

3745-22-08

Asbestos hazard abatement worker application contents, qualifications, standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

(A) To apply for certification as an asbestos hazard abatement worker, a person shall submit an application in accordance with rule 3745-22-03 of the Administrative Code. The application for an asbestos hazard abatement worker certificate shall include the following:

- (1) Name, last four digits of social security number, date of birth, and mailing address of applicant.
- (2) Employer's name and mailing address.
- (3) Business and home telephone numbers.
- (4) Name and location of asbestos training courses with attached copies of certificates.
- (5) List of any asbestos licenses or certifications the applicant holds or has held in any other state.
- (6) Information regarding any felony convictions under any state or federal law designated to protect the environment.

(B) To become certified and to maintain certification under this rule, an asbestos hazard abatement worker shall meet the following criteria:

- (1) Have submitted a completed application on a form prescribed by the director.
- (2) Paid the fee required by rule 3745-22-03 of the Administrative Code.
- (3) Satisfactory completion of a training course in the abatement of asbestos hazards, approved by the director pursuant to rule 3745-22-07 of the Administrative Code.
- (4) Have a passing score of at least seventy per cent on an approved examination.
- (5) For renewal of certification, satisfactorily complete an annual renewal training course approved by the director pursuant to section 3710. of the Revised Code and rule 3745-22-07 of the Administrative Code.

- (C) An asbestos hazard abatement worker engaging in any asbestos hazard abatement ~~project~~activity shall, during the course of the project, do the following:
- (1) Perform each asbestos hazard abatement activity in compliance with the applicable procedures and methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and 40 CFR Part 763, Subpart G and the United States occupational safety and health administration, 29 CFR 1926.1101.
 - (2) Accurately, truthfully and competently perform and complete any asbestos hazard abatement activities and any other work performed by the asbestos hazard abatement worker in that capacity.
 - (3) Possess proof of valid certification, respirator fit test, and physician's written opinion at all times at each ~~project~~activity site.
 - (4) Notify the director, in writing, within five business days of making any change which would render the information in the application for certification no longer accurate.
 - (5) Properly utilize protective clothing and protection equipment as described by the United States environmental protection agency in 40 CFR 763, Subpart G and the United States occupational safety and health administration in 29 CFR 1926.1101.

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3745-22-06

Asbestos hazard evaluation specialist application content, qualifications, standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

- (A) To apply for certification as an asbestos hazard evaluation specialist, a person shall submit an application in accordance with rule 3745-22-03 of the Administrative Code. The application for certification as a hazard evaluation specialist shall include the following:
- (1) Name, last four digits of social security number, date of birth, and mailing address of applicant.
 - (2) Employer's name and mailing address.
 - (3) Business and home telephone number.
 - (4) Name and location of asbestos training courses with attached copies of certificates.
 - (5) Information regarding any felony convictions under any state or federal law designated to protect the environment.
 - (6) List of any asbestos licenses or certificates the applicant holds or has held in any other state.
- (B) To become certified and to maintain certification under this rule, an asbestos hazard evaluation specialist shall meet the following criteria:
- (1) Submittal of a completed application on a form prescribed by the director.
 - (2) Payment of the fee required by rule 3745-22-03 of the Administrative Code.
 - (3) Provide documentation, upon application for certification, of satisfactory completion of a training course for asbestos hazard evaluation specialists approved by the director pursuant to rule 3745-22-07 of the Administrative Code and of receiving a passing score of at least seventy per cent on an approved examination.
 - (4) For renewal of certification, provide evidence of satisfactory completion of an annual refresher training course approved by the director pursuant to section 3710.10 of the Revised Code and rule 3745-22-07 of the Administrative Code.

- (C) An asbestos hazard evaluation specialist engaged in assessing the health risks associated with the presence of asbestos-containing materials or engaged in monitoring, sampling, or other asbestos hazard abatement activities shall do the following:
- (1) Perform all assessments, sampling and monitoring of asbestos-containing materials so as not to create an environmental health emergency as defined in paragraph (I) of rule 3745-22-03 of the Administrative Code.
 - (2) Perform air-monitoring in compliance with all applicable federal, state and local regulations and state-of-the-art asbestos air sampling methodologies.
 - (3) Perform a final inspection of any contained work area to ensure all asbestos debris has been adequately cleaned up prior to the performance of clearance air sampling.
 - (4) Accurately, truthfully and competently perform and complete asbestos hazard evaluations, reports, records, inspections and any other professional work performed by the asbestos hazard evaluation specialist in that capacity.
 - (5) Notify the director, in writing, within five business days of making any change which would render the information in the application for certification no longer accurate.
 - (6) Possess proof of valid certification at all times while at a project site.
 - (7) Upon the request of the director, make available all reports, records, and any other professional work.
 - (8) Perform all inspection, identification, detection, and assessment of asbestos-containing materials or suspect asbestos containing materials, determination of response actions, or preparation of asbestos management plans in compliance with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.
 - (9) Collect all bulk samples for asbestos in accordance with the regulations adopted by the United States environmental protection agency pursuant to Title II of the "Federal Toxic Substances Control Act" found in 40 CFR Part 763.86, regardless of site or location with the exception of samples taken by employees or agents of federal, state, or local government for the purpose of determining compliance with applicable statutes or regulations.
 - (10) Ensure that analysis of bulk samples is performed by laboratories with proficiency demonstrated by current successful participation in a nationally

recognized testing program such as the "National Voluntary Laboratory Accreditation Program" or the "National Institute for Standards and Technology" or the round robin for bulk samples administered by the "American Industrial Hygiene Association" or an equivalent nationally-recognized round robin testing program and ensure that analysis of samples taken from schools for the purpose of compliance with the regulations of the United States environmental protection agency, 40 CFR Part 763, is performed by laboratories with proficiency demonstrated by current successful participation in the "National Voluntary Laboratory Accreditation Program."

- (11) Prepare a report for each site where bulk samples are collected. The report shall contain the following information:
- (a) Date of inspection.
 - (b) Address of the site.
 - (c) Name, address and phone number of the site owner, client, or customer.
 - (d) Name, signature and asbestos hazard evaluation specialist number of the person writing the report.
 - (e) A blueprint, diagram, or written description that identifies the following:
 - (i) Each location, type of material, and approximate square or linear footage of homogeneous areas where material was confirmed to be asbestos containing material.
 - (ii) Type of material and approximate square footage of homogeneous areas where surfacing material was sampled for asbestos containing material (~~ACM~~).
 - (iii) The exact location where each bulk sample was collected.
 - (iv) Date of collection.
 - (v) Homogeneous areas and footages where friable suspected asbestos containing materials is assumed to be asbestos containing materials.
 - (vi) Homogeneous areas and footages where nonfriable suspected asbestos containing materials is assumed to be asbestos containing materials.

- (f) A description of the manner used to determine sampling locations, and the name, signature and asbestos hazard evaluation specialist number of each person collecting samples.
- (g) A copy of the bulk sample analysis report, the name and address of any laboratory that analyzed the bulk samples, the date of analysis, and the name and signature of the person performing the analysis.

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3745-22-05

Asbestos hazard abatement specialist application content, qualifications, standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

- (A) To apply for certification as an asbestos hazard abatement specialist, a person shall submit an application in accordance with rule 3745-22-03 of the Administrative Code. The application for certification as an asbestos hazard abatement specialist shall include the following:
- (1) Name, last four digits of social security number, date of birth, and mailing address of applicant.
 - (2) Employer name and mailing address.
 - (3) Business and home telephone numbers.
 - (4) Name and location of asbestos training courses with attached copies of certificates.
 - (5) Information regarding any felony convictions under any state or federal law designated to protect the environment.
 - (6) List of any asbestos licenses or certifications the applicant holds or has held in any other state.
- (B) To become certified and to maintain certification under this rule, an asbestos hazard abatement specialist shall provide documentation that the applicant meets the following criteria:
- (1) Submittal of a completed application on a form prescribed by the director.
 - (2) Payment of the fee required by rule 3745-22-03 of the Administrative Code.
 - (3) Satisfactory completion of a training course in the removal and abatement of asbestos hazards, approved by the director pursuant to rule 3745-22-07 of the Administrative Code.
 - (4) A passing score of at least seventy per cent on an approved examination.
 - (5) For renewal of certification, satisfactory completion of an annual refresher training course approved by the director pursuant to section 3710.10 of the Revised Code and rule 3745-22-07 of the Administrative Code.

- (C) Unless that person is not supervising and providing oversight only, an asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~activity shall do all of the following during the course of the ~~project~~activity:
- (1) Conduct each ~~project~~activity in compliance with the decontamination procedures, project containment procedures, and asbestos fiber containment methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and the occupational safety and health administration, 29 CFR Section 1926.1101, for business entities, or by regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
 - (2) Ensure that workers possess proof of valid certification, respirator fit test and physician's written opinion at all times while at a ~~project~~an activity site.
 - (3) Ensure that workers handle and dispose of asbestos-containing materials and disposable clothing in a manner that will prevent contamination or recontamination of the environment and the public.
 - (4) Ensure that workers properly utilize protective clothing and respiratory equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code and this chapter.
 - (5) Ensure that there is no smoking, eating, or drinking in the contained work area.
- (D) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~activity shall do the following:
- (1) Accurately, truthfully and competently perform and complete asbestos hazard abatement activities, reports, records, and any other professional work performed by the asbestos hazard abatement specialist in that capacity.
 - (2) Upon the request of the director, make available all reports, records and any other professional work.
 - (3) Notify the director, in writing, within five business days of making any change which would render the information in the application for certification no longer accurate.
 - (4) Possess proof of valid certification, respirator fit test, and physician's written opinion at all times while at a ~~project~~an activity site.

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3745-22-04

Contractor application requirements, criteria, and standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

(A) To apply for an asbestos hazard abatement contractor's license, a person shall submit a completed application to the director in accordance with rule 3745-22-03 of the Administrative Code. The application for an asbestos hazard abatement contractor's license shall include the following:

- (1) Entity name and address.
- (2) Name of chief executive officer.
- (3) Number of employees.
- (4) Number and names of certified asbestos hazard abatement specialists employed.
- (5) A list of all other state asbestos licenses and certificates held presently or in the past.
- (6) Description of any incomplete asbestos abatement projects, penalties, citations, administrative orders or actions, or any lawsuits pertaining to asbestos abatement filed against the contractor and how they were resolved.
- (7) A description of the protective clothing and respirators that the contractor will use to comply with requirements of the United States occupational safety and health administration, 29 CFR section 1926.1101, for business entities or the "Asbestos Abatement Projects" regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
- (8) A description of procedures for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public from the health hazards associated with exposure to asbestos.
- (9) The name and address of each asbestos disposal site that may be used during the year.
- (10) A description of site decontamination procedures that will be used.
- (11) A description of asbestos hazard abatement procedures that will be used.

- (12) A description of the procedures that will be used for handling waste-containing asbestos.
 - (13) A description of the air monitoring procedures that will be used to prevent contamination or recontamination of the environment and to protect the public from the health hazards of exposure to asbestos.
 - (14) A description of the final cleanup procedures that will be used.
 - (15) A list of the names and last four digits of the social security numbers of all partners, owners, and officers of the business entity ~~and their social security numbers.~~
 - (16) The federal tax identification number of the business entity or the public entity.
 - (17) Information regarding any officer or employee of the applicant that has ever been convicted of a felony under any state or federal law designated to protect the environment.
 - (18) A person may elect to meet the requirements set forth in paragraphs (A)(8) and (A)(10) to (A)(14) of this rule by submitting a statement that includes a description of how the contractor plans to meet or exceed the requirements promulgated by the United States occupational safety and health administration in 29 C.F.R. 1926.1101.
- (B) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the following criteria:
- (1) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or who will be responsible for an asbestos hazard abatement project shall do the following:
 - (a) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects.
 - (b) Successfully complete the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the director pursuant to section 3710.10 of the Revised Code and rule 3745-22-07 of the Administrative Code and passed an examination approved by the director.
 - (c) Demonstrate to the director that employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, 40 CFR Part 61 Subpart M, and

the United States occupational safety and health administration, 29 CFR section 1926.1101, for business entities or the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.

- (2) A person applying for an asbestos hazard abatement contractor's license, in addition to the other requirements of Chapter 3710. of the Revised Code and this chapter, shall provide for each asbestos abatement project at least one asbestos hazard abatement specialist, certified pursuant to rule 3745-22-05 of the Administrative Code, to be on-site at all times to directly supervise the asbestos abatement ~~activities~~projects. A person providing only project oversight, and not direct on-site supervision, does not satisfy the requirement that an asbestos hazard abatement specialist directly supervise asbestos abatement ~~activities~~projects. A person applying for an asbestos hazard abatement contractor's license shall demonstrate to the satisfaction of the director that the contractor conforms to the following:
- (a) Has access to at least one asbestos disposal site approved by the Ohio environmental protection agency that is sufficient for the deposit of all asbestos waste that will be generated during the term of the license.
 - (b) Is sufficiently qualified to remove asbestos safely as demonstrated by all of the following:
 - (i) Reliability as an asbestos hazard abatement contractor.
 - (ii) Work practices that prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos.
 - (iii) Evidence at each project site of certification of each individual employee or agent ~~who will be responsible for others~~ who may will come in contact with friable asbestos-containing materials or will be responsible for an asbestos abatement project.
 - (iv) Evidence ~~of training of workers required by paragraph (B)(1)(b) of this rule~~ at each project site of respirator fit test and physician's written opinion for each individual employee or agent who will come in contact with friable asbestos-containing materials.
 - (v) Prior successful experience in asbestos hazard abatement projects, or by equivalent qualifications as determined by the director.

- (c) Possesses a worker protection program consistent with the requirements of the United States occupational safety and health administration, 29 CFR Section 1926.1101, for business entities or of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
 - (d) Is registered with the secretary of the state as doing business in Ohio.
- (3) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.
- (C) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall do the following:
- (1) Conduct each project in compliance with the decontamination procedures, project containment procedures, and asbestos fiber containment methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and the occupational safety and health administration, 29 CFR Section 1926.1101, for business entities, or by regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
 - (2) Maintain at the project site a copy of the building inspection report that was prepared by an asbestos hazard evaluation specialist to comply with Chapter 3745-20 of the Administrative Code and the United States environmental protection agency requirement for a thorough inspection found in, 40 CFR Part 61, Subpart M.
 - (3) Accurately, truthfully and competently perform and complete asbestos hazard abatement projects, reports, inspections and any other work performed as an asbestos abatement contractor.
 - (4) Notify the director at least ten ~~business-working~~ days before beginning each asbestos hazard abatement project conducted during the term of his license. Prior notification of asbestos abatement projects shall be made on a form prescribed by the director, shall be accompanied by a fee of sixty-five dollars for each project, and shall contain the following information:
 - (a) Owner of entity's name and address.
 - (b) Location and street address of abatement project.
 - (c) Type of abatement and description of abatement project.

- (d) Estimate of asbestos-containing material to be removed and type of asbestos material.
- (e) Scheduled set-up, abatement and completion dates, hours of operation and days of the week.
- (f) Name and certification number of asbestos hazard abatement specialist in charge of project.
- (g) Names and addresses of disposal sites approved by the Ohio environmental protection agency or the United States environmental protection agency.

In the event that there is an emergency as defined in paragraph (H) of rule 3745-22-03 of the Administrative Code, the asbestos hazard abatement contractor shall notify the director before the project begins. If it is not possible to notify the director before the project begins, then the asbestos hazard abatement contractor shall notify the director as soon as possible, but no later than ~~three working days~~ the following working day after commencing the emergency asbestos hazard abatement activity.

- (5) Notify the director, in writing, on a form prescribed by the director, as soon as possible but no later than one working day following the discovery of any change in an asbestos hazard abatement project notification that would render the information in the notification no longer accurate.
- (6) Afford the director the opportunity to conduct on-site inspections at any location where an asbestos hazard abatement ~~activity~~ project is planned, in progress, or has been completed, at any location where a ~~public~~ environmental health emergency may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this rule.
- (7) Maintain records of all asbestos hazard abatement projects performed, and make these records available to the director upon request. These records shall be maintained for at least thirty years and at minimum, shall include all of the following:
 - (a) The name, last four digits of social security number, and address of the person who supervised the asbestos hazard abatement project.
 - (b) The names and last four digits of social security numbers of all workers at the job site.
 - (c) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed.

- (d) The starting and completion dates of each asbestos hazard abatement project.
 - (e) A summary of the procedures that were used to comply with all applicable federal, state, and local standards.
 - (f) The name and address of each asbestos disposal site where the waste containing asbestos was deposited.
- (8) Operate in strict accordance with the approved license, particularly those portions of the application pertaining to work practices and employee protection practices.
- (9) Notify the director, in writing, five business days prior to making any change which would render the information contained in the application for licensure no longer accurate.
- (10) Possess proof of valid asbestos hazard abatement contractors license and asbestos hazard abatement project agreement, ~~as required in rule 3745-22-11 of the Administrative Code~~, at all times while at the project site.

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3745-22-03

General application procedures and provisions for contractors, specialists, designers, air monitors, and workers.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

- (A) To apply for an asbestos abatement contractor's license, or for certification as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, or an asbestos hazard abatement worker a person shall do all of the following:
- (1) Submit a completed application to the director, on forms prescribed and provided by the director, containing the information required under this chapter.
 - (2) If applying for certification, submit a current, color, original, and clear passport type photograph of the applicant for the purpose of providing proper identification.
 - (3) Pay the non-refundable fee required under the following schedule:
 - (a) For asbestos hazard abatement contractors, an annual fee of seven hundred fifty dollars. The fee for a request to replace a license prior to the expiration date is two hundred dollars.
 - (b) For asbestos hazard abatement specialists, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.
 - (c) For asbestos hazard evaluation specialists, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.
 - (d) For asbestos hazard abatement project designers, an annual fee of two hundred dollars. The fee for a request to replace a certificate prior to the expiration date is fifty dollars.
 - (e) For asbestos hazard abatement air-monitoring technicians, an annual fee of one hundred dollars. The fee for a request to replace a certificate prior to the expiration date is thirty dollars.

- (f) For asbestos hazard abatement workers, an annual fee of fifty dollars. The fee for a request to replace a certificate prior to the expiration date is twenty dollars.
- (4) Submit requests for a replacement of a license or certificate in writing. The request shall contain the name, address, license or certificate number, and tax identification number of the person requesting the replacement and an explanation of the reason that the replacement is necessary.
- (B) Within fifteen business days after receiving an application, the director shall acknowledge receipt of the application and notify the applicant of any deficiency in the application. Within sixty calendar days after receiving a completed application, including all additional information requested by the director, the director shall issue a license or certificate or deny the application. The director shall issue only one effective license or certificate from each category to any person, including any business or public entity and its principle officers.
- (C) Subject to Chapter 119. of the Revised Code, the director may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder or applicant for a license or certificate commits any of the following:
- (1) Has within two years preceding the application fraudulently or deceptively obtained or attempted to obtain a license or certificate.
 - (2) Fails at any time to meet the qualifications for a license or certificate.
 - (3) Is violating or threatening to violate any provisions of the following:
 - (a) Chapter 3710. or 3704.03 of the Revised Code, Chapter 3745-20 of the Administrative Code, this chapter or the "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos, 40 CFR Part 61, Subpart M.
 - (b) The regulations of the United States occupational safety administration pertaining to asbestos, 29 CFR section 1926.1101, for business entities or the "Asbestos Abatement Projects" regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
 - (c) The regulations adopted by the United States environmental protection agency pursuant to Title II of the "Federal Toxic Substances Control Act" (1986), 40 CFR Part 763.

- (D) The agency shall deny any application for an asbestos hazard abatement contractor's license if the applicant or an officer or employee of the applicant has been convicted of a felony or found liable in a civil proceeding under any state or federal law designed to protect the environment.
- (E) Persons licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of an asbestos hazard abatement contractor, asbestos hazard abatement specialist, asbestos hazard evaluation specialist, asbestos hazard abatement project designer, or asbestos hazard abatement air-monitoring technician, may apply to the director for licensure or certification. The director shall license or certify these applicants upon a determination that the standards for certification, licensure, or approval in the other state are at least substantially equivalent to those established by Chapter 3710. of the Revised Code and this chapter. The director may require an examination before licensure or certification under this paragraph. Persons certified or licensed under this paragraph are subject to the same duties and requirements for renewal as other persons certified or licensed pursuant to Chapter 3710. of the Revised Code and this chapter.
- (F) Each license or certificate issued under this chapter expires one year after the date of issuance.
- (G) Application for renewal of a license or certificate shall be filed in accordance with Chapter ~~3745~~4745. of the Revised Code by submitting an application for renewal to the director, on forms prescribed and provided by the director, and by paying the appropriate fee as specified in paragraph (A) of this rule.
- (H) The director may waive the requirements for a license ~~or certificate~~ in an emergency that results from a sudden, unexpected event that is not a planned asbestos hazard abatement project. "Emergency" includes operations necessitated by nonroutine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos hazard abatement ~~activity~~project under emergency conditions shall notify the director ~~within three days after performance thereof~~as soon as possible, but no later than the following working day after commencing the emergency asbestos hazard abatement activity.
- (I) The director, without notice or hearing, may issue an order requiring any action necessary to meet an environmental health emergency involving asbestos. For purposes of this paragraph, "Environmental Health Emergency" means any visible emission of asbestos-containing materials during the course of an abatement activity. Environmental health emergency includes, but is not limited to, unauthorized dry removal of asbestos, asbestos abatement activities without engineering controls or

contained work area, breaching of contained work area, or visible asbestos-containing dusts or debris outside the contained work area.

- (1) Any person to whom an order is directed shall immediately comply with the order.
- (2) Upon application to the director, the person shall, subject to Chapter 119. of the Revised Code, be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director.

(J) Persons performing the removal or repair of pipeline asphaltic wrap or roof flashings in compliance with the United States occupational safety administration, 29 CFR section 1926.1101(g)(11) are exempt from the requirements of this chapter.

(K) Persons performing removal of built up roofing materials, including the use of a rotating blade roof cutter, in compliance with the "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos, 40 CFR Part 61, Subpart M, Appendix A and the United States occupational safety administration, 29 CFR section 1926.1101(g)(8) (ii) are exempt from the requirements of this chapter.

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3745-22-02

Prohibitions.

- (A) No business entity or public entity shall perform, directly or indirectly, any asbestos hazard abatement ~~activity~~ project as defined in paragraph (C) of rule 3745-22-01 of the Administrative Code without a valid license from the director.
- (B) No person shall coordinate, or supervise, an asbestos hazard abatement ~~project~~ activity unless he or she is certified as an asbestos hazard abatement specialist by the director pursuant to the requirements of Chapter 3710. of the Revised Code and the rules of this chapter.
- (C) No person shall inspect, identify, detect, or assess asbestos containing materials or suspect asbestos-containing materials, determine appropriate response actions, or prepare asbestos management plans unless he or she is certified as an asbestos hazard evaluation specialist by the director in accordance with Chapter 3710. of the Revised Code and pursuant to the requirements of this chapter.
- (D) No person shall determine the work scope, work sequence, or performance standards for an asbestos hazard abatement activity unless he or she is certified as an asbestos hazard abatement project designer by the director in accordance with Chapter 3710. of the Revised Code and pursuant to the requirements of this chapter. No person who is certified as an asbestos hazard abatement project designer shall be authorized or permitted to perform the services of a registered architect or professional engineer unless that person is registered under Chapter 4703. or 4733. of the Revised Code to perform such services.
- (E) No person shall perform environmental monitoring or clearance air-sampling unless he or she is certified as an asbestos hazard abatement air-monitoring technician or an asbestos hazard evaluation specialist in accordance with Chapter 3710. of the Revised Code and pursuant to the requirements of this chapter, or is a certified industrial hygienist or an industrial hygienist in training.
- (F) No person shall perform any asbestos hazard abatement activities unless he or she is certified as an asbestos hazard abatement worker or an asbestos hazard abatement specialist by the director in accordance with Chapter 3710. of the Revised Code and pursuant to the requirements of this chapter.
- (G) No person shall perform oversight of any asbestos hazard abatement activity unless he or she is certified as an asbestos hazard abatement specialist or an asbestos hazard abatement project designer by the director in accordance with Chapter 3710. of the Revised Code and the requirements of this chapter.

(H) In the event of an emergency, the director may waive the certification requirements of this rule in accordance with division (C) of section 3710.06 of the Revised Code and paragraph (H) of rule 3745-22-03 of the Administrative Code.

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3745-22-01

Definitions.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of this rule, "referenced materials."]

- (A) "Approved training course" means an asbestos hazard abatement specialist training course, an asbestos hazard evaluation specialist training course, an asbestos hazard abatement worker training course, asbestos hazard abatement project designer training course, asbestos hazard abatement air-monitoring technician training course, or any renewal training course meeting the requirements of Chapter 3710. of the Revised Code and approved by the director pursuant to rule 3745-22-07 of the Administrative Code.
- (B) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).
- (C) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, ~~or encapsulation~~ or operation and maintenance of reasonably related friable asbestos-containing materials in an amount greater than ~~fifty three~~ fifty three linear feet or ~~fifty three~~ fifty three square feet. ~~Asbestos hazard abatement activity also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~
- (D) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air-sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 CFR 763 Subpart E. An industrial hygienist ~~or industrial hygienist in training~~ certified by the American board of industrial hygiene is exempt from certification as an asbestos hazard abatement air-monitoring technician.
- (E) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement ~~activities~~ projects and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement ~~activities~~ projects. Asbestos hazard abatement contractor does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement ~~activity~~ project, or any individual who engages in an asbestos hazard abatement ~~activity~~ project in ~~his~~ the individual's own home. Asbestos hazard abatement contractor shall not mean a business entity which engages in asbestos

hazard abatement ~~activities-projects~~ solely at its own place of business provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health, and provided further that persons employed by the business entity performing the asbestos hazard abatement activity-project meet the requirements of this chapter.

- (F) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities ~~that are~~ the sum total of which is greater than fifty linear feet or fifty square feet of friable asbestos-containing materials and is conducted by one asbestos hazard abatement contractor ~~and that are reasonably related to each other.~~ "Asbestos hazard abatement project" includes any such activity involving such friable asbestos-containing materials in an amount of fifty linear feet or fifty square feet or less if, when combined with any other reasonably related activity in terms of time or location of the activity, the total amount is in an amount greater than fifty linear feet or fifty square feet.
- (G) "Asbestos hazard abatement project designer" means the person responsible for the oversight of asbestos hazard abatement activities or determination of the work scope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.
- (H) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities including asbestos hazard abatement project managers, hazard abatement project supervisors and foremen, and employees of school districts or other governmental or public entities who coordinate or directly supervise or oversee asbestos hazard abatement activities performed by school district, governmental, or other public employees in school district, governmental, or other public buildings.
- (I) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity.
- (J) "Asbestos hazard evaluation specialist" means a person responsible for the inspection, identification, detection, and assessment of asbestos-containing materials or suspect asbestos-containing materials, the determination of appropriate response actions, or the preparation of asbestos management plans for the purpose of protecting the public health from the hazards associated with exposure to asbestos, including the performance of air and bulk sampling. This category of specialists includes inspectors, management planners, health professionals, industrial hygienists, private consultants, or other individuals involved in asbestos risk identification or assessment or regulatory activities.

- (K) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.
- (L) "Certificate" means either of the following:
- (1) A document issued by the director to an individual affirming that the individual successfully has completed the training and other requirements set forth in this chapter of the Administrative Code to qualify as an asbestos hazard abatement specialist or an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, or an approved asbestos hazard abatement training course provider,
 - (2) A document issued by a training institution in accordance with rule 3745-22-07 of the Administrative Code affirming that an individual successfully has completed the instruction required in all licensing or certification categories as provided in sections 3710.07 and 3710.10 of the Revised Code and the rules of Chapter 3745-22 of the Administrative Code.
- (M) "Clearance air-sampling means air-sampling performed after the completion of any asbestos hazard abatement ~~activity~~-project and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.
- (N) "Contained work area" means designated rooms, spaces, or other areas where asbestos abatement ~~activities~~-projects are being performed, including decontamination structures. The contained work area is separated from the uncontaminated environment by polyethylene sheeting or other materials used in conjunction with the existing floors, ceilings, and walls of the structure.
- (O) "Employee" means an individual who is employed by a business or public asbestos hazard abatement contractor.
- (P) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures for asbestos-containing materials with suitable products to prevent friable asbestos from becoming airborne.
- (Q) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used or designed as an air plenum.
- (R) "Environmental monitoring" means any air sampling other than clearance air sampling or employee exposure monitoring performed for the purpose of determining airborne asbestos concentrations.

- (S) "Friable asbestos-containing material" means any material containing more than one per cent asbestos by area, as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1 Polarized Light Microscopy (PLM), that, when dry can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than ten per cent as determined by a method other than point counting by Polarized Light Microscopy, verify the asbestos content by point counting using Polarized Light Microscopy. Any category I or category II nonfriable asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall also be considered friable.
- (T) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in Chapter 3710. of the Revised Code and rule 3745-22-04 of the Administrative Code to engage in asbestos hazard abatement ~~activities~~ projects as an asbestos hazard abatement contractor.
- (U) "Oversight" means to directly observe an asbestos abatement project for the purpose of determining compliance with contractual, performance or regulatory standards affecting the safety of the asbestos abatement activity.
- (V) "Person" means any individual, business entity, governmental body, or other public or private entity.
- (W) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either.
- (X) "Removal" means the stripping of friable asbestos containing materials from a wall, ceiling, pipe, boiler, duct, turbine, reactor, tank, furnace, load-supporting member, nonload-supporting member, or the taking out of any friable asbestos-containing material from any site excluding the removal of friable asbestos containing demolition debris resulting from a demolition that is exempt from Chapter 3745.20 of the Administrative Code.
- (Y) "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.
- (Z) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of and the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule.

Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not referenced unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

- (a) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."
- (b) National Institute for Occupational Safety and Health. Information and copies of course information, standards and methods may be obtained by writing to: "Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30329-4027," by calling 800-CDC-INFO (800-232-4636) or via electronic format at <https://www.cdc.gov/niosh/pubs/default.html>. NIOSH publications are also available for inspection and use at most public libraries and "The State Library of Ohio."
- (c) United States Code (USC). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www.gpo.gov/fdsys/>. The U.S.C compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials:

- (a) 29 CFR 1926.1101, "Asbestos," as published in the July 1, 2017 Code of Federal Regulations.
- (b) 40 CFR Part 61, subpart M; "National Emission Standards for Hazardous Air Pollutants;" 38 FR 8820, Apr. 6, 1973, as amended at 55 FR 48414, Nov. 20, 1990.
- (c) 40 CFR Part 763; "Asbestos;" 52 FR 41846, Oct. 30, 1987.
- (d) 40 CFR Part 763, subpart E, appendix C, "Asbestos model accreditation plan," as published in the July 1, 2017 Code of Federal Regulations.
- (e) 40 CFR Part 763, appendix E, subpart E, section 1; "Polarized Light Microscopy (PLM), Interim Method of the Determination of Asbestos in

Bulk Insulation Samples;" 47 FR 23369, May 27, 1982 and 47 FR 38535, Sept. 1, 1982. Redesignated at 60 FR 31922, June 19, 1995.

- (f) 40 CFR Part 763, subpart G, "Asbestos worker protection," as published in the July 1, 2017 Code of Federal Regulations.
- (g) 40 CFR 783.86, "Sampling," as published in the July 1, 2017 Code of Federal Regulations.
- (h) NIOSH course number 582, "Sampling and evaluating airborne asbestos dust."
- (i) NIOSH manual of analytical methods (NMAM), 5th Edition as published April, 2016, 4th edition as published January 15, 1998.
- (j) NIOSH Method 7400, "Asbestos and other fibers by PCM," Issue 2, August 15, 1994; Issue 1, Rev 3 on May 15, 1989.
- (k) NIOSH Method 7402, "Asbestos by TEM," Issue 2, August 15, 1994; Issue 1, May 15, 1989.
- (l) Toxic Substances Control Act, Title II, "Asbestos Hazard Emergency Response," as contained in 15 USC Chapter 53, subchapter II, as published January 3, 2017 in Supplement III of the 2012 edition of the United States Code.

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3745-22-09

Asbestos hazard abatement project designer application content, qualifications, standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

- (A) To apply for an asbestos hazard abatement project designer certificate, a person shall submit an application in accordance with rule 3745-22-03 of the Administrative Code. The application for an asbestos hazard abatement project designer certificate shall include the following:
- (1) Name, last four digits of social security number, date of birth, and mailing address of applicant.
 - (2) Employer's name and mailing address.
 - (3) Business and home telephone number.
 - (4) Name and location of asbestos training courses with attached copies of certificates.
 - (5) List of any asbestos licenses or certificates the applicant holds or has held in any other state.
 - (6) Information regarding any felony convictions under any state or federal law designated to protect the environment.
- (B) To become certified and to maintain a certificate under this rule, an asbestos hazard abatement project designer shall meet the following criteria:
- (1) Have submitted a completed application on a form prescribed by the director.
 - (2) Paid the fee required by rule 3745-22-03 of the Administrative Code.
 - (3) Provided documentation of satisfactory completion of a training course for asbestos hazard abatement project designers approved by the director pursuant to rule 3745-22-07 of the Administrative Code and of receiving a passing score of at least seventy per cent on an approved examination.
 - (4) For renewal of certification, satisfactorily completed an annual refresher training course approved by the director pursuant to section 3710.10 of the Revised Code and rule 3745-22-07 of the Administrative Code.

(C) An asbestos hazard abatement project designer engaged in the design of asbestos hazard abatement ~~projects~~ activities shall do the following:

- (1) Design each ~~project~~ activity in compliance with all procedures and methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and 40 CFR Part 763, Subparts E and G , and the occupational safety and health administration, 29 CFR Part 1926.1101.
- (2) Design each ~~project~~ activity in writing using one or more of the following methods:
 - (a) Descriptive, defining the properties of materials and methods to be used.
 - (b) Performance, specifying the required results.
 - (c) Reference standard, requiring a process to be in accordance with established standard.
 - (d) Proprietary, specifying an actual brand name and other proprietary information.
- (3) In addition to any information required by this rule, provide the following information in each ~~project~~ activity design:
 - (a) Name and certification number of the project designer.
 - (b) Exact location of the project within the facility.
 - (c) Quantities of asbestos containing materials to be abated.
- (4) Accurately, truthfully, and competently prepare all asbestos abatement specifications, plans, contract documents, and any other professional work performed by the asbestos hazard abatement project designer in that capacity.
- (5) Notify the director, in writing, within five business days of any change which would render the information in the application for certification no longer accurate.
- (6) Possess proof of valid certification at all times while at a ~~project~~ an activity site.

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