

COMMENTS OF AMERICAN ELECTRIC POWER
on
PROPOSED REVISIONS TO ARKANSAS ASBESTOS ABATEMENT
REGULATION NO. 21

AEP appreciates the opportunity to comment on the proposed revisions to Arkansas Asbestos Abatement Regulation No. 21. Our comments are below:

Table of Contents

The Table of Contents has not been revised to reflect changes in paragraph headings in Chapters 18 and 22.

Chapter 4: Definitions

Regulated Asbestos-Containing Material (RACM) (E) – AEP supports the removal of the word “breaking” from the definition.

Chapter 6: Notifications

Reg. 21.603(B) – AEP suggests a clarification as to whether the notification requirements apply when the resilient floor covering is not ACM but the mastic is ACM, since the mastic is adhered to the flooring.

Chapter 7: Record Keeping

Reg. 21.701(A) – AEP suggests adding the word “report” or “record” after “inspection”.

Reg. 21.701(A) – Since the collection and analysis of bulk samples and air monitoring are not required parts of an asbestos inspection, AEP recommends changing this sentence to read “... including results of **any** bulk sample analysis **and any** air monitoring data.” to make it clear that this data might not exist.

Reg. 21.701(D) – Must a contracting or consulting firm have their original license on site? What if they are working more than one project? (While (D) says “personnel”, it also mentions licenses which are only issued to the firms.)

Chapter 10: Disposal Preparation

Reg. 21.1001 (B) – AEP suggests either including the new OSHA Asbestos Sign wording (optional now, required by June 1, 2016) as an option for the signs required by this section (and any other) or changing the sign requirement to reference 29 CFR 1926.1101 rather than repeat the requirements here. This will avoid the need to revise the regulations again in 2016.

Chapter 11: Disposal

21.1101(B) – AEP suggests removing the requirement to use the OSHA standards in effect on Dec. 12, 2008. The asbestos standards were revised in 2012 to comply with the new OSHA Hazard Communication Standard. AEP suggests the regulation require the use of the “current version” rather than one of a specific date.

Chapter 18: Training

Reg. 21.1807(B) – the requirement to keep copies of *any* document referenced by a training instructor’s résumé will be burdensome for those résumés that reference journal publications, etc. AEP requests that the Department clarify what documents it wants maintained.

Reg. 21.1808 Accreditation Certificates – The requirements A-F for a training certificate do not agree with the requirements for a training certificate in 21.1402(I)(1)-(9). AEP recommends that these two lists of requirements be identical.

Chapter 19: Training Requirements

Reg. 21.1902(I)(4) – change the citation for the OSHA Construction Asbestos Standard to include the standard number, i.e., 29 CFR 1926.1101, not just 29 CFR 1926.

Reg 21.1903(L)(2) – change the citation for the OSHA Construction Asbestos Standard to include the standard number, i.e., 29 CFR 1926.1101, not just 29 CFR 1926.

Reg 21.1903(L)(3) – change the reference to the Friable Asbestos in Schools Rule to Subpart E, not Subpart F. Subpart F doesn’t exist at this time.

Reg. 21.1904(H)(1) – change the citation for the OSHA Construction Asbestos Standard to include the standard number, i.e., 29 CFR 1926.1101, not just 29 CFR 1926.

Reg. 21.1904(H)(3) and (4) – the phrase “Subpart G;” belongs at the end of (3), not the beginning of (4).

Reg. 21.1905 (C)(2) – change the citation for the OSHA Construction Asbestos Standard to include the standard number, i.e., 29 CFR 1926.1101, not just 29 CFR 1926.

Reg. 21.1905 (S)(5) – change the citation for the OSHA Construction Asbestos Standard to include the standard number, i.e., 29 CFR 1926.1101, not just 29 CFR 1926.

Reg. 21.1905 (S)(6) – the 1910.59 should be replaced with 1926.59.