this chapter for an asbestos RFS contractor to enter into a contract to perform a removal project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with, or financial interest in, the asbestos RFS contractor, unless the RFS contractor provides the building owner with the Virginia Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing Inspector/Project Designer/Contractor Disclosure Form as prescribed by the board. The asbestos RFS contractor's relationship with the asbestos inspector, asbestos RFS inspector, or project designer on the project must be disclosed. The disclosure form must be signed and dated by the building owner or his agent and the contracting entity prior to the bid or contract submission. The building owner must provide the disclosure form to all parties involved in the removal project. The disclosure form will be kept on the removal site and available upon demand~~.

18 VAC 15-20-220. ~~Denial of license.~~ (Repealed)

~~The board may refuse to issue a license to any asbestos RFS contractor who is shown to have a substantial identity of interest with an RFS contractor or asbestos contractor whose asbestos license has been revoked, suspended or not renewed. A substantial identity of interest is defined to include but is not limited to, (i) a controlling financial interest by the individual or corporate principals of the asbestos RFS contractor whose license has been revoked or not renewed or (ii) any officers or directors whose license has been denied, revoked, or not renewed.~~

18 VAC 15-20-230. ~~Transfer of asbestos RFS contractor license.~~ (Repealed)

~~The transfer of an RFS contractor license is prohibited. Whenever there is any change in the controlling interest of the licensed legal entity, whether in proprietorship or change of partner in partnership or the creation of a corporation, a new license is required.~~

~~PART VII.~~
~~RFS INSPECTOR LICENSING REQUIREMENTS.~~

18 VAC 15-20-240. ~~Qualifications for licensure.~~ (Repealed)

~~Each individual applying to the board for licensure as an RFS inspector shall have the following qualifications:~~

~~1. Applicants shall be at least 18 years of age; and~~

~~2. Applicants shall provide evidence of having completed educational requirements, as set forth in 18 VAC 15-20-920 of this chapter.~~

~~PART VIII~~ PART VII.
ASBESTOS INSPECTOR LICENSING REQUIREMENTS.

18 VAC 15-20-250. Qualifications for licensure.

A. Each individual applying to the board for licensure as an asbestos inspector shall ~~have the following qualifications~~ submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.

~~1. Applicants shall be at least 18 years of age;~~

~~2. The applicant must have successfully completed an asbestos inspector training course and examination approved by the board or an USEPA accredited AHERA inspector training course and examination. Applicants shall submit all training documents in accordance with 18 VAC 15-20-30 B;~~

B. ~~3~~. The applicant shall ~~be required to~~ provide ~~proof~~ evidence of experience in performing asbestos inspections in buildings or industrial facilities, including collecting bulk samples, categorizing ACM, assessing ACM and preparing inspection reports. The amount of experience required is dependent on the applicant's formal education and is as follows: ~~Experience may be gained by acting as an inspector, being in responsible charge of inspectors, or being under the direct supervision of an inspector as follows:~~

~~a. Acting as an inspector accredited (after December 17, 1987) according to AHERA or the Virginia Asbestos Licensing Program;~~

~~b. Being in responsible charge of persons accredited as inspectors according to AHERA or the Virginia Asbestos Licensing Program; or~~

~~c. Being under the direct supervision of an inspector accredited according to AHERA or the Virginia Asbestos Licensing Program. All reports prepared by the unlicensed individual must be signed by the licensed or accredited individual in charge. The licensed or accredited individual in charge assumes responsibility for all reports prepared by the unlicensed individual.~~

~~4.~~1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, [physical] science or a related field ~~must~~ shall have at least six months experience ~~as described above~~ or have completed a minimum of five inspections. ~~The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40.~~

~~5.~~2. An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, [physical] science or a related field ~~must~~ shall have at least 12 months experience ~~as described above~~ or have completed a minimum of 10 inspections. ~~The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40.~~

~~6.~~3. An applicant with a high school diploma ~~must~~ shall have at least 24 months experience ~~as described above~~ or have completed a minimum of 15 inspections. ~~The applicant must submit the Experience Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

18 VAC 15-20-251. Qualifying experience.

Experience may be obtained by:

1. Conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

2. Conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed inspector, or EPA-accredited inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited inspector in charge. The licensed or EPA-accredited inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

~~PART IX.~~ PART VIII.
ASBESTOS MANAGEMENT PLANNER LICENSING REQUIREMENTS.

18 VAC 15-20-260. ~~Management plan.~~ (Repealed)

~~The management planner is responsible for preparing or updating a management plan in response to an asbestos inspection. This document identifies asbestos containing materials, specifies training, work permitting system, cleaning and work practices, and surveillance procedures to be utilized by maintenance and custodial staff performing routine maintenance. A management plan is prepared following an asbestos inspection.~~

18 VAC 15-20-270. Qualifications for licensure.

A. Each individual applying to the board for licensure as an asbestos management planner shall ~~have the following qualifications:~~ submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the experience requirements established by 18 VAC 15-20-250 B and subsection B of this section. The applicant shall also meet all qualifications to be licensed as an asbestos inspector, whether or not the license is held. Evidence of experience and education shall comply with 18 VAC 15-20-40.

~~1. Applicants shall be at least 18 years of age.~~

~~2. The applicant must have successfully completed an asbestos management planner training course and examination approved by the board or a USEPA accredited AHERA management planner training course and examination. Applicants shall submit all training documents in accordance with 18 VAC 15-20-30 B.~~

~~3. The applicant must meet all of the qualifications to be licensed as an asbestos inspector, whether or not the asbestos inspector license is held.~~

B.~~4.~~ The applicant ~~is required to provide proof~~ shall provide evidence of experience evaluating inspection reports, selecting response actions, analyzing the cost of response actions, ranking response actions, preparing operations and maintenance plans and preparing management plans. The amount of experience required is dependent on the applicant's formal education and is as follows:

~~B. Experience may be gained by acting as a management planner, being in responsible charge of management planners or being under the direct supervision of a management planner as follows:~~

~~1. Any experience gained after December 17, 1987, must be gained acting as a management planner accredited according to AHERA, or the Virginia Asbestos Licensing Program, being in responsible charge of persons accredited as management planners according to AHERA or being under the direct supervision of a management planner accredited according to AHERA or the Virginia Asbestos Licensing Program. All reports prepared by the unlicensed individual must be signed by the licensed or accredited person in charge, who assumes responsibility; or~~

~~2. Experience gained as an inspector as outlined in 18 VAC 15-20-250 may be substituted for the management planner experience requirements.~~

~~C.~~1. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, [physical] science or a related field ~~must~~ shall have at least six months experience ~~as described above~~ or shall have completed a minimum of five management plans. ~~The applicant must submit the Experience and Educational Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

~~D.~~2. An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, [physical] science or a related field ~~must~~ shall have at least 12 months experience ~~as described above~~ or shall have completed a minimum of 10 management plans. ~~The applicant must submit the Experience and Educational Form (Form A) as noted in 18 VAC 15-20-40~~.

~~E.~~3. An applicant with a high school diploma ~~must~~ shall have at least 24 months experience ~~as described above~~ or shall have completed a minimum of 15 management plans. ~~The applicant must submit the Experience Verification Form (Form A) as noted in 18 VAC 15-20-40~~.

18 VAC 15-20-271 Qualifying experience.

Experience may be obtained by:

1. Preparing management plans or conducting asbestos inspections in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

2. Preparing management plans or conducting asbestos inspections under the direct supervision, as defined in this chapter, of a licensed management planner or inspector, or EPA-accredited management planner or inspector where no license is required. All reports prepared by the unlicensed individual shall be signed by the licensed or EPA-accredited management planner or inspector in charge. The

licensed or EPA-accredited management planner or inspector assumes responsibility for all sampling and reports prepared by the unlicensed individual.

~~PART X.~~ PART IX
ASBESTOS PROJECT DESIGNER LICENSING REQUIREMENTS.

18 VAC 15-20-280~~. Duties and functions.~~ (Repealed)

~~The duties and functions of a project designer include, but are not limited to, preparing an asbestos abatement project design, specifications for asbestos abatement projects and addenda to abatement specifications.~~

18 VAC 15-20-290. Qualifications for licensure.

~~A. Each individual applying to the board for licensing as an asbestos project designer shall have the following qualifications:~~

A. Each individual applying to the board for ~~licensing~~ licensure as an asbestos project designer shall ~~have the following qualifications:~~ submit a completed application, all training documents as established in 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, [and] evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.

~~1. Applicants shall be at least 18 years of age;~~

~~2. Applicants shall provide evidence of completion of an EPA/AHERA approved or board approved asbestos project designer training course. All training documents must be submitted in accordance with 18 VAC 15-20-30 B; and~~

B.~~3. After May 1, 1994, the~~ The applicant shall provide ~~proof~~ evidence of experience in the preparation of project designs or project specifications~~. on the Form A as noted in 18 VAC 15-20-40~~. ~~Experience may be gained for licensure as a project designer~~ The amount of experience required is dependent on the applicant's formal education and is as follows:

~~a. Acting as a project designer prior to September 1, 1993, according to AHERA or the Virginia Asbestos Licensing Program regulations; or~~

~~b. Being under the direct supervision of a project designer accredited according to AHERA, or licensed as an project designer by the Virginia Asbestos Licensing Program or another jurisdiction with an Environmental Protection Agency approved accreditation program. All work prepared by the unlicensed individual must be signed by the accredited or licensed designer in charge. The accredited or licensed individual assumes all responsibility for work prepared by the unlicensed individual.~~

~~B.~~1. An applicant with a ~~Bachelor of Science~~ bachelor's degree in engineering, architecture, industrial hygiene, physical science or related field ~~must~~ shall have six months experience ~~as described above~~ or shall have completed a minimum of five project designs. ~~The applicant must submit the Experience and Educational Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

~~C.~~2. An applicant with a two-year associate's degree in engineering, architecture, industrial hygiene, physical science or related field ~~must~~ shall have 12 months experience ~~as described above~~ or shall have completed a minimum of 10 project designs. ~~The applicant must submit the Experience and Educational Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

~~D.~~3. An applicant with a high school diploma ~~must~~ shall have at least 24 months experience ~~as described above~~ or shall have completed a minimum of 15 project designs. ~~The applicant must submit the Experience Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

18 VAC 15-20-291. Qualifying experience.

Experience may be obtained by:

1. Preparing asbestos project designs in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

2. Preparing asbestos project designs under the direct supervision, as defined in this chapter, of a licensed asbestos project designer, or EPA-accredited asbestos project designer where no license is required. All project designs prepared by the unlicensed individual shall be signed by the licensed EPA-accredited project designer in charge. The licensed or EPA-accredited project designer assumes responsibility for all project design reports prepared by the unlicensed individual.

~~PART XI.~~ PART X.
ASBESTOS PROJECT MONITOR LICENSING REQUIREMENTS.

18 VAC 15-20-300~~. Duties and functions.~~ (Repealed)

~~The duties and functions of a project monitor include, but are not limited to, observing and monitoring the activities of an asbestos abatement contractor or RFS contractor on asbestos projects to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained, collecting environmental air samples during the asbestos project, performing visual inspections of the work area and granting final clearance upon completion of the asbestos project. Project monitors who determine that proper work practices are not being followed, or that asbestos laws or regulations are not complied with, shall take action in accordance with 18 VAC 15-20-400.~~

18 VAC 15-20-310~~. Abatement projects that require a project monitor.~~ (Repealed)

~~A project monitor is required on:~~

~~1. Asbestos projects, performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project, exceeding 2600 linear feet or 1600 square feet of asbestos containing material; or~~

~~2. Whenever the building or property owner deems it necessary to monitor asbestos projects or work performed by an RFS contractor on their property.~~

18 VAC 15-20-320. ~~Exemptions.~~ (Repealed)

~~Asbestos projects in residential buildings are exempt from the project monitor requirements.~~

18 VAC 15-20-330. Qualifications for licensure.

A. Each individual applying ~~shall be at least 18 years of age~~ for licensure as an asbestos project monitor shall submit a completed application, all training documents as required by 18 VAC 15-20-30 C, the appropriate fee as established in 18 VAC 15-20-50, and evidence of meeting the experience requirements as established in subsection B of this section. Evidence of experience and education shall comply with 18 VAC 15-20-40.

B. ~~The applicant must have a high school diploma or an equivalent~~ The applicant shall provide evidence of experience in performing asbestos project monitoring through field work on project sites. This includes, but is not limited to, evaluating and monitoring asbestos work practices, collecting environmental asbestos air samples during abatement, performing visual inspections and taking final air samples to grant clearance for asbestos abatement projects. Each applicant shall provide evidence of 160 hours of said experience.

C. ~~An applicant currently certified by the USEPA as a project designer or asbestos supervisor may successfully complete an asbestos project monitor training course of 16 hours and examination.~~

~~D. An applicant not currently certified as a project designer or asbestos supervisor shall successfully complete a comprehensive asbestos project monitor training course of 40 hours and examination approved by the board.~~

~~E. The applicant shall provide proof of performing 160 hours of asbestos project monitoring training through field work on project sites, including evaluating and monitoring the asbestos work practices. The field work shall also include collecting environmental air samples during the abatement work and granting final clearance by performing visual inspections and collecting aggressive final air~~

~~samples. The applicant shall submit the Experience Verification Form (Form A), as noted in 18 VAC 15-20-40, to verify the above experience.~~

~~F. Project monitors who analyze PCM air samples on site must be employed by a Virginia licensed asbestos analytical laboratory.~~

~~Experience may be gained to qualify for licensure as follows:~~

~~1. Acting as a project monitor after becoming licensed by the department as a project designer or an asbestos supervisor;~~

~~2. Being under the direct supervision of a person acting as a project monitor who is licensed by the board as a project designer or an asbestos supervisor before July 1, 1992, or under the direct supervision of a licensed project monitor after January 1, 1992. All reports compiled by an unlicensed project monitor must be signed by the licensed project monitor who is responsible for his supervision. The licensed individual in charge is at all times responsible for the activities of the unlicensed project monitor.~~

~~G. An applicant with a bachelor's degree in engineering, architecture, industrial hygiene, science or a related field must have at least 120 hours experience as described. The applicant must submit the Experience and Educational Verification Form (Form A) as noted in 18 VAC 15-20-40.~~

18 VAC 15-20-331. Qualifying experience.

Experience may be obtained by:

1. Acting as an asbestos project monitor in jurisdictions outside of Virginia in accordance with all federal, state and local statutes.

2. Acting as an asbestos project monitor under the direct supervision, as defined in this chapter, of a licensed asbestos project monitor, or an accredited asbestos project monitor where no license is required. All project monitoring reports prepared by the unlicensed individual shall be signed by the licensed or accredited project monitor in charge. The licensed or accredited project monitor assumes responsibility for all reports and documents prepared by the unlicensed individual.

18 VAC 15-20-332. Project monitor training requirements.

A. An applicant currently certified by the EPA as an asbestos project designer or asbestos supervisor shall successfully complete a board-approved asbestos project monitor training program of 16 hours and examination. Evidence of current project designer or current supervisor accreditation shall be submitted with the application.

B. An applicant not currently certified as an asbestos project designer or asbestos supervisor shall successfully complete a board-approved asbestos project monitor training program of 40 hours and examination. Evidence of completion of the 40-hour training program shall be submitted with the application.

C. Only project monitor training programs which are board approved will be accepted for meeting the training requirements.

~~PART XII.~~PART XI.

ASBESTOS ANALYTICAL LABORATORY LICENS~~E~~ING REQUIREMENTS.

18 VAC 15-20-340~~. General.~~ (Repealed)

~~Asbestos analytical laboratories are required to comply with all requirements, procedures, standards and regulations covering all aspects of asbestos analytical services as established by this chapter.~~

18 VAC 15-20-350~~. License application.~~ (Repealed)

~~A. Each application shall be signed by an officer or a responsible party of the asbestos analytical laboratory and shall include a certification by the applicant that within the last three years prior to the application date, his license, program accreditation rating or other authorization to analyze asbestos samples has not been suspended or revoked by any jurisdiction, accrediting association or governing agency and that no enforcement action is pending against the applicant. This section applies to all branch facilities of the asbestos analytical laboratory.~~

~~B. In the event enforcement actions have been taken against the applicant, the board may deny an applicant's request for a license based on the prior enforcement actions which indicate that the asbestos analytical laboratory or its branch facilities may not be performing its services in a manner that would protect the safety of its employees or public or that the analytical testing results might lack credibility or reliability. In order to make this determination, the following information will be required:~~

~~1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court; and~~

~~2. A copy of any reports of enforcement action compiled by an enforcement agency against the applicant.~~

~~C. All applications shall be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; fees received are not refundable.~~

18 VAC 15-20-360. ~~Qualifications for licensure~~. (Repealed)

~~Each individual or business applying to the board for licensing as an asbestos analytical laboratory shall have the following qualifications:~~

~~1. Applicants shall have all occupational or professional licenses and certifications necessary and required by state statute or local ordinance to transact the business of an asbestos analytical laboratory in addition to those requirements as set forth in this chapter.~~

~~2. A license issued by the board will authorize an asbestos analytical laboratory to perform analysis of bulk samples using PLM or TEM analysis, air samples using PCM or TEM analysis or both bulk and air sampling using PLM, PCM, or TEM analysis.~~

~~3. Analysis of bulk materials:~~

~~a. For licensure to analyze bulk materials using polarized light microscopy (PLM):~~

~~(1) The applicant shall provide evidence that the asbestos analytical laboratory is currently rated as "proficient" by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program. A copy of the NVLAP Certificate of Accreditation and Scope of Accreditation shall be submitted with the application for licensure.~~

~~(2) The asbestos analytical laboratory using PLM to analyze bulk samples shall use the method in accordance with USEPA specifications defined in the Interim Method for the Determination of Asbestos in Bulk Insulation Samples, USEPA 40 CFR 763, Appendix A, Subpart F or NIOSH Method 9002.~~

~~b. For licensure to analyze asbestos bulk materials using transmission electron microscopy, the applicant shall provide evidence that the asbestos analytical laboratory is currently rated as "proficient" by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program. A copy of the NVLAP Certificate of Accreditation and Scope of Accreditation shall be submitted with the application for licensure. The asbestos analytical laboratory shall participate in all rounds of the program.~~

~~4. Analysis of airborne asbestos fibers.~~

~~a. For licensure to analyze airborne fiber counts using phase contrast microscopy:~~

~~(1) The applicant shall provide evidence that the National Institute for Occupational Safety and Health (NIOSH) has rated all the applicant's~~

~~facilities in the Proficiency Analytical Testing (PAT) Programs most recent round of asbestos evaluations and has been found "proficient" or has been accredited by the American Industrial Hygiene Association for Asbestos Analytical Services. Each analyst must provide proof of successfully completing the NIOSH 582 Course or equivalent.~~

~~(2) The laboratory shall use the method in accordance with OSHA 29 CFR 1910.1001, Appendix A, 119 FR 22739, or most recent edition of the NIOSH 7400 counting method.~~

~~(3) Analysts who analyze air samples on site must be employed by a Virginia licensed Asbestos Analytical Laboratory.~~

~~b. The technique used for TEM Analysis of asbestos airborne fiber counting shall be in accordance with USEPA 40 CFR 763, Appendix A, Subpart E or NIOSH Method 7402. The applicant shall provide evidence that the asbestos analytical laboratory and its branch facilities are currently rated as "proficient" by the National Institute of Standards and Technology's National Voluntary Laboratory Accreditation Program. A copy of the NVLAP Certificate of Accreditation and Scope of Accreditation shall be submitted with the application for licensure. The asbestos analytical laboratory shall participate in all rounds of the NVLAP program.~~

18 VAC 15-20-361. Qualifications for licensure.

A. Each applicant for an asbestos analytical laboratory license shall submit a completed application, the appropriate fee as required by 18 VAC 15-20-50, and evidence of meeting the standards to perform one or more of the analyses described in subsections B, C and D of this section. Each license issued shall indicate which kind of analysis the asbestos analytical laboratory is seeking authorization to perform.

B. For authorization to analyze bulk materials using PLM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited for bulk asbestos fiber analysis or evidence that the asbestos analytical laboratory is AIHA accredited and proficient in the AIHA bulk asbestos program. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency or a copy of an AIHA accreditation certificate and proof of proficiency in the AIHA bulk program shall be submitted with the application for licensure.

C. For authorization to analyze airborne fibers using PCM:

1. For fixed laboratory sites, the applicant shall provide evidence that each facility is accredited by AIHA or that each facility has been rated “proficient” in the PAT Program’s most recent round of asbestos evaluations, or the applicant shall provide

evidence that each analyst is listed or has applied for listing in the Asbestos Analyst Registry (AAR) and has a performance rating of "acceptable" for the most recent Asbestos Analyst Testing (AAT) round. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent [~~as approved by the AIHA~~].

2. For laboratories that will be conducting on-site analysis, the applicant shall provide evidence that each on-site analyst is listed [~~or the applicant shall provide evidence that each analyst is listed~~] or has applied for listing in the AAR and has a performance rating of "acceptable" for the most recent AAT round within six months after the implementation date of this chapter [or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations. The applicant shall also provide evidence that each analyst has completed the NIOSH 582 training program or equivalent].

D. For licensure to analyze asbestos airborne fibers using TEM, the applicant shall provide evidence that the asbestos analytical laboratory is currently NVLAP accredited to analyze asbestos airborne fibers using TEM. A copy of the NVLAP Certificate of Accreditation, Scope of Accreditation and documentation of NVLAP proficiency shall be submitted with the application.

18 VAC 15-20-370. ~~Completed application.~~ (Repealed)

~~A completed application (as required in 18 VAC 15-20-30) shall be accompanied by the required fee. All checks or money orders shall be made payable to the "Treasurer of Virginia." No application will be processed if it is not accompanied by the required fee. The application shall list the type of analyses performed.~~

18 VAC 15-20-380. ~~Change of status.~~ (Repealed)

~~A. The licensee shall notify the board immediately of any addition or deletion regarding employment of trained and experienced supervisors, and any changes regarding the signing officers or responsible party's relationship with the company.~~

~~B. The licensee shall notify the board immediately upon the loss of accreditation or proficiency rating by NVLAP, NIOSH PAT Proficiency Program or AIHA by any laboratory location.~~

~~C. The licensee shall notify the board, in writing, within 10 days of the receipt of their most recent proficiency evaluation results. This shall include, but not be limited to, NVLAP Accreditation, PAT round results and AIHA evaluation accreditation.~~

~~D. The licensee shall notify the board, in writing, if the type of analysis performed is different from the type of analysis in which the initial license was issued. The licensee shall submit a new application reflecting the changes and submit the qualifications required by this chapter to perform the analysis. The above~~

~~information must be submitted to the board prior to performing the analysis. No additional fees are required to upgrade the analytical laboratory license.~~

18 VAC 15-20-390~~. License certificate.~~ (Repealed)

~~A. The transfer of an Asbestos Analytical Laboratory License is prohibited. Whenever there is any change in the controlling interest of the legal entity licensed, whether in proprietorship or change of partner in a partnership or the creation of a corporation, a new license is required.~~

~~B. A copy of the current Asbestos Analytical Laboratory License will be on site at all times where analysis is performed, including project sites. The license shall be available for review by the department.~~

~~C. The board shall require asbestos analytical laboratories that wish to become or remain licensed in the Commonwealth to conform to any future additional standards or regulations set forth by the USEPA or accrediting entity.~~

~~D. The board or board representatives shall conduct periodic on site inspections and evaluations of any licensed asbestos analytical laboratory facility. The inspection shall include, but not be limited to: equip ment, procedure and protocol records, training and accreditation documentation and any other program evaluation results on file. Prior notice of such inspections is not required.~~

~~PART XIII.~~PART XII.
GENERAL STANDARDS OF PRACTICE AND CONDUCT.

18 VAC 15-20-400. Responsibility to the public.

The primary obligation of the ~~licensee or approved entity~~ regulant is to the public. If the ~~licensee or approved entity's~~ regulant's judgement is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the ~~licensee or approved entity~~ regulant shall inform the employer or client of the possible consequences and notify appropriate authorities if the situation is not resolved. The ~~licensee or approved entity~~ regulant shall take such action only when his authority to correct a problem has been ignored or overruled.

18 VAC 15-20-410. Public statements.

A. The ~~licensee or approved entity~~ regulant shall be truthful in all matters relating to the performance of asbestos abatement or asbestos consulting services.

B. When serving as an expert or technical witness, the ~~licensee or approved entity~~ regulant shall express an opinion only when it is based on an adequate knowledge of the facts in issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative

proceeding when the parties are represented by counsel, the ~~licensee or approved entity~~ regulant shall issue no statements, reports, criticisms, or arguments on matters relating to practices which are inspired or paid for by an interested party or parties, unless one has prefaced the comment by disclosing the identities of the party or parties on whose behalf the ~~licensee or approved entity~~ regulant is speaking, and by revealing any self-interest.

C. A ~~licensee or approved entity~~ regulant shall not knowingly make a materially false statement, submit falsified documents or fail to disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure or renewal.

18 VAC 15-20-420. Solicitation of work.

In the course of soliciting work:

1. The ~~licensee or approved entity~~ regulant shall not bribe.

2. The ~~licensee or approved entity~~ regulant shall not falsify or permit misrepresentation of the ~~licensee or approved entity's~~ regulant's work or an associate's academic or professional qualifications, nor shall the ~~licensee or approved entity~~ regulant misrepresent the degree of responsibility for prior assignments. ~~Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates joint ventures or past accomplishments of any kind.~~

3. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

~~3~~4. Materials used in the solicitation of services shall not misrepresent facts of approval, federal, or state requirements.

18 VAC 15-20-430. Professional responsibility.

A. The licensee or approved entity shall, upon request or demand, produce to the board, or any of its representatives, any plan, document, book, record or copy of it in his possession concerning a transaction covered by this chapter, and shall cooperate in the investigation of a complaint filed with the board against a licensee or approved entity.

B. A licensee or approved entity shall not use the design, plans or work of another licensee or approved entity without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility ~~may~~ shall be assumed by the user.

C. Accredited asbestos training providers shall admit board representatives for the purpose of conducting an on-site audit, or any other purpose necessary to evaluate compliance with this chapter and other applicable laws and regulations.

18 VAC 15-20-440. Good standing in other jurisdictions.

A. ~~A licensee or approved entity licensed to practice~~ Regulants who perform project monitoring, project design, inspections, management planning, asbestos abatement training, ~~contractual~~ asbestos contracting or supervisor work in other jurisdictions shall be in good standing in every jurisdiction where licensed, certified, or approved and shall not have had a license, ~~certificate~~ certification or approval suspended, revoked or surrendered in connection with a disciplinary action.

B. Regulants shall notify the board in writing no later than 10 days after the final disciplinary action taken by another jurisdiction against their license or other approval to conduct asbestos abatement activities.

C. Regulants may be subject to disciplinary action or removal of an asbestos training program accreditation for disciplinary actions taken by another jurisdiction.

18 VAC 15-20-450. ~~Prohibited acts.~~Grounds for disciplinary action.

A. The ~~following may be grounds for disciplinary action by the~~ board shall have the authority to fine any licensee or [accredited asbestos training program,] accredited asbestos training provider or instructor, and to deny renewal, suspend, revoke or deny application for any license or approval as an [accredited asbestos training program,] accredited asbestos training provider or instructor provided for under Chapter 5 (§ 54.1-500 et seq.) [~~or~~ of] Title 54.1 of the Code of Virginia for:

1. ~~The licensee, training provider, or primary instructor has violated~~ Violating or ~~induced~~ inducing another person to violate any of the provisions of Chapters 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia, or any of the provisions of this chapter.

2. ~~The licensee has obtained his~~ Obtaining a license, [approval as an accredited asbestos training program,] approval as an accredited asbestos training provider or approval as an instructor through fraudulent means.

3. ~~The licensee has altered a Virginia Asbestos License issued by the Commonwealth or certificate issued by a training provider~~. Altering [, falsifying or issuing a fraudulent] [~~a~~] Virginia Asbestos License [~~issued by the board~~] or a training certificate issued by an accredited asbestos training program.

4. ~~The licensee, training provider or primary instructor violates~~ Violating any provision of AHERA or ASHARA, or any federal or state regulation pertinent to asbestos activity.

5. ~~The licensee has~~ Having been found guilty by the board, an administrative body, or by a court of any ~~material~~ misrepresentation in the course of performing his asbestos-related operating duties.

6. ~~The licensee has~~ Subject to the provisions of §54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of adjudication in any jurisdiction of the United States, of any felony or of any misdemeanor involving lying, cheating, or stealing, or of any violation while engaged in environmental remediation activity, which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment there being no appeal pending therefrom or the time for appeal having elasped. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. ~~The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.~~ A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction or discipline.

7. Failing to notify the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of any misdemeanor involving lying, cheating, or stealing or of any violation while engaged in environmental remediation activity which resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

8. Negligence, or a continued pattern of incompetence, in the practice of the discipline in which the asbestos license is held.

9. Failing or neglecting to send any information or documentation that was requested by the board or its representatives.

10. Refusing to allow state or federal representatives access to any area of an abatement site for the purpose of lawful compliance inspections.

[11. Any unlawful act or violation of any provision of Title 54.1, Chapter 5 of the Code of Virginia or of the regulations of the board by any asbestos supervisor or asbestos worker may be cause for disciplinary action against the asbestos contractor for whom he works if it appears to the satisfaction of the board that the asbestos contractor knew or should have known of the unlawful act or violation.]

B. Any individual or firm whose license[, approval as an accredited asbestos training program,] or approval as an accredited asbestos training provider is revoked under this section shall not be eligible to reapply for a period of one year from the effective date of the final order of revocation. The individual or firm shall meet all

education, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

PART XIII.
STANDARDS OF PRACTICE AND CONDUCT.
LICENSED ASBESTOS CONTRACTORS.

18 VAC 15-20-451. Asbestos contractor responsibilities.

A. Licensed asbestos contractors shall comply with all requirements, procedures, standards and regulations covering any part of an asbestos project established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, the Virginia Department of Labor and Industry[,] and Divisions of Air Pollution and Waste Management of the Department of Environmental Quality (§54.1-517 Code of Virginia).

B. Licensed asbestos contractors shall comply with the requirements found in §54.1-1100 of the Code of Virginia governing the regulation of general contractors.

C. A licensed asbestos contractor shall employ only licensed asbestos supervisors and workers to perform work on any asbestos project.

D. A licensed asbestos contractor shall ensure that a licensed asbestos supervisor is present at each job site while an asbestos project is in progress.

18 VAC 15-20-452. Maintenance of licensing and training records at the asbestos job site.

A. The asbestos contractor shall be responsible for maintaining at each job site a list of each licensed worker and supervisor, or copy of the licenses of each asbestos worker and supervisor. This list shall include the current license numbers and the license expiration dates of those workers and supervisors. This section does not relieve the contractor of any specific AHERA and ASHARA requirements concerning training certificates.

B. A licensed asbestos contractor shall maintain a copy of its Virginia asbestos contractor license on each job site.

C. Records maintained at the job site shall be available for review by the Department of Labor and Industry, the Department of Professional and Occupational Regulation, and all other agencies having authorization to inspect an asbestos job site.

18 VAC 15-20-453. Conflict of interest.

The following situations and relationships between license categories are deemed to represent a conflict of interest and are prohibited.

1. It is a conflict of interest and a violation of these regulations for an asbestos contractor to have an employee/employer relationship with, or financial interest in, a laboratory utilized by the contractor for asbestos sample analysis. Laboratories owned by the building owner performing analysis on suspect asbestos samples taken from the building owners' property are exempt from this section.

2. It is a conflict of interest and a violation of these regulations for an asbestos contractor to have an employee/employer relationship with an asbestos project monitor working on an asbestos project performed by that asbestos contractor. An asbestos contractor shall not have any financial interests in the firm of which a project monitor is an employee and provides project monitoring services for that contractor. This section does not relieve a contractor of the OSHA personal monitoring requirements set forth in 29 CFR 1926.1101.

3. It is a conflict of interest and a violation of these regulations for an asbestos contractor to enter into a contract to perform an asbestos project if the asbestos inspection or project design was performed by individuals with an employer/employee relationship with, or financial interest in, the asbestos contractor, unless the asbestos contractor provides the building owner with the Virginia Asbestos Licensing Consumer Information Sheet and the Virginia Asbestos Licensing Inspector/Project Designer/Contractor Disclosure Form as prescribed by the department. The asbestos contractor's relationship with the asbestos inspector or project designer on the project shall be disclosed. The disclosure form shall be signed and dated by the licensed contractor and submitted as part of the bid. The disclosure form shall be kept on the asbestos project site and available for review.

18 VAC 15-20-454. Transfer of asbestos contractor license.

The transfer of an asbestos contractor license is prohibited.

PART XIV.
STANDARDS OF PRACTICE AND CONDUCT.
ASBESTOS PROJECT MONITORS.

18 VAC 15-20-455. Duties and functions.

The duties and functions of a project monitor include, but are not limited to, observing and monitoring the activities of an asbestos abatement contractor on asbestos projects to determine that proper work practices are used and compliance with all asbestos laws and regulations is maintained, collecting environmental air samples during the asbestos project, performing visual inspections of the work area and granting final clearance upon completion of the asbestos project.

[18 VAC 15-20-455.1. Abatement projects that require a project monitor.

A project monitor is required on:

1. Asbestos projects, performed in buildings that are occupied or intended to be occupied upon completion of the asbestos project, exceeding 260 linear feet or 160 square feet or 35 cubic feet of asbestos containing material; or

2. Whenever the building or property owner deems it necessary to monitor asbestos projects.]

18 VAC 15-20-456. Responsibilities.

A. Asbestos project monitors shall conduct inspections of the contractor's work practices and inspections of the containment [when the project monitor is present ~~each day abatement is performed~~].

B. Asbestos project monitors shall maintain a daily log of all work performed. The daily log shall include, but not be limited to, inspection reports, air sampling data, type of work performed by the contractor, problems encountered and corrective action taken.

C. Asbestos project monitors shall take final air samples on all abatement projects, except for abatement projects in residential buildings.

D. Project monitors who analyze PCM air samples on site shall be employed by a licensed analytical laboratory and shall be listed or have applied for listing in the AAR [and rated acceptable or is accredited by AIHA or has been rated "proficient" in the PAT Program's most recent round of asbestos evaluations].

PART XV.
STANDARDS OF PRACTICE AND CONDUCT.
ASBESTOS PROJECT DESIGNERS.

18 VAC 15-20-457. Duties and functions.

The duties and functions of a project designer include, but are not limited to, preparing an asbestos abatement project design, specifications for asbestos abatement projects and addenda to abatement specifications.

18 VAC 15-20-458. Responsibilities.

[~~A. Licensed asbestos project designers shall prepare a written project design for each asbestos abatement project, except projects conducted in residential buildings.~~]

[~~B.~~] The project design shall include, but is not limited to:

1. Scope of work.

2. Order of work[.]

3. Work methods and practices to be used.

4. Number and type of final air samples to be taken.

PART XVI.
STANDARDS OF PRACTICE AND CONDUCT.
ASBESTOS INSPECTORS AND MANAGEMENT PLANNERS.

18 VAC 15-20-459. Duties and functions.

A. The duties and functions of an asbestos inspector include, but are not limited to, determining the presence and location of friable and nonfriable ACM, determining the condition of ACM, and sampling suspect ACM.

B. The duties and functions of an asbestos management planner include, but are not limited to, preparing management plans to effectively manage ACM that will remain in the building.

18 VAC 15-20-459.1. Responsibilities.

A. Asbestos inspectors shall conduct all asbestos inspections in accordance with 40 CFR 763.86.

B. Asbestos inspectors shall prepare a written inspection report following an asbestos inspection. The report shall contain, but is not limited to:

1. Inspector's name and license number.

2. Location of all samples taken.

3. Location and type of all ACM and assumed ACM.

4. Assessment of all ACM and assumed ACM.

5. Copy of the laboratory report.

C. Asbestos management planners shall prepare all management plans in accordance with 40 CFR Part 763.88.

PART XVII.
STANDARDS OF PRACTICE AND CONDUCT.
ASBESTOS ANALYTICAL LABORATORIES.

18 VAC 15-20-459.2. General.

Asbestos analytical laboratories shall comply with all requirements, procedures, standards and regulations covering all aspects of asbestos analytical services as established by this chapter.

18 VAC 15-20-459.3. Responsibilities.

A. Each asbestos analytical laboratory using PLM to analyze bulk suspect material for the presence of asbestos shall analyze the material in accordance with [~~"Interim Method for the Determination of Asbestos in Bulk Insulation Samples"~~ EPA 600/R-93/116 Method of Determination of Bulk Asbestos ~~found in Appendix A to subpart F in 40 CFR Part 763~~]or the NIOSH method 9002.

B. Each asbestos analytical laboratory using PCM to analyze air samples for the presence of airborne fibers shall use the method outlined in Appendix A of OSHA's 1926.1101 regulation or shall use the most recent version of NIOSH's 7400 method.

C. Each asbestos analytical laboratory using TEM to analyze air samples for the presence of airborne asbestos fibers shall use the method outlined in Appendix A to subpart E of 40 CFR 763 or shall use the most recent version of NIOSH's 7402 method.

18 VAC 15-20-459.4. Change of status.

A. The licensee shall notify the department immediately of any addition or deletion regarding employment of trained and experienced supervisors, and any changes regarding the signing officer's relationship with the company.

B. The licensee shall notify the board within 10 business days upon the loss of accreditation or proficiency rating by NVLAP or AIHA by any laboratory location.

C. The licensee shall notify the board, in writing, if the analysis to be performed is different from the type of analysis in which the initial license was issued. The licensee shall submit a new application reflecting the changes and submit the qualifications required by this chapter to perform the analysis. The above information shall be submitted to the board prior to performing the analysis. No additional fees are required to upgrade the analytical laboratory license.

18 VAC 15-20-459.5. License[~~certificate~~].

A. The transfer of an asbestos analytical laboratory license is prohibited. Whenever there is any change in the controlling interest of the legal entity licensed, a new license is required.

B. A copy of the current asbestos analytical laboratory license will be on site at all times where analysis is performed, including project sites. The license shall be available for review by the department.

C. The board shall require asbestos analytical laboratories that wish to become or to remain licensed in the Commonwealth to conform to any future additional standards or regulations set forth by the EPA or accrediting entity.

D. The licensee shall permit the board to conduct periodic on-site inspections and evaluations of licensed asbestos analytical laboratory facilities. The inspections shall include, but not be limited to, equipment, procedure and protocol records, training and accreditation documentation and any other program evaluation results on file. Prior notice of such inspections is not required.

PART XVIII.
ACCREDITED ASBESTOS TRAINING PROGRAM APPROVAL.

18 VAC 15-20-459.6. Accredited asbestos training program requirements.

A. Training programs desiring board approval shall meet the minimum requirements established in this chapter. Persons requesting approval as an accredited asbestos training program to prepare training program participants for licensure requirements shall submit an accredited asbestos Training Program Review and Audit Application with the following required information:

1. Training provider's business name, physical address, mailing address, and phone number.

2. Copies of approval letters issued by EPA or other states granting approval of asbestos training programs presented by the provider.

3. Applicable fee.

4. The training program curriculum.

5. A narrative explanation that states how the training program meets the requirements for approval in the following areas:

a. Length of training in hours.

b. Amount and type of hands-on training.

c. Examinations (length, format and passing score).

d. Topics covered in the training program.

e. Assurances of test security and how exams are administered.

6. A copy of all training program materials including, but not limited to, student manuals, instructor notebooks, handouts, and training aids.

7. A copy of the examination(s) used and applicable answer sheets.

8. The names and qualifications, including education and experience, of each instructor and subject areas that each instructor will teach.

9. A description of and an example of a certificate that will be issued to students who successfully complete the accredited asbestos training program. The certificate shall contain the information required by this chapter.

10. A proposed training program date for auditing purposes. The proposed date will be confirmed or an alternate date will be proposed within ten business days after receipt of a complete accredited asbestos training program submission and the required fee.

B. A complete submission shall consist of all information required by this section. Receipt of application and deposit of fees by the department in no way indicates approval of a training program.

C. A complete application shall be submitted to the department no less than 45 days prior to the requested audit date.

18 VAC 15-20-459.7. Approval process.

A. Upon receipt of a completed application, a preliminary review will be conducted to ensure all written material and other documentation is accurate and up to date. If any deficiencies are noted, a letter will be sent to the applicant indicating the deficiencies and necessary steps to correct them. All deficiencies noted during the preliminary review shall be corrected prior to the on-site audit.

B. Upon successful completion of the preliminary review, an on-site audit shall be conducted to complete the application process. If any deficiencies are noted during the audit, the training provider will be informed, either in writing or verbally, and offered an opportunity to correct them. Once the audit is complete and any deficiencies corrected, a letter of approval will be sent to the accredited asbestos training program.

18 VAC 15-20-459.8. Examination.

All accredited asbestos training programs approved by the board shall have a monitored, final written examination, except for asbestos workers needing an oral examination. The board recommends the examination include a practical component to test skill in asbestos abatement techniques. Students shall obtain a minimum examination grade of 70% correct. Records of the participant's examination shall be maintained in accordance with this chapter.

18 VAC 15-20-459.9. Letters of approval.

Letters of approval for accredited asbestos training programs shall be maintained at the business address listed on the approval letter and made accessible to the public. Each provider of an approved accredited asbestos training program shall maintain all records at the business address. The required records shall be available for review upon demand by the board or its representatives.

18 VAC 15-20-459.10. Refresher approval.

A. Refresher training programs shall be one day (8 hours) for supervisors, workers, project designers and project monitors, and one-half day (4 hours) for inspectors and management planners. The refresher training program shall review federal and state regulations; discuss changes to the regulations, if applicable, developments in state-of-the-art procedures; and a review of key aspects of the initial training program.

B. Persons wishing to [~~sponsor~~ conduct] refresher training programs shall submit a training program review and audit application as established in 18 VAC 15-20-459.6.

18 VAC 15-20-459.11. Renewal of accredited asbestos training programs.

Providers of accredited asbestos training programs desiring to renew their approval shall submit the renewal notice to the department along with the following:

1. Appropriate [~~F~~f]ee.

2. [~~List~~ Name] of [the] training program[~~s~~] for which they are renewing.

3. Any changes made to the training program[~~(s)~~].

4. Dates on which the training material was last updated.

[5. Statement indicating that the training program continues to meet the regulation requirements established in this chapter.]

18 VAC 15-20-459.12. Changes to an approved accredited asbestos training program.

Once an accredited asbestos training program has been approved, prior to the continuation of the accredited asbestos training program, substantial changes in the information required by subdivisions 1 through 5 of this section shall be submitted to the board for review and approval. The board will state its approval or disapproval of the changes by mail.

1. Training Program curriculum.

2. Training Program examination.

3. Training Program materials.

4. [~~Primary~~ Principal] instructors [~~and work practice instructors~~].

5. Certificate of completion.

18 VAC 15-20-459.13. Transfer of approval of an accredited asbestos training program.

The transfer of the approval of an accredited asbestos training program will require a review by the following procedure:

1. The applicant for transfer shall submit an application to the department and materials for review to determine if substantial changes have been made to the program. All submissions shall be in accordance with 18 VAC 15-20-459.6.

2. Receipt of applications and deposit of fees submitted does not indicate approval of the transfer.

3. A review of the submitted materials shall be performed to determine if substantial changes have been made. A substantial change is defined as a change in training program materials, curriculum, [~~primary~~ principal] instructors or facilities at the time of transfer of the accredited asbestos training program. A complete field audit may be conducted of any applicant believed to have made a substantial change.

18 VAC 15-20-459.14. Access by the department.

Accredited asbestos training [~~program~~] providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required.

18 VAC 15-20-459.15. Suspension or revocation of approval of an accredited asbestos training program.

A. The board may withdraw approval of any accredited asbestos training program for the following reasons:

1. The school, instructors, or training programs no longer meet the standards established in this chapter.

2. The board determines that the provider is not conducting the training in a manner that meets the requirements as set forth in this chapter.

3. Suspension or revocation of training approval in another state or by the EPA.

B. Decisions regarding withdrawal of approval shall be made by the board under the provisions of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

PART ~~XIV~~. XIX
~~TRAINING PROVIDER REQUIREMENTS~~.
ACCREDITED ASBESTOS TRAINING PROGRAM PERFORMANCE STANDARDS.

18 VAC 15-20-460. General.

This part outlines the record keeping responsibilities for ~~an individual, a business, an agency, an institution or a sponsor~~ [~~a provider~~ an accredited asbestos training provider (training provider)]performing asbestos training under Virginia law. All records are required to be available for review by representatives of the board. Records required to be maintained by the training provider ~~must~~ shall be maintained ~~at the address on the~~ at the physical location of the accredited asbestos training provider. ~~Certificate of Approval of the asbestos training course. All training requirements are in accordance with ASHARA (40 CFR 763 Appendix C to Subpart E), the EPA April 1990 memorandum, or recommended EPA policy.~~

18 VAC 15-20-470. Record keeping.

A. For all accredited asbestos training ~~courses~~ programs approved by the board, the training providers shall keep a list of all ~~course~~ training program participants attending the accredited asbestos training ~~course~~ program. The list shall contain the following minimum information:

1. Training provider;

2. Date of training;

3. Location of training ~~course~~ program presentation;

4. Type and length of training;

5. ~~Course~~ Training program [~~director~~ manager] and [~~primary~~, principal] instructor;

6. ~~Course~~ Training program participant's name as it will appear on the Certificate of Completion to be issued by the training provider;

7. Participant's employer, if applicable;

8. Participant's name, address, and social security number;

9. Participant's Virginia asbestos license number, if applicable;

10. The resulting certificate number assigned to a participant who successfully completes the ~~course~~ accredited asbestos training program when applicable and expiration date; and

11. The participant's examination score, when applicable.

B. The ~~course~~ training program participant list shall be completed by the training provider and ~~course~~ training program participants daily.

C. The ~~course~~ training program participant [~~listing~~ list] shall be retained by the training provider for three years following the date of completion of the training ~~course~~ program.

[D.] ~~The course participant list shall be submitted to the board within five working days, after the last day of the course.~~ [The training provider shall provide to the board the training program participant list as described in subsection A of this section within 24 hours of training program completion.]

[~~D~~ E.]. The training provider shall retain all examinations completed by ~~course~~ training program participants for a period of three years.

[~~E.~~F.] Training providers shall notify the department no less than 48 hours prior to conducting an accredited asbestos training program. [~~The department will not recognize training certificates from approved training providers that fail to notify.~~]

[G. The department will not recognize training certificates from approved training providers that fail to notify or fail to provide a training program participant list.]

18 VAC 15-20-480. ~~Course~~ Accredited asbestos training program outline and syllabus.

A. Prior to the start of the accredited asbestos training ~~course~~ program, the training provider shall prepare a course outline or syllabus. The outline shall contain the following minimum information:

1. ~~Course~~ Training program title and length of training;

2. Starting time of each day of training;

3. ~~Course~~ Training program section, inclusive length of training time for each section and instructor for each ~~course~~ program section;

4. Scheduled breaks and inclusive length of breaks;

5. Scheduled lunch break and inclusive length of break;

6. Scheduled hands-on training, a description of the training to be performed, length of training and name of the instructor or instructors; and

7. Examination and inclusive length of examination time.

B. The training provider shall disseminate the ~~course~~ training program outline or syllabus to all ~~course~~ training program participants. A copy of the [~~course~~ training program] outline shall be retained by the training provider for a period of three years following the completion of the training ~~course~~ program.

18 VAC 15-20-490. Certificates of completion.

A. Following attendance of the accredited asbestos training ~~course~~ program and successful completion of an examination by the ~~course~~ training program participant, the training provider shall issue a Certificate of Completion to the ~~course~~ training program participant. The certificate shall contain the following minimum information:

1. Training provider's business name;

2. Training provider's business address and phone number;

3. Location of training;

4. Typewritten or printed name of ~~course~~ training program participant;

5. ~~Course~~ Training program title and length of training in hours;

6. Certificate number;

7. Inclusive ~~course~~ training program dates;

8. Examination date;

9. An expiration date one year ~~subsequent to~~ after the date of completion of the accredited asbestos training ~~course~~ program;

10. For ~~courses~~ training programs covered under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II;

11. Statement of attendance and successful completion of an examination by the ~~course~~ training program participant; and

12. Signature and typewritten or printed name of ~~course~~ the accredited asbestos training program [~~director~~ manager] or administrator and [~~primary~~ principal] instructor. The signature may be a printed facsimile.

B. Changes to the Certificate of Completion shall be submitted to the board for review and approval prior to issuance to ~~course~~ training program participants.

18 VAC 15-20-500. ~~Course~~ Training program materials: ~~course~~ training program manuals; video instruction; training equipment.

A. All training ~~course~~ program participants shall be issued a ~~course~~ training program manual for the asbestos training ~~course~~ program.

~~All materials will be legible and, in the case of Virginia approved training courses, submitted for review and approval by the board at least 45 days prior to being used by a course participant in an asbestos training course.~~

~~The training provider shall retain a copy on file for a period of three years following any amendments to the manual.~~

B. Use of video instruction is permitted as a method of instruction in ~~a Virginia approved~~ an accredited asbestos training ~~course.~~ program, provided that videos are not the sole and primary source of instruction unless it is an interactive video[~~s~~].

~~Videos shall not be the primary source of instruction unless it is an interactive video.~~

~~All videos utilized in a Virginia approved asbestos training course shall have undergone the review and approval process required in Part XIV of this chapter.~~

Videos shall be made available to the board, if requested, during an on-site audit or inspection.

C. In no case will equipment utilized for display or part of hands-on training have been utilized on an asbestos abatement project site.

Equipment will be dedicated for training use only.

The training provider shall keep a listing of all equipment utilized for training on file.

The equipment list will contain the following minimum information:

1. Equipment brand name;

2. Equipment description; and

3. A statement of how the equipment is to be utilized in the accredited asbestos training ~~course~~ program.

~~The equipment list will be updated as new equipment is added as part of an asbestos training program and retained for a period of three years.~~

The dated equipment list will be updated as new equipment is added as part of an accredited asbestos training program and each list must be maintained for a period of three years.

~~18 VAC 15-20-510. Approval of instructors.~~

~~A. The qualifications of all instructors are required to be reviewed by the board prior to the instructor teaching in a Virginia approved asbestos training course. If the board deems the instructor's qualifications inadequate, the department will promptly notify the provider. Guest lecturers who do not teach a course on a routine basis are exempt from this section.~~

~~B. Each training provider shall appoint one instructor to act as the primary instructor. The primary instructor will be responsible for the overall training program and act as a point of contact to the board. The training provider shall notify the board in writing of the appointed primary instructor.~~

~~C. Training providers shall notify the board in writing whenever it changes course instructors.~~

18 VAC 15-20-511. Instructor qualifications.

A. An approved accredited asbestos training program shall employ a training manager who:

1. Has a minimum of two years experience in teaching adults, or

2. Has a minimum of three years experience in the asbestos abatement industry.

B. An approved accredited asbestos training program shall use principal instructors who:

1. Have a minimum of 24 hours of asbestos specific training, and

2. Have a minimum of two years experience in the asbestos abatement industry, or have a minimum of two years [experience] in teaching adults.

C. Documentation of all instructor qualifications shall be reviewed and approved by the board prior to the instructor teaching in an accredited asbestos training program.

D. Guest instructors are exempt from instructor qualifications and are limited to no more than two hours of training per day.

18 VAC 15-20-520. Number of instructors required to provide training.

A. The board strongly recommends a minimum of two instructors to teach ~~a Virginia approved~~ an accredited asbestos initial worker ~~course~~ training program.

B. ~~The board requires at~~ At least two instructors shall be used for each ~~Virginia approved~~ supervisor, inspector, management planner, project designer and project monitor initial ~~course~~ accredited asbestos training program.

C. One instructor is adequate per [accredited asbestos] refresher ~~course~~ training program.

D. At least one instructor shall be in the ~~class~~ classroom and available to the students at all times during the ~~course~~ [accredited asbestos] training program.

18 VAC 15-20-530. Student to instructor ratios.

A. Hands-on training means an evaluation which tests the trainee's ability to satisfactorily perform the work practices and procedures in this chapter and ~~is to~~ shall be overseen by the instructor at a ratio of no more ~~then~~ than 10 students to one instructor.

B. There shall be no more than three ~~course~~ training program participants in any hands-on exercise, except for a hands-on ~~training~~ exercise which involves building containments.

18 VAC 15-20-540. Distinct training disciplines.

All initial and refresher accredited asbestos training ~~courses~~ programs shall be discipline specific.

18 VAC 15-20-550. Completion of training.

~~The total hours of actual training must be completed within a single two-week time frame, from the start time of initial training.~~ The total hours of actual training for an initial

training program, including examinations, shall be completed within a single two-week time frame, from start to finish.

18 VAC 15-20-560. Length of training.

The following are the requirements for length of training for ~~Virginia approved~~ an accredited asbestos training ~~course~~ program:

1. In no case shall actual asbestos training exceed eight hours in a 24-hour period;

2. Training given during evening hours (after 5 p.m. and before 8 a.m.) may not exceed four hours, except training that is conducted during the student's second or third shift of working hours; and

3. Training performed on weekends (Friday after 5 p.m. to Monday 8 a.m.) may not exceed 16 hours.

18 VAC 15-20-570. Non-English speaking accredited asbestos training ~~courses~~ programs.

~~All Virginia approved asbestos training courses~~ All [accredited] asbestos training programs shall be taught in English. ~~Asbestos~~ Accredited asbestos worker training ~~courses~~ programs are exempt from this section.

18 VAC 15-20-580. Examinations.

A. All ~~asbestos training courses approved by the board and utilized for licensure by the board~~ accredited asbestos training programs shall contain an examination following the instructional portion of the accredited asbestos training ~~course~~ program. This requirement shall apply to all ~~Virginia approved courses~~ accredited asbestos training programs regardless of ~~course~~ training program location.

B. Oral examinations, except for workers, are not ~~permitted in a Virginia approved asbestos training course~~ permitted in an accredited asbestos training program. Trainers who provide worker oral examinations shall issue an answer sheet to be marked by the student. The student shall sign the answer sheet and it shall become a part of the ~~trainers~~ training provider's required record keeping ~~under 18 VAC 15-20-470 E~~.

C. Examinations in languages other than English are [only] permitted in accredited asbestos worker ~~courses~~ training programs [~~only~~].

D. Examinations shall be given in the language of the [accredited asbestos] training program's [~~course~~] instruction.

E. Reexamination following unsuccessful completion of the examination is permitted ~~in a Virginia approved asbestos training course~~. The reexamination shall be

limited to one attempt to pass following the initial examination. If the participant fails to achieve a 70% passing score after the second attempt, the participant ~~must~~ shall retake the accredited asbestos training ~~course~~ program before he is permitted to take a retest. The training provider shall retain ~~all~~ the examinations completed by the ~~course~~ [accredited asbestos] training program participant in compliance with ~~18 VAC 15-20-470 E~~ the record keeping requirements of this chapter.

18 VAC 15-20-590. Change of address, phone number or contact person.

~~Training providers approved by the board~~ Providers of accredited asbestos training programs are required to notify the board in writing of changes of address, phone number or [~~primary~~ principal] instructor within 30 business days ~~of~~ after changes to any of these items.

18 VAC 15-20-600. Termination of training.

When a ~~board-approved training provider ceases to conduct training, the training provider~~ training provider ceases to conduct any of its training [~~courses~~ programs], it shall notify the board in writing and give the board the opportunity to take possession of the provider's asbestos training records relating to such [~~courses~~ programs].

18 VAC 15-20-610. EPA ASHARA compliance.

All Virginia-approved ~~asbestos training providers~~ accredited asbestos training programs shall be in compliance with all training and record keeping requirements established by the ~~US~~ EPA Model Accreditation Plan, 40 CFR Part 763, Subpart E.

~~PART XV.~~
~~TRAINING COURSE APPROVAL PROCESS.~~

18 VAC 15-20-620~~. Training course approval requirements.~~ (Repealed)

~~The Virginia accreditation program has been granted approval by the United States Environmental Protection Agency under the provisions found in 40 CFR 763 Subpart F. All EPA-recognized asbestos training courses approved by the board will concurrently be granted USEPA approval.~~

~~All approved training courses shall meet the minimum requirements as outlined in this chapter. Individuals, businesses, agencies or institutions requesting approval of a proposed asbestos training course to prepare course participants for licensure requirements shall submit a Training Course Review and Audit Application with the following required information:~~

~~1. Training provider's business name, physical address, mailing address, and phone number;~~

~~2. Copies of approval letters issued by USEPA or other states granting approval to asbestos training courses presented by the training provider;~~

~~3. Applicable fee (see the evaluation fee schedule located in Part XVII of this chapter);~~

~~4. The course curriculum;~~

~~5. A narrative explanation that states how the course meets the requirements for approval in the following areas:~~

~~a. Length of training in hours;~~

~~b. Amount and type of hands-on training;~~

~~c. Examinations (length, format and passing score);~~

~~d. Topics covered in the course; and~~

~~e. Assurances of test security and how exams are administered.~~

~~6. A copy of all course materials (student manuals, instructor notebooks, handouts, etc);~~

~~7. A detailed statement providing information about the development of the examination used in the course;~~

~~8. The names and qualifications, including education and experience of each instructor and subject areas that each instructor will teach;~~

~~9. A description of and an example of a certificate that will be issued to students who successfully complete the course. The certificate shall contain the information noted in 18 VAC 15-20-490; and~~

~~10. A proposed course date for auditing purposes. The proposed date will be confirmed or an alternate date will be proposed within 10 business days of receipt of a complete training course submission and the required fee.~~

~~A complete submission consists of all items listed in this section. Receipt of application and deposit of fees by the board in no way indicates approval of a training course.~~

18 VAC 15-20-630~~. Examination.~~ (Repealed)

~~All courses approved by the board are required to have a monitored, final written examination, except for workers needing an oral examination. The board recommends the examination include a practical component to test skill in asbestos abatement techniques.~~

~~Students must obtain a minimum exam grade of 70% correct. Records of the participants examination shall be maintained in accordance with 18 VAC 15-20-470 E.~~

18 VAC 15-20-640. ~~Letters of course approval.~~ (Repealed)

~~Letters of course approval shall be maintained at the business address listed on the course approval letter and made accessible to the public. An approved school shall maintain all records at the business address. The required records shall be available for review upon demand by the board or its representatives.~~

18 VAC 15-20-650. ~~Refresher course approval.~~ (Repealed)

~~Refresher courses shall be one day (eight hours) for supervisors, workers, project designers and project monitors, and 1/2 day (four hours) for inspectors, management planners and RFS training courses. The refresher course shall review federal and state regulations, discuss changes to the regulations if applicable, developments in state-of-the-art procedures and a review of key aspects of the initial training course.~~

~~Individuals, businesses, agencies, or institutions wishing to sponsor refresher training courses shall submit a training course review and audit application required by 18 VAC 15-20-620.~~

18 VAC 15-20-660. ~~Changes to an approved training course.~~ (Repealed)

~~Once a training course has been approved, substantial changes in the items listed below must be submitted to the board for review and approval prior to the continuation of the training course. The board will state its approval or disapproval of the changes by mail.~~

~~1. Course curriculum.~~

~~2. Course examination.~~

~~3. Course materials (as specified in 18 VAC 15-20-620, 18 VAC 15-20-630 and 18 VAC 15-20-650).~~

~~4. Primary instructors and course director.~~

~~5. Certificate of Completion.~~

18 VAC 15-20-670. ~~Transfer of Virginia approval of an asbestos training course.~~ (Repealed)

~~The transfer of a Virginia approved asbestos training course or program by sale of ownership will require a review of the course or program by the following procedure~~:

~~1. The transfer of a Virginia approved asbestos training course is subject to review by the board, and requires an application to the board and submission of materials for~~

~~review to determine if substantive changes have been made to the course or program. All submissions shall be in accordance with 18 VAC 15-20-620 or 18 VAC 15-20-650.~~

~~2. Receipt of applications and deposit of fees submitted to the board does not indicate approval of the transfer.~~

~~3. A review of the submitted materials will be performed by the board to ascertain if substantial changes have been made to the training course. A substantial change is defined as a change in course materials, curriculum, primary instructors or facilities at the time of transfer of the asbestos training course or program. The board may conduct a complete field audit of any training course it believes has undergone a substantial change at the cost of the new owner.~~

18 VAC 15-20-680~~. Attendance by the department.~~ (Repealed)

~~Training course sponsors shall permit department representatives to attend, evaluate, and monitor any training course. Prior notice of attendance by agency representatives is not required.~~

18 VAC 15-20-690. ~~Suspension or revocation of approval of a training course.~~ (Repealed)

~~A. The board may withdraw approval of any approved training course for the following reasons:~~

~~1. The school, instructors, or courses no longer meet the standards established in this chapter; and~~

~~2. The board determines an approved individual, business, agency, institution or sponsor is not conducting the training in a manner that meets the requirements as set forth in this chapter.~~

~~B. Suspension or revocation of training approval in another state or by the EPA may be grounds for suspension or revocation in Virginia.~~

~~C.~~ If the approval of a training course is revoked or suspended, the board will promptly notify the individual business, agency, institution, or sponsor in writing of the reason for the suspension or revocation. In the case of a suspension, the steps necessary to comply with the regulations will be stated in writing. Decisions regarding revocation or suspension of approval may be appealed under the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

~~PART XVI~~ PART XX.
ACCREDITED ASBESTOS TRAINING ~~COURSE~~ PROGRAM ~~REQUIREMENTS~~ STANDARDS.

18 VAC 15-20-700. General.

In all of the following accredited asbestos training ~~course~~ program [(training program)] requirements, one day shall be equal to eight hours, inclusive of lunch and breaks~~.~~ ~~In all refresher training course requirements one day shall be equal to eight hours. All training courses, except project monitor, shall meet the minimum requirements set forth in ASHARA (40 CFR 763).~~

18 VAC 15-20-710. Worker training.

Asbestos abatement workers shall complete at least a four day (32 hours) training ~~course~~ program as outlined below. All training ~~courses~~ programs shall be approved by the board. The accredited asbestos training ~~course~~ program shall include lectures, demonstrations, at least 14 hours of hands-on training, a ~~course~~ training program review, and an examination.

The training shall address the following topics:

1. Physical characteristics of asbestos.

   a. Identification of asbestos.

   b. Aerodynamic characteristics.

   c. Typical uses and physical appearance.

   d. A summary of abatement control options.

2. Potential health effects related to asbestos exposure.

   a. The nature of asbestos-related diseases.

   b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

   c. Synergism between cigarette smoking and asbestos exposure.

   d. Latency period for disease.

3. Employee personal protective equipment.

   a. Classes and characteristics of respirator types.

   b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.

c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).

d. Qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing.

i. Regulations covering personal protective equipment.

4. State-of-the-art work practices.

a. Asbestos abatement activities including descriptions of construction and maintenance of barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.

e. Clean-up and disposal procedures.

f. Work practices for removal, encapsulation, enclosure, and repair.

g. Emergency procedures for sudden releases.

h. Potential exposure situations, and transport and disposal procedures.

i. Recommended and prohibited work practices.

5. Personal hygiene.

a. 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.

b. Potential exposures, ~~such as~~ including family exposure.

6. Additional safety hazards.

a. 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.

b. Scaffold and ladder hazards.

c. Slips, trips and falls.

d. Confined spaces.

7. Medical monitoring.

a. OSHA requirements for a pulmonary function test.

b. Chest X-rays and a medical history for each employee.

8. Air monitoring.

a. Procedures to determine airborne concentrations of asbestos fibers.

b. Focusing on how personal air sampling is performed and the reasons for it.

9. Relevant federal, state and local regulatory requirements, procedures and standards, with particular attention directed at relevant ~~US~~ EPA, OSHA, and state regulations concerning asbestos abatement workers and Department of Transportation regulations (49 CFR 172 Subpart H), with emphasis on packaging requirements and marking of containers of ACM waste.

10. Establishment of respiratory protection programs.

11. ~~Course~~ Training program review. A review of key aspects of the accredited asbestos training ~~course~~ program.

18 VAC 15-20-720. Examinations: Asbestos abatement worker.

Upon completion of an approved initial training ~~course~~ program, a closed-book examination will be administered. Demonstration testing will also be permitted as part of the examination. Each examination shall cover the topics included in the training ~~course~~ program. Persons who pass the examination and fulfill the ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for an examination:

1. Fifty multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-730. Refresher training ~~course~~ program.

A. Accredited asbestos ~~Refresher~~ refresher ~~courses~~ training programs shall be one day (eight hours) for asbestos abatement workers. The ~~course~~ training programs shall review federal and state regulations, discuss changes to the regulations, if applicable, and developments in state-of-the-art procedures. A review of the following topics from the initial ~~course~~ accredited asbestos training program shall be included in the accredited asbestos worker refresher training program:

1. Potential health effects related to asbestos exposure;

2. Employee personal protective equipment;

3. State-of-the-art work practices (with emphasis on work practices for removal, encapsulation, encasement, enclosure and repair and proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment and the use of high efficiency particulate air (HEPA) vacuums);

4. Personal hygiene; and

5. Additional safety hazards.

B. A written closed-book examination shall be included in the refresher ~~course~~ training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the examination and fulfill the ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter.

18 VAC 15-20-740. Supervisor training.

Asbestos abatement supervisors shall complete a five day (40 hours) training ~~course~~ program as outlined below. The training ~~course~~ program shall include lectures, demonstrations, ~~course~~ training program review, examination, and at least 14 hours of hands-on training which allows supervisors the experience of performing actual tasks associated with asbestos abatement. The accredited asbestos ~~supervisor's~~ supervisor training ~~course~~ program shall address the following topics:

1. The role of the supervisor in the asbestos abatement process.

2. The physical characteristics of asbestos and asbestos[-]containing materials.

a. Identification of asbestos.

b. Aerodynamic characteristics.

c. Typical uses, physical appearance.

d. A review of hazard assessment considerations.

e. A summary of abatement control options.

3. Potential health effects related to asbestos exposure.

a. The nature of asbestos-related diseases.

b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

c. Synergism between cigarette smoking and asbestos exposure.

d. Latency period for disease.

4. Employee personal protective equipment.

a. Classes and characteristics of respirator types.

b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.

c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).

d. Qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing.

i. Regulations covering personal protective equipment.

5. State-of-the-art work practices.

a. Work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, and use of high efficiency particulate air (HEPA) vacuums.

e. Clean-up and disposal procedures.

f. Work practices for removal, encapsulation, encasement, enclosure and repair.

g. Emergency procedures for sudden releases.

h. Potential exposure situations.

i. Transport and disposal procedures.

j. Recommended and prohibited work practices.

k. Discussion of new abatement related techniques and methodologies.

6. Personal hygiene.

a. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.

b. Potential exposures, such as family exposure, shall also be included.

7. Additional safety hazards.

a. 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.

b. Scaffold and ladder hazards.

c. Slips, trips and falls.

d. Confined spaces.

8. Medical monitoring. OSHA requirements for a pulmonary function test, chest X-rays and a medical history for each employee.

9. Air monitoring.

a. Procedures to determine airborne concentration of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods.

b. Reasons for air monitoring.

c. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

10. Relevant federal, state, and local regulatory requirements, procedures and standards including:

a. Requirements of TSCA Title II;

b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);

c. OSHA Standards for ~~permissible exposure to airborne concentrations of asbestos fibers and r~~Respiratory ~~p~~Protection (29 CFR 1910.134);

d. OSHA Asbestos Construction Standard (29 CFR 1926.~~58~~1101);

e. ~~US~~EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;

f. Requirements for Asbestos-Containing Waste Materials, 9 VAC 20-80-640; and

g. 49 CFR Part 172, Subpart H, Department of Transportation regulations covering packaging, proper marking of shipping containers and shipping papers.

11. A review of NESHAP Guidance Documents.

a. Common Questions on the Asbestos NESHAP.

b. Asbestos NESHAP: Regulated Asbestos Containing Materials Guidance (EPA 340/1-90-018).

c. Asbestos NESHAP: Adequately Wet Guidance (EPA 340/1-90-019).

d. Reporting and Record Keeping Requirements for Waste Disposal: A Field Guide (EPA 340/1-90-016).

12. Respiratory protection programs and medical surveillance programs.

13. Insurance and liability issues.

a. Contractor issues, worker's compensation coverage, and exclusions.

b. Third-party liabilities and defenses.

c. Insurance coverage and exclusions.

14. Record keeping for asbestos abatement projects:

a. Records required by federal, state, and local regulations.

b. Records recommended for legal and insurance purposes.

15. Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and to discourage unsafe work practices.

16. Contract specifications. Discussions of key elements that are included in contract specifications.

17. ~~Course~~ Training program review. A review of key aspects of the accredited asbestos training ~~course~~ program.

18 VAC 15-20-750. Examinations: asbestos abatement supervisors.

Upon completion of an approved accredited asbestos initial training ~~course~~ program, a closed-book examination will be administered. Demonstration testing will also be permitted as part of the examination. Each examination shall cover the topics included in the training ~~course~~ program. Persons who pass the examination and fulfill the ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for an examination:

1. One hundred multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-760. Refresher training ~~course~~ program.

A. Accredited asbestos ~~Refresher~~ refresher ~~courses~~ training programs shall be one day (eight hours) for asbestos abatement supervisors. The ~~course~~ training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and developments in state-of-the-art procedures. A review of the following topics from the initial ~~course~~ accredited asbestos training program shall be included in the asbestos supervisor refresher ~~course~~ training program:

1. Potential health effects related to asbestos exposure;

2. Employee personal protective equipment; including medical monitoring and respiratory protection program;

3. State-of-the-art work practices (with emphasis on work practices for removal, encapsulation, enclosure and repair and proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment and the use of high efficiency particulate air (HEPA) vacuums);

4. Additional safety hazards and medical monitoring;

5. Review of the Asbestos NESHAP, OSHA and DOT requirements; and

6. Review of Virginia regulations concerning asbestos licensing, removal and disposal.

B. A written closed-book examination shall be included in the refresher ~~course~~ training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the refresher ~~course~~ training program examination will receive a Certificate of Completion. The certificate shall conform to ~~18 VAC 15-20-490~~ the requirements of this chapter.

18 VAC 15-20-770. Inspector training.

A. Asbestos inspectors shall complete a three-day (24 hours) training ~~course~~ [~~accredited asbestos training~~] program as outlined below. The ~~course~~ training program shall include lectures, demonstrations, four hours of hands-on training, ~~course~~ training program review and a written examination. The accredited asbestos inspector training ~~course~~ program shall address the following topics:

1. ~~Course~~ Training program overview.

a. The role of the inspector in the asbestos abatement industry.

b. A discussion of inspection requirements and criteria for AHERA, NESHAP and state agencies.

2. Background information on asbestos.

a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.

b. Physical appearance of asbestos.

3. Potential health effects related to asbestos exposure.

a. The nature of asbestos-related diseases.

b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

c. The synergism between cigarette smoking and asbestos exposure.

d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.

4. Functions/qualifications for inspectors.

a. Discussions of prior experience and qualifications for inspectors and management planners.

b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.

c. Discussion of the inspection process including inventory of ACM and physical assessment.

5. Legal liabilities and defenses.

a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.

b. Bonding and relationship of insurance availability to bond availability.

6. Understanding building systems.

a. The relationship 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.

b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.

c. Inspecting electrical systems, including appropriate safety precautions.

d. Reading building plans and as-built drawings.

7. Public/employee/building occupant relations.

a. Notification of employee organizations about the inspection.

b. Signs to warn building occupants.

c. Tactics in dealing with occupants and the press.

d. Scheduling inspections to minimize disruptions.

e. Education of building occupants about actions being taken.

8. Preinspection planning and review of previous inspection records.

a. Scheduling the inspection and obtaining access.

b. Building record review; identification of probable homogeneous areas from building plans or as-built drawings.

c. Consultation with maintenance or building personnel.

d. Review of previous inspection, sampling, and abatement records of a building.

e. The role of the inspector in exclusions for previously performed inspections.

9. Inspection for friable and nonfriable ~~asbestos-containing material (~~ACM~~)~~ and assessment of the condition of friable ACM.

a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.

b. Types of building materials that may contain asbestos.

c. Touching materials to determine friability.

d. Open return air plenums and their importance in HVAC systems.

e. Assessing damage, significant damage, potential damage, and potential significant damage.

f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.

g. Type of damage.

h. Accessibility.

i. Material's potential for disturbance.

j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.

10. Bulk sampling/documentation of asbestos in schools.

a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (~~US~~ EPA 560/5-85-030a October 1985).

b. Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.

c. Techniques for bulk sampling.

d. Sampling equipment the inspector should use.

e. Patching or repair of damage done in sampling; an inspector's repair kit.

f. Discussion of polarized light microscopy.

g. Choosing an accredited laboratory to analyze bulk samples.

h. Quality control and quality assurance procedures.

11. Inspector respiratory protection and equipment.

a. Classes and characteristics of respirator types.

b. Limitations of respirators.

c. Selection, inspection, donning, use, maintenance, and storage procedures for respirators.

d. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing.

i. Use, storage, and handling of nondisposable clothing.

12. Record keeping and writing the inspection report.

a. Labeling of samples and keying sample identification to sampling location.

b. Recommendations on sample labeling.

c. Detailing of ACM inventory.

d. Photographs of selected sampling areas and examples of ACM condition.

e. Information required for inclusion in the management plan by TSCA Title II section 203 (i)(1).

13. Regulatory review.

a. ~~USEPA~~ EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.

b. TSCA Title II.

c. OSHA Asbestos Construction Standard (29 CFR 1926.~~58~~1101).

d. OSHA respirator requirements (29 CFR 1910.134).

e. The friable ACM in Schools Rule found at 40 CFR Part 763, Subpart F.

f. Applicable state and local regulations.

g. Differences in federal and state requirements where they apply and the effects, if any, on public and nonpublic schools, and commercial and public buildings.

14. Field trip.

a. [~~Including a field~~ Field]exercise with a walk-through inspection.

b. On-site discussion of information gathering and determination of sampling locations.

c. On-site practice in physical assessment.

d. Classroom discussion of field exercise.

15. ~~Course~~ Training program review. A review of key aspects of the accredited asbestos training ~~course~~ program.

18 VAC 15-20-780. Examinations: A~~a~~sbestos inspectors.

Upon completion of an ~~approved~~ accredited asbestos inspector training ~~course~~ program, a closed-book examination will be administered. Each examination shall cover the topics included in the inspector training ~~course~~ program. Persons who pass the examination and fulfill ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-790. Refresher training ~~course~~ program.

A. Accredited asbestos ~~Refresher~~ refresher [~~courses~~] training programs shall be ~~1/2~~ one-half day (four hours) for inspectors. The ~~course~~ training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial ~~course~~ accredited asbestos training program shall be included in the accredited asbestos inspector refresher ~~course~~ training program:

1. Inspection for friable and nonfriable asbestos[-]containing material (ACM) and assessment of the condition of friable ACM;

2. Bulk sampling/documentation of asbestos in schools; and

3. Reinspection and reassessment techniques.

B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing building plans, inspection reports, a video or photo walk-through of an area to be inspected and written interviews with maintenance personnel to draw upon items covered in the initial accredited asbestos inspector ~~course~~ training program.

C. A written closed-book examination will be administered covering the topics included in the asbestos inspector refresher training ~~course~~ program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos inspector refresher training ~~course~~ program examination will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter.

18 VAC 15-20-800. Asbestos management planner training.

Asbestos management planners ~~seeking accreditation must~~ shall complete an accredited asbestos inspector training ~~course~~ program as provided in 18 VAC 15-20-770 and a two-day [accredited asbestos] management planner training ~~course~~ program. The two-day (16 hours) accredited asbestos training program shall include lectures, demonstrations, ~~course~~

program review, and a written examination. The accredited asbestos management planner training ~~course~~ program shall address the following topics:

1. ~~Course~~ Training program overview.

a. The role of the management planner.

b. Operations and maintenance programs.

c. Setting work priorities; protection of building occupants.

2. Evaluation/interpretation of survey results.

a. Review of TSCA Title II requirements for inspection and management plans as given in section 203(i)(1) of TSCA Title II.

b. Summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey.

3. Hazard assessment.

a. Amplification of the difference between physical assessment and hazard assessment.

b. The role of the management planner in hazard assessment.

c. Explanation of significant damage, damage, potential damage, and potential significant damage and use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM.

d. Relationship of accessibility, vibration sources, use of adjoining space, air plenums and other factors to hazard assessment.

4. Legal implications.

a. Liability; insurance issues specific to management planners.

b. Liabilities associated with interim control measures, in-house maintenance, repair, and removal.

c. Use of results from previous inspections.

5. Evaluation and selection of control options.

a. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method.

b. Response actions described via a decision tree or other appropriate method; work practices for each response action.

c. Staging and prioritizing of work in both vacant and occupied buildings.

d. The need for containment barriers and decontamination in response actions.

6. Role of other professionals.

a. Use of industrial hygienists, engineers and architects in developing technical specifications for response actions.

b. Any requirements that may exist for an architect to sign-off on plans.

c. Team approach to designing of high-quality job specifications.

7. Developing an operations and maintenance (O&M) plan.

a. Purpose of the plan.

b. Discussion of applicable ~~US~~ EPA guidance documents.

c. What actions should be taken by custodial staff: proper cleaning procedures; steam cleaning and high efficiency particulate ~~aerosol~~ air (HEPA) vacuuming.

d. Reducing disturbance of ACM.

e. Scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM.

f. Boiler room maintenance.

g. Disposal of ACM.

h. In-house procedures for ACM: bridging and penetrating encapsulants, pipe fittings, metal sleeves, poly vinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement.

i. Discussion of employee protection programs and staff training.

j. Case study in developing an O&M plan (development, implementation process, and problems that have been experienced).

~~8. Regulatory review.~~

~~a. Focusing on the OSHA Asbestos Construction Standard found in 29 CFR 1926.58.~~

~~b. The National Emission Standard for Hazardous Air Pollutants (NESHAPS) found at 40 CFR 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos).~~

~~c. USEPA Worker Protection Rule found in 40 CFR 763, Subpart G; TSCA Title II.~~

~~d. Applicable state regulations.~~

~~9.~~8. Record keeping for the management planner.

a. Use of field inspector's data sheet along with laboratory results.

b. On-going record keeping as a means to track asbestos disturbance.

c. Procedures for record keeping.

~~10.~~9. Assembling and submitting the management plan.

a. Plan requirements in TSCA Title II section 203(I)(1).

b. The management plan as a planning tool.

~~11.~~10. Financing abatement actions.

a. Economic analysis and cost estimates.

b. Development of cost estimates.

c. Present costs of abatement versus future operations and maintenance costs.

d. Asbestos School Hazard Abatement Act grants and loans.

~~12.~~11. A review of key aspects of the accredited asbestos training ~~course~~ program.

18 VAC 15-20-810. Examinations: A~~a~~sbestos management planners.

Upon completion of an ~~approved~~ accredited asbestos management planner training ~~course~~ program, a closed-book examination will be administered. Each examination shall cover the topics included in the management planner training ~~course~~ program. Persons who pass the examination and fulfill ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-820. Refresher training ~~course~~ program.

A. Management planners shall attend [both the management planner refresher training program of one-half day (four hours) and] the inspector refresher ~~course~~ training program of ~~1/2~~ one-half day (four hours) [~~plus an additional 1/2 one-half day (four hours) on management planning~~]. The ~~course~~ [management planner refresher] training program shall review federal and state regulations, discuss changes, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos management planner training ~~course~~ program shall be included in the asbestos management planner refresher training ~~course~~ program:

1. Evaluation and interpretation of survey results;

2. Hazard assessment;

3. Evaluation and selection of control options; and

4. Developing an Operations and Maintenance plan.

B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to have a management plan prepared for and a review of reinspection or abatement reports to update or prepare a management plan to draw upon items covered in the accredited asbestos inspector ~~course~~ training program and the initial accredited asbestos management planner ~~course~~ training program.

C. A written closed-book examination will be administered covering the topics included in the asbestos ~~inspector~~ management planner refresher ~~course~~ training program. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos management planner refresher training ~~course~~ program examination will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter.

18 VAC 15-20-830. Asbestos project designer training.

Asbestos project designers shall complete a three-day (24 hours) [~~accredited asbestos project designer~~] training ~~course~~ program as outlined below. The three-day asbestos project designer training program shall include lectures, demonstrations, a field trip, ~~course~~ training program review, and a written examination. The three-day asbestos project designer training ~~course~~ program shall address the following topics:

1. ~~Course~~ Training program overview.

a. The role of the project designer in the asbestos abatement industry.

b. Discussion of what a project design is.

2. Background information on asbestos.

a. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings.

b. Physical appearance of asbestos.

3. Potential health effects related to asbestos exposure.

a. Nature of asbestos-related diseases.

b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

c. The synergistic effect between cigarette smoking and asbestos exposure.

d. The latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

4. Overview of abatement construction projects.

a. Abatement as a portion of a renovation project.

b. OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.~~58~~1101).

5. Safety system design specifications.

a. Construction and maintenance of containment barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Proper working techniques for minimizing fiber release.

e. Entry and exit procedures for the work area, use of wet methods, use of negative pressure exhaust ventilation equipment, use of high efficiency particulate ~~aerosol~~ air

(HEPA) vacuums, proper clean-up and disposal of asbestos, work practices as they apply to encapsulation, enclosure, and repair, use of glove bags and a demonstration of glove bag use.

6. Field trip.

a. Visit a~~n~~ proposed abatement site or other suitable building site, including on-site discussions of abatement design.

b. Building walk-through inspection, and discussion following the walk-through.

7. Employee personal protective equipment.

a. Classes and characteristics of respirator types.

b. Limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures.

c. Methods for field testing of the ~~face-to-facepiece~~ facepiece-to-face seal (positive and negative pressure fitting tests).

d. Qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair, dental work and weight loss or gain).

f. Components of a proper respiratory protection program.

g. Selection and use of personal protective clothing, use, storage and handling of nondisposable clothing.

h. Regulations covering personal protective equipment.

8. Additional safety hazards.

a. Hazards encountered during abatement activities and how to deal with them.

b. Electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.

9. Fiber aerodynamics and control.

a. Aerodynamic characteristics of asbestos fibers.

b. Importance of proper containment barriers.

c. Settling time for asbestos fibers.

d. Wet methods in abatement.

e. Aggressive air monitoring following abatement.

f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

10. Designing abatement solutions.

a. Discussions of removal, enclosure, and encapsulation methods.

b. Asbestos waste disposal.

11. Budgeting/cost estimation.

a. Development of cost estimates.

b. Present costs of abatement versus future operations and maintenance costs.

c. Setting priorities for abatement jobs to reduce cost.

12. Writing abatement specifications.

a. Means and methods specifications versus performance specifications.

b. Design of abatement in occupied buildings.

c. Modification of guide specifications to a particular building.

d. Worker and building occupant health/medical considerations.

e. Replacement of ACM with non-asbestos substitutes.

f. Clearance of work area after abatement.

g. Air monitoring for clearance.

13. Preparing abatement drawings.

a. Use of as-built drawings.

b. Use of inspection photographs and on-site reports.

c. Particular problems in abatement drawings.

14. Contract preparation and administration.

15. Legal/liabilities/defenses.

a. Insurance considerations, bonding, hold harmless clauses, and use of abatement contractor's liability insurance.

b. Claims-made versus occurrence policies.

16. Replacement of asbestos with asbestos-free substitutes.

17. Role of other consultants.

a. Development of technical specification sections by industrial hygienists or engineers.

b. The multi-disciplinary team approach to abatement design.

c. The use and responsibilities of a project monitor on the abatement site.

18. Occupied buildings.

a. Special design procedures required in occupied buildings.

b. Education of occupants.

c. Extra monitoring recommendations.

d. Staging of work to minimize occupant exposure.

e. Scheduling of renovation to minimize exposure.

19. Relevant federal, state and local regulatory requirements. Procedures and standards including:

a. Requirements of TSCA Title II;

b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos);

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

d. ~~US~~EPA Worker Protection Rule, found at 40 CFR Part 763, Subpart G;

e. OSHA Asbestos Construction Standard found at 29 CFR 1926.~~58~~1101; and

f. OSHA Hazard Communication Standard found in 29 CFR 1926.59.

20. A review of key aspects of the accredited asbestos training ~~course~~ program.

18 VAC 15-20-840. Examinations: A~~a~~sbestos project designers.

Upon completion of an ~~approved~~ accredited asbestos project designer training ~~course~~ program, a closed-book examination will be administered. Each examination shall cover the topics included in the asbestos project designer training ~~course~~ program. Persons who pass the examination and fulfill ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-850. Refresher training ~~course~~ program.

A. The accredited asbestos ~~Project~~ project designer refresher training program shall be one day (eight hours) in length. The ~~course~~ training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial project designer training ~~course~~ program shall be included in the accredited asbestos project designer refresher training ~~course~~ program:

1. Safety system design specifications;

2. Writing abatement specifications;

3. Employee personal protective equipment; and

4. Budgeting and cost estimation.

B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to prepare a response action, a review of a mock-up cost list of equipment and materials utilized for various response actions to be designed within certain budget constraints and recommending a response action based upon the cost, budget and material condition constraints.

C. A written closed-book examination will be administered covering the topics included in the asbestos project designer refresher ~~courses~~ training program. The

examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos project designer refresher training ~~course~~ program will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter.

18 VAC 15-20-860. Project monitor training.

A. Asbestos abatement project monitors shall complete a five-day (40 hours) [~~accredited asbestos~~] training ~~course~~ program as outlined below. All training ~~courses~~ programs shall be approved by the ~~department~~ board. The accredited asbestos training ~~course~~ program shall include lectures, demonstrations, ~~course~~ training program review, examination, and at least six hours of hands-on training which allows project monitors the experience of performing actual tasks associated with asbestos project monitoring. Those applicants who hold current supervisor[~~s~~] or project designer[~~s~~] ~~certification~~ accreditation need not complete the entire 40-hour accredited asbestos training ~~course~~ program, but may complete the 16-hour portion of the ~~course~~ training program described in subdivision B1 of this section and take the examination. The comprehensive 40-hour accredited asbestos project monitor training ~~course~~ program shall address the following topics:

1. The physical characteristics of asbestos and asbestos[-]containing materials.

a. Identification of asbestos.

b. Typical uses and locations in buildings, physical appearance.

c. A review of hazard assessment control options.

d. A summary of abatement control options.

2. Potential health effects related to asbestos exposure.

a. The nature of asbestos-related diseases.

b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.

c. Synergism between cigarette smoking and asbestos exposure.

d. Latency period for disease; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of the other organs.

3. Employee personal protective equipment.

a. Classes and characteristics of respirator types.

b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.

c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).

d. Qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair, dental work, weight loss or gain).

g. The components of a proper respiratory protection program.

h. Selection and uses of personal protective clothing; use, storage, and handling of nondisposable clothing.

i. Regulations covering personal protection equipment.

4. State of the art work practices.

a. Work practices for asbestos abatement activities including description of proper construction and maintenance barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums. Entry and exit procedures for work area.

e. Clean-up and disposal procedures.

f. Work practices for removal, encapsulation, enclosure and repair. Use of glove bags and a demonstration of glove bag use.

g. Emergency procedures for sudden release.

h. Potential exposure situations.

i. Transport and disposal procedures.

j. Recommended and prohibited work practices.

k. Discussion of new abatement related techniques and methodologies.

5. Personal hygiene.

a. 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.

b. Potential exposures, such as family exposure, shall also be included.

6. Additional safety hazards as covered in OSHA CFR Parts 1926 and 1910 to include:

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

b. Scaffold and ladder hazards;

c. Slips, trips and falls; and

d. Confined spaces.

7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.

8. Respiratory protection programs and medical surveillance programs.

9. Insurance and liability issues:

a. Contractor issues, worker's compensation coverage, and exclusions.

b. Third-party liabilities and defenses.

c. Insurance coverage and exclusions.

10. Relevant federal, state and local regulatory requirements, procedures and standards including:

a. Requirements of TSCA Title II;

b. 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos);

c. OSHA Standards for ~~permissible exposure to airborne concentrations of asbestos fibers and~~ respiratory protection (29 CFR 1910.134);

d. OSHA Asbestos Construction Standard (29 CFR 1926.~~58~~1101);

e. OSHA Hazard Communication Standard (29 CFR 1926.59);

f. ~~US~~ EPA Worker Protection Rule, 40 CFR Part 763~~, Subpart G~~;

g. Requirements of Asbestos-Containing Waste Materials, 9 VAC 20-80-640;

h. DOT 49 CFR Parts 171 and 172 Subpart H; and

i. Virginia asbestos licensing regulations.

B. The material outlined below encompasses the 16-hour accredited asbestos project monitor training ~~course~~ program. Those applicants who are currently accredited as supervisors or project designers need only ~~to~~ complete ~~this~~ the 16-hour project monitor training program ~~course~~ and examination. The comprehensive 40-hour project monitor training program includes the preceding topics and continues below.

1. Air monitoring.

a. NIOSH Asbestos Monitoring Procedure. Procedures to determine airborne concentration of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods.

(1) Explanation of analytical methods, measures of precision, control of errors, collecting ~~measurement~~ samples, fiber counts, sampling and calibration equipment, statistics, quality control techniques in sampling.

(2) Review of OSHA Asbestos Regulations 29 CFR Part 1926, Subpart F, 1-6.

b. Sampling strategy.

(1) Why samples are taken.

(2) Sampling inside and outside of containment area.

(3) Placement of pumps.

c. Reasons for air monitoring.

d. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.

e. Final clearance.

2. Overview of supervisory techniques for asbestos abatement activities to include the information covered in the accredited asbestos ~~supervisor's~~ supervisor training ~~course~~ program. A review of the required work practices and safety considerations.

3. Field Trip.

a. Visit a proposed abatement site or other suitable building site, including on-site discussions of abatement design.

b. Building walk-through inspection and discussion following the walk through.

4. Fiber aerodynamics and control.

a. Aerodynamic characteristics of asbestos fibers.

b. Importance of proper containment barriers.

c. Settling time for asbestos fibers.

d. Wet methods in abatement.

e. Aggressive air monitoring following abatement.

f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

5. Project specifications. Discussion of key elements that are included in contract specifications.

a. Means and methods specifications versus performance specifications.

b. Considerations for design of abatement in occupied buildings.

c. Worker and building occupant health/medical considerations.

d. Replacement of ACM with non-asbestos substitutes.

e. Clearance of work area after abatement.

f. Use of as-built drawings.

g. Use of inspection photographs and on-site reports.

h. Particular problems in abatement drawings.

6. Conducting inspections.

a. Inspection prior to containment to assure condition of items and proper pre-cleaning.

b. Inspection of containment prior to commencement of abatement to assure that containment is complete and proper.

c. Daily work and containment inspections.

d. Final visual inspection and a discussion of the ASTM E1368 method.

7. Record keeping and documentation.

a. Project logs.

b. Inspection reports.

c. Waste shipment record requirements (WSR).

d. Record keeping required by federal, state or local regulations.

e. Record keeping required for insurance purposes.

8. Role of project monitor in relation to:

a. Building owner,

b. Building occupants,

c. Abatement contractor, and

d. Other consultants.

9. Occupied buildings.

a. Special procedures recommended in occupied buildings.

b. Extra monitoring recommendations.

10. A review of NESHAP Guidance Documents.

~~a. Common Questions on the Asbestos NESHAP.~~

~~b. Asbestos NESHAP: Regulated Asbestos Containing Materials Guidance (EPA 340/1-90-018).~~

~~c. Asbestos NESHAP: Adequately Wet Guidance (EPA 340/1-90-019).~~

11. A review of key aspects of the accredited asbestos training ~~course~~ program.

12. Examination.

18 VAC 15-20-870. Examination: [A~~a~~]sbestos project monitors.

Upon completion of an ~~approved~~ accredited asbestos project monitor training ~~course~~ program, a closed-book examination will be administered. Each examination shall cover the topics included in the project monitor~~ing~~ training ~~course~~ program. Persons who pass the examination and fulfill ~~course~~ training program requirements will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter. The following are the requirements for examination:

1. One hundred multiple choice questions; and

2. Passing score: 70% correct.

18 VAC 15-20-880. Refresher training ~~course~~ program.

A. [The a~~A~~]ccredited asbestos ~~Project~~ project monitor refresher training program shall be one day (eight hours)[in length]. The ~~course~~ training program shall review federal and state regulations, discuss changes to the regulations, if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial accredited asbestos project monitor training ~~course~~ program shall be included in the asbestos project monitor refresher training ~~course~~ program:

1. State-of-the-art work practices;

2. Occupied buildings;

3. Employee personal protective equipment;

4. Fiber aerodynamics and control; and

5. Record keeping and documentation.

B. The use of exercises to encourage interactive learning and participation is suggested. These exercises may take the form of reviewing inspection reports, a video or photo walk-through of a building to determine a sampling strategy, a review of a mock-up abatement area to determine that containment is adequate, or review of a mock-up abatement area where a visual inspection may be performed.

C. A written closed-book examination will be administered covering the topics included in the asbestos project monitor refresher ~~courses~~ training program. The examination will consist of no fewer than 50 questions. The passing score will be 70%

correct. Persons who pass the asbestos project monitor refresher training ~~course~~ program examination will receive a Certificate of Completion as specified in ~~18 VAC 15-20-490~~ this chapter.

18 VAC 15-20-890. ~~RFS training course modules.~~(Repealed)

~~Each module shall consist of a minimum of four hours of actual instruction. This training does not replace the training requirements of OSHA in 29 CFR 1926.58.~~

~~A. Module I. -- Basic training information required for all supervisors and workers.~~

~~1. Physical characteristics.~~

~~a. Identification of asbestos.~~

~~b. Aerodynamic characteristics.~~

~~c. Typical uses and physical appearance.~~

~~2. Health effects related to asbestos exposure.~~

~~a. Nature of asbestos related disease.~~

~~b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.~~

~~c. Cigarette smoking and asbestos exposure.~~

~~d. Latency period for asbestos related diseases.~~

~~e. Need and importance of following all safety instructions.~~

~~3. Laws and regulations.~~

~~a. Licensing requirements.~~

~~b. Relevant federal, state, and local regulatory requirements, procedures and standards, including, but not limited to:~~

~~(1) OSHA regulations;~~

~~(2) EPA/NESHAP regulations; and~~

~~(3) Department of Transportation regulations, (49 CFR 172 Subpart H).~~

~~4. Personal protection equipment.~~

~~a. Classes and characteristics of respirator types, limitations, selection, inspection, donning, use, maintenance, and storage procedures.~~

~~b. Fit testing procedures.~~

~~c. Components of a respiratory protection program.~~

~~d. Selection and use of personal protection clothing; use, storage, and handling of nondisposable clothing, hard hats, safety glasses, and nonslip shoes.~~

~~5. Air monitoring.~~

~~a. Procedures to determine airborne concentrations of asbestos fibers.~~

~~b. Discussion of how personal air sampling is performed and the reasons for it.~~

~~6. Personal hygiene.~~

~~a. Entry and exit procedures for the work area.~~

~~b. Avoidance of eating, drinking, smoking and chewing (gum or tobacco) in the work area.~~

~~c. Potential exposures, such as family exposure.~~

~~B. Floorcovering specialty module.~~

~~1. Floorcovering materials and adhesives which may contain asbestos.~~

~~a. Floorcovering materials.~~

~~b. Adhesives - asbestos-containing and non-asbestos-containing.~~

~~c. Dates of production of asbestos containing resilient floorcoverings.~~

~~d. Alternatives to removal of existing floor and proper methods.~~

~~2. Recommended work practices.~~

~~a. Work techniques for minimizing fiber releases; wetting, steaming, dry ice, hand tools, HEPA vacuumed tools, use of sealants, no grinding, no crushing, no breakage, use of mastic removers.~~

~~b. Instruction as to proper nonfriable techniques for:~~

~~(1) Removal of tile;~~

~~(2) Removal of sheet goods; and~~

~~(3) Removal of residual adhesives.~~

~~c. Clean up and disposal techniques, construction of leak tight containers, sealing of friable ACM edges or wetting of edges, HEPA vacuuming, wet wiping.~~

~~d. Safety practices and hazard prevention during removal of floorcoverings.~~

~~Discussion of hazards posed by wet working conditions, electrical hazards, slips, trips and falls.~~

~~e. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys, and all openings.~~

~~f. Positioning of warning signs, critical barriers and designation of regulated areas.~~

~~g. Emergency procedures.~~

~~3. Course review.~~

~~4. Examination.~~

~~C. Roofing specialty module.~~

~~1. Identification of roofing materials which may contain asbestos.~~

~~Typical uses and physical appearance of asbestos roofing materials.~~

~~2. Recommended work practices.~~

~~a. Work techniques for minimizing fiber releases, wet methods, use of HEPA vacuums, procedures for removal of asbestos cement- products versus built-up roof products. Discussion of prohibited work practices.~~

~~b. Work practices for nonfriable removal - wetting, hand tools, HEPA vacuumed tools, use of sealants.~~

~~c. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.~~

~~d. Clean up and disposal techniques, construction of leak tight chutes, sealing of friable ACM edges or wetting of edges.~~

~~e. Discussion of additional safety hazards.~~

~~(1) Scaffold and ladder hazards.~~

~~(2) Slips, trips and falls.~~

~~f. Positioning of warning signs, critical barriers and designation of regulated areas.~~

~~g. Emergency procedures.~~

~~3. Recommended safe work practices for installation of asbestos containing roofing materials.~~

~~4. Course review.~~

~~5. Examination.~~

~~D. Siding specialty module.~~

~~1. Identification and discussion of siding materials which may contain asbestos. Typical uses and physical appearance of asbestos siding materials.~~

~~2. Recommended work practices~~

~~a. Work techniques for minimizing fiber releases; wetting, procedures for removal of asbestos cement products. Discussion of prohibited work practices.~~

~~b. Work practices for nonfriable removal, wetting, hand tools, HEPA vacuumed tools, use of sealants.~~

~~c. Ventilation system lock-out, sealing of intake and exhaust vents, windows, doors, chimneys and all openings.~~

~~d. Positioning of warning signs and designation of regulated areas.~~

~~e. Clean up and disposal techniques, construction of leak tight containers, sealing of friable ACM edges or wetting of edges.~~

~~f. Safety practices and hazard prevention during removal of siding.~~

~~(1) Scaffold and ladder hazards.~~

~~(2) Slips, trips, and falls.~~

~~3. Recommended safe work practices for installation of asbestos containing siding materials.~~

~~4. Course review.~~

~~5. Examination.~~

~~E. RFS Supervisor Module.~~

~~1. Pre-work activities and considerations.~~

~~a. Determination of asbestos containing materials.~~

~~(1) Methods of identification.~~

~~(2) Inspection report.~~

~~b. Air monitoring, specific methods and documentation procedures.~~

~~2. Assessment of the work area.~~

~~a. Check for difficulty of isolating the work area.~~

~~b. Necessary considerations if areas adjacent to the activity will be occupied.~~

~~c. Check for items requiring special protection.~~

~~3. Site consideration and preparations. Regulated areas, barricade set-up, warning signs, etc.~~

~~4. Supervisory techniques, worker training, cleanliness of the job site.~~

~~5. Record keeping, disposal of asbestos containing waste, review of federal, state and local laws, regulations, and standards, including:~~

~~a. OSHA regulations;~~

~~b. NESHAP requirements; and~~

~~c. Department of Transportation regulations (49 CFR 172, Subpart H)~~

~~6. Nonfriable removal techniques.~~

~~7. Course review.~~

~~8. Examination.~~

18 VAC 15-20-900~~. Length of RFS training.~~ (Repealed)

~~A. Each RFS worker training course shall consist of at least eight hours (the basic module and one specialty module) of instruction.~~

~~B. Each RFS supervisor training course shall consist of at least 12 hours (the basic module, one specialty module and the supervisor module) of instruction.~~

18 VAC 15-20-910~~. Examination.~~ (Repealed)

~~Upon completion of an approved RFS training course, a closed book examination will be administered. Each examination shall cover the topics included in the instructed modules. Persons who pass the examination and fulfill course requirements will receive a Certificate of Completion as specified in 18 VAC 15-20-490 of this chapter. Examinations shall consist of 25 questions for each module of instruction.~~

18 VAC 15-20-920.~~ Refresher training course.~~ (Repealed)

~~A. RFS worker and supervisor refresher training shall be at least 1/2 day (four hours). The course shall review federal and state regulations and discuss changes if applicable, and review developments in state-of-the-art procedures. A review of the following topics from the initial RFS worker training course shall be included in the RFS worker refresher training course:~~

~~1. Physical characteristics;~~

~~2. Health effects related to asbestos exposure;~~

~~3. Personal protection equipment;~~

~~4. State-of-the-art work practices;~~

~~5. Recommended work practices; and~~

~~6. Recommended safe work practices for installation.~~

~~B. A review of the following topics from the initial RFS supervisor training module course shall be included in the RFS supervisor refresher training course:~~

~~1. Prework activities;~~

~~2. Site consideration and preparation; and~~

~~3. Record keeping and disposal of asbestos-containing waste.~~

~~C. A written closed book examination will be administered covering the topics included in the asbestos RFS worker or supervisor refresher courses. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the asbestos RFS worker or supervisor refresher training course examination will receive a Certificate of Completion as specified in 18 VAC 15-20-490.~~

18 VAC 15-20-930. ~~RFS inspector training requirements.~~ (Repealed)

~~Asbestos RFS inspectors shall complete a three-day (24 hours) training course as outlined below or an individual who has successfully completed the RFS supervisor training course shall complete the one and one-half day (12 hours) of training found in Part II of the outline which follows. The course shall include lectures, demonstrations, four hours of hands-on training, course review and a written examination. The RFS inspector training course shall address the following topics:~~

~~PART I (minimum 12 hours).~~

~~1. Background information on asbestos.~~

~~a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.~~

~~b. Physical appearance of asbestos.~~

~~2. Potential health effects related to asbestos exposure.~~

~~a. The nature of asbestos-related diseases.~~

~~b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.~~

~~c. The synergism between cigarette smoking and asbestos exposure.~~

~~d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.~~

~~3. Understanding of building systems.~~

~~a. The interrelationship between RFS projects and other building systems, ie., heating, ventilation and air conditioning systems.~~

~~b. Where asbestos is found in RFS components, where to look for ACM.~~

~~c. Identification of homogeneous areas.~~

~~4. Inspector respiratory protection and equipment.~~

~~a. Classes and characteristics of respirator types.~~

~~b. Limitations of respirators.~~

~~c. Proper selection, inspection, donning, use, maintenance, and storage procedures for respirators.~~

~~d. Methods of field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.~~

~~5. Regulations.~~

~~a. Virginia regulations and statutes.~~

~~b. Differences in federal/state requirements where applicable and effect on RFS projects.~~

~~c. A review of the National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 CFR 61, Subpart M).~~

~~d. A review of the Regulated Asbestos Containing Material Guidance Document (EPA 340/1-90-018).~~

~~PART II (minimum 12 hours).~~

~~6. Functions, qualifications and role of RFS inspectors.~~

~~a. Discussions of prior experience and qualifications.~~

~~b. Discussions of the sanctions and purpose of licensure.~~

~~c. Discussion of the inspection process to include inventory of ACM and physical assessment of RFS materials.~~

~~7. Legal liability and defenses.~~

~~a. Responsibilities of the RFS inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.~~

~~b. Bonding and relationship of insurance availability to bond availability.~~

~~8. Preinspection planning.~~

~~a. Employee, building occupants and building owner relations.~~

~~b. Building record review, identity of probable homogeneous areas.~~

~~c. Consultation with maintenance or building personnel.~~

~~d. Review of previous inspection, sampling and abatement records of a building.~~

~~9. Inspection for nonfriable asbestos containing material and assessment of the condition of friable ACM.~~

~~a. Procedures to follow in conducting visual inspections for nonfriable ACM.~~

~~b. Types of building materials that may contain asbestos.~~

~~c. Touching materials to determine friability.~~

~~d. Open return air plenums and their importance in HVAC systems.~~

~~e. Assessing damage, significant damage, potential damage, and potential significant damage.~~

~~f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.~~

~~g. Type of damage.~~

~~h. Accessibility.~~

~~i. Material's potential for disturbance.~~

~~j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.~~

~~10. Bulk sampling/documentation of ACM.~~

~~a. Techniques to ensure sampling in a randomly distributed manner.~~

~~b. Techniques for bulk sampling.~~

~~c. Sampling equipment the inspector should use.~~

~~d. Patching or repair of damage done in sampling; an inspector's repair kit.~~

~~e. Discussion of polarized light microscopy.~~

~~f. Choosing an accredited laboratory to analyze bulk samples.~~

~~g. Quality control and quality assurance procedures.~~

~~h. Variability between field and laboratory protection factors.~~

~~i. Factors that alter respirator fit (e.g., facial hair).~~

~~j. The components of a proper respiratory protection program.~~

~~k. Selection and use of personal protective clothing.~~

~~l. Use, storage, and handling of nondisposable clothing.~~

~~11. Record keeping and writing the inspection report.~~

~~a. Labeling of samples and keying sample identification to sampling location.~~

~~b. Recommendations on sample labeling.~~

~~c. Detailing of ACM inventory.~~

~~d. Photographs of selected sampling areas and examples of ACM condition.~~

~~12. Regulations.~~

~~a. USEPA Worker Protection Rule.~~

~~b. OSHA Asbestos Construction Standard (29 CFR 1926.58.)~~

~~c. OSHA Respirator Regulation (29 CFR 1910.134).~~

~~d. Virginia asbestos regulations.~~

~~13. Field trip.~~

~~a. Including a field exercise with a walk-through inspection.~~

~~b. On-site discussion on information gathering and determination of sampling locations.~~

~~c. On-site practice in physical assessment.~~

~~d. Classroom discussion of field exercise.~~

~~14. Course review. A review of key aspects of the training course.~~

~~15. Examination.~~

18 VAC 15-20-940. ~~Examination: asbestos RFS inspectors.~~ (Repealed)

~~Upon completion of an approved RFS inspector training course, a closed book examination will be administered. The examination shall cover the topics included in the RFS inspectors training module. Persons who pass the examination and fulfill course requirements will receive a Certificate of Completion as specified in 18 VAC 15-20-490.~~

~~1. Fifty multiple choice questions; and~~

~~2. Passing score: 70% correct.~~

18 VAC 15-20-950~~. Refresher RFS inspector training course.~~ (Repealed)

~~A. Refresher courses shall be 1/2 day (four hours) for RFS inspectors. The course shall review federal and state regulations, discuss changes to the regulations if applicable, discuss developments in state-of-the-art procedures. A review of of the following topics shall be included in the RFS inspector refresher training course:~~

~~1. Potential health effects related to asbestos exposure;~~

~~2. Inspection for nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM;~~

~~3. Bulk sampling/documentation of ACM; and~~

~~4. Record-keeping and writing the inspection report.~~

~~B. A written closed book examination will be administered covering the topics included in the asbestos RFS Inspector refresher training course. The examination will consist of no fewer than 50 questions. The passing score will be 70% correct. Persons who pass the refresher examination will receive a Certificate of Completion as specified in 18 VAC 15-20-490.~~

~~PART XVII.~~
~~FEE SCHEDULE.~~

18 VAC 15-20-960~~. Fee schedule.~~ (Repealed)

~~CATEGORY~~	~~FEE AMOUNT~~
~~Asbestos Contractor's License Application~~	~~$40~~
~~Renewal~~	~~$40~~
~~Late Renewal~~	~~$25~~

~~Asbestos Worker's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Supervisor's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Inspector's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Management Planner's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Project Designer's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Project Monitor's License Application~~	~~$25~~
~~Renewal~~	~~$25~~
~~Late Renewal~~	~~$25~~
~~Asbestos Analytical Laboratory License Application~~	~~$40~~
~~Renewal~~	~~$40~~
~~Late Renewal~~	~~$25~~
~~EVALUATION OF TRAINING COURSES~~	
~~Asbestos Worker Training Courses~~	~~$2000~~
~~Refresher Course (8 hours)~~	~~$400~~
~~Asbestos Supervisor Training Course (40 hours)~~	~~$1600~~
~~Refresher Course (8 hours)~~	~~$400~~
~~Asbestos Inspector Training Course (24 hours)~~	~~$1200~~
~~Refresher Course (4 hours)~~	~~$200~~
~~Asbestos Management Planner Training Course (16 hours)~~	~~$800~~
~~Refresher Course (4 hours)~~	~~$200~~
~~Asbestos Project Designer Training Course (24 hours)~~	~~$1200~~
~~Refresher Course (8 hours)~~	~~$400~~

~~Asbestos Project Monitor Training Course (40 hour comp.) $2000~~
~~Asbestos Project Monitor Training Course (16 hours) $800~~
~~Refresher Course $400~~

~~RFS Worker Basic Module $200~~

~~Dishonored check service fee $25~~

I certify that this regulation is full, true, and correctly dated.

_____

(Signature of Certifying Official)
Printed Name and Title of Certifying Official
Printed Name of Agency

Date: _____