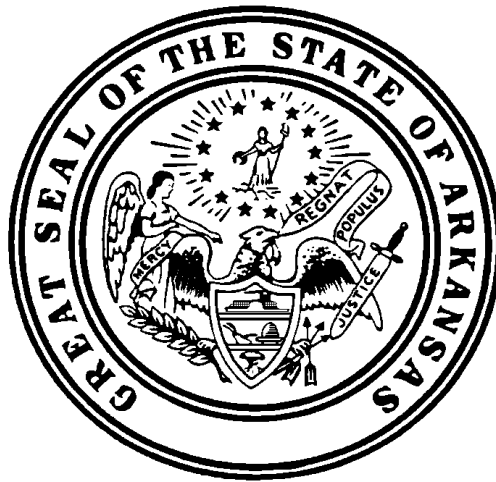


Pollution Control and Ecology Commission # 014.00-021

ARKANSAS POLLUTION CONTROL and ECOLOGY COMMISSION

RULE 21

ARKANSAS ASBESTOS ABATEMENT RULE



DRAFT FOR DISCUSSION PURPOSES ONLY
Strawman Draft

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CHAPTER 1: TITLE, PURPOSE, AND APPLICABILITY

Rule 21.101 Title

The following rules which have been adopted under the Removal of Asbestos Material Act and the Arkansas Water and Air Pollution Control Act, shall be known as the “Arkansas Asbestos Abatement Rule” or “Rule 21.”

Rule 21.102 Purpose

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

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

Rule 21.103 Applicability

- (A) Rule 21 applies to the following persons:
 - (1) The owner or operator of any facility involved in demolition or renovation activities;

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

Rule 21.104 Severability

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

Rule 21.105 Incorporation by Reference

Unless a contrary intent is expressly stated, any adoption or descriptive reference to another law shall be construed as though the reference law were set forth in Rule 21 line-by-line, word-for-word as it existed on the effective date of Rule 21.

Rule 21.106 Effective Date

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

CHAPTER 2: DEFINITIONS

“Abatement” means procedures to remove or to control a fiber release from asbestos-containing materials.

“Accreditation” means, for asbestos disciplines requiring certification under Rule 21, that a person that has attended and passed an applicable asbestos course offered by a Training Provider within the last twelve (12) months that is:

- (A) Licensed in Arkansas pursuant to Rule 21; or
- (B) Licensed by a state or tribe to which the Environmental Protection agency has delegated authority under 40 CFR 763, Appendix C to Subpart E.

“Adequately wetted” means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible particulate emissions is not sufficient evidence of a material having been adequately wetted.

“Aggressive air sampling” means collecting a sample after artificially circulating the air so that fibers remain airborne during sample collection in accordance with the requirements of 40 CFR Part 763, Subpart E, Appendix A.

“Air contaminant” means any solid, liquid, gas, vapor, or any combination thereof. The following shall not be considered air contaminants: water vapor, oxygen, carbon dioxide, nitrogen, hydrogen, and inert gases.

“Air Monitor Technician” means a person that collects airborne samples for analysis of asbestos fibers and meets the certification requirements of Rule 21.

“Air monitoring” means the process of measuring airborne fiber concentration of a specific quantity of air over a specific amount of time. Air monitoring does not include individual personal monitoring.

“Annual renovation operation” means a series of individual, unscheduled, operations for which the combined additive amount of regulated asbestos-containing material to be removed during a calendar year (January 1 through December 31) is predicted to be:

- (A) Eighty (80) or more linear meters (two hundred sixty [260] or more linear feet) on pipes;
- (B) Fifteen (15) or more square meters (one hundred sixty [160] or more square feet) on any other facility component; or

- (C) One (1) or more cubic meters (thirty-five [35] cubic feet) if the length or area could not be measured.

“Arkansas Awareness” means a training course that teaches the fundamentals of Arkansas asbestos regulatory authority, requirements, and policies.

“Asbestos” means the form of the following varieties of minerals that grow in a fibrous aggregate of high tensile strength, flexible, long, and thin crystals that readily separate:

- (A) Serpentine (chrysotile),
- (B) Riebeckite (crocidolite);
- (C) Cummingtonite-grunerite;
- (D) Anthophyllite; and
- (E) Actinolite-tremolite.

“Asbestos Abatement Consultant” means any person that meets the licensing requirements of Rule 21 and acts as an agent for the owner or operator in performing demolitions, renovations, air monitoring, or asbestos response actions that involve, or may involve, the removal or disturbance of asbestos-containing material in any facility. An Asbestos Abatement Consultant provides professional services to an owner or operator to address potential hazards of asbestos-containing material including inspections, project design, air monitoring, and management plans. Additionally, an Asbestos Abatement Consultant may offer advice on the selection of appropriate personnel, work practices, and evaluation of abatement operations.

“Asbestos Abatement Contractor” means any person that meets the licensing requirements of Rule 21 and acts as an agent for the owner or operator in performing demolitions, renovations, air monitoring, or asbestos response actions that involve, or may involve, the removal or disturbance of asbestos-containing material in any facility. An Asbestos Abatement Contractor acts on behalf of the owner or operator as the operator and maintains work area conditions and procedures to protect the environment from potential hazards of asbestos-containing materials and employs personnel who oversee or engage in supporting roles of applicable demolition or renovation activities including Supervisors, Workers, and Air Monitor Technicians.

“Asbestos-containing material” means any material that contains more than one percent (1%) of friable asbestos, nonfriable asbestos, or both.

“Asbestos-containing building material” means any friable asbestos-containing material or nonfriable asbestos-containing material that is in or on interior structural members or other parts of a facility.

“Asbestos-containing waste material” means any waste that contains asbestos and is generated by a source subject to the provisions of Rule 21. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos, including disposable equipment and clothing.

“Asbestos Hazard Emergency Response Act” means the federal act, codified at 15 USC 2643, that mandates a regulatory program to address asbestos hazards in public schools and outlines mandatory training and accreditation of a person that performs asbestos-related work in schools.

“Asbestos professional discipline” means one of the following types of professionals requiring certification pursuant to Rule 21:

- (A) Worker;
- (B) Supervisor;
- (C) Inspector;
- (D) Air Monitoring Technician;
- (E) Management Planner; and
- (F) Project Designer.

“Asbestos-related activity” means any process or procedure that may cause asbestos-containing material to be intentionally or unintentionally disturbed, removed, or encapsulated, including training, inspecting, air monitoring, sampling, or other activity required to be conducted in accordance with Rule 21.

“Asbestos response action” means any activity including removal, encapsulation, enclosure, repair, and operation and maintenance that protects human health and the environment from friable asbestos-containing building material.

“Asbestos School Hazard Abatement Reauthorization Act” means the 1990 federal law that amended the Asbestos Hazard Emergency Response Act.

“Arkansas Water and Air Pollution Control Act” means Arkansas Code Annotated § 8-4-101 *et seq.*

“Bulk sample” means any solid quantity of insulation, floor tile, or other building material that is suspected of containing asbestos fibers and that will be analyzed to determine the presence and quantity of asbestos.

“Business day” means calendar day, excluding Saturdays, Sundays, and recognized public holidays.

“Business hours” means the times between 8:00 a.m. and 4:30 p.m. central time on a business day.

“Calendar year” means a period of three hundred sixty-five (365) consecutive days that begins January 1 and ends December 31.

“Category I nonfriable asbestos-containing material” means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products that contain more than one percent (1%) asbestos, as determined using polarized light microscopy, and when dry, the material cannot be crumbled, pulverized, or reduced to powder by hand pressure.

“Category II nonfriable asbestos-containing material” means any material, excluding category I nonfriable asbestos-containing material, that contains more than one percent (1%) asbestos, as determined using polarized light microscopy, and when dry, the material cannot be crumbled, pulverized, or reduced to powder by hand pressure.

“Certification” means a status conferred by the Division to a person that meets the requirements of Rule 21, including accreditation, to perform the duties of one or more of the following asbestos disciplines: Air Monitor Technician, Inspector, Management Planner, Project Designer, Supervisor, or Worker.

“Certified Industrial Hygienist” means a person that is certified by the American Board of Industrial Hygiene as meeting the minimum requirements of education, knowledge, skill, and experience in the following subject matter areas:

- (A) Air sampling and instrumentation;
- (B) Analytical chemistry;
- (C) Basic science;
- (D) Biohazards;
- (E) Biostatistics and epidemiology;
- (F) Community exposure;
- (G) Engineering controls and ventilation;
- (H) Ergonomics;
- (I) Health risk analysis and hazard communication;

- (J) Industrial hygiene program management;
- (K) Noise;
- (L) Non-engineering controls;
- (M) Ionizing and nonionizing radiation;
- (N) Thermal stressors;
- (O) Toxicology; and
- (P) Work environments and industrial processes.

“Clearance Air Monitoring” means to collect samples using an aggressive air sampling method and to analyze samples to determine whether an asbestos work area meets a clearance standard for airborne asbestos fiber.

“Clearance standard” means the maximum permissible fiber concentration in the air within an asbestos work area following completion of asbestos abatement.

“Commission” means the Arkansas Pollution Control and Ecology Commission.

“Consent administrative order” means a legal agreement between a person and the Division that addresses the repercussions of enforceable offenses by the person.

“Containment” means a system used at a facility that is designed to minimize or mitigate the release of asbestos fibers from the work area to adjacent areas not involved in the operation.

“Cutting” means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

“Demolition” means the wrecking, razing, intentional burning, or removing of any load-supporting structural component of a facility.

“Department of Transportation” means the United States Department of Transportation.

“Disjointing” means to take apart at the joints.

“Division” means the Division of Environmental Quality, or its successor. When Rule 21 makes reference to actions taken by or with reference to the Division, the reference is to the staff of the Division acting at the direction of the Director of the Division.

“Emergency renovation operation” means a renovation operation that was not planned and results from a sudden, unexpected event, including without limitation non-routine failures of equipment that, if not immediately attended to:

- (A) Presents a safety or public hazard;

- (B) Is necessary to protect equipment from damage; or
- (C) Is necessary to avoid imposing an unreasonable financial burden.

“Encapsulation” means the treatment of asbestos-containing building material with a bonding or sealing agent that surrounds or embeds asbestos to prevent the release of fibers.

“Facility” means any of the following:

- (A) Any institutional, commercial, public, industrial, school, or residential structure, installation, or building:
 - (1) Including public bridges; and
 - (2) Excluding residential buildings with four or fewer dwellings;
- (B) Any ship;
- (C) Any active or inactive waste disposal site; and
- (D) Any structure, installation, or building that was previously subject to 40 CFR 61 Subpart M.

“Facility component” means any part of a facility, including equipment.

“Friable asbestos-containing building material” means any friable asbestos-containing material that is in or on interior structural members or other components of a school, public building, residential building, or commercial building.

“Friable asbestos material” means any substance that contains more than one percent (1%) asbestos, including previously nonfriable asbestos material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Asbestos content shall be determined using one of the following methods:

- (A) Polarized light microscopy; or
- (B) Any method other than point-counting by polarized light microscopy. If a method other than polarized light microscopy identifies an asbestos content less than ten percent (10%), the results must be verified by polarized light microscopy.

“Glovebag” means a sealed leak-tight compartment with attached inner gloves that provides a small work area enclosure for the handling of asbestos-containing materials.

“Grinding” means to reduce to powder or small fragments and includes mechanical chipping or drilling.

“High-efficiency particulate air filter” means a pleated mechanical air filter that is designed to capture and remove 99.97% of particles with diameters that are 0.3 micron or greater.

“Initial training” means the first course that must be attended and passed for a person to become accredited.

“Inspection” means an activity including physical examination, visual examination, sample collection, or reinspection of previously known or assumed asbestos-containing material that determines the presence or location of, or assesses the condition of, asbestos-containing material at a facility that may be impacted by a renovation or demolition operation. This definition does not apply to:

- (A) Periodic visual surveillance solely for the purpose of recording or reporting a change in the condition of identified or assumed asbestos-containing material;
- (B) Regulatory compliance inspections conducted by federal, State, or local government officials; and
- (C) Visual observations conducted solely for the purpose of determining completion of asbestos response actions.

“Inspector” means any person that conducts an inspection or survey for asbestos-containing material in a facility and meets the certification requirements of Rule 21.

“Installation” means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

“Leak-tight” means that solids, including dust, or liquids cannot spill out or escape.

“License” means a document issued by the Division to an Asbestos Abatement Contractor, Asbestos Abatement Consultant, or Asbestos Training Provider that meets the criteria for licensing to perform the related duties described in Rule 21.

“License period” means a timeframe beginning on the effective date and ending on the expiration date of a license.

“Management plan” means a formal written procedure for appropriate surveillance and management of asbestos-containing material.

“Management Planner” means any person that, based on previously collected data, assesses the hazards associated with asbestos-containing materials, develops an asbestos response action, develops an operation and maintenance program, prepares written procedure(s) to prevent the release of asbestos-containing material at a school, and is certified in accordance with Rule 21.

“Mastic” means adhesive, glue, or protective coating used to fasten a material to another surface.

“Minor fiber release episode” means any uncontrolled or unintentional disturbance of asbestos-containing material that results in a visible emission and involves the falling or dislodging of three (3) square or linear feet or less of friable asbestos-containing material.

“Model accreditation plan” means the guidelines published at 40 CFR 763 Subpart E Appendix C that mandate training for persons involved in asbestos-related work activities and the training providers that offer course instruction.

“National Emission Standards for Hazardous Air Pollutants” means standards established by the Environmental Protection Agency under 40 CFR Part 61 or 40 CFR Part 63.

“National Institute for Occupational Safety and Health” means the research agency established by the Occupational Safety and Health Act of 1970 that focuses on the study of worker safety and health, and empowering employers and workers to create safe and healthy workplaces.

“National Institute of Standards Technology” means the physical science laboratory founded in 1901 that is a part of the United States Department of Commerce.

“National Voluntary Laboratory Accreditation Program” means an accreditation program for testing and calibration laboratories that is administered by the National Institute of Standards and Technology.

“Nonfriable asbestos-containing material” means any material containing more than one percent (1%) asbestos, as determined using polarized light microscopy, that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

“Nonscheduled operation” means a renovation operation necessitated by equipment failure expected to occur within a given time period based on past operating experience, but for which an exact date cannot be predicted.

“Notice of deficiency” means a written document from the Division that identifies inaccuracies or inconsistencies in a notice of intent.

“Notice of intent” means a written notice that outlines the owner or operator’s plan to perform a demolition, renovation, or asbestos response action.

“Notice of violation” means a written notification from the Division to a person of alleged violations of Rule 21 that initiates an administrative enforcement action.

“Operation” means any renovation, demolition, or asbestos response action that is subject to Rule 21 and occurs within a single facility during a specific and finite time period.

“Outside air” means the air that is external to a facility, including without limitation the air under a bridge or in an open air ferry dock.

“Owner or operator” means any person that owns, leases, operates, controls, or supervises:

- (A) The facility being demolished or renovated; or
- (B) The demolition or renovation operation at a facility.

“Particulate” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than one hundred (100) micrometers.

“Penetrating encapsulant” means a liquid material applied to regulated asbestos-containing material to control airborne fiber release by penetrating into the material and binding the fibers together.

“Permanent employee” means a person that is employed on a full-time, non-temporary basis by the owner a facility.

“Person” means any individual, corporation, or other legal entity.

“Polarized light microscopy” means the method of analyzing a bulk sample for asbestos content published at 40 CFR 763 Subpart E Appendix E.

“Project design” means a project-related plan and specifications for the removal, enclosure, encapsulation handling, or repair of asbestos-containing material before an applicable renovation, demolition, or asbestos response action.

“Project Designer” means any person that develops a plan for abatement, renovation, or repair at a facility where asbestos-containing material might be disturbed, and who meets the certification requirements of Rule 21.

“Refresher training” means subsequent courses required for a person to maintain accreditation.

“Regulated asbestos-containing material” means

- (A) Friable asbestos-containing material;
- (B) Category I nonfriable asbestos-containing material that has become friable;
- (C) Category I nonfriable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading;

- (D) Category II nonfriable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of an operation;
- (E) Category I nonfriable resilient floor covering that contains asbestos-containing material and will be or has been removed by sanding, grinding, cutting, or abrading; or
- (F) Category II mastic that contains asbestos-containing material and will be or has been removed by sanding, grinding, cutting, or abrading.

“Removal of Asbestos Material Act” means Arkansas Code Annotated § 20-27-1001, *et seq.*

“Remove” means to take out regulated asbestos-containing material or facility components that contain or are covered with regulated asbestos-containing materials.

“Renovation” means to alter a facility or any facility component in any way, including without limitation the stripping or removal of asbestos from a facility component.

“Resilient floor covering” means any floor tile or sheet vinyl floor covering that contains more than one percent (1%) asbestos as determined by polarized light microscopy.

“Returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

“Rule 8” means Arkansas Pollution Control and Ecology Commission Regulation No. 8 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 8 means Arkansas Pollution Control and Ecology Commission Rule 8.

“School” any facility that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local education agency.

“Small-scale, short-duration activities” means

- (A) Tasks including, without limitation:
 - (1) Removal of asbestos-containing insulation on pipes;
 - (2) Removal of small quantities of asbestos-containing insulation on beams or above ceilings;
 - (3) Replacement of an asbestos-containing gasket or a valve;
 - (4) Installation or removal of a small section of drywall; or
 - (5) Installation of electrical conduits through or proximate to asbestos-containing materials;

(B) Small-scale short-duration can be further defined by the following considerations:

- (1) Removal of small quantities of asbestos-containing material only if required in the performance of another maintenance activity not intended as asbestos abatement;
- (2) Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those that can be contained in a single glovebag;
- (3) Minor repairs to damaged thermal system insulation that do not require removal;
- (4) Repairs to a piece of asbestos-containing wallboard; and
- (5) Repairs to small amounts of friable asbestos-containing material that involve encapsulation, enclosure, or removal, only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. The work may not exceed amounts greater than those that can be contained in a single prefabricated mini-enclosure. The enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function.

“Strip” means to remove regulated asbestos-containing material from any part of a facility or facility component.

“Structural member” means a load-supporting part of any structure or building.

“Supervisor” means any person that documents, oversees, or directs an applicable demolition, renovation, or asbestos response action operation and is certified in accordance with Rule 21.

“Survey” means an asbestos inspection conducted by an Inspector that is certified in accordance with Rule 21.

“Training Provider” means any person that meets the Training Provider licensing requirements of Rule 21 and conducts some or all of the training programs for asbestos professional disciplines that are regulated under Rule 21.

“Twelve-month period” means a period of twelve (12) consecutive months beginning on the first calendar day of the first month in the period and ending on the last calendar day in the twelfth month of the period.

“Visible emissions” means any emissions, except uncondensed water vapor, that are visually detectable without the aid of instruments.

“Waste disposal site” means any place at which solid waste is dumped, abandoned, or accepted or disposed of for final disposition by incineration, landfilling or any other method.

“Waste generator” means any owner or operator of a facility involved in an activity regulated by Rule 21 whose action or process produces asbestos-containing waste materials.

“Waste transporter” means a person that moves asbestos-containing waste materials from one site to another by highway, rail, water, or air.

“Waste shipment record” means a document used to track the amount, transport of, and disposal of asbestos-containing material.

“Worker” means any person that, under appropriate supervision, engages in asbestos-related abatement, renovation, or demolition activities regulated under Rule 21 and is certified in accordance with Rule 21.

“Working days” means the days Monday through Friday, including any holidays that fall on any of the days Monday through Friday.

CHAPTER 3: LICENSING

Rule 21.301 [RESERVED]

Rule 21.302 Licensing Requirements

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

Rule 21.303 Application Requirements for Asbestos Abatement Consultants

Application for an Asbestos Abatement Consultant license shall be made on Division forms and shall include:

- (A) The applicable annual fee for an asbestos abatement consultant license pursuant to Rule 21, Chapter 13;
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant shall identify any and all subsidiaries;

- (C) Proof of a minimum of one million dollars (\$1,000,000) professional liability coverage for errors and omissions in the form of a certificate of insurance issued by an insurance carrier authorized to do business in Arkansas. The certificate of insurance must:
 - (1) Certify the applicable coverages for the types of asbestos services provided; and
 - (2) Name the Division of Environmental Quality as the certificate holder and specify that the insurer shall notify the Division within ten (10) business days of any substantive changes made to the policy, including without limitation, termination or failure to renew, or any reduction of the monetary limits of coverage; and
- (D) Any other information that the Division may reasonably require.

Rule 21.304 Application Requirements for Asbestos Abatement Contractors

Application for an Asbestos Abatement Contractor license shall be made on Division forms and shall include:

- (A) The applicable annual fee for an Asbestos Abatement Contractor license pursuant to Rule 21, Chapter 13;
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant shall identify any and all subsidiaries;
- (C) Proof that the Asbestos Abatement Contractor employs at least one certified Supervisor. Acceptable proof includes:
 - (1) Name of the Supervisor and the Division-issued certification number for the Supervisor; or
 - (2) Name of the Supervisor and a copy of the active Division-issued certificate for the Supervisor; and
- (D) Proof of a minimum of one million dollars (\$1,000,000) professional liability insurance coverage in the form of a certificate of insurance issued by an insurance carrier authorized to do business in Arkansas. The certificate of insurance shall:
 - (1) Certify the liability insurance coverage for the types of asbestos services provided; and
 - (2) Name the Division of Environmental Quality as the certificate holder and specify that the insurer shall notify the Division within ten (10) business days of any substantive changes made to the liability insurance policy, including without

limitation, termination or failure to renew, or any reduction of the monetary limits of coverage; and

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

Rule 21.305 Application Requirements for Training Providers

Application for a Training Provider license shall be made on Division forms and shall include:

- (A) The applicable annual fee for a Training Provider license pursuant to Rule 21, Chapter 13;
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant shall identify any and all subsidiaries in the disclosure statement;
- (C) Proof that the instructor of each training course has academic experience, field experience, or both in the discipline of asbestos abatement that the instructor teaches, including:
 - (1) A resume that specifies the name, background, qualifications, training, and field experience; and
 - (2) A copy of certification(s) issued to the instructor by the Division pursuant to Rule 21, or by another state authorized under 40 CFR 763 Appendix C to Subpart E to issue certifications, that match the training course the instructor will teach;
- (D) A list of training courses and the training course types. Training course types include:
 - (1) Worker Training;
 - (2) Supervisor Training;
 - (3) Inspector Training;
 - (4) Air Monitor Technician Training;
 - (5) Project Designer Training;
 - (6) Management Planner Training;
 - (7) Refresher for the disciplines in Rule 21.305(D)(1)–(3) and (5)–(6); and
 - (8) Arkansas Awareness;
- (E) For each training course:
 - (1) The name, address, and telephone number of the instructor(s);

- (2) A list of any other states that currently approve the training course;
- (3) A course curriculum that details:
 - (a) The specific topics that the instructor will cover;
 - (b) The time allocated to the instruction of each topic;
 - (c) The training methods to be used to present each topic;
 - (d) The amount and type of hands-on training; and
 - (e) The length of training in days, or fractions thereof;
- (4) A copy of all course materials in English and in any other language in which the course will be taught, including, but not limited to:
 - (a) Student manuals;
 - (b) Instructor notebooks;
 - (c) Handouts; and
 - (d) A copy of the examination and answers;
- (5) A detailed statement about the development of the examination used in the course;
- (6) A description of and an example of the certificates issued to students who attend the course and pass the examination pursuant to Rule 21, Chapter 5; and
- (F) Any other information that the Division may reasonably require.

Rule 21.306 License Period

- (A) The Division shall issue licenses and license renewals approved pursuant to Rule 21.309 that are valid for a twelve-month period.
- (B) An Asbestos Abatement Contractor, Asbestos Abatement Consultant, or Training Provider who lets his or her license expire shall not perform asbestos-related work or training until that person has met all license renewal requirements under Rule 21.307 and has received a current license from the Division.

Rule 21.307 License Renewal Requirements

Application for renewal of an Asbestos Abatement Contractor license, an Asbestos Abatement Consultant license, or a Training Provider license shall be made on Division forms and shall include:

- (A) The applicable annual fee pursuant to Rule 21, Chapter 13.
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify any and all subsidiaries in the disclosure statement;
- (C) For Asbestos Abatement Consultant license renewals, proof of appropriate insurance coverage that meets the requirements of Rule 21.303(C);
- (D) For Asbestos Abatement Contractor license renewals,
 - (1) Proof of a certified Supervisor on staff as a permanent employee, as specified in Rule 21.304(C);
 - (2) Proof of appropriate insurance coverage that meets the requirements of Rule 21.304(D); and
- (E) For Training Provider license renewals, any changes in training instructors, curriculum, or materials, including:
 - (1) For changes in training instructors, proof that the new instructor of each training course has academic experience, field experience, or both in the discipline of asbestos abatement that the instructor teaches, as specified in Rule 21.305(D); and
 - (2) For changes in curriculum or training materials, details of any changes to the information required under Rule 21.305(C) and (E); and
- (F) Any other information that the Division may reasonably require.

Rule 21.308 License Revisions

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

- (A) Ownership
 - (1) To transfer the license to another person, an Asbestos Abatement Consultant shall submit to the Division the following:
 - (a) A cover letter that explains the change in ownership; and

- (b) A complete application on Division forms and the documents and information required under Rule 21.303(B), (C), and (D) for the person to which the license is being transferred.
- (2) To transfer the license to another person, an Asbestos Abatement Contractor shall submit to the Division the following:
 - (a) A cover letter that explains the change in ownership; and
 - (b) A complete application on Division forms and the documents and information required under Rule 21.304(B), (C), (D), and (E) for the person to which the license is being transferred.
- (3) To transfer the license to another person, a Training Provider shall submit to the Division the following:
 - (a) A cover letter that explains the change in ownership; and
 - (b) A complete application on Division forms and the documents and information required under Rule 21.305(B) and (F) for the person to which the license is being transferred.

(B) Name or Location of Licensee

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

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

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

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

- (1) A cover letter that explains change;
- (2) A complete application on Division forms;
- (3) A disclosure statement completed in accordance with Rule 8;
- (4) For changes in training instructors, proof that the new instructor of each training course has academic experience, field experience, or both in the discipline of asbestos abatement that the instructor teaches as specified in Rule 21.305(D); and

- (5) For changes in courses, curriculum or training materials, details of any changes to the information required under Rule 21.305(C) and (E).

Rule 21.309 Processing of License Applications

(A) Application Review

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

(B) Action on Applications

(1) Issuance of Licenses

- (a) If the Division determines that the application for an Asbestos Abatement Consultant or Asbestos Abatement Contractor license, revision, or renewal is complete and the applicant meets the requirements of Rule 21, the Division shall grant the applicant a license to act in a capacity approved by the Division. The license shall specify:
 - (i) The name of the licensee;
 - (ii) The type of license;
 - (iii) The license number;
 - (iv) The license issue date; and
 - (v) The license expiration date.

(b) If the Division determines that the application for a Training Provider license, revision, or renewal is complete and the applicant meets the requirements of Rule 21 and the training courses meet the requirements of Rule 21 and 40 CFR Part 763, Appendix C to Subpart E, the Division shall grant the applicant a Training Provider license. The Division may approve, on a case-by-case basis, refresher training courses to be offered online. The license shall specify:

- (i) The name of the licensee;
- (ii) The type of license;
- (iii) The approved training courses;
- (iv) The license issue date; and
- (v) The license expiration date.

(2) Disapproval

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

Rule 21.310 Suspension and Revocation of Licenses

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

(A) General

- (1) Failure to comply with the applicable requirements of Rule 21;
- (2) A history of incompetence or negligence on the part of the licensee or his or her employees, as determined by the Division;
- (3) Submission of fraudulent or incomplete information;
- (4) Performing asbestos-related activities without the correct license;

- (5) Allowing the licensee's employees to perform asbestos-related activities without being properly trained and certified;
 - (6) Allowing the duplication and/or use of the licensee's license by another;
 - (7) Violating the provisions of the Removal of Asbestos Material Act or Rule 21; and
 - (8) Failure to comply with the terms of a consent administrative order; a default administrative order, an emergency order, or any other final order issued by the Division or the Commission.
- (B) Training Provider Licenses
- (1) Misrepresentation of the extent of a training course approval pursuant to Rule 21;
 - (2) Failure to submit required information or provide timely notification;
 - (3) Failure to maintain records in accordance with Rule 21;
 - (4) Falsification of accreditation records, instructor qualifications, or accreditation information;
 - (5) Failure to adhere to applicable 40 CFR Part 763, Appendix C to Subpart E requirements;
 - (6) Failure to comply with the terms of a Division-issued notice of violation or consent administrative order;
 - (7) Being subject to a final order imposing a civil penalty or conviction under § 16 of the Toxic Substance Control Act, 15 U.S.C § 2615, or 15 U.S.C. § 2647;
 - (8) Violation of any of the provisions of the Removal of Asbestos Material Act, Rule 21, 40 CFR Part 763, § 113 of the Clean Air Act, or 40 CFR Part 61, Subpart M.

Rule 21.311 Appeal of Division Actions on Licenses

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

CHAPTER 4: CERTIFICATION

Rule 21.401 Certification Requirement

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

Rule 21.402 Training Requirements Prior to Application for Certification

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

(A) Initial Training Requirements

(1) For Workers:

- (a)** A Worker initial training course that meets the requirements of Rule 21.505 or 40 CFR Part 763, Appendix C to Subpart E; or
- (b)** A Supervisor initial training course that meets the requirements of Rule 21.506 or 40 CFR Part 763, Appendix C to Subpart E;

(2) For Supervisors, a Supervisor initial training course that meets the requirements of Rule 21.506 or 40 CFR Part 763, Appendix C to Subpart E;

(3) For Inspectors, an Inspector initial training course that meets the requirements of Rule 21.507 or 40 CFR Part 763, Appendix C to Subpart E;

(4) For Project Designers, a Project Designer initial training course that meets the requirements of Rule 21.509 or 40 CFR Part 763, Appendix C to Subpart E;

(5) For Management Planners:

- (a)** A Management Planner initial training course that meets the requirements of Rule 21.510 or 40 CFR Part 763, Appendix C to Subpart E; and
- (b)** An Inspector initial training course that meets the requirements of Rule 21.507 or 40 CFR Part 763, Appendix C to Subpart E;

(6) For Air Monitor Technicians:

- (a)** A Supervisor initial training course that meets the requirements of Rule 21.506 or 40 CFR Part 763, Appendix C to Subpart E; and

- (b) An Air Monitor Technician training course that meets the requirements of Rule 21.508. The Air Monitor Technician training course is not a prerequisite to certification if the person seeking certification is a Certified Industrial Hygienist;

(B) Refresher Training Requirements

- (1) For Workers:
 - (a) A Worker refresher training course that meets the requirements of Rule 21.512 or 40 CFR Part 763, Appendix C to Subpart E; or
 - (b) A Supervisor refresher training course that meets the requirements of Rule 21.513 or 40 CFR Part 763, Appendix C to Subpart E;
- (2) For Supervisors, a Supervisor Refresher Training course that meets the requirements of Rule 21.513 or 40 CFR Part 763, Appendix C to Subpart E;
- (3) For Inspectors, an Inspector refresher training course that meets the requirements of Rule 21.514 or 40 CFR Part 763, Appendix C to Subpart E;
- (4) For Project Designers, a Project Designer refresher training course that meets the requirements of Rule 21.515 or 40 CFR Part 763, Appendix C to Subpart E;
- (5) For Management Planners:
 - (a) A Management Planner refresher training course that meets the requirements of Rule 21.516 or 40 CFR Part 763, Appendix C to Subpart E; and
 - (b) An Inspector refresher training course that meets the requirements of Rule 21.514 or 40 CFR Part 763, Appendix C to Subpart E;
- (6) For Air Monitor Technicians, a Supervisor refresher training course that meets the requirements of Rule 21.513 or 40 CFR Part 763, Appendix C to Subpart E.

Rule 21.403 Application Requirements for Worker, Supervisor, Inspector, Project Designer, or Management Planner Certification

Application for a Worker, Supervisor, Inspector, Project Designer, Management Planner certification shall be made on Division forms and shall include:

- (A) The applicable fee pursuant to Rule 21, Chapter 13;

- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification;
- (C) The most recent training certificate that demonstrates successful completion of the training course or courses pursuant to Rule 21.402(A) that is issued by a Training Provider that is:
 - (1) Licensed by the Division pursuant to Rule 21; or
 - (2) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763 Appendix C to Subpart E. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
- (D) A photograph of the applicant that:
 - (1) Is not blurry, grainy, or pixelated;
 - (2) Has no holes, creases, smudges or other damage;
 - (3) Is two (2) inches wide by three (3) inches tall;
 - (4) Shows the full face of the applicant with the face being no less than three-quarters (3/4) of an inch wide; and
 - (5) Meets any other specifications that the Division may require; and
- (E) Any other information that the Division may reasonably require.

Rule 21.404 Application Requirements for Air Monitor Technician Certification

Application for an Air Monitor Technician certification shall be made on Division forms and shall include:

- (A) The applicable fee specified in Rule 21, Chapter 13;
- (B) A written disclosure statement completed in accordance with Rule 8. The applicant should identify all states where the applicant has an asbestos-related certification;
- (C) The most recent training certificate that demonstrates accreditation in the Air Monitor Technician discipline issued by a Training Provider that is licensed by the Division pursuant to Rule 21, or proof of current certification as a Certified Industrial Hygienist;

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

Rule 21.405 Certification Period

- (A) The Division shall issue each certification pursuant to this Chapter for a twelve-month period, beginning on the first calendar day of the first month in the period and ending on the last calendar day in the twelfth month of the period, or until the accreditation for the discipline in which the person is certified expires, whichever is less.
- (B) A Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner with an expired certification shall not perform work functions of a discipline requiring certification until the Division issues a current certification.
- (C) A Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner who holds a current or expired certification may complete the applicable refresher course training as specified in this Chapter and apply for renewal of a certification pursuant to Rule 21.406(C) if the certificate holder completes the required training within twelve (12) months of the expiration of the certification.

- (D) If a certificate holder fails to complete the applicable refresher course within twelve (12) months of the expiration of certification, the Division shall require the certificate holder to meet the requirements for initial certification:
 - (1) For Worker, Supervisor, Inspector, Project Designer, or Management Planner certifications: Rule 21.403; or
 - (2) For Air Monitor Technicians: Rule 21.404.

Rule 21.406 Certification Renewal

Application for renewal of a Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner certification shall be made on Division forms and shall include:

- (A) The applicable fee specified in Rule 21, Chapter 13;
- (B) A completed Division-issued disclosure statement in accordance with Rule 8. The applicant should include all states where the applicant is certified or licensed to work;
- (C) The training certificate for the refresher course(s) required under this Chapter for the discipline for which the applicant is applying to renew certification;
 - (1) The training certificate(s) shall be issued no more than twelve months after the expiration of the certification by a Training Provider that is:
 - (a) Licensed by the Division pursuant to Rule 21; or
 - (b) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
 - (2) If an air monitor technician submitted proof of certification as a Certified Industrial Hygienist instead of accreditation through an Air Monitor Technician course, the air monitor technician shall submit proof of their current certification status or a training certificate that demonstrates accreditation in the Air Monitor Technician discipline issued by a Training Provider that is licensed by the Division pursuant to Rule 21; and
- (D) Any other information that the Division may reasonably require.

Rule 21.407 Processing of Certification Applications

(A) Application Review

- (1) The Division shall review applications for Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, and Management Planner certifications and certification renewals to determine if the application is complete and if the applicant meets the requirements for certification under Rule 21.
- (2) The Division may require the applicant to address any deficiencies in the application and may request additional information from the applicant or other persons prior to taking action on the application. Failure to address any deficiencies or provide additional information that the Division requests shall result in disapproval of the application for certification.

(B) Action on Applications

(1) Issuance of Certifications

- (a) If the Division determines that the application for a Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner is complete and the applicant meets the requirements of Rule 21, then the Division shall grant the applicant a certification and an identification card to act in a capacity approved by the Division.
- (b) The certification and identification card shall specify:
 - (i) The name of the certified person;
 - (ii) The approved discipline(s);
 - (iii) The certification number;
 - (iv) The certification date; and
 - (v) The certification expiration date.

(2) Disapproval

- (a) If an applicant fails to submit a complete application, provides fraudulent information, or fails to meet any of the requirements for certification approval, then the Division shall disapprove the certification application.
- (b) In the case of disapproval, the Division shall send a letter that addresses the reasons for disapproval to the applicant. Upon resolution of the

identified issues, a person may submit a new application, which shall include the applicable fee, to the Division.

Rule 21.408 Suspension and Revocation of Certifications

The Division may suspend or revoke certification for a Worker, Supervisor, Inspector, Air Monitor Technician, Project Designer, or Management Planner certification if the certified person fails to meet the standards established by Rule 21, including:

- (A) Failure to comply with applicable requirements of Rule 21;
- (B) A history of incompetence or negligence on the part of the certified person;
- (C) Submission of fraudulent or incomplete information, including:
 - (1) Obtaining accreditation through fraudulent representation of education, training, professional registration, experience or examination documents;
 - (2) Obtaining training documentation through fraudulent means; and
 - (3) Gaining admission to and completing refresher training through fraudulent representation of initial training or previous refresher training documentation;
- (D) Performing asbestos-related activities without the correct certification;
- (E) Performing asbestos-related activities requiring certification at a job site without being in physical possession of proof of correct certification for the activity—a current certificate of certification or current certification identification card constitutes proof of certification;
- (F) Allowing the duplication or use of a certified person’s certification by another person;
- (G) Violating the provisions of the Removal of Asbestos Material Act or Rule 21; and
- (H) Failing to comply with the terms of a consent administrative order, a default administrative order, an emergency order, or any other final order issued by the Division or the Commission.

Rule 21.409 Appeal of Division Actions on Certifications

Any person may appeal the Division’s decision to approve, deny, disapprove, or revoke a certification in accordance with Rule 8.

Rule 21.410 Supervision of Certified Persons

Except as provided in Rule 21.302(B), a person certified pursuant to this Chapter shall work under the supervision of an Asbestos Abatement Contractor or Asbestos Abatement Consultant licensed pursuant to Rule 21.

Rule 21.411 Military Service Members, Military Veterans, and Military Spouses

(A) Rule 21.411 establishes alternative certification procedures for:

- (1) Active duty military service members;
- (2) Returning military veterans applying for certification within one (1) year of discharge from active duty; and
- (3) The spouse of a person under Rule 21.411(A)(1) or (2).

(B) Extension of Certification Period

A certification issued pursuant to Rule 21 held by an active duty military service member or the spouse of an active duty military service member shall not expire until one hundred eighty (180) days following his or her return from active deployment outside of the State of Arkansas if he or she provides proof of annual completion of substantially equivalent training to the applicable course or courses required pursuant to Rule 21.402(B).

(C) Grace Period for Refresher Training

The Division may renew certification for person listed under Rule 21.411(A) pursuant to Rule 21.406 if:

- (1) The person has held an active certification issued by the Division pursuant to Rule 21 within the past three years;
- (2) The person provides a copy of official documents establishing his or her status as a person listed under Rule 21.411(A), such as an applicable military service order, marriage license, or military discharge record; and
- (3) The person submits a training certificate for the applicable initial training courses or refresher courses required under this Chapter for the discipline for which the applicant is applying to renew certification;
 - (a) The date of refresher training indicated on the training certificate shall be no more than twelve months prior to application for certification renewal;
 - (b) The training certificate(s) shall be issued by a Training Provider that is:

- (i) Licensed by the Division pursuant to Rule 21; or
- (ii) Licensed by a state or tribe to which the Environmental Protection Agency has delegated authority under 40 CFR 763. If the applicant was trained by a Training Provider licensed in another state or tribe; the applicant shall also submit a training certificate that demonstrates completion of the Arkansas Awareness course taught by a Training Provider licensed by the Division pursuant to Rule 21;
- (c) If an Air Monitor Technician submitted proof of certification as a Certified Industrial Hygienist instead of accreditation through an Air Monitor Technician course, the Air Monitor Technician shall submit proof of their current certification status or a training certificate that demonstrates accreditation in the Air Monitor Technician discipline issued by a Training Provider that is licensed by the Division pursuant to Rule 21; and

(D) Prerequisite Training Flexibility

The Division may waive the prerequisite training requirements for persons listed in Rule 21.411(A) applying for certification under Rule 21 if:

- (1) The applicant provides proof of substantially equivalent training to the applicable course or courses required pursuant to Rule 21.402;
- (2) The applicant provides a copy of official documents establishing his or her status as a person listed under Rule 21.411(A), such as an applicable military service order, marriage license, or military discharge record; and
- (3) The applicant submits to the Division a training certificate that demonstrates completion of the Asbestos Awareness training course taught by a Training Provider licensed by the Division pursuant to Rule 21.

(E) Expedited Review of Certification Applications

The Division shall take action on an application for certification or certification renewal for a person listed in Rule 21.411(A) within thirty-six (36) business hours of receipt if the Division receives all of the following at the time the applicant requests expedited processing:

- (1) A complete application in accordance Chapter 4 of Rule 21; and

- (2) Payment to the Division of the applicable certification fee(s) pursuant to Rule 21.1305(A), (B), (C), and (D); and
- (3) A copy of official documents establishing the applicant's status as a person listed under Rule 21.411(A), such as an applicable military service order, marriage license, or military discharge record.

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CHAPTER 5: TRAINING

Rule 21.501 [RESERVED]

Rule 21.502 Applicability

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

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

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

Rule 21.504 Separate Training and Prohibition on Self-Accreditation for Initial Training Courses

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

Rule 21.505 Worker Initial Training Course Requirements and Content

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

- (A) Course length is a minimum of thirty-two (32) hours with a minimum of fourteen (14) hours dedicated to hands-on instruction;
- (B) The course is taught in English or Spanish;
- (C) A closed-book written exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.517; and

- (D) The worker initial training course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
- (1) Physical characteristics of asbestos:
 - (a) Identification of asbestos;
 - (b) Aerodynamic characteristics;
 - (c) Typical uses;
 - (d) Physical appearance; and
 - (e) Summary of abatement control options;
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related disease;
 - (b) Routes of exposure;
 - (c) Dose response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure;
 - (e) Latency period for asbestos-related diseases; and
 - (f) The relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
 - (3) Employee personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance, and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection;
 - (h) Factors that alter respiratory fit (for example, facial hair);
 - (i) Components of a proper respiratory protection program;
 - (j) Selection and use of personal protective clothing;

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

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

Rule 21.506 Supervisor Initial Training Course Requirements and Content

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

- (A) Course length is a minimum of forty (40) hours with a minimum of fourteen (14) hours dedicated to hands-on instruction;

- (B) The course is taught in English;
- (C) A closed-book written exam of one hundred (100) multiple-choice questions is administered that meets the requirements of Rule 21.517; and
- (D) The supervisor initial training course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
 - (1) The physical characteristics of asbestos and asbestos-containing material:
 - (a) Identification of asbestos;
 - (b) Aerodynamic characteristics;
 - (c) Typical uses;
 - (d) Physical appearance;
 - (e) Review of hazard assessment considerations; and
 - (f) Summary of abatement control options.
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related diseases;
 - (b) Routes of exposure;
 - (c) Dose-response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure; and
 - (e) Latency period for diseases;
 - (3) Employee personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection factors that alter respiratory fit (e. g., facial hair);

- (h) Components of a proper respiratory protection program;
 - (i) Selection and use of personal protective clothing;
 - (j) Use, storage, and handling of nondisposable clothing; and
 - (k) Rules covering personal protective equipment;
- (4) State-of-the-art work practices:
 - (a) Proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems;
 - (b) Positioning of warning signs;
 - (c) Lock-out of electrical and ventilation systems;
 - (d) Proper working techniques for minimizing fiber release;
 - (e) Use of wet methods;
 - (f) Use of negative pressure exhaust ventilation equipment;
 - (g) Use of high efficiency particulate air vacuums and proper cleanup and disposal procedure;
 - (h) Work practices for removal, encapsulation, enclosure, and repair of asbestos-containing material;
 - (i) Emergency procedures for unplanned releases;
 - (j) Potential exposure situations;
 - (k) Transport and disposal procedures and recommended and prohibited work practices; and
 - (l) New abatement-related techniques and methodologies may be discussed;
- (5) Personal hygiene:
 - (a) Entry and exit procedures for the work area;
 - (b) Use of showers;
 - (c) Avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and
 - (d) Potential exposures, such as family exposure, shall also be included;

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

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

Rule 21.507 Inspector Initial Training Course Requirements and Content

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

- (A) Course length is a minimum of twenty-four (24) hours with a minimum of four (4) hours dedicated to hands-on instruction;
- (B) The course is taught in English;

- (C) A closed-book exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.517; and
- (D) The Inspector initial training course adequately addresses the following topics using a combination of lecture, demonstration, field exercise, and hands-on instruction:
 - (1) Background information on asbestos:
 - (a) Identification of asbestos and examples;
 - (b) Discussion of the uses and locations of asbestos in buildings; and
 - (c) Physical appearance of asbestos;
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related diseases;
 - (b) Routes of exposure;
 - (c) Dose-response relationships and the lack of a safe exposure level;
 - (d) Synergistic effect between cigarette smoking and asbestos exposure;
 - (e) Latency periods for asbestos-related diseases; and
 - (f) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs;
 - (3) Functions/qualifications and role of Inspectors:
 - (a) Discussions of prior experience and qualifications for Inspectors and Management Planners;
 - (b) Discussions of the functions of an accredited Inspector as compared to those of an accredited Management Planner; and
 - (c) Discussion of inspection process including inventory of asbestos-containing material and physical assessment;
 - (4) Legal liabilities and defenses:
 - (a) Responsibilities of the Inspector and Management Planner;
 - (b) Discussion of comprehensive general liability policies;
 - (c) Claims-made and occurrence-based policies;
 - (d) Environmental and pollution liability policy clauses;

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

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

- (i) Quality control and quality assurance procedures;
- (10) Inspector respiratory protection and personal protective equipment:
 - (a) Classes and characteristics of respirator types;
 - (b) Limitations of respirators;
 - (c) Proper selection and inspection;
 - (d) Donning, use, maintenance, and storage procedures for respirators;
 - (e) Methods for field testing of the face piece-to-face seal (positive and negative-pressure fit checks);
 - (f) Qualitative and quantitative fit testing procedures;
 - (g) Variability between field and laboratory protection factors that alter respiratory fit (for example, facial hair);
 - (h) Components of a proper respiratory protection program;
 - (i) Selection and use of personal protective clothing; and
 - (j) Use, storage, and handling of nondisposable clothing;
- (11) Recordkeeping and writing the inspection report:
 - (a) Labeling of samples and keying sample identification to sampling location;
 - (b) Recommendations on sample labeling;
 - (c) Detailing of asbestos-containing material inventory;
 - (d) Photographs of selected sampling areas and examples of asbestos-containing material condition; and
 - (e) Information required for school buildings under Toxic Substances Control Act Title II, Section 203(i)(1);
- (12) Regulatory review:
 - (a) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61, Subparts A and M); Environmental Protection Agency Worker Protection Rule (40 CFR Part 763, Subpart G);
 - (b) Occupational Safety and Health Administration Asbestos Construction Standard (29 CFR 1926.1101);

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

Rule 21.508 Air Monitor Technician Training Course Requirements and Content

- (A) A Training Provider licensed by the Division to teach Air Monitor Technician training shall ensure that each attendee has completed the Supervisor initial training course prior to admittance to the Air Monitor Technician course.
- (B) A Training Provider licensed by the Division to teach Air Monitor Technician training shall ensure that each Air Monitor Technician course meets the following minimum requirements:
 - (1) Course length is a minimum of twelve (12) hours with a minimum of four (4) hours dedicated to hands-on instruction;
 - (2) The course is taught in English;
 - (3) A closed-book exam of fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.517; and
 - (4) The Air Monitor Technician course adequately addresses the following topics using a combination of lecture, demonstration, and hands-on instruction:
 - (a) Types of air monitoring:
 - (i) Personal air monitoring;

- (ii) Area air monitoring;
 - (iii) Preclearance air monitoring; and
 - (iv) Clearance air monitoring;
- (b) Purpose and intent of clearance air monitoring;
- (c) How to conduct clearance air monitoring;
- (d) Air Sampling:
 - (i) Air sampling procedures, strategies, and equipment;
 - (ii) How to conduct aggressive air sampling; and
 - (iii) Limitations of air sampling;
- (e) Calibration of instruments;
- (f) Selection of appropriate equipment and media;
- (g) Sample placement;
- (h) Calculations, chain of custody, preparation of reports, and sample labeling;
- (i) General discussion of laboratories;
- (j) Health considerations including decontaminating the equipment and the person performing the air monitoring;
- (k) Hands-on demonstrations, including:
 - (i) Calculations;
 - (ii) Calibration of instruments;
 - (iii) Placement of air monitors;
 - (iv) Aggressive air monitoring;
 - (v) Decontamination procedures; and
 - (vi) Labeling; and
- (l) Reading and interpreting specifications and drawings;
- (m) Applicable State and federal rules:
 - (i) Rule 21;

- (ii) 40 CFR Part 763 Appendix A; and
- (iii) 40 CFR 61 Subpart M; and
- (n) Course review—a review of key aspects of the air monitor technician training course.

Rule 21.509 Project Designer Initial Training Course Requirements and Content

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

- (A) Course length is a minimum of twenty-four (24) hours;
- (B) The course is taught in English;
- (C) A closed-book exam of one hundred (100) multiple-choice questions is administered that meets the requirements of Rule 21.517; and
- (D) The Project Designer initial training course adequately addresses the following topics using a combination of lecture, demonstration, field exercise, and hands-on instruction:
 - (1) Background information on asbestos:
 - (a) Identification of asbestos;
 - (b) Examples and discussion of the uses and locations of asbestos in buildings; and
 - (c) Physical appearance of asbestos;
 - (2) Potential health effects related to asbestos exposure:
 - (a) Nature of asbestos-related disease and routes of exposure;
 - (b) Dose-response relationships and the lack of a safe exposure level;
 - (c) Synergistic effect between cigarette smoking and asbestos exposure;
 - (d) Latency periods for asbestos-related diseases; and
 - (e) Discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
 - (3) Overview of abatement construction projects:
 - (a) Abatement as a portion of a renovation project; and

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

- (g) Variability between field and laboratory protection factors that alter respiratory fit (for example, facial hair);
 - (h) Components of a proper respiratory protection program;
 - (i) Selection and use of personal protective clothing;
 - (j) Use, storage, and handling of nondisposable clothing; and
 - (k) Regulations covering personal protective equipment;
- (7) Additional safety hazards—hazards encountered during abatement activities and how to deal with them including:
 - (a) Electrical hazards;
 - (b) Heat stress;
 - (c) Air contaminants other than asbestos; and
 - (d) Fire and explosion hazards;
- (8) Fiber aerodynamics and control:
 - (a) Aerodynamic characteristics of asbestos fibers;
 - (b) Importance of proper containment barriers;
 - (c) Settling time for asbestos fibers;
 - (d) Wet methods in abatement;
 - (e) Aggressive air monitoring following abatement; and
 - (f) Aggressive air movement and negative-pressure exhaust ventilation as a cleanup method;
- (9) Designing abatement solutions:
 - (a) Discussions of removal, enclosure, and encapsulation methods; and
 - (b) Asbestos waste disposal;
- (10) Final clearance process:
 - (a) Discussion of the need for a written sampling rationale for aggressive final air clearance;
 - (b) Requirements of a complete visual inspection; and
 - (c) Relationship of the visual inspection to final air clearance;

- (11) Budgeting/cost estimating:
 - (a) Development of cost estimates;
 - (b) Present costs of abatement versus future operation and maintenance costs; and
 - (c) Setting priorities of abatement jobs to reduce costs;
- (12) Writing abatement specifications:
 - (a) Preparation of and need for a written project design;
 - (b) Means and methods specifications versus performance specifications;
 - (c) Design of abatement in occupied buildings;
 - (d) Modification of guide specifications for a particular building;
 - (e) Worker and building occupant health/medical considerations; and
 - (f) Replacement of asbestos-containing material with nonasbestos substitutes;
- (13) Preparing abatement drawings:
 - (a) Significance and need for drawings;
 - (b) Use of as-built drawings as base drawings;
 - (c) Use of inspection photographs and on-site reports;
 - (d) Methods of preparing abatement drawings;
 - (e) Diagramming containment barriers;
 - (f) Relationship of drawings to design specifications; and
 - (g) Particular problems related to abatement drawings;
- (14) Contract preparation and administration;
- (15) Legal/liabilities/defenses:
 - (a) Insurance considerations;
 - (b) Bonding and hold-harmless clauses;
 - (c) Use of abatement contractor's liability insurance; and
 - (d) Claims-made versus occurrence-based policies;
- (16) Replacement of asbestos with asbestos-free substitutes;

- (17) Role of other consultants:
 - (a) Development of technical specification sections by industrial hygienists or engineers; and
 - (b) Multi-disciplinary team approach to abatement design;
- (18) Occupied buildings:
 - (a) Special design procedures required in occupied buildings;
 - (b) Education of occupants;
 - (c) Extra monitoring recommendations;
 - (d) Staging of work to minimize occupancy exposure; and
 - (e) Scheduling of renovation to minimize exposure;
- (19) Relevant federal, Arkansas and local regulatory requirements, procedures and standards, including without limitation the items listed in Rule 21.511 and:
 - (a) Requirements of Toxic Substances Control Act Title II;
 - (b) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61) Subparts A (General Provisions) and M (National Emission Standard for Asbestos);
 - (c) Occupational Safety and Health Administration Respirator Standard found in 29 CFR 1910.134;
 - (d) Environmental Protection Agency Worker Protection Rule found in 40 CFR Part 763, Subpart G;
 - (e) Occupational Safety and Health Administration Asbestos Construction Standard found in 29 CFR 1926.1101; and
 - (f) Occupational Safety and Health Administration Hazard Communication Standard found in 29 CFR 1926.59; and
- (20) Course review—a review of key aspects of the Project Designer initial training course.

Rule 21.510 Management Planner Initial Training Course Requirements and Content

- (A) A Training Provider licensed by the Division to teach Management Planner initial training shall ensure that each attendee has completed the Inspector initial training course

and possesses a current and valid Inspector accreditation prior to admittance to the Management Planner initial training course.

- (B) A Training Provider licensed by the Divisions to teach Management Planner initial training shall ensure that each Management Planner initial training course meets the following minimum requirements:
- (1) Course length is a minimum of sixteen (16) hours;
 - (2) The course is taught in English;
 - (3) A closed-book exam of at least fifty (50) multiple-choice questions is administered that meets the requirements of Rule 21.517; and
 - (4) The Management Planner initial training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (a) Course overview—the role and responsibilities of the Management Planner:
 - (i) Operations and maintenance programs;
 - (ii) Setting work priorities; and
 - (iii) Protection of building occupants;
 - (b) Evaluation/interpretation of survey results:
 - (i) Review of Toxic Substances Control Act Title II requirements for inspection and management plans for school buildings as given in Section 203(i)(1) of Toxic Substance Control Act Title II;
 - (ii) Interpretation of field data and laboratory results; and
 - (iii) Comparison of field inspector's data sheet with laboratory results and site survey;
 - (c) Hazard assessment:
 - (i) Amplification of the difference between physical assessment and hazard assessment;
 - (ii) Role of the Management Planner in hazard assessment;
 - (iii) Explanation of significant damage, potential damage, and potential significant damage;

- (iv) Use of a description (or decision tree) code for assessment of asbestos-containing material;
 - (v) Assessment of friable asbestos-containing material; and
 - (vi) Relationship of accessibility, vibration sources, use of adjoining space and air plenums and other factors to hazard assessment;
- (d) Legal implications:
 - (i) Liability;
 - (ii) Insurance issues specific to planners;
 - (iii) Liabilities associated with interim control measures, in-house maintenance, repair and removal; and
 - (iv) Use of results from previously performed inspections.
- (e) Evaluation and selection of control options:
 - (i) Overview of encapsulation;
 - (ii) Enclosure;
 - (iii) Interim operations and maintenance and removal;
 - (iv) Advantages and disadvantages of each method;
 - (v) Asbestos response actions described via a decision tree or other appropriate method;
 - (vi) Work practices for each asbestos response action;
 - (vii) Staging and prioritizing of work in both vacant and occupied buildings; and
 - (viii) Need for containment barriers and decontamination in asbestos response actions;
- (f) Role of other professionals:
 - (i) Use of industrial hygienists, engineers, and architects in developing technical specifications for asbestos response actions;
 - (ii) Any requirements that may exist for architect sign-off of plans; and
 - (iii) Team approach to design of high-quality job specifications;
- (g) Developing an operations and maintenance plan:

- (i) Purpose of the plan;
 - (ii) Discussion of applicable Environmental Protection Agency guidance documents;
 - (iii) What actions should be taken by custodial staff; proper cleaning procedures;
 - (iv) Steam cleaning and high efficiency particulate air vacuuming;
 - (v) Reducing disturbance of asbestos-containing material;
 - (vi) Scheduling operations and maintenance for off-hours;
 - (vii) Rescheduling or canceling renovation in areas with asbestos-containing material;
 - (viii) Boiler room maintenance;
 - (ix) Disposal of asbestos-containing material;
 - (x) In-house procedures for asbestos-containing material bridging and penetrating encapsulant;
 - (xi) Pipe fittings, and metal sleeves;
 - (xii) Polyvinyl chloride, canvas, and wet wraps;
 - (xiii) Muslin with straps, fiber mesh cloth;
 - (xiv) Mineral wool and insulating cement;
 - (xv) Discussion of employee protection programs and staff training; and
 - (xvi) Case study in developing an operations and maintenance plan (development, implementation process, and problems that have been experienced);
- (h) Regulatory review focusing on:
- (i) The Occupational Safety and Health Administration Asbestos Construction Standard found at 29 CFR 1926.1101 and subsequent revisions;
 - (ii) National Emissions Standards for Hazardous Air Pollutants found at 40 CFR Part 61, Subpart A (General Provisions) and M (National Emission Standard for Asbestos);

- (iii) Environmental Protection Agency Worker Protection Rule found at 40 CFR Part 763, Subpart G; Toxic Substances Control Act Title II; and
 - (iv) Applicable Arkansas regulations including but not limited to the items listed in Rule 21.511;
 - (i) Recordkeeping of the Management Planner:
 - (i) Use of field inspector's data sheet along with laboratory results;
 - (ii) Ongoing recordkeeping as a means to track asbestos disturbance; and
 - (iii) Procedures for recordkeeping;
 - (j) Assembling and submitting the management plan:
 - (i) Plan requirements for schools in Toxic Substances Control Act Title II Section 203(I)(1); and
 - (ii) The management plan as a planning tool.
 - (k) Financing abatement actions:
 - (i) Economic analysis and cost estimates;
 - (ii) Development of cost estimates;
 - (iii) Present costs of abatement versus future operation and maintenance cost; and
 - (iv) Asbestos School Hazard Abatement Act grants and loans; and
- (5) Course review—a review of key aspects of the Management Planner initial training course.

Rule 21.511 Arkansas Awareness Course Requirements and Content

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

- (A) Course length is a minimum of two (2) hours;
- (B) The course is taught in English or Spanish; and
- (C) The Arkansas Awareness course adequately addresses the following topics:
 - (1) The Division's relationship with the Environmental Protection Agency, including:

- (a) Environmental Protection Agency authority to promulgate and enforce rules setting standards and other requirements for asbestos:
 - (i) Congressional findings and purpose—15 US Code § 2641;
 - (ii) Asbestos Hazard Emergency Response Act—15 U.S. Code §§ 2641-2656;
 - (iii) Clean Air Act—42 U.S. Code 7401 *et seq.*;
 - (iv) Asbestos Hazardous Abatement Reauthorization Act—40 CFR 763;
 - (v) The Environmental Protection Agency’s preemptive status—29 U.S. Code § 653; and
 - (vi) Control of Toxic Substances—15 U.S. Code Subchapter I;
- (b) Process for partial and complete delegation of implementation and enforcement authority of asbestos rules to State and Tribal programs;
- (c) Federal asbestos standards and requirements delegated to the Division, including:
 - (i) Asbestos Hazardous Abatement Reauthorization Act—40 CFR 763;
 - (ii) Model Accreditation Plan—40 CFR 763, Appendix C to Subpart E;
 - (iii) Demolition and renovation of buildings containing asbestos—40 CFR Part 61 with the exception of (1)(d); and;
 - (iv) National Emissions Standards for Hazardous Air Pollutants—40 CFR 61.145;
- (2) The Division’s authority to enforce Rule 21 on federal facilities (Titles I and II of the Toxic Substances Control Act);
- (3) Differences between Rule 21 and National Emissions Standards for Hazardous Air Pollutants—40 CFR 61 Subpart M;
- (4) The relationship between the Division and Occupational Safety and Health Administration:
 - (a) Federal enforcement of Occupational Health and Safety Standards; and

- (b) Occupational Safety and Health Administration requirements in parts of 40 CFR 61 Subpart M delegated to Arkansas:
 - (i) Environmental Protection Agency and Arkansas's relationship to federal agencies—29 U.S. Code § 653(b)(1);
 - (ii) Arkansas's relationship to the Occupational Safety and Health Administration when exercising authority under Toxic Substances Control Act—15 U.S. Code § 2608(c);
 - (iii) Arkansas's relationship to the Occupational Safety and Health Administration when exercising authority under Toxic Substances Control Act to accredit contractors and laboratories—15 U.S. Code § 2646;
 - (iv) State jurisdiction and plans—29 U.S. Code § 667;
 - (v) State's authority to enforce emission standards—42 U.S. Code § 7412(d)(1); and
 - (vi) State's authority to enforce work practice standards and other requirements—42 U.S. Code § 7412(h)(1); and
- (5) Arkansas certification and licensing requirements:
 - (a) Differences between a certification and license;
 - (b) Persons requiring certification or a license;
 - (c) Length of certification or license period; and
 - (d) How to acquire certification or a license.

Rule 21.512 Worker Refresher Training Course Requirements and Content

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

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English or Spanish;
- (C) The Worker initial training course or the supervisor initial training course is a prerequisite to the Worker refresher training course;

- (D) The Worker refresher course adequately addresses the following topics using a combination of lecture and demonstration:
- (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in the state-of-the-art practices listed in Rule 21.505; and
 - (3) Review of key topics of the Worker initial training course listed at Rule 21.505, including:
 - (a) Identification of asbestos;
 - (b) How exposure to asbestos relates to asbestos-related disease;
 - (c) Federal and State statutes and laws related to personal protective clothing and equipment;
 - (d) Use of personal protective equipment;
 - (e) Work area entry and exit procedures; and
 - (4) Course review—a review of key aspects of the Worker refresher training course.

Rule 21.513 Supervisor Refresher Training Course Requirements and Content

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

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English;
- (C) The supervisor initial training course is a prerequisite to the supervisor refresher training course;
- (D) The Supervisor refresher training course adequately addresses the following topics through lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in the state-of-the-art practices listed in Rule 21.506; and
 - (3) Review of key topics of the Initial Supervisor initial training course listed at Rule 21.506, including:
 - (a) Identification of asbestos;
 - (b) How exposure to asbestos relates to asbestos-related disease

- (c) Occupational Safety and Health Administration and Environmental Protection Agency worker protection requirements;
 - (d) Donning, use, maintenance, and storage procedures for respirators;
 - (e) Use of personal protective clothing and equipment;
 - (f) Work area entry and exit procedures;
 - (g) Purpose of Air Monitoring;
 - (h) Sampling equipment and methods;
 - (i) Aggressive air sampling;
 - (j) Interpreting air sampling results;
 - (k) Supervisory techniques; and
- (4) Course review—a review of key aspects of the Supervisor refresher training course.

Rule 21.514 Inspector Refresher Training Course Requirements and Content

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

- (A) Course length is a minimum of four (4) hours;
- (B) The course is taught in English;
- (C) The inspector initial training course is a prerequisite to the inspector refresher training course;
- (D) The Inspector refresher training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-the-art procedures;
 - (3) Review of key topics of the Inspector initial training course listed at Rule 21.507, including:
 - (a) Identification of asbestos;
 - (b) How asbestos is used and where it is found in buildings;
 - (c) How exposure to asbestos relates to asbestos-related disease;

- (d) Responsibilities of the Inspector;
 - (e) How to understand building systems;
 - (f) Building occupant relations;
 - (g) Pre-inspection planning and records review;
 - (h) Visual inspections;
 - (i) Assessing asbestos-containing material;
 - (j) Techniques for random sampling;
 - (k) Techniques for bulk sampling;
 - (l) Accredited laboratories;
 - (m) Use of personal protective clothing and equipment;
 - (n) How to write an inspection report;
- (4) Course review—a review of key aspects of the Inspector refresher training course.

Rule 21.515 Project Designer Refresher Training Course Requirements and Content

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

- (A) Course length is a minimum of eight (8) hours;
- (B) The course is taught in English;
- (C) The Project Designer initial training course is a prerequisite to the Project Designer refresher training course;
- (D) The Project Designer refresher training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-art procedures; and
 - (3) Review of key topics of the Project Designer initial training course listed at Rule 21.509, including:
 - (a) Identification of asbestos;

- (b) How asbestos-containing material is used and where it is located in buildings;
 - (c) How exposure to asbestos relates to asbestos-related disease;
 - (d) Overview of abatement construction projects;
 - (e) Use of personal protective clothing and equipment;
 - (f) Occupational Safety and Health Administration required signage;
 - (g) Containment Barriers and enclosure systems;
 - (h) Work area entry and exit procedures;
 - (i) Use of ventilation equipment
 - (j) Cleanup and disposal;
- (4) Course review—a review of key aspects of the Project Designer refresher training course.

Rule 21.516 Management Planner Refresher Training Course Requirements and Content

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

- (A) Course length is a minimum of four (4) hours;
- (B) The course is taught in English;
- (C) The Inspector initial training course and Management Planner initial training course are prerequisites to the Management Planner refresher training course;
- (D) The Management Planner refresher training course adequately addresses the following topics using a combination of lecture and demonstration:
 - (1) Changes in federal and State statutes and laws concerning asbestos;
 - (2) Developments in state-of-the-art procedures; and
 - (3) Review of key topics of the Management Planner initial training course listed at Rule 21.510, including:
 - (a) Interpretation of inspection results and laboratory;

- (b) Differences between physical assessment and hazard assessment;
 - (c) Assessing asbestos-containing material;
 - (d) Overview of encapsulation and containment;
 - (e) Operations and maintenance and removal;
 - (f) How to develop a management plan;
- (4) Course review—a review of key aspects of the Management Planner refresher training course.

Rule 21.517 Exam Requirements and Successful Course Completion

- (A) A Training Provider licensed by the Division to teach one or more initial training course(s) shall ensure that the final exam for each initial training course meets the following requirements:
- (1) The final exam shall be closed-book and multiple-choice;
 - (2) The final exam questions shall be derived from the initial training course content; and
 - (3) A member of the licensed Training Provider staff shall be present at all times during the final exam.
- (B) The Division reserves the right to provide and administer initial training course final exams.
- (C) The minimum passing score for any exam shall be seventy (70) percent. The Training Provider shall not issue an accreditation certificate to a person that fails to score higher than the minimum passing score.

Rule 21.518 Requirements for Accreditation Certificates

- (A) A Training Provider licensed by the Division shall present each student who successfully completes an initial training course, refresher training course, or Arkansas Awareness course with an accreditation certificate that includes the following:
- (1) The name of the person that is awarded the accreditation certificate;
 - (2) The accreditation certificate number;
 - (3) The accreditation discipline or Arkansas Awareness, as applicable;

- (4) The training date;
 - (5) The training location; and
 - (6) The accreditation certificate expiration date.
- (B) Accreditation for initial training courses shall expire on the last day of the twelfth month after examination date for initial courses.
- (C) Accreditation for refresher training courses and the Arkansas Awareness training course shall expire on the last day of the twelfth month after the date the training course was taken.

Rule 21.519 Training Provider Recordkeeping Requirements

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

- (A) The Training Provider shall retain for a minimum of three (3) years:
- (1) Copies of all training course materials (for example, student manuals, instructor notebooks, and handouts);
 - (2) Copies of all instructors' resumes and any document referenced by the resumes, or, for published documents, a bibliography citation sufficient to allow the document to be located;
 - (3) Records that accurately identify for each training course:
 - (a) The instructor that taught the training course; and
 - (b) The date the course was taught.
 - (4) Records that clearly indicate the following for each exam administered for an initial training course:
 - (a) The date the exam was administered;
 - (b) The training course title;
 - (c) The name of the discipline for which the exam was given;
 - (d) The name of the person that administered the exam;
 - (e) A copy of the exam; and
 - (f) The name and test score of each person that took and passed the exam.

- (5) Records of all accreditation certificates issued by the Training Provider should be readily available to allow the Division to verify the following information:
 - (a) The name of any person that received a certificate;
 - (b) The accreditation certificate number;
 - (c) The accreditation discipline;
 - (d) The training and expiration date;
 - (e) The training location; and
- (6) Photographs for each initial training course that clearly show the face of each student who received a passing score for the initial training course along with a caption that identify each student;
- (7) Records demonstrating that, for each student, the Training Provider verified that the student possesses valid prerequisite accreditation and/or certification before granting course admission into any initial training course or refresher training course;
- (B) The training provider shall allow reasonable access to all records required by Rule 21 to the Division or the Environmental Protection Agency upon request;
- (C) Any training provider who ceases to conduct training shall notify the Division to allow the Division the opportunity to take possession of the training provider's records;
- (D) The Division may require a training provider to produce copies or to grant access to the Division to inspect copies or originals of records or materials required by Rule 21.

Rule 21.520 Training Provider Required Notices and Submittals

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

(A) Course Scheduling

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

- (1) Training Provider information, including:
 - (a) Training Provider name;

- (b) Address;
 - (c) Telephone number;
 - (d) Facsimile number; and
 - (e) E-mail address;
 - (2) Training course information, including:
 - (a) Course name;
 - (b) Course location;
 - (c) Course date(s);
 - (d) Course time(s); and
 - (e) Instructor name(s);
- (B) Changes to Training Courses
- (1) The Training Provider shall notify the Division in writing at least two (2) business days prior to the originally scheduled training course date if:
 - (a) Any of the following information about the training course changes from the initial notification:
 - (i) Course name;
 - (ii) Course location;
 - (iii) Course date(s);
 - (iv) Course time(s); or
 - (v) Instructor name(s); or
 - (b) The training course is cancelled.
 - (2) The Division may allow a Training Provider to provide less than two (2) business days' notice if the Training Provider demonstrates that there is good cause for why it was not feasible to submit the notice at least (2) business days prior to originally scheduled training course date.
- (C) Submissions Required after Completion of a Training Course
- A Training Provider shall submit to the Division within ten (10) business days after the completion of an initial training course, refresher training course, or Arkansas Awareness course the following information about the training course:

- (1) The course discipline and type (initial, refresher, or Arkansas Awareness);
- (2) The course dates;
- (3) The instructor's name;
- (4) A roster of training course attendees that successfully completed the course, including the following information for each attendee:
 - (a) Attendee name
 - (b) Address; and
 - (c) Certificate number; and
- (5) An individual or class photograph that meets the specifications of Rule 21.519(A)(6). The photo submission requirement does not apply to refresher training courses or the Arkansas Awareness training course.

Rule 21.521 Training Course Attendance by the Division and Records Audits

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

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

Rule 21.601 [RESERVED]

Rule 21.602 [RESERVED]

Rule 21.603 [RESERVED]

Rule 21.604 [RESERVED]

Rule 21.605 [RESERVED]

Rule 21.606 Applicability

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

Rule 21.607 Requirements for a Site Inspection and Inspection Report

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

- (4) The condition, at the time of inspection, of the facility or the part of the facility that will be affected during the project;
 - (5) All building materials that may be affected by the project and are suspected of containing asbestos;
 - (6) The amount and condition of any asbestos-containing material; and
 - (7) Procedures, including analytical methods, employed to detect the presence of regulated asbestos-containing material, Category I nonfriable asbestos-containing material, and Category II nonfriable asbestos-containing material.
- (C) If an inspection of the facility or a part of the facility cannot be performed before a demolition, renovation, or asbestos response action, all material in the part of the facility that will be affected during the project and that was not inspected shall be presumed to contain asbestos and shall be treated as asbestos-containing building material in accordance with the requirements of Chapter 8.
- (D) The owner or operator of the facility shall maintain a copy of the inspection report at the job site and shall provide the inspection report to the Division upon request.

Rule 21.608 Project Design

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

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

- (D) A copy of the project design shall be maintained at the job site and shall be provided to the Division upon request.

Rule 21.609 Notices of Intent Requirements

(A) Requirement to Submit a Notice of Intent

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

- (1) Any demolition project, even if no asbestos is present;
- (2) Any renovation project that involves the following amounts of regulated asbestos-containing material:
 - (a) Eighty (80) or more linear meters (two-hundred sixty [260] or more linear feet) on pipes;
 - (b) Fifteen (15) or more square meters (one hundred sixty [160] or more square feet) on any other facility component; or
 - (c) One (1) or more cubic meters (thirty-five cubic feet) if the length or area could not be measured prior to submission of the notice of intent;
- (3) Any renovation project that involves fifteen (15) or more square meters (one hundred sixty [160] or more square feet) of resilient floor, associated mastic covering, or both that contains asbestos-containing material even if no regulated asbestos-containing material is present.
- (4) Any annual renovation operation that involves individual, nonscheduled operations for which the combined additive amount of regulated asbestos-containing material to be removed during a calendar year (January 1 through December 31) is predicted to be:
 - (a) Eighty (80) or more linear meters (two-hundred sixty [260] or more linear feet) on pipes;
 - (b) Fifteen (15) or more square meters (one hundred sixty [160] or more square feet) on any other facility component; or
 - (c) One (1) or more cubic meters (thirty-five cubic feet) if the length or area could not be measured prior to submission of the notice of intent;

(B) Timeliness of a Notice of Intent

The owner or operator shall submit a complete written notice of intent as outlined in 21.609(C) to the Division by hand-delivery, post-marked by the United States Postal Service, post-marked by a commercial delivery service, or by another method approved by the Division:

- (1) No later than ten (10) working days before the commencement of demolition activity except as provided by Rule 21.610(B)(2);
- (2) No later than one (1) working day following commencement of demolition if the facility is being demolished under order of a State or local government agency because the facility is structurally unsound and in danger of imminent collapse;
- (3) No later than ten (10) working days prior to asbestos stripping, removal work, or any other activity—including site preparation that would break up, dislodge, or disturb asbestos-containing material;
- (4) By December 21 for the upcoming calendar period of January 1 through December 31 for annual renovation operations; and
- (5) No later than one (1) working day following commencement of emergency renovation operations involving a sudden, unexpected event that is not a small-scale short-duration activity or minor release episode.

(C) Notice of Intent Contents

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

- (1) The applicable fee specified in Rule 21, Chapter 13;
- (2) The name, address, telephone number, and any additional method of contact that the Division may request for:
 - (a) Both the owner and operator of the facility;
 - (b) Any Asbestos Abatement Contractor or Asbestos Abatement Consultant hired by the owner or operator; and
 - (c) The waste transporter;
- (3) The type of operation (demolition or renovation);
- (4) The location of the facility where the demolition or renovation will take place, including without limitation:
 - (a) Street address (including building number or name, if applicable);

- (b) City;
 - (c) County; and
 - (d) State;
- (5) A description of the affected part of the facility where the demolition or renovation will take place, including without limitation:
- (a) Size in square meters or square feet;
 - (b) Number of floors affected;
 - (c) Age of the affected part of the facility; and
 - (d) Present and prior use of the facility;
- (6) The approximate amount of regulated asbestos-containing material to be removed from the facility in terms of:
- (a) Linear meters or linear feet for piping;
 - (b) Square meters or square feet for surface areas on other facility components; or
 - (c) Cubic meters or cubic feet if the length or area cannot be measured;
- (7) The approximate amount of Category I nonfriable asbestos-containing material and Category II nonfriable asbestos-containing material that will not be removed from the affected part of the facility prior to demolition, renovation, or asbestos response action;
- (8) A description of planned demolition or renovation work to be performed and the method(s) to be employed, including demolition or renovation techniques to be used and a description of facility components;
- (9) A description of work practices and engineering controls to be used to comply with Rule 21 requirements, including without limitation: asbestos removal, containment, and waste-handling emission control procedures;
- (10) A description of procedures to be followed in the event that unexpected regulated asbestos-containing material is found or Category II nonfriable asbestos-containing material becomes crumbled, pulverized, or reduced to powder;

- (11) Procedures, including analytical methods, employed to detect the presence of regulated asbestos-containing material, Category I nonfriable asbestos-containing material, and Category II nonfriable asbestos-containing material;
- (12) Name and location of the waste disposal site where the asbestos-containing waste will be deposited;
- (13) The name, address, telephone number, and any additional method of contact that the Division may request, and Division certification number for the:
 - (a) Inspector;
 - (b) Supervisor;
 - (c) Project Designer, if a project design is required pursuant to Rule 21.609; and
 - (d) Air Monitoring Technician, if air monitoring is required pursuant to Rule 21, Chapter 8;
- (14) A certification that at least one (1) Supervisor licensed by the Division pursuant to Rule 21 shall supervise the stripping and removal described in this notice of intent;
- (15) The scheduled starting and completion dates of the following:
 - (1) The demolition or renovation project involving regulated asbestos-containing material; and
 - (2) Any activity, including site preparation and asbestos removal work, that would break up, dislodge, or disturb asbestos-containing material;
- (16) For an annual renovation operation, the scheduled starting date and completion dates shall include only the beginning and ending dates of the calendar year for which the notice of intent is submitted;
- (17) For a facility that is being demolished under order of a State or local government agency:
 - (a) The name, title, and authority of the State or local government representative who ordered the demolition;
 - (b) The date on which the demolition was ordered to begin; and
 - (c) A copy of the order requiring demolition;

- (18) For an emergency renovation operation:
 - (a) The date and time the emergency occurred;
 - (b) A description of the sudden, unexpected event that caused the emergency; and
 - (c) An explanation of how the event caused an unsafe condition or would cause equipment damage or an unreasonable financial burden; and
- (19) Any other information that the Division may reasonably require;
- (D) A copy of the notice of intent shall be maintained at the job site.

Rule 21.610 Notice of Intent Revisions

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

- (A) If the starting date for prepping, asbestos removal, or both changes, the owner or operator shall submit a written notice of the change to the Division.
 - (1) The written notice shall be submitted on a form provided by the Division and shall include:
 - (a) The applicable fee pursuant to Rule 21, Chapter 13;
 - (b) The reason for the change;
 - (c) The new starting date for prepping, asbestos removal, or both; and
 - (d) Any other information that the Division may reasonably require.
 - (2) The owner or operator shall submit the written notice to the Division by hand-delivery, post-marked by a commercial delivery service, or by another method approved by the Division:
 - (a) No later than ten (10) working days prior to the beginning of any stripping or removal work if the start date will be earlier than the date provided to the Division in the original notice of intent; and
 - (b) No later than the original start date if the start date will be later than the date provided to the Division in the original notice of intent.

- (B) If the amount of asbestos affected by a demolition or renovation operation changes by twenty percent (20%) or more, the owner or operator shall submit a written notice of the change to the Division.
 - (1) The written notice shall be submitted on a form provided by the Division and shall include:
 - (a) The applicable fee pursuant to Rule 21, Chapter 13;
 - (b) The reason for the change;
 - (c) The amount of asbestos that will be affected by the demolition or renovation operation in terms of:
 - (i) Linear meters or linear feet for piping;
 - (ii) Square meters or square feet for surface areas on other facility components; or
 - (iii) Cubic meters or cubic feet if the length or area cannot be measured; and
 - (d) Any other information that the Division may reasonably require.
 - (2) The owner or operator shall submit the written notice to the Division as soon as practicable.
- (C) If the operator changes, the owner shall submit a new notice of intent with a new notification period and a new fee in accordance with Rule 21, Chapter 13.
- (D) The owner or operator shall notify the Division if any of the following changes:
 - (1) Scheduled ending date for the renovation or demolition project;
 - (2) Scheduled ending date for any activity, including site preparation and asbestos removal work, that would break up, dislodge, or disturb asbestos-containing material;
 - (3) Scheduled work hours;
 - (4) Engineering controls;
 - (5) Work practices;
 - (6) Waste disposal site;
 - (7) Air Monitoring Technician, Inspector, and/or Project Designer; or

- (8) Owner.
- (E) The notification pursuant to Rule 21.610(D) shall:
 - (1) Be submitted using a method approved by the Division;
 - (2) Describe the change; and
 - (3) Not require payment of a fee.

Rule 21.611 Action on Notices of Intent and Notice of Intent Revisions

- (A) The Division shall review each notice of intent and notice of intent revision to determine whether the notice of intent or notice of intent revision is complete, accurate, and meets the applicable requirements of Rule 21.
- (B) If a notice of intent or notice of intent revision is incomplete, provides incorrect information, or fails to comply with the applicable requirements of Rule 21, then the Division shall return the notice of intent or notice of intent revision and issue a notice of deficiency that:
 - (1) Identifies the deficiencies with the notice of intent submittal;
 - (2) Specifies the time frame within which the owner or operator shall correct and resubmit the notice of intent or notice of intent revision; and
 - (3) Specifies a new time period between submission of the corrected notice of intent or notice of intent revision and commencement of renovation or demolition operations.

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 7: [RESERVED]

DRAFT

CHAPTER 8: WORK PRACTICES AND PROCEDURES

Rule 21.801 [RESERVED]

Rule 21.802 Applicability

This Chapter applies to:

- (A) Any demolition operation involving regulated asbestos-containing material; and
- (B) Any renovation operation impacting:
 - (1) A minimum of eighty (80) linear meters or two hundred sixty (260) linear feet of regulated asbestos-containing material on pipes;
 - (2) A minimum of fifteen (15) square meters or one hundred sixty (160) square feet of regulated asbestos-containing material on other facility components;
 - (3) A minimum of one (1) cubic meter or thirty-five (35) cubic feet of regulated asbestos-containing material where the length could not be measured; or
- (C) Any asbestos response action.

Rule 21.803 Supervisor Required During Operations Involving Regulated Asbestos-Containing Material

The owner or operator of a facility involved in an operation listed in Rule 21.802(A) shall ensure that a Supervisor certified by the Division pursuant to Rule 21 is present at the site during operations that include stripping, removal, handling, or disturbing any regulated asbestos-containing material.

Rule 21.804 Requirement to Remove Regulated Asbestos-Containing Material Prior to Demolition or Renovation

- (A) Except as provided by Rule 21.804(B), the owner or operator of a facility involved in an operation listed in Rule 21.802 shall remove all regulated asbestos-containing material prior to conducting:
 - (1) A demolition, renovation, or other activity that would break up, dislodge, or disturb regulated asbestos-containing material or would block access to regulated asbestos-containing material to be removed later; or
 - (2) A demolition by intentional burn.

- (B) The owner or operator is not required to remove regulated asbestos-containing material prior to conducting a demolition if the regulated asbestos-containing material:
- (1) Is Category I nonfriable material with binding that is not peeling, cracking, or crumbling, and is not friable;
 - (2) Is on a facility component that is encased in concrete or other hard material that has been adequately wetted in accordance with the procedures in Rule 21.805;
 - (3) Is Category II nonfriable material that has a low probability of becoming crumbled, pulverized, or reduced to powder during demolition; or
 - (4) Was not accessible for testing, was not discovered until after demolition began, and cannot be safely removed due to the demolition. If the owner or operator is unable to remove the discovered regulated asbestos-containing material for safety reasons, the owner or operator shall treat exposed regulated asbestos-containing material and any asbestos-contaminated debris as asbestos-containing waste material in accordance with Rule 21, Chapter 9.
- (C) When a facility component that contains, is covered with, or is coated with regulated asbestos-containing material is removed from a facility as a unit or in sections, the owner or operator shall ensure that:
- (1) The regulated asbestos-containing material is adequately wetted when exposed during cutting and disjoining operations in accordance with Rule 21.805, except as provided by Rule 21.806;
 - (2) The facility component is carefully lowered to the floor and to ground level without dropping, throwing, sliding, or otherwise damaging or disturbing regulated asbestos-containing material; and
 - (3) After the facility component is removed from the facility, the regulated asbestos-containing material is stripped from the facility component or the facility component is contained in a leak-tight wrapping.
 - (a) If regulated asbestos-containing material is stripped from the facility component:
 - (i) The regulated asbestos-containing material shall be adequately wetted during stripping; or
 - (ii) A local exhaust ventilation and collection system that meets the requirements of Rule 21.806(B)(1) shall be used.

- (b) Regulated asbestos-containing material is not required to be stripped from large facility components if:
 - (i) The component is removed, transported, stored, disposed of, or reused without disturbing the regulated asbestos-containing material;
 - (ii) The component is encased in leak-tight wrapping; and
 - (iii) The leak-tight wrapping encasing the component is labeled pursuant to Rule 21.905 during all loading and unloading operations and during storage.
- (D) When regulated asbestos-containing material is stripped from a facility component while the facility component remains in place, the owner or operator shall adequately wet the exposed regulated asbestos-containing material during the stripping operation, except as provided by Rule 21.806.
- (E) For all regulated asbestos-containing material that has been removed or stripped:
 - (1) The regulated asbestos-containing material shall be adequately wetted and remain adequately wetted until collected and contained or treated in preparation for disposal in accordance with Chapter 9 of Rule 21, except as provided by Rule 21.806;
 - (2) Regulated asbestos-containing material shall be carefully lowered to the floor and to ground level without dropping, throwing, sliding, or otherwise damaging or disturbing regulated asbestos-containing material; and
 - (3) If the regulated asbestos-containing material was removed or stripped more than fifty (50) feet above ground level and not removed as units or in sections, then the regulated asbestos-containing material shall be transported to the ground via leak-tight chutes or containers.

Rule 21.805 Requirements for Wetting

The owner or operator of a facility involved in an operation that is subject to the requirements of this Chapter shall ensure that wetting required pursuant to Rule 21 meets the following requirements:

- (A) Asbestos-containing material shall be adequately mixed with a wetting agent to effectively wet dust and tailings to prevent the release of particulates;

- (B) The wetting agent used shall be specific to the particular dust generated by the operation as recommended by the manufacturer of the wetting agent;
- (C) Visible emissions shall not be discharged to the outside air during wetting; and
- (D) Wetting may be suspended when the ambient temperature is less than -9.5 degrees Celsius (fifteen [15] degrees Fahrenheit). If wetting is suspended due to temperature, the temperature in the area containing the regulated asbestos-containing material shall be recorded at the beginning, middle, and end of each workday.

Rule 21.806 Alternative Emission Control Methods to Wetting

- (A) The owner or operator of a facility involved in an operation that is subject to the requirements of this Chapter may submit a written application to the Division to request an alternative emission control method to wetting required under Rule 21 if the operation is a renovation or the regulated asbestos-containing material is contained in leak-tight wrapping.
 - (1) The application should include a description of why wetting would unavoidably damage equipment or present a safety hazard; and
 - (2) A description of the emission control method that will be used instead of wetting.
- (B) The Division may approve any of the following emission control methods in place of wetting:
 - (1) A local exhaust ventilation and collection system that is designed and operated to capture particulate asbestos-containing material that is produced by stripping and removal of asbestos-containing materials:
 - (a) The system shall not exhibit visible emissions to the outside air;
 - (b) The system shall use a fabric filter collection device that meets the requirements of 40 CFR § 61.152(a)(1) and (2) or a high-efficiency particulate air filter that is certified to be at least 99.97% efficient for 0.3 micron particles;
 - (i) For fabric filter collection devices, the owner or operator shall provide for easy inspection for faulty bags;
 - (ii) If the use of a fabric filter would create a fire or explosion hazard or is not feasible, the Division may authorize the use of a wet collector that is designed to operate with a unit contacting energy

of at least 9.95 kilopascals or forty (40) inches water pressure gauge; or

- (iii) The Division may authorize the use of filtering equipment other than described in Rule 21.806(B) if the owner or operator demonstrates to the Division's satisfaction that the equipment is equivalent in filtering particulate asbestos-containing material to the filtering equipment described in Rule 21.806(B);
 - (2) A glovebag system that is designed and operated as designed to contain particulate asbestos-containing material that is produced by stripping activities; or
 - (3) Leak-tight wrapping that contains all regulated asbestos-containing material prior to removal.
- (C) The owner or operator shall ensure that a copy of the written approval from the Division to use an alternative emission control method to wetting is kept at the work site.

Rule 21.807 Clearance Air Monitoring

If containment is used to control fiber emissions of regulated asbestos-containing material during a demolition, renovation, or asbestos response action that is subject to this Chapter, the owner or operator shall ensure that clearance air monitoring is conducted inside the containment area after the operation and cleanup activities are complete in accordance with the requirements of Rule 21.807.

- (A) Clearance air monitoring shall be conducted by an Air Monitor Technician certified by the Division pursuant to Rule 21. The Air Monitor Technician shall not be an employee of the Asbestos Abatement Consultant or Asbestos Abatement Contractor that is conducting the operation.
- (B) The Air Monitor Technician shall use aggressive air sampling in accordance with the requirements of 40 CFR Part 763, Subpart E, Appendix A to collect samples for clearance air monitoring.
- (C) Samples collected during clearance air monitoring shall be analyzed using one of the following methods:
 - (1) Phase contrast microscopy using National Institute for Occupational Safety and Health Method 7400; or

- (2) Transmission electron microscopy using the procedures listed in 40 CFR 763, Subpart E, Appendix A.
- (D) If phase contrast microscopy is used to analyze samples collected by aggressive air sampling:
 - (1) The analysis shall be performed by:
 - (a) A laboratory that is accredited by the American Industrial Hygiene Association; or
 - (b) An Air Monitor Technician considered proficient by the American Industrial Hygiene Association's Asbestos Analysts Registry Program; and
 - (2) The results of the analysis shall be compared to a clearance standard of 0.01 fibers per cubic centimeter.
- (E) If transmission electron microscopy is used to analyze samples collected by aggressive air sampling:
 - (1) The analysis shall be performed by a laboratory approved by the National Institute of Standards Technology's National Voluntary Accreditation Program; and
 - (2) The results of the analysis shall be compared to a clearance standard of:
 - (a) Seventy (70) structures per square millimeter based on the arithmetic mean; or
 - (b) A "Z-test" result of 1.65.
- (F) If the aggressive air sampling analysis reveals an airborne fiber count greater than the clearance standard established in Rule 21.807(D)(2) or (E)(2), the area shall be cleaned again, followed by aggressive air sampling. The procedure shall be repeated until aggressive air sampling analysis demonstrates that the applicable clearance standard has been achieved.

Rule 21.808 Recordkeeping

- (A) The owner or operator of a facility involved in an operation listed in Rule 21.802(A) shall keep the following documentation at the work site until the operation is complete:
 - (1) A copy of the inspection report required pursuant to Rule 21.607;

- (2) A copy of the notice of intent or any revised notice of intent required pursuant to Rule 21, Chapter 6;
 - (3) If applicable, the order from a State or local government agency to demolish a facility that is deemed structurally unsound and in danger of imminent collapse;
 - (4) A copy of the project design;
 - (5) A copy of the certifications; licenses; or both issued by the Division pursuant to Rule 21 for any person that participates in the operation;
 - (6) Any written approval by the Division to use an alternative emission control method to wetting pursuant to Rule 21.806;
 - (7) Copies of the recorded temperature for the area containing the facility components for the beginning, middle, and end of each workday for any period during which wetting operations were suspended due to temperature; and
 - (8) A copy of all clearance air monitoring results, including proof of accreditation for the laboratory performing the analysis or proof of proficiency if the Air Monitor Technician performs the analysis on-site.
- (B) The owner or operator shall keep all documents listed in Rule 21.808(A) for a minimum of two (2) years from the end of the operation.
- (C) The owner or operator shall make any information related to a site, including without limitation the documents listed in Rule 21.808(A) available to the Division upon request.

CHAPTER 9: ASBESTOS-CONTAINING WASTE MATERIAL HANDLING

Rule 21.901 [RESERVED]

Rule 21.902 Applicability

This Chapter applies to waste generators, waste transporters, and waste disposal sites. The requirements of Rule 21.903 through 21.905 do not apply to Category I nonfriable asbestos-containing material waste or Category II nonfriable asbestos-containing material waste if the waste did not become crumbled, pulverized, or reduced to powder.

Rule 21.903 Requirement to Dispose of Regulated Asbestos-Containing Material

The waste generator shall dispose of regulated asbestos-containing material from:

- (A) Any demolition operation involving regulated asbestos-containing material; and
- (B) Any renovation operation impacting:
 - (1) A minimum of eighty (80) linear meters or two hundred sixty (260) linear feet of regulated asbestos-containing material on pipes;
 - (2) A minimum of fifteen (15) square meters or one hundred sixty (160) square feet of regulated asbestos-containing material on other facility components; or
 - (3) A minimum of one (1) cubic meter or thirty-five (35) cubic feet of regulated asbestos-containing material where the length could not be measured; and
- (C) Any asbestos response action involving regulated asbestos-containing material.

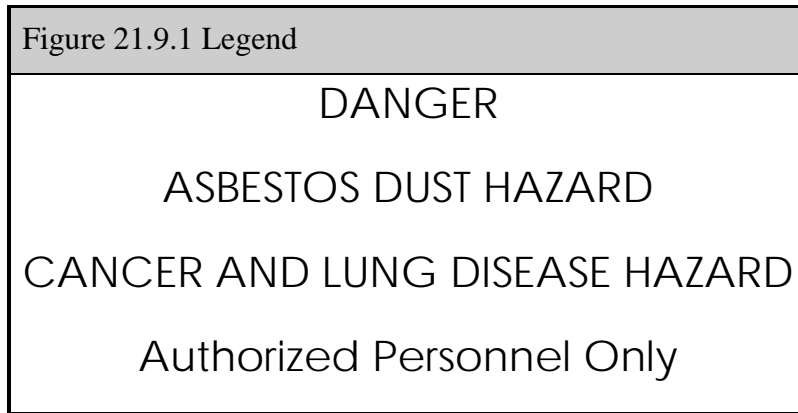
Rule 21.904 Preparation for Waste Disposal

- (A) The waste generator shall ensure that no visible emissions are discharged to the outside air during the collection, packaging, transport, treatment (including incineration), or disposal process of any asbestos-containing material generated during an operation listed in Rule 21.903.
- (B) The waste generator shall use one of the following emission control and waste treatment methods when preparing asbestos-containing waste for disposal:
 - (1) Wetting:

- (a) Adequately wet asbestos-containing waste material in accordance with Rule 21.805; and
 - (b) After wetting, seal all asbestos-containing waste material in leak-tight containers or in leak-tight wrapping if the asbestos-containing material will not fit into a container without additional breaking;
 - (2) Processing asbestos-containing waste material into nonfriable forms by shaping all asbestos-containing waste material into nonfriable pellets or other shapes;
 - (3) For regulated asbestos-containing material not removed prior to demolition:
 - (a) Adequately wet regulated asbestos-containing material at all times during and after the demolition operation;
 - (b) Keep the regulated asbestos-containing waste material wet during handling and loading for transport to a waste disposal site; and
 - (c) Transport the regulated asbestos-containing waste material in leak-tight containers, leak-tight wrapping, or leak-tight bulk shipping devices; or
 - (4) An alternative emission control and waste treatment method if the Division approves of the alternative in writing.
- (C) The waste generator shall label all containers and wrappings used to contain asbestos-containing waste material and vehicles used to transport asbestos-containing waste material in accordance with Rule 21.905.
- (D) As soon as is practical, the waste generator shall:
- (1) Ensure transportation of all asbestos-containing waste to a waste disposal site that:
 - (a) Is approved to accept asbestos-containing waste material and meets the requirements of 40 CFR 61.154; or
 - (b) Is approved by the United States Environmental Protection Agency to convert regulated asbestos-containing material and asbestos-containing waste material into asbestos-free material in accordance with the requirements of 40 CFR Part 61.155; and
 - (2) Comply with the requirements of Rule 21.906 applicable to waste generators for transport of asbestos-containing waste materials to the waste disposal site.

Rule 21.905 Labeling Requirements

- (A) The waste generator shall label all containers and wrapped materials containing asbestos-containing waste material according to the specifications in 29 CFR 1910.1001(j)(5) or 40 CFR 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.
- (B) For asbestos-containing waste material to be transported off-site, the waste generator shall also label the containers and wrapped materials with the name of the waste generator and the location at which the waste was generated. The waste generator shall comply with all Department of Transportation requirements in 40 CFR § 173.6;
- (C) The waste generator shall label vehicles used to transport asbestos-containing waste material during the loading and unloading of waste. The label shall:
 - (1) Be located and displayed so that a person can easily read the legend;
 - (2) Be fifty-one (51) centimeters by thirty-six (36) centimeters (twenty [20] inches by fourteen [14] inches);
 - (3) Conform to the requirements for caution signs specified in 29 CFR 1910.145(d)(4); and
 - (4) Display the legend displayed in Figure 21.9.1 in the lower panel of the sign.
 - (a) The first and second line shall be at least 2.5 centimeters (one [1] inch) sans serif, Gothic or Block font;
 - (b) The third line shall be at least 1.9 centimeters (three-quarters [3/4] inch) sans serif, Gothic or Block font;
 - (c) The fourth line shall be at least 14-point Gothic font;
 - (d) The space between any two lines shall be at least equal to the height of the upper of the two lines.



Rule 21.906 Transport of Asbestos-Containing Waste Material

- (A) The waste generator shall prepare a waste shipment record to accompany any asbestos-containing material that will be transported off-site.
- (1) The waste shipment record shall include the following information:
- (a) The name, address, and telephone number of the waste generator;
 - (b) The name and address of the Division's Asbestos Section;
 - (c) The approximate quantity of asbestos-containing waste material;
 - (d) The name, address, and telephone number of the waste transporter(s);
 - (e) The name, physical site location, and telephone number of the designated waste disposal site;
 - (f) The date that the asbestos-containing waste material will be transported from the waste generator site;
 - (g) The date that the asbestos-containing waste material will be received by the designated waste disposal site; and
 - (h) A certification that the contents of the shipment are:
 - (i) Fully and accurately described by the proper shipping name;
 - (ii) Classified, packed, marked, and labeled according to the requirements of Rule 21.905; and
 - (iii) In proper condition for transportation by highway in accordance with all applicable international, federal, and state rules.

- (2) The waste generator shall sign the waste shipment record prior to transfer of the asbestos-containing waste material to the waste transporter;
- (B) The waste transporter shall sign the waste shipment record upon acceptance of asbestos-containing waste from the waste generator.
- (C) The waste transporter shall deliver the asbestos-containing waste material to the designated waste disposal site as expeditiously as possible.
- (D) The person that owns or operates the designated waste disposal site shall:
 - (1) Sign and date the waste shipment record immediately upon receipt and acceptance of the asbestos-containing waste material from the waste transporter; and
 - (2) Transmit a copy of the signed waste shipment record to the waste generator as expeditiously as possible, but no later than thirty (30) days after receipt of the asbestos-containing waste.
- (E) If the waste generator does not receive a copy of the waste shipment record signed by the person that owns or operates the designated waste disposal site within thirty-five (35) calendar days from the date the asbestos-containing waste material was accepted by the initial waste transporter, the waste generator shall:
 - (1) Contact the waste transporter, person that owns or operates the designated waste disposal site, or both to determine the status of the asbestos-containing waste shipment; and
 - (2) Report to the Division in writing if the waste generator has not received a copy of the waste shipment record signed by the person that owns or operates the designated waste disposal site within forty-five (45) days of the date the waste was accepted by the initial transporter.
- (F) The waste generator shall retain a copy of all waste shipment records, including the copy signed by the person that owns or operates the designated waste disposal site, for a minimum of two (2) years. The waste generator shall make these records available to the Division upon request.

Rule 21.907 Standards for Waste Disposal Sites

- (A) A person that owns or operates an active waste disposal site that receives asbestos-containing material shall:

- (1) Cover asbestos-containing waste material that has been deposited at the waste disposal site within twenty-four (24) hours of receiving the asbestos-containing waste material:
 - (a) The asbestos-containing waste material shall be covered with:
 - (i) At least fifteen (15) centimeters (six [6] inches) of compacted nonasbestos-containing material;
 - (ii) A resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. The agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control; or
 - (iii) An alternative dust suppression agent that is equally effective to a resinous or petroleum-based dust suppression agent if the Division approves in writing prior to its use.
 - (b) The Division may approve an alternative emissions control method to covering the asbestos-containing waste material if the person that owns or operates the waste disposal site demonstrates that the alternative method:
 - (i) Is equally effective to the methods in Rule 21.907(a) in controlling asbestos emissions;
 - (ii) Is suitable to the intended application;
 - (iii) Will not violate other laws or rules; and
 - (iv) Will not result in increased water pollution, land pollution, or occupational hazards;
- (2) Notify the Division in writing if there is a discrepancy between the quantity of asbestos-containing waste material designated on the waste shipment record and the quantity of asbestos-containing waste material received if the discrepancy is not resolved within fifteen (15) days. In the notification the owner or operator of the waste disposal site shall:
 - (a) Describe the discrepancy and attempts to resolve the discrepancy; and
 - (b) Include a copy of the waste shipment record;

- (3) Notify the Division in writing by the following working day if the person that owns or operates the waste disposal site discovers the presence of a significant amount of improperly enclosed or uncovered asbestos-containing waste. The notification shall include a copy of the waste shipment record.
- (4) Retain records for each shipment of asbestos-containing waste material received, including without limitation waste shipment records and notifications pursuant to Rule 21.907 for a minimum of two (2) years from the date the asbestos-containing waste material was received;
- (5) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters or cubic yards of the asbestos-containing waste material within the waste disposal site on a map or diagram of the disposal area;
- (6) Notify the Division in writing at least forty-five (45) days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at the waste disposal site and is covered:
 - (a) The notification shall include:
 - (i) The scheduled start and completion dates;
 - (ii) The reason for disturbing the asbestos-containing waste material;
 - (iii) Procedures to be used to control emissions during the excavation, transport, and disposal of the excavated asbestos-containing material; and
 - (iv) The location of any temporary storage site and the final waste disposal site;
 - (b) The Division may require changes in the emission control procedures to be used during the excavation, transport, and disposal of the excavated asbestos-containing material;
 - (c) If the excavation will begin on a date other than that contained in the original notification:
 - (i) The person that owns or operates the waste disposal site shall notify the Division of the new start date at least ten (10) working days before excavation begins; and
 - (ii) Excavation shall not begin earlier than the date specified in the original notification; and

- (7) Submit a copy of all records to be retained under Rule 21.907 to the Division upon request and upon closure of the waste disposal site.

Rule 21.908 Waste Disposal Site Deed Recording Requirements

- (A) Within sixty (60) calendar days after a waste disposal site becomes inactive, the person that owns or operates the waste disposal site shall ensure that a notation is recorded, in accordance with State law, on the deed to the waste disposal site property and on any other instrument that would normally be examined during a title search.
- (B) The notation shall, in perpetuity, notify any potential purchaser of the property that:
 - (1) The land was formerly used for disposal of asbestos-containing waste material; and
 - (2) The survey plot and record of the location and quantity of asbestos-containing waste material at the waste disposal site has been filed with the Division.

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 10: [RESERVED]

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CHAPTER 11: [RESERVED]

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CHAPTER 12: [RESERVED]

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CHAPTER 13: FEES

Rule 21.1301 [RESERVED]

Rule 21.1302 Fee Assessment

The Division shall assess fees for applications for licenses pursuant to Chapter 3, applications for certifications pursuant to Chapter 4, and notice of intent submissions pursuant to Chapter 6. The Division shall use fees collected pursuant to this Chapter to cover the Division's asbestos program costs.

Rule 21.1303 Fee Payment

Applicable fees pursuant to this Chapter shall be paid by check, money order, cash (for walk-ins only), or other methods that the Division may approve.

Rule 21.1304 License Fees

- (A) Each license application for an Asbestos Abatement Consultant license, Asbestos Abatement Contractor license, or Training Provider license shall be accompanied by a nonrefundable fee of three hundred seventy-five dollars (\$375).
- (B) Each license renewal application for an Asbestos Abatement Contractor license, Asbestos Abatement Consultant license, or Training Provider license shall be accompanied by a nonrefundable fee of three hundred seventy-five dollars (\$375).
- (C) The Division shall not consider an application for a license or renewal license complete until the Division receives payment in full of the required fee.
- (D) Requests for revisions to an Asbestos Abatement Consultant license, Asbestos Abatement Contractor License, or Training Provider license pursuant to Rule 21.308 do not require a fee.
- (E) A fee of fifteen dollars (\$15) shall be required for the replacement of an Asbestos Abatement Consultant license, Asbestos Abatement Contractor license, or Training Provider license certificate.

Rule 21.1305 Certification Fees

- (A) Each application for a certification or certification renewal pursuant to Chapter 4 shall be accompanied by the applicable fee.
- (B) A nonrefundable fee of twenty-five dollars (\$25) shall be required for each certification or certification renewal application for worker certification.
- (C) A nonrefundable fee of one hundred fifteen dollars (\$115) shall be required for a certification or certification renewal application for the following disciplines:
 - (1) Supervisor;
 - (2) Inspector;
 - (3) Air Monitor Technician;
 - (4) Project Designer; and
 - (5) Management Planner.
- (D) Any person that applies for certification in two (2) or more of the following disciplines within the same calendar year shall be required to pay a nonrefundable fee of one hundred fifteen dollars (\$115) for the first discipline and a nonrefundable fee of fifty-five dollars (\$55) for each additional discipline:
 - (1) Supervisor;
 - (2) Inspector;
 - (3) Air Monitor Technician;
 - (4) Project Designer; and
 - (5) Management Planner.
- (E) The Division shall not consider an application for a certification or certification renewal complete until the Division receives payment in full of the required fee.
- (F) A nonrefundable fee of fifteen dollars (\$15) shall be required for the replacement of each certification certificate and each certification identification card.
- (G) Any person may request expedited processing of a certification or certification renewal application.
 - (1) The nonrefundable fee for expedited processing of an application for one or more certification(s) or certification renewal(s) shall be fifty dollars (\$50) per applicant.

- (2) The Division shall take action on an application for certification or certification renewal pursuant to Rule 21.409 within thirty-six (36) business hours of receipt if the Division receives all of the following at the time the applicant requests expedited processing:
 - (a) A complete application in accordance with Chapter 4 of Rule 21, as applicable;
 - (b) Payment to the Division of the applicable certification fee(s) pursuant to Rule 21.1305(A), (B), (C), and (D); and
 - (c) Payment to the Division of the expedited processing fee pursuant to Rule 21.1305(F)(1).

Rule 21.1306 Notice of Intent Fees

Each notice of intent and notice of intent revision pursuant to Chapter 6 of Rule 21 shall be accompanied by the applicable fee. The applicable fee is nonrefundable and shall be paid in full prior to the start of any demolition or renovation operation.

(A) For demolitions:

- (1) Seventy-five dollars (\$75) shall be required for a notice of intent involving a demolition that affects more than one (1) square or linear foot of asbestos-containing material at a facility;
- (2) Three hundred seventy-five dollars (\$375) shall be required for a notice of intent involving a demolition that affects one hundred sixty (160) square feet or more or two hundred sixty (260) linear feet or more of regulated asbestos-containing material at a facility; or
- (3) No fee shall be required for a notice of intent involving a demolition that affects one square or linear foot or less of asbestos-containing material at a facility;

(B) For renovations:

- (1) Two hundred twenty-five dollars (\$225) shall be required for a notice of intent involving a renovation that affect the following amounts of regulated asbestos-containing material at a facility:
 - (a) Between one hundred sixty (160) square feet and five thousand (5000) linear feet; or

- (b) Between two hundred sixty (260) linear feet and five thousand (5000) linear feet.
 - (2) Three hundred seventy-five dollars (\$375) shall be required for a notice of intent involving a renovation that affects between five thousand one (5,001) square or linear feet and ten thousand (10,000) square or linear feet of regulated asbestos-containing material at a facility;
 - (3) Seven hundred fifty dollars (\$750) shall be required for a notice of intent involving a renovation that affects more than ten thousand (10,000) square or linear feet of regulated asbestos-containing material at a facility;
 - (4) Two hundred twenty-five dollars (\$225) shall be required for any emergency renovation operation at a facility in addition to the applicable fee pursuant to Rule 21.1306(B)(1), (2), or (3);
 - (5) One thousand one hundred twenty-five dollars (\$1,125) shall be required for a notice of intent involving an annual renovation operation pursuant to Rule 21.610(A)(4);
- (C) For notice of intent revisions pursuant to Rule 21.611:
- (1) Fifty dollars (\$50) shall be required for any change in the start date of any operations; and
 - (2) Fifty dollars (\$50) shall be required for a change in the amount of asbestos of twenty percent (20%) or more as specified under Rule 21.611(B). This fee is in addition to any applicable charges required for an increase in the amount of regulated asbestos-containing material.

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CHAPTER 14: [RESERVED]

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CHAPTER 15: [RESERVED]

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CHAPTER 16: [RESERVED]

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CHAPTER 17: [RESERVED]

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CHAPTER 18: [RESERVED]

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CHAPTER 19: [RESERVED]

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CHAPTER 20: [RESERVED]

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CHAPTER 21: [RESERVED]

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CHAPTER 22: [RESERVED]

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To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 23: [RESERVED]

DRAFT

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 24: [RESERVED]

DRAFT

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 25: [RESERVED]

DRAFT

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 26: [RESERVED]

DRAFT

To supplement this strawman draft, see the Rule 21 Crosswalk, a document that cross-references the changes from Regulation No. 21 to Rule 21 and provides rationale for the changes. (December 2019)

CHAPTER 27: [RESERVED]

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