

Oklahoma Department of Labor

Oklahoma Asbestos Control Act

40 O.S. § 450, *et seq.*

Abatement of Friable Asbestos

Materials Rules

OAC 380:50

Current as of January 29, 2016



Melissa McLawhorn Houston

Commissioner of Labor

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Oklahoma Asbestos Control Act
40 O.S. § 450, et seq.
Abatement of Friable Asbestos Materials Rules
OAC 380:50

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Oklahoma Asbestos Control Act

40 O.S. § 450 Short Title

Sections 265 through 270 of this act shall be known and may be cited as the "Oklahoma Asbestos Control Act".

40 O.S. § 451 Definitions

As used in the Oklahoma Asbestos Control Act:

1. "Friable asbestos material" means any material that contains asbestos of one percent (1%) or more that can be crumbled, pulverized or reduced to powder by hand pressure;
2. "Friable asbestos material abatement" means the removal, encapsulation or enclosure of friable asbestos containing material;
3. "Friable asbestos material encapsulation" means the application of a bonding agent called a sealant, which penetrates and hardens the asbestos material or covers the surface of the material with a protective coating, thus preventing fiber release from the asbestos material;
4. "Friable asbestos material removal" means the actual physical removal of any friable asbestos containing material from a facility, when the asbestos is either attached to or detached from any device or structure;
5. "Contractor" means any public or private entity that engages in friable asbestos containing material abatement in any facility in this state except private residences or apartment houses of less than six family units;
6. "Commissioner" means the Commissioner of Labor.

40 O.S. § 452 License Required – Fee – Exemptions

- A. No contractor shall abate any friable material containing asbestos without having first obtained a license to do so from the Commissioner of Labor. The Commissioner shall issue an asbestos abatement license to a qualified contractor upon proper application, as determined by the Commissioner. The annual fee for such license shall be Five Hundred Dollars (\$500.00). A nonrefundable initial application fee of One Thousand Dollars (\$1,000.00) shall be charged. The Commissioner may deny a license to applicants whose past abatement performance

for abatement of friable asbestos does not comply with federal and other states' requirements. A minimum waiting period of one hundred twenty (120) days will be required before issuance of a license to permit the Commissioner to perform a work performance investigation of the applicant.

The annual fee for examining and certifying workers employed by a contractor for asbestos abatement shall be Twenty-five Dollars (\$25.00). Uncertified workers shall not be used on any asbestos abatement projects.

- B. The state and political subdivisions thereof, counties and political subdivisions thereof and municipalities and political subdivisions thereof, and their supervisors and employees, shall be exempt from any certification fees required by this section when such entities act as a contractor. Any contractor not performing abatement work which falls under the jurisdiction of the Commissioner during the period of the issued license shall be considered a new applicant for purposes of licensing and training.
- C. A fee of Six Hundred Dollars (\$600.00) shall be paid by contractors to the Department of Labor, to be deposited in the General Revenue Fund, for each separate containment area of any asbestos abatement project. There shall be a minimum of three inspections of each containment area. For projects which are not a part of a definite containment area, or are performed with multiple glovebags or miniature containments, a fee of Two Hundred Dollars (\$200.00), plus Five Dollars (\$5.00) per such glovebag or miniature containment, shall be made.
Asbestos abatement projects performed on properties owned by the state or any political subdivision thereof shall be exempt from this fee.
- D. Any asbestos abatement contractor transporting asbestos-containing material shall be required to provide to the Commissioner a Certificate of Insurance by a carrier licensed to do business in the State of Oklahoma demonstrating a minimum of One Million Dollars (\$1,000,000.00) of environmental impairment insurance.
- E. No state agency or political subdivision thereof, county or political subdivision thereof, or municipalities or political subdivisions thereof shall solicit or receive any estimate or bid for abatement of asbestos from any person or party who is not a licensed asbestos abatement contractor.

40 O.S. § 453 Powers and Duties of Commissioner

- A. The Commissioner of Labor shall have the power and duty to:
1. Develop and promulgate rules for the abatement of friable asbestos materials which shall be consistent with general industry standards;
 2. Instruct and examine contractors, employees and supervisors on the safe abatement of friable asbestos materials;
 3. Hire sufficient personnel to carry out the provisions of this act consistent with funds allocated and full-time-equivalent employees authorized;
 4. Inspect all asbestos abatement projects, to issue, modify and revoke orders; to issue cease and desist orders; and to require mandamus and seek injunctive relief for enforcement of orders;
 5. Inspect public buildings for the presence of friable asbestos materials;
 6. Collect samples to determine the presence and condition of friable asbestos materials in public buildings;
 7. Recommend appropriate abatement measures for friable asbestos materials in public buildings;
 8. Make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under the Oklahoma Asbestos Control Act including, but not limited to, contracts with the United States, other states, agencies, and political subdivisions of this state;
 9. Accept grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary and desirable;
 10. Supervise, administer, and enforce the provisions of the Oklahoma Asbestos Control Act rules promulgated thereunder;
 11. Hold hearings;
 12. Institute legal proceedings, including suits for injunctions for the enforcement of his orders, rules, and for the enforcement of penalties;
 13. Investigate any violations of the Oklahoma Asbestos Control Act;

14. Exercise all incidental powers which are necessary to carry out the provisions of the Oklahoma Asbestos Control Act; and
 15. To perform such other duties as the Commissioner of Labor may determine are essential to the protection of health from hazards posed by friable asbestos materials.
- B. The violations of any rule shall be grounds for the Commissioner to evoke any penalties set forth in Section 456 of this title.
 - C. The Commissioner of Labor shall be the primary authority regarding the regulation of asbestos abatement in the State of Oklahoma at the abatement site through the completion of the on-site abatement.

40 O.S. § 454 Suspension, Revocation or Refusal to Issue License – Hearing – Appeal

If the Commissioner finds that a contractor has violated any of the provisions of the Oklahoma Asbestos Control Act or any rule promulgated pursuant to the Oklahoma Asbestos Control Act, the Commissioner may suspend, revoke or refuse to issue the license of the contractor after a hearing held for such purpose. Such hearing shall be held within thirty (30) days after written notice has been sent to the contractor by certified mail. If, after such hearing, the Commissioner finds cause to suspend, revoke or refuse to issue a license, the contractor shall be given written notice of the decision of the Commissioner and the basis therefor. The decision shall become final at the end of thirty (30) days from the date of such notice, unless appealed to the district court. All appeals from the Commissioner's order shall be taken in the manner prescribed by law.

40 O.S. § 455 Inspections and Investigations

The Commissioner of Labor or an authorized representative shall have the power and authority to enter at reasonable times upon any property for the purpose of inspecting and investigating contractors relating to the abatement of any friable material containing asbestos pursuant to the Oklahoma Asbestos Control Act.

40 O.S. § 456 Violations – Penalties – Injunction

- A. In addition to any administrative or civil penalty, any person who violates any of the provisions of the Oklahoma Asbestos Control Act or who violates any rule or order promulgated pursuant thereto shall be guilty of a misdemeanor and may be enjoined from continuing such action. Upon conviction thereof, said person shall be punished by

imprisonment in the county jail for not more than six (6) months and by a fine of not less than One Hundred Dollars (\$100.00). Each day's violations shall constitute a separate violation.

- B. The Attorney General shall, upon request of the Commissioner, bring an action for injunction against any person violating any provision of the Oklahoma Asbestos Control Act or violating any order or determination of the Commissioner. In any action for injunction, any finding of the Commissioner, after notice, shall be prima facie evidence of the facts found therein.
- C. A district attorney, upon request of the Commissioner, shall prosecute any violation of the Oklahoma Asbestos Control Act.

Abatement of Friable Asbestos Materials Rules

SUBCHAPTER 1. GENERAL PROVISIONS

380:50-1-2. Definitions

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

"Abatement crew" means the workers on an asbestos abatement project at any given time.

"ACBM" means asbestos-containing building material.

"ACM" means asbestos-containing material.

"Accredited or accreditation" means, when referring to a person or a laboratory, that such a person or laboratory has met the training, experience, and/or quality control requirements to perform work in accordance with AHERA.

"Aggressive method" means removal or disturbance of building material by sanding, abrading, grinding or other method that breaks, crumbles, or disintegrates intact ACM.

"AHERA" means the Asbestos Hazard Emergency Response Act, 15 U.S.C. Chapter 53, Subchapter II, Sections 2641 et seq., as amended, and 40 CFR Chapter I, Subchapter R, Part 763, Subpart E - Asbestos-Containing Materials in Schools, as amended, including appendices.

"AHERA abatement project designer" means a person who develops plans and specifications for the abatement of asbestos. For the purposes of this Chapter, abatement project designers will be considered to be a category of contractors.

"AHERA inspector" means a person trained to do on-site inspections for local education authorities to comply with AHERA. For purposes of this Chapter, AHERA inspectors will be considered to be a category of asbestos workers.

"AHERA management planner" means a person who develops management plans for local education authorities to comply with AHERA. For the purposes of this Chapter, management planners will be considered a category of contractors.

"AIHA" means the American Industrial Hygiene Association.

"Amended water" means water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate ACM.

"Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that has been chemically treated and/or altered. For purposes of this Chapter, "asbestos" includes presumed asbestos containing material (PACM).

"Asbestos-containing material (ACM)" means any material containing more than one percent (1%) asbestos.

"Asbestos-containing building material (ACBM)" means any friable ACM that is in or on interior structural members or other parts of a school, or public or commercial facility.

"Asbestos fiber" means any fiber of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite five micrometers or longer, and with an aspect ratio of greater than three-to-one.

"Asbestos hauler" means a person who transports asbestos containing materials from abatement projects for hire. For purposes of this Chapter, asbestos haulers will be considered to be asbestos abatement contractors, and their employees to be asbestos abatement workers, and shall be required to be licensed as such.

"Category I nonfriable asbestos-containing material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

"Category II nonfriable ACM" means any material, excluding Category I non-friable ACM, containing more than one percent (1%) asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy that, when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Class III asbestos work" means repair and maintenance operations where ACM, including TSI and surfacing ACM and PACM, is likely to be disturbed. For the purposes of this Chapter, Class III asbestos work shall be

considered the same as small scale, short duration (SSSD) and O&M work activities.

“Clean room” means an asbestos-free section of a decontamination facility which is intended for workers to change from street clothes to protective clothing prior to asbestos abatement activities.

"Closely resemble" means that the major workplace conditions which have contributed to the level of historic asbestos exposure, are no more protective than conditions of the current workplace.

“Commissioner”, as used herein, means the Commissioner of Labor, or employees of the Oklahoma State Department of Labor appointed to act on behalf of the Commissioner.

"Competent person" means, in addition to the definition in 29 CFR 1926.32(f), one who is capable of identifying existing asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure, who has the authority to take prompt corrective measure to eliminate them, as specified in 29 CFR 1926.32(f). In addition, for Class I and Class II work who is specially trained in a training course which meets the criteria of EPA's Model Accreditation Plan (40 CFR 763) for asbestos supervisor, or its equivalent and, for Class III and Class IV work, who is trained in a manner consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2).

“Containment” means an area which has been isolated from the environment through negative air pressure, physical barriers, and/or other means, and in which asbestos abatement is intended to take place. Containments will ordinarily have an attached decontamination system which is considered a part of the containment.

“Critical barrier” means a temporary closure, usually of polyethylene sheeting or other impervious material, and excluding wall, floor, or ceiling covering, of any opening that would otherwise allow the transfer of asbestos fibers from the containment to the outside environment.

"Demolition" means the wrecking or taking out of any load-supporting structural member of a facility and any related razing, removing, or stripping of asbestos products.

“Dirty room” means a chamber of a decontamination unit connecting the asbestos abatement area to the shower. The dirty room is for removal

of contaminated or potentially contaminated protective clothing prior to entering the shower. The dirty room shall be a minimum of twelve (12) square feet and shall be built large enough to accommodate the decontamination of work equipment.

"Disturbance" means activities that disrupt the matrix of ACM or PACM, crumble or pulverize ACM or PACM, or generate visible debris from ACM or PACM. Disturbance includes cutting away small amounts of ACM or PACM, no greater than the amount which can be contained in one standard sized glovebag or waste bag in order to access a building component. In no event shall the amount of ACM or PACM so disturbed exceed that which can be contained in one glovebag or waste bag which shall not exceed 60 inches in length and width.

"DOL" means the Oklahoma State Department of Labor.

"DOT" means the Oklahoma State Department of Transportation.

"EPA" means the United States Environmental Protection Agency.

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

"Facility" means something that is built, installed, or established to serve a particular purpose.

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

"GFI" means electrical ground fault circuit interrupter.

"Glovebag" means a commercially prepared device that is not more than a 60 x 60 inch impervious plastic bag-like enclosure affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled and which, when attached and used in a proper manner, will prevent the release of asbestos fibers. For purposes of these Rules, a rigid box with armholes and attached sleeves will be

considered to be the same as a glovebag, and the use of such a box in a single location will be considered to be equivalent of the use of one glovebag.

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

"HEPA" means high-efficiency particulate air.

"Inspection" Those activities undertaken to specifically determine the presence or location, or to assess the condition of , friable or non-friable ACM whether by visual or physical examination, or by collecting samples of suspect material.

"Load-out" means two chambers of a containment area which are used to decontaminate disposal bags, barrels, and equipment prior to removal from containment.

"Major fiber release episodes" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than 3 square or linear feet of friable ACM.

"Mini-containment" means a small enclosure intended to isolate a small-scale abatement procedure from the environment through negative air pressure, physical barriers, and/or other means. Mini containments will ordinarily not have an attached decontamination system.

"Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACM.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants, EPA regulation 40 CFR part 61, latest edition.

"NIOSH" means the National Institute for Occupational Safety and Health.

"OAP" means Oklahoma Accreditation Plan.

"Operation and maintenance" means a program of work practices to maintain friable ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACM disturbance or damage. The scope of operations and maintenance activities shall be defined in a program for a specific school

facility, and shall be approved by the Commissioner. In no case shall operations and maintenance exceed the amount of ACM or PACM which can be contained in one (1) glovebag or waste bag which shall not exceed 60 inches in length and width. For the purposes of this Chapter, operation and maintenance work shall be considered the same as small-scale short duration (SSSD) asbestos activities and Class III asbestos work.

"OSHA" means the Occupational Safety and Health Administration of the United States Department of Labor.

"PACM" means presumed asbestos-containing material.

"PEL" means permissible exposure level. For the purposes of this Chapter, the PEL is .01 fibers per cubic centimeter (f/cc).

"Poly" means polyethylene sheeting.

"Private contractor" means an asbestos abatement contractor, AHERA management planner, or AHERA project designer who is a proprietorship, partnership, or corporation operating for profit, or employed by and on behalf of a private, non-profit corporation, trust, charity, or religious organization.

"Proprietary contractor" means an owner or operator who holds and asbestos abatement contractor's license for use strictly on the owned or operated property.

"Public and commercial facility" means the interior space of any building which is not a school building, except that the term does not include any residential apartment building of fewer than four (4) units or detached single-family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of four (4) or more dwelling units, government-owned buildings, colleges, museums, airports, hospitals, churches, preschools, stores, warehouses and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

"Public contractor" means an asbestos abatement contractor, AHERA management planner, or AHERA project designer working specifically for, and on behalf of, a political subdivision of the State of Oklahoma.

"RACM" means regulated asbestos-containing materials.

"Regulated area" means a demarcated area where asbestos work or response actions are conducted, any adjoining area where debris and waste from such asbestos work or response actions accumulate, and a work area within which airborne concentrations of asbestos exceed or there is a reasonable possibility they may exceed the permissible exposure limit.

"Regulated asbestos-containing materials (RACM)" means friable asbestos-containing material, Category I nonfriable ACM that has become friable, Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II nonfriable ACM that has a high probability of becoming, or has become crumbled, pulverized, or reduced to powder by forces expected to act on the material in the course of demolition, renovation, or abatement operations regulated by these Rules.

"Reinforced poly" means polyethylene sheeting reinforced with nylon strands.

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

"School building" means:

- A. Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;
- B. Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;
- C. Any other facility used for the instruction or housing of students or for the administration of educational or research programs;
- D. Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under paragraphs (A), (B), or (C);
- E. Any portico or covered exterior hallway or walkway; or
- F. Any exterior portion of a mechanical system used to condition interior space.

"Shift" means a scheduled period of work by a given group of Workers, usually, but not limited to, eight (8) hours.

"Small-scale, short duration (SSSD) activities" means tasks such as, but not limited to removal of asbestos-containing insulation material on pipes, removal of small quantities of asbestos-containing insulation on

beams or above ceilings, replacement of asbestos-containing gaskets on valves, installation or removal of a small section of drywall, installation of wiring or electrical conduits through or proximate to asbestos-containing materials, removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement, removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glovebag, minor repairs to damaged thermal system insulation which do not require removal, repairs to a piece of asbestos-containing wallboard, or repairs, involving encapsulation, enclosure, or removal, to small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure. such an enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function. For the purposes of this Chapter, SSSD asbestos activities shall be considered the same as Class III asbestos work and O&M work.

“Supervisor” means a person or persons at an abatement site with project oversight and worker management responsibilities. For purposes of this Chapter, supervisors will be considered to be a category of abatement worker.

“Third party air monitor” means an air monitoring laboratory which shares no partners or owners, if a proprietorship, or officers if a corporation, with the contractor for whom monitoring is being performed.

“Wetted” means the application of amended water solution to asbestos-containing materials in sufficient quantities to minimize fiber release. The ACM need not be saturated.

“Worker” means any employee of a contractor, consultant, or air monitoring company, engaged in the abatement of asbestos, or performing a task within an asbestos abatement containment in which direct contact with asbestos is likely.

SUBCHAPTER 3. ADOPTION OF STANDARDS

380:50-3-1. Adoption of national standards

The following National Standards are hereby adopted as they pertain to friable asbestos material abatement. In any instance where adopted

standards are in conflict with each other, or with Chapter 380:50, the most stringent shall apply:

- a. 29 CFR 1910, General Industry Standards, latest edition, except for Section 1001(c) and (d).
- b. 29 CFR 1926, Construction Industry Standards, latest edition, except for Section 1101 (c)(1) and (2).
- c. 40 CFR part 61, NESHAP, latest edition.
- d. ANSI Z88.2, latest edition.
- e. American Conference of Governmental Industrial Hygienists' Adopted Threshold Limit Value for Heat Stress.
- f. 15 U.S.C. Chapter 53, Subchapter II - Asbestos Hazard Emergency Response, Sections 2641 et seq., as amended, and 40 CFR Chapter I, Subchapter R, Part 763, Subpart E - Asbestos-Containing Materials in Schools, as amended, including appendices.

380:50-3-2. Other contractor requirements

Contractors will abide by all other applicable laws, rules, and regulations, including but not limited to those relating to:

- a. Workers' compensation;
- b. Prevailing wage rates;
- c. Public contracts;
- d. Liability Insurance;
- e. EPA, OSHA, DOT, and DOL rules and regulations;
- f. Contractors shall abide by the project design, as approved by DOL.

380:50-3-3. Supremacy of conflicting requirements

In case of any conflict between this Chapter, adopted standards, or owner's specifications, the most stringent shall apply.

SUBCHAPTER 4. PROJECT DESIGN REQUIREMENTS

380:50-4-1. General requirements

- (a) No asbestos abatement may begin until a project design for that project, if required, has been approved by DOL.
- (b) Project designs shall contain at a minimum:
 - (1) A statement that DOL Abatement of Friable Asbestos Materials Rules apply.
 - (2) Sequencing and phasing of work.
 - (3) Identification of means of egress, a fire protection plan and a diagram for emergency escape routes, and fire extinguisher placements.

- (4) The quantity, type, percentage with bulk analysis unless presumed and a diagramed location of asbestos materials to be abated.
 - (5) Abatement methods, and techniques, and numbers of containments, glovebags or mini-containments.
 - (6) Details of personal and area air monitoring samples.
 - (7) Numbers and locations of Clean Test samples and type of analysis to be employed.
 - (8) Numbers, capacities, a diagram to identify the locations, and discharge points, if any, of negative air machines.
 - (9) Details of the project containment(s), glovebag or mini-containments, including drawings. Details shall include all applicable subchapters of the Oklahoma Asbestos Control Act, including but not limited to scaffolding requirements and live electric isolation.
 - (10) Details of the decontamination system(s).
 - (11) The extent to which asbestos-contaminated soils, if any, must be removed, and the sampling methods of determining the efficacy of such removal.
 - (12) Special materials or methods required to protect objects in the work area should be detailed, (e.g., plywood over carpeting or hardwood floors to prevent damage from scaffolds and falling material.
 - (13) Any variances from the Abatement of Friable Asbestos Materials Rules.
- (c) Project designs for enclosure or encapsulation may provide for alternate methods to section 380:50-17-4, with the approval for such alternate methods at the discretion of DOL.
- (d) Project designs for industrial sites may be generally performance based specifications, subject to approval by DOL.

380:50-4-2. AHERA project design requirements

Any abatement or response action that takes place in a school which falls under the AHERA regulations, other than small scale-short duration projects, shall have been designed by a licensed Project Designer.

380:50-4-3. Non-AHERA project design requirements

Any abatement that takes place in an area not under the AHERA regulations other than small-scale short duration (SSSD) activities, shall have been designed by a licensed project designer.

380:50-4-4. O&M project design requirements

Any O&M program to be utilized under Subchapter 380:50-14 of these rules, shall have been approved by a licensed project designer.

SUBCHAPTER 5. CONTRACTOR, SUPERVISOR, AND WORKER LICENSING AND REQUIREMENTS

380:50-5-5. Licensing of asbestos abatement contractors

Licensing requirements for asbestos abatement contractors are as follows:

- (1) Applications shall be submitted on forms prescribed by the Commissioner. Submission of such application shall include a non-refundable one thousand dollar (\$1,000.00) processing fee.
- (2) After the statutory one hundred twenty (120) day waiting period, if a contractor's application is accepted, the contractor will be notified by the Commissioner and required to submit at that time the five hundred dollar (\$500.00) license fee. If a contractor fails to provide all required documentation within the one hundred twenty (120) day waiting period, the application will be denied.
- (3) The applicant shall designate a minimum of one, or a maximum of two, responsible parties to be named on the license. Such responsible parties shall have and maintain the training credentials required for licensing. Documentation of satisfactory completion of the required training and all subsequent refresher training shall accompany the application.
 - (A) In the absence of such responsible party in the employee of the contractor, the contractor will not be allowed to perform asbestos abatement work in the State of Oklahoma.
 - (B) The responsible party shall have successfully completed and shall have documentation provided for not fewer than two (2) asbestos training courses. One such course shall be an asbestos abatement supervisor's course which fully meets the requirements of Section 380:50-6-3 and 380:50-6-8. The Commissioner shall maintain updated lists of additional training courses acceptable for licensing.
 - (C) Responsible parties may be changed or added to the license at any time, by paying a fee of fifty dollars (\$50.00) per change or addition. Documentation of satisfactory completion of required training and all applicable subsequent re fresher training shall be submitted.
- (4) Prior to issuance of the license, the contractor must have a respirator program meeting all requirements of OSHA or DOL, whichever is most stringent.
- (5) Licenses shall be issued for a period of one year.
- (6) No contractor may perform any asbestos abatement after expiration of the license.

- (7) If a contractor allows the license to lapse for more than thirty (30) days, the license may not be renewed, and licensing will be permitted only after meeting all requirements for a new license, including the one hundred twenty (120) day waiting period.
- (8) License applicants must be of good character. Conviction for a felony by an applicant, if a proprietor or partner; by an officer, if a corporation; or by a responsible party, shall be grounds for denial of, or revocation of, a contractor's license.
- (9) The Commissioner may refuse to issue an asbestos abatement contractor's license to any applicant, if there are records of Notice of Violation (NOV) of NESHAP regulations by the applicant, or any principal, partner, or officer of the applicant's firm or associated firms, as maintained by EPA.

380:50-5-6. Licensing of operation and maintenance (O&M) contractors

Licensing requirements for asbestos abatement operation and maintenance (O&M) contractors are as follows:

- (1) A special, restricted contractor's license may be issued to a facility owner for performance of asbestos abatement for O&M purposes only. Any such asbestos abatement activity performed under an O&M license shall be limited to the scope of work described in a site-specific operations and maintenance program approved by, and at the discretion of the Commissioner.
- (2) The one thousand dollar (\$1,000.00) processing fee shall not apply in the case of an O&M license application.
- (3) The applicant shall designate one responsible party to be named on the license.
 - (A) The responsible party shall have and maintain the training credentials required for licensing. Documentation of satisfactory completion of the required training and all subsequent refresher training shall accompany the application.
 - (B) In the absence a responsible party in the employee of the contractor, the contractor will not be allowed to perform asbestos abatement work in the State of Oklahoma.
 - (C) The responsible party shall have successfully completed and shall have documentation provided for an asbestos abatement supervisor's course which fully meets the requirements of Section 380:50-6-3 and 380:50-6-8.
 - (D) Responsible parties may be changed or added to the license at any time, by paying a fee of fifty dollars (\$50.00) per change or addition. Documentation of satisfactory completion of required training and all applicable subsequent refresher training shall be submitted.

- (E) Responsible parties shall be issued, at no charge, a DOL identification card, which must be available at the job site for inspection by the Department of Labor.
- (4) Prior to issuance of the license, the contractor must have a respirator program meeting all requirements of OSHA or DOL, whichever is most stringent.
- (5) Licenses shall be issued for a period one year. No asbestos abatement will be permitted after the expiration of a contractor's O&M license.

380:50-5-7. Licensing of operation and maintenance (O&M) workers

Licensing requirements for operation and maintenance (O&M) workers are as follows.

- (1) Applications shall be submitted on forms prescribed by the Commissioner.
- (2) The license fee shall be twenty five dollars (\$25.00) per year.
- (3) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein a worker will be allowed to work with an expired license.
- (4) Any worker who has not taken the required refresher course within two years of the previous asbestos worker training or refresher course, shall repeat the asbestos worker training requirements of Section 380:50-6-2 and 380:50-6-7.
- (5) O&M workers shall have successfully completed and shall provide documentation for an asbestos abatement worker's course and all subsequent worker refresher courses which fully meet the requirements of Section 380:50-6-2 and 380:50-6-7, except O&M workers who perform only small scale, short duration activities may be licensed as O&M workers by completion of an approved O&M course.
- (6) The licenses shall be issued in the name of the individual applicant and shall be valid only when working for a licensed contractor.
- (7) License cards shall be available at the job site for inspection by the Department of Labor.

380:50-5-8. Licensing of asbestos abatement supervisors

Licensing requirements for asbestos abatement supervisors are as follows:

- (1) Applications shall be submitted on forms prescribed by the Commissioner.
- (2) The license fee shall be twenty five dollars (\$25.00) per year.
- (3) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent

- refresher training. There will be no grace period wherein a supervisor will be allowed to work with an expired license.
- (4) Asbestos abatement supervisors shall have successfully completed and shall provide documentation for:
 - (A) an asbestos abatement supervisor's course and all subsequent supervisor refresher training which fully meets the requirements of Section 380:50-6-3 and 380:50-6-8.
 - (B) a two day, or equivalent, course in confined space entry following the NIOSH curriculum in confined space entry.
 - (C) the NIOSH 582 course in Analysis of Airborne Asbestos Dust, or equivalent, or a minimum of a two day course in air monitoring techniques.
 - (D) current cardiopulmonary resuscitation (CPR) training, which may be provided by The National Heart Association, The American Red Cross, or other approved training provider.
 - (E) current first aid training, which may be provided by the American Red Cross, or other approved training provider.
 - (F) six (6) months experience as an asbestos abatement worker on job sites that have been inspected by DOL, including a minimum of six (6) different abatement projects or containments, or one year experience as an asbestos abatement worker and six months as an asbestos abatement supervisor on projects which have not been inspected by DOL.
 - (5) Licenses shall be issued in the name of the applicant and shall be valid only when working for a licensed contractor.
 - (6) License cards shall be available at the job site for inspection by the Department of Labor.

380:50-5-9. Licensing of asbestos abatement workers

- Licensing requirements for asbestos abatement workers are as follows:
- (1) Applications shall be submitted on forms prescribed by the Commissioner.
 - (2) The license fee shall be twenty five dollars (\$25.00) per year.
 - (3) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein a worker will be allowed to work with an expired license.
 - (4) Any worker who has not taken the required refresher course within two years of the previous asbestos worker training or refresher course, shall repeat the asbestos worker training requirements of Section 380:50-6-2 and 380:50-6-7.
 - (5) Asbestos abatement workers shall have successfully completed and shall provide documentation for an asbestos abatement worker's

course and all subsequent worker refresher training which fully meets the requirements of Section 380:50-6-2 and 380:50-6-7.

- (6) The licenses shall be issued in the name of the individual applicant and shall be valid only when working for a licensed contractor.
- (7) License cards shall be available at the job site for inspection by the Department of Labor.

380:50-5-10. Licensing of AHERA asbestos inspectors

Licensing requirements for AHERA asbestos inspectors are as follows:

- (1) Inspection for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA inspectors by the Oklahoma Department of Labor.
- (2) AHERA inspectors shall be licensed as a special category of asbestos worker and shall have completed a 24-class-hour course for AHERA Inspectors and all subsequent asbestos inspector refresher training which fully meet the requirements of Sections 380:50-6-4 and 380:50-6-9.
- (3) Applications shall be submitted on forms prescribed by the Commissioner.
- (4) The license fee shall be twenty five dollars (\$25.00) per year.
- (5) The license shall be issued in the name of the individual applicant.
- (6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the asbestos training and subsequent refresher training. There will be no grace period wherein an inspector will be allowed to work with an expired license.
- (7) Any inspector who has not taken the required AHERA inspector refresher training course within two years of the previous Inspector training or refresher course, shall repeat the AHERA inspector training requirements of Section 380:50-6-4 and 380:50-6-9.
- (8) License cards shall be available at the job site for inspection by the Department of Labor.

380:50-5-11. Licensing of AHERA asbestos management planners

Licensing requirements for AHERA asbestos management planners are as follows:

- (1) Preparation of management plans specifying response actions for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA management planners by the Oklahoma Department of Labor.
- (2) AHERA Management Planners shall be licensed as a special category of asbestos contractor, shall have a bachelor's degree in a technical subject, or equivalent, and, in addition to the AHERA Inspector training

outlined in Section 380:50-5-10(2), shall have completed a 16-hour course for AHERA Asbestos Management Planners which fully meets the requirements of Section 380:50-6-5 and 380:50-6-10.

- (3) Applications shall be submitted on forms prescribed by the Commissioner.
- (4) The license fee shall be five hundred dollars (\$500.00) per year. If the applicant holds a current AHERA project designer license, there shall be no additional fee charged.
- (5) The license shall be issued in the name of the individual applicant.
- (6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the initial management planner training and subsequent management planner refresher training.
- (7) Any management planner who has not taken the required AHERA management planner refresher training course within two years of the previous management planner training or refresher course, shall repeat the AHERA inspector training requirements of Section 380:50-6-4 and 380:50-6-9.

380:50-5-12. Licensing of AHERA project designers

Licensing requirements for AHERA project designers are as follows:

- (1) Preparation of plans and/or specifications for response actions for asbestos-containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be performed only by persons who are licensed as AHERA project designers by the Oklahoma Department of Labor.
- (2) AHERA project designers shall have met all requirements for accreditation for asbestos abatement contractor or project designer, and in addition, shall have a bachelor's or advanced degree in architecture, engineering, or industrial hygiene, or an equivalent combination of education, training, and experience as determined by the Commissioner.
- (3) Applications shall be submitted on forms prescribed by the Commissioner.
- (4) The license fee shall be five hundred dollars (\$500.00) per year. If the applicant holds a current AHERA management planner license, there shall be no additional fee charged.
- (5) The license shall be issued in the name of the individual applicant.
- (6) The license shall be issued for a period not to exceed one year and shall expire concurrently with the initial asbestos contractor or project designer training and subsequent project designer refresher training. There will be no grace period wherein a project designer will be allowed to work with an expired license.
- (7) Any project designer who has not taken the required AHERA project designer refresher training course within two years of the previous

initial contractor or project designer training or project designer refresher course, shall repeat the initial project designer training requirements of Section 380:50-6-6 and 380:50-6-11.

SUBCHAPTER 6. TRAINING REQUIREMENTS

380:50-6-1. Applicability

The Oklahoma Accreditation Plan (OAP) specifies separate accreditation requirements for Inspectors, Management Planners, Project Designers, Contractor/ Supervisors and Abatement Workers. A person must be accredited as a worker who engages in response actions, or performing a task within an asbestos containment in which direct contact with asbestos is likely. A contractor, whether public or private entity, engaging in response actions must be accredited. A person must be accredited who supervises any activity with respect to response actions. All persons who inspect for ACBM in schools or public and commercial buildings must be accredited. All persons who prepare management plans for asbestos containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be accredited. All persons who prepare plans, specifications, and/or project designs for response actions for asbestos containing materials in any facility under the jurisdiction of Title 40, Sections 450 through 456 shall be accredited. The Oklahoma Rules for the Abatement of Friable Materials has provisions for all levels of licensure covered under this OAP. In addition to the requirements of this section, the licensing provisions in Subchapter 5 apply to all persons, except those covered under the industrial exemption of 380:50-27-1.

380:50-6-2. Initial training for asbestos workers

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.
- (b) Such institutions, labor unions or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met:
 - (1) The training for asbestos abatement worker shall be specific to the discipline and shall not be combined with training for any other discipline.
 - (2) The Worker's course shall be no less than four days in length and shall include: lectures, demonstrations, at least 14 hours of

hands-on training, individual respirator fit testing, course review and an examination. Hands on training must permit workers to have actual experience performing tasks associated with asbestos abatement. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.

- (3) Course instruction must be provided by EPA or State approved instructors. EPA or State approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
- (4) The training course for Asbestos Abatement Worker shall adequately address the following topics:
 - (A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options.
 - (B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.
 - (C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection; donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.)); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing; regulations covering personal protective equipment.
 - (D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper work techniques for minimizing fiber release; use of

wet methods; use of negative pressure exhaust equipment; use of high-efficiency particulate air (HEPA) vacuums; proper clean-up, load-out and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures and recommended and prohibited work practices.

- (E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, chewing gum or tobacco, or applying cosmetics in the work area; and potential exposures, such as family exposures.
- (F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat/cold stress, air contaminants other than asbestos, fire and explosion hazards, scaffolds and ladder hazards, slips, trips and falls and confined spaces.
- (G) Medical monitoring. OSHA Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.
- (H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
- (I) Relevant Federal, State and Local regulatory requirements, procedures and standards. With particular attention directed at relevant EPA, OSHA and Oklahoma Regulations concerning Asbestos Abatement Workers.
- (J) Establishment of respiratory protection programs.
- (K) Course review. A review of key aspects of the training course.

380:50-6-3. Initial training for asbestos contractors and supervisors

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.
- (b) Such institutions, labor unions or government agencies may receive their DOL approval through the Oklahoma Accreditation Plan providing the following criteria are met:

- (1) The training for asbestos contractor/supervisor shall be specific to the discipline and shall not be combined with training for any other discipline.
- (2) The contractors/supervisor's course shall be no less than five days in length and shall include: lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review and an written examination. Hands on training must permit Contractor/ Supervisors to have actual experience performing tasks associated with asbestos abatement. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
- (3) Course instruction must be provided by EPA or State approved instructors. EPA or State approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
- (4) The training course for Contractor/Supervisor's shall adequately address the following topics:
 - (A) Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance; review of hazard assessment considerations and a summary of abatement control options.
 - (B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos related diseases; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.
 - (C) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit check; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing; regulations covering personal protective equipment.

- (D) State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper work techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; (HEPA) vacuums; proper clean-up, load-out and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures and recommended and prohibited work practices.
- (E) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, chewing gum or tobacco, or applying cosmetics in the work area. Potential exposures, such as a family exposure, shall also be included.
- (F) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat/cold stress, air contaminants other than asbestos, fire and explosion hazards, scaffolds and ladder hazards, slips, trips and falls and confined spaces.
- (G) Medical monitoring. OSHA Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.
- (H) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including description of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of sampling and interpretation of results.
- (I) Relevant Federal, State and local regulatory requirements and standards, including: requirements of TSCA Title II; requirements of NESHAP (40 CFR Part 61), Subpart A (General Provisions) and M (National Emission Standard for Asbestos); OSHA standards for permissible exposure levels and respiratory protection; Oklahoma Requirements for permissible exposure levels; OSHA Asbestos Construction Standards.
- (J) Respiratory Protection Programs and Medical Monitoring Programs.
- (K) Insurance and Liability issues and Contractor issues. Workers' compensation coverage and exclusions; third

- party liability and defenses, insurance coverage and exclusions; environmental impairment insurance.
 - (L) Record keeping for asbestos abatement projects. Records required by Federal, State and Local regulations; records recommended for legal purposes.
 - (M) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
 - (N) Contract specifications. Discussions of key elements that are included in contract specifications.
 - (O) Course review. A review of key aspects of the training course.
- (c) In addition to the five day contractor/supervisor's course, anyone seeking licensure from the State of Oklahoma will be required to show current certification of the following additional training:
- (1) Cardio-Pulmonary Resuscitation from the American Heart Association, American Red Cross or other DOL approved provider.
 - (2) First Aid from the American Heart Association, American Red Cross or other DOL approved provider.
 - (3) NIOSH 582 or equivalent or a two day course in air monitoring practices.
 - (4) OSHA Confined Space.
 - (5) Six months of experience on projects inspected by the DOL, including a minimum of six (6) different abatement projects or containments or one year of experience as an asbestos worker and six months as an asbestos supervisor on projects which have not been inspected by the DOL.

380:50-6-4. Initial training for asbestos inspectors

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor must obtain their training from an EPA or DOL accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.
- (b) Such institutions, labor unions or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met:
 - (1) The training for AHERA Inspectors shall be specific to the discipline and shall not be combined with training for any other discipline.

- (2) The AHERA Inspector's course shall be no less than three days in length and shall include: lectures, demonstrations, and at least 4 hours of hands-on training, individual respirator fit testing, course review and an written examination. Hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
- (3) Course instruction must be provided by EPA or State approved instructors. EPA or State approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
- (4) The training course for AHERA Inspectors shall adequately address the following topics:
 - (A) Background information on asbestos. Identification of asbestos and example and discussions of the uses and locations of asbestos in buildings; physical appearance of asbestos.
 - (B) Potential health effects related to asbestos-exposure. The nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of safe exposure levels; the synergistic effect between cigarette smoking and asbestos exposure; the latency periods for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancers of other organs.
 - (C) Functions/qualifications and role of inspectors. Discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited Inspector as compared to those of an accredited management planner; discussion of the inspection process including inventory of ACM and physical assessment.
 - (D) Legal liabilities and defenses. Responsibilities of the Inspector and Management Planner; a discussion of comprehensive general liability policies, claims-made and occurrence policies, environmental and pollution liability possibility clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability.
 - (E) Understanding building systems. The interrelationship between building systems, including: an overview of common building plan layout; heat, ventilation and air conditioning (HVAC) system types, physical organization

and where to look for asbestos on such systems; inspecting electrical systems including appropriate safety precautions.

- (F) Public/employee/building occupant relations. Notifying employee organizations about the inspections; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruptions; and education of building occupants about actions being taken.
- (G) Pre-inspection planning and review of previous inspection records. Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultations with maintenance or building personnel; review of previous inspection, sampling and abatement records of a building; the role of the Inspector in exclusions for previously performed inspections.
- (H) Inspecting for friable and non-friable ACM and assessing the condition of friable ACM. Procedures to following in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; accessing damage, significant damage and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factor.
- (I) Bulk sampling/documentation of asbestos. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85030a October 1985)"; techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of non-friable materials; techniques for bulk sampling; Inspector's sampling and repair equipment; patching or repair of damage from sampling; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures; EPA's recommendation that all bulk samples collected from school or public and commercial buildings be analyzed by laboratory accredited under the NVLAP administered by NIST.

- (J) Inspector respiratory protection and personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance and storage procedures for respirators; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair, etc.); the components of a proper respiratory protection program; selection and use of personal protective equipment; selection and use of personal protective clothing; use storage and handling of non-disposable clothing.
- (K) Recordkeeping and writing the inspection report. Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and samples of ACM condition; information required for including in the management plan required for school buildings under TSCA Title II, Section 203(i)(1).
- (L) Regulatory review. The following topic should be covered: NESHAP, (40CFR part 61 Subparts A and M); EPA Worker Protection Rule; OSHA Construction Industry Standard; OSHA Respiratory Protection Requirements; AHERA; applicable Oklahoma Rules; and the differences between state and federal rules.
- (M) Field trip. This includes a field exercise, including a walk-through inspection; on-site discussion about information gathering and the determination of sampling locations; on-site practice in physical assessment; classroom discussion or field exercise.
- (N) Course review. A review of key aspects of the training course.

380:50-6-5. Initial training for asbestos management planners

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL accredited training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and approved by EPA or an EPA approved governmental agency.

- (b) Such institutions, labor unions, or government agencies may receive their DOL accreditation through the Oklahoma Accreditation Program providing the following criteria are met:
- (1) The training for AHERA Management Planners shall be specific to the discipline and shall not be combined with training for any other discipline.
 - (2) The AHERA Management Planner's course shall be no less than two days in length and shall include lectures, demonstrations, course review and a written examination. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
 - (3) All persons seeking accreditation as a management planner shall complete a three-day Inspector training course and accreditation, as a prerequisite to the two-day management planners course.
 - (4) Course instruction must be provided by EPA or State Approved instructors. EPA or State Instructor approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
 - (5) The training course for AHERA Management Planners shall adequately address the following:
 - (A) Course overview. The role and responsibilities of the management planner, operations and maintenance programs, setting work priorities, protection of building occupants.
 - (B) Evaluation /interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in section 203(i) (1) of TSCA Title 11; interpretation of field data and laboratory results; comparison of field inspector's data sheet with laboratory results and site survey.
 - (C) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role of the management planner of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description {or decision tree} code for assessment of ACM; relationships of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
 - (D) Legal Implications. Liability; insurance issues specific to planners; liabilities associated with interim control

- measures, in-house maintenance, repair, and removal, use of results from previously performed inspections.
- (E) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101).
 - (F) Evaluation and selection of control options. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method, response actions described via a decision tree or other appropriate method work practice for each response action, staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.
 - (G) Role of other professionals. Use of industrial hygienists, engineering and architects in developing technical specifications for response actions; any requiring that may exist for architect sign-off of plans; team approach to designs of high-quality job specifications.
 - (H) Developing an operations and maintenance (O&M) plan. Purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures, steam cleaning and HEPA vacuuming; reducing disturbance of ACM; scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas and wet wraps; muslin with straps, fiber mesh cloth; mineral wool and insulating cement; discussion of employee protection programs and staff training; case study in developing an O&M plan (development, implementation process, and problems that have been experienced).
 - (I) Regulatory review. Focusing on the OSHA Asbestos Construction Standard, the NESHAP, the EPA Worker Protection Rule and applicable State regulations.
 - (J) Recordkeeping for the management planner. Use of field Inspector's data sheet along with laboratory results; on-going record keeping as a means to track asbestos disturbance; procedures for record keeping.

- (K) Assembling and submitting the management plan. Plan requires for schools in TSCA Title II section 203(i)(1); the management plan as a planning tool.
 - (L) Financing abatement actions. Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos Hazard School Abatement Act grants and loans.
 - (M) Course review. A review of key aspects of the training course.
- (6) In addition to the training required for an AHERA Management Planner, persons seeking licensure in the state of Oklahoma shall also have a minimum of a bachelor's degree in engineering, industrial hygiene or other advanced fields, or an equivalent combination of experience, education and training as determined by the Commissioner of Labor.

380:50-6-6. Initial training for asbestos project designers

- (a) In the State of Oklahoma, anyone seeking accreditation or licensure from the Department of Labor, must obtain their training from an EPA or DOL approved training provider, including but not limited to educational institution, labor union, or government agency, or from a private vocational education provider licensed by the state where it operates (pursuant to 70 O.S. § 21-103 within the state of Oklahoma) and accredited by EPA or an EPA approved governmental agency.
- (b) Such institutions, labor unions, or government agencies, may receive their DOL accreditation through the Oklahoma Accreditation Plan providing the following criteria are met
 - (1) The training for AHERA Project Designers shall be specific to the discipline and shall not be combined with training for any other discipline.
 - (2) The AHERA Project Designer's course shall be no less than three days in length and shall include: lectures, demonstrations, a field trip, course review and a written examination. The OAP also recommends the use of audio-visual materials to complement lectures, where appropriate. One day of training equals 8 hours, including breaks and lunch.
 - (3) Course instruction must be provided by EPA or State approved instructors. EPA or State Instructor approval shall be based on a review of the instructor's academic credentials and/or field experience in asbestos abatement.
 - (4) The training course for AHERA Project Designer shall adequately address the following topics:

- (A) Background information. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.
- (B) Potential health effects related to asbestos exposure. Nature of asbestos-related disease; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and cancers of other organs.
- (C) Overview of abatement construction projects. Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site.
- (D) Safety system design specifications. Design, construction and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning use of negative-pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practice as they apply to encapsulation, enclosure and repair; use of glovebags and a demonstration of glovebag use.
- (E) Field Trip. A visit to an abatement site or other suitable building site, including on site discussions of abatement design and building walk-through inspection. Include discussion of rationale for the concept of functional spaces during the walk-through.
- (F) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance and storage procedures for respirators, methods of field testing of the facepiece-to-face seal (positive and negative pressure fit checks); qualitative and quantitative fit testing procedures; variability between field and laboratory fit (e.g., facial hair, etc.); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing.

- (G) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
- (H) Fiber aerodynamic and control. Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
- (I) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal.
- (J) Final clearance process. Discussion of the need for written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance.
- (K) Budgeting/cost estimating. Developing of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs.
- (L) Writing abatement specifications. Preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modifications of guide specifications for a particular building; Worker and building occupant health/medical considerations; replacement of ACM with non-asbestos substitutes.
- (M) Preparing abatement drawings. Significance and need for drawings; use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings.
- (N) Contract preparation and administration.
- (O) Legal/liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; claims-made versus occurrence policies.
- (P) Replacement. Replacement of asbestos with asbestos-free substitutes.
- (Q) Role of other consultants. Development of technical specifications sections by industrial hygienists or

- engineering; the multi-disciplinary team approach to abatement design.
- (R) Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.
 - (S) Relevant State, Federal and local regulatory requirements, procedures and standards. Including but not limited to: TSCA Title II, NESHAP, OSHA Respirator Standard, EPA Worker Protection Rule, Oklahoma Rules for the Abatement of Friable Materials, OSHA Asbestos Construction Standards, Hazard Communications Standards, etc.
 - (T) Course Review. A review of key aspects of the training course.
- (5) In addition to the training required for an AHERA Project Designer, persons seeking accreditation or licensure must also have a minimum of a bachelor's or advanced degree in architecture, engineering or industrial hygiene or an equivalent combination of education, training and experience as determined by the Commissioner of Labor.

380:50-6-7. Examinations for asbestos workers

- (a) At the completion of each Worker Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:
 - (1) Examinations must be closed-book.
 - (2) Should adequately cover the topics included in the training course for that discipline.
 - (3) Must be no less than 50 multiple choice questions.
 - (4) Requires a passing score of no less than 70% correct.
- (b) Each certificate issued to an accredited person must contain the following information:
 - (1) A unique certificate.
 - (2) Name of accredited person.
 - (3) Discipline of the training course completed.
 - (4) Dates of the training course.
 - (5) Date of the examination.
 - (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
 - (7) The name, address and telephone number of the training provider that issued the certificate.

- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

380:50-6-8. Examinations for asbestos supervisors

- (a) At the completion of each Supervisor Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:
 - (1) Examinations must be closed-book.
 - (2) Should adequately cover the topics included in the training course for that discipline.
 - (3) Must be no less than 100 multiple choice questions.
 - (4) Requires a passing score of no less than 70% correct.
- (b) Each certificate issued to an accredited person must contain the following information:
 - (1) A unique certificate number.
 - (2) Name of accredited person.
 - (3) Discipline of the training course completed.
 - (4) Dates of the training course.
 - (5) Date of the examination.
 - (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
 - (7) The name, address and telephone number of the training provider that issued the certificate.
 - (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

380:50-6-9. Examinations for asbestos inspectors

- (a) At the completion of each Inspector Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:
 - (1) Examinations must be closed-book.
 - (2) Should adequately cover the topics included in the training course for that discipline.
 - (3) Must be no less than 50 multiple choice questions.
 - (4) Requires a passing score of no less than 70% correct.
- (b) Each certificate issued to an accredited person must contain the following information:
 - (1) A unique certificate.
 - (2) Name of accredited person.
 - (3) Discipline of the training course completed.
 - (4) Dates of the training.
 - (5) Date of the examination.

- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

380:50-6-10. Examinations for asbestos management planners

- (a) At the completion of each Management Planner Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:
 - (1) Examinations must be closed-book.
 - (2) Should adequately cover the topics included in the training course for that discipline.
 - (3) Must be no less than 50 multiple choice questions.
 - (4) Requires a passing score of no less than 70% correct.
- (b) Each certificate issued to an accredited person must contain the following information:
 - (1) A unique certificate.
 - (2) Name of accredited person.
 - (3) Discipline of the training course completed.
 - (4) Dates of the training.
 - (5) Date of the examination.
 - (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
 - (7) The name, address and telephone number of the training provider that issued the certificate.
 - (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

380:50-6-11. Examinations for asbestos project designers

- (a) At the completion of each Project Designer Course, participants shall be required to complete an examination for accreditation. Examinations must meet the following requirements:
 - (1) Examinations must be closed-book.
 - (2) Should adequately cover the topics included in the training course for that discipline.
 - (3) Must be no less than 100 multiple choice questions.
 - (4) Requires a passing score of no less than 70% correct.
- (b) Each certificate issued to an accredited person must contain the following information:
 - (1) A unique certificate.

- (2) Name of accredited person.
- (3) Discipline of the training course completed.
- (4) Dates of the training.
- (5) Date of the examination.
- (6) An expiration date, one year after the date upon which the person successfully completed the course and examination.
- (7) The name, address and telephone number of the training provider that issued the certificate.
- (8) A statement that the person receiving the training has completed the requisite training for asbestos accreditation under TSCA Title II.

380:50-6-12. Refresher training

- (a) All persons seeking to maintain accreditation as an Asbestos Abatement Worker must complete an annual refresher training course. The Worker's refresher course must be a minimum of one day in length and must adequately cover topics relevant to asbestos abatement workers, including, but not limited to:
 - (1) Changes in State and Federal Regulations.
 - (2) An overview of abatement procedures.
 - (3) Updates on state of the art techniques and methods.
 - (4) A review in the use of personal protective equipment.
 - (5) An examination.
- (b) All persons seeking to maintain accreditation as an Asbestos Abatement Contractor/Supervisor must complete an annual refresher training course. The Contractor/Supervisor's refresher course must be a minimum of one day in length and must cover topics relevant to Asbestos Abatement Contractor/Supervisors, including, but not limited to:
 - (1) Changes in State and Federal Regulations.
 - (2) An overview of abatement procedures.
 - (3) Updates on state of the art techniques and methods.
 - (4) A review on relevant legal requirements and legal updates.
 - (5) A Review in the use of personal protective equipment.
 - (6) An examination.
- (c) All persons seeking to maintain accreditation as an AHERA Inspector must complete an annual refresher training course. The Inspector's refresher course must be a minimum of one-half day in length and must cover topics relevant to the AHERA Inspector, including, but not limited to:
 - (1) Changes in State and Federal Regulations.
 - (2) Review of sampling procedures.
 - (3) Review in the use of personal protective equipment.
 - (4) Methods of identifying homogeneous areas.

- (5) An examination.
- (d) All persons seeking to maintain accreditation as an AHERA Management Planner must complete an annual refresher training course. The Management Planner's refresher course must be a minimum of one half day of Inspector refresher training and one-half day Management Planner's refresher training and must cover topics relevant to AHERA Management Planners, including, but not limited to:
 - (1) Changes in State and Federal Regulations.
 - (2) Review of sampling procedures.
 - (3) Review in the use of personal protective equipment.
 - (4) Methods of identifying homogeneous areas.
 - (5) Review of methods for developing response actions.
 - (6) Review of record keeping methods.
 - (7) An Examination.
- (e) All persons seeking to maintain accreditation as an AHERA Project Designer must complete an annual refresher training course. The Project Designer's refresher course must be minimum of one day in length and must cover topics relevant to AHERA Project Designer, including, but not limited to:
 - (1) Changes in State and Federal Regulations.
 - (2) Review of safety system design specifications.
 - (3) Review in the use of personal protective equipment.
 - (4) Review of abatement construction projects.
 - (5) Review of budgeting and cost estimates.
 - (6) Review of contract preparation and administration.
 - (7) Review of legal liabilities and defenses.
 - (8) An examination.
- (f) All refresher training must be completed within 12 months from the expiration date of the initial training. Accredited persons who fail to receive their refresher training within the 12 month grace period shall be required to complete the initial training again. No licensee may perform abatement work if training has expired, until either initial or refresher training has been satisfactorily completed. Refresher courses shall be specific to each discipline. They shall be conducted as separate and distinct courses and not combined with other training during the period of the refresher.

380:50-6-13. Approval of asbestos training courses

Individuals or groups wishing to sponsor training courses for disciplines required to be accredited under this section shall apply for approval from DOL or from a state that has accreditation program requirements that are at least as stringent as this OAP. For a course to receive approval, it must meet the requirements for the course as outlined in this OAP, and any other requirements imposed by the State from which

approval is being sought. Courses that have been approved by a State with an accreditation program at least as stringent as this OAP are approved under this section.

- (1) Initial training course approval. A training provider must submit the following minimum information to a State as part of its application for the approval of each training course:
 - (A) The course provider's name, address, and telephone number.
 - (B) A list of any other States that currently approve the training.
 - (C) The course curriculum.
 - (D) A letter from the provider of the training course that clearly indicates how training course meets the OAP requirements for:
 - (i) Length of training in days.
 - (ii) Amount and type of hands-on training.
 - (iii) Examination (length, format, and passing score).
 - (iv) Topics covered in the course.
 - (E) A copy of all course materials (student manuals, instructor notebooks, handouts, etc).
 - (F) A detailed statement about the development of the examination used in course.
 - (G) Names and qualifications of all course instructors. Instructors must have academic and/or field experience in asbestos abatement.
 - (H) A description of and an example of the numbered certificates issued to students who attend the course and pass the examination.
- (2) Refresher training course approval. The following minimum information is required for approval of refresher training courses by States:
 - (A) The length of training in days or half-days.
 - (B) The topics covered in the course.
 - (C) A copy of all course materials (student manuals, instructors notebooks, handouts, etc).
 - (D) The names and qualifications of all course instructors. Instructors must have academic and/or field experience in asbestos abatement.
 - (E) A description of and an example of the numbered certificates issued to students who complete the refresher course and pass the examination, if required.
- (3) Withdrawal of training course approval.
 - (A) Criteria and procedures for suspending or withdrawing approval of training shall include:

- (i) Misrepresentation of the extent of a training course's approval by a State or EPA.
 - (ii) Failure to submit required information or notifications in a timely manner.
 - (iii) Failure to maintain requisite records.
 - (iv) Falsification of accreditation records, instructor qualifications, or other accreditation information.
 - (v) Failure to adhere to the training standards and requirements of the EPA MAP or Oklahoma Accreditation Program, as appropriate.
- (B) In addition to the criteria listed above, DOL may also suspend or withdraw a training course's approval where an approved training course instructor, or other person with Supervisory authority over the delivery of training has been found in violation of other asbestos regulations administered by EPA, an administrative or judicial finding of violation, or execution of a consent agreement and order under 40 CFR 22.18, constitutes evidence of a failure to comply with relevant statutes or regulations.
- (C) Training course providers shall permit representatives of EPA or DOL to attend, evaluate, and monitor any training course without charge. EPA or DOL compliance inspection staff are not required to give advanced notice of their inspections. EPA may suspend or withdraw DOL or EPA approval of a training course based upon the criteria specified in Unit III.C of the EPA Model Accreditation Plan.

380:50-6-14. Reciprocity

The State of Oklahoma will accept accreditation given in other states provided the following are met:

- (1) The training provider must have EPA approval or approval by a State that has an approved MAP program that is as stringent or exceeds the minimum requirements of the EPA MAP; and in addition, must be one of the following:
 - (A) An educational institution, such as a state college or vocational-technical school, or;
 - (B) A government agency, or;
 - (C) An organized labor union, or;
 - (D) Licensed or accredited as vocational training providers in the state where training is given.
- (2) Workers, accredited by EPA continuously for past two years, and in good standing in the state now employed, and if applicable, currently licensed in that state, could, by taking a one day review course and examination, with the curriculum approved by

DOL and administered by Oklahoma educational providers, as designated by the Commissioner of Labor, could be granted a license.

380:50-6-15. Foreign language courses

Training facilities who provide worker courses in languages other than English will be accepted provided the accreditation criteria meets the minimum requirements of the EPA Model Accreditation Program, the facility is an established training provider, and all course materials, including the course examination is presented in the same foreign language. Only the worker course will be approved to be taught in a language other than English.

380:50-6-16. Recordkeeping Requirements

All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

- (1) Training course materials. A training provider must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.
- (2) Instructor qualifications. A training provider must retain copies of all instructor's resumes, and the documents approving each instructor issued by either the State or EPA. Instructors must be approved by either EPA or DOL before teaching courses for accreditation purposes. A training provider must notify DOL in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.
- (3) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate. These same requirements apply to examinations for refresher training courses.
- (4) Accreditation certificates. The training providers shall maintain records that document the names of all persons who have been awarded certificates, their certificate numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The provider and DOL shall maintain

the records in a manner that allows verification by telephone of the required training information.

- (5) Verification of certificate information. DOL requires providers of refresher training courses confirm that their students possess valid accreditation before granting course admission. DOL also requires that training providers offering the initial management planner training verify that students have met the prerequisite of possessing valid inspector accreditation at the time of course admission.
- (6) Records retention and access.
 - (A) The training provider shall maintain all required records for a minimum of 3 years. The provider, however, may find it advantageous to retain these records for a longer period of time.
 - (B) The provider must allow reasonable access to all of the records required by the OAP, and to any other records which may be required by States for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to State Agencies, on request. OAP encourages providers to make this information equally accessible to the general public.
 - (C) If a provider ceases to conduct training, the training provider shall notify the DOL and give it the opportunity to take possession of that provider's asbestos training records.

SUBCHAPTER 7. VIOLATIONS

380:50-7-1. Violations

- (a) The DOL may issue violations to persons performing work under these rules. Serious violations may be assessed against a Contractor/Supervisor, Worker, Inspector, Management Planner or Project Designer if they perform an act in violation of these Rules and the standards adopted herein, or if they fail to perform an act required by the Rules, when such an act has the potential to cause serious bodily harm, property damage, or environmental damage. Non-serious violations may be assessed for violations of procedural rules.
- (b) If the specified number of violations are found to exist, the Commissioner of Labor shall have the authority to suspend, revoke or deny the renewal of any license held by that specific licensee.
- (c) A record of violations will be kept by the DOL to review performance on abatement jobs.

- (1) This record will be used by the Commissioner to review Contractors' and Workers' performances before renewal of asbestos abatement licenses.
 - (2) Violations will be removed from the record after a period of five years unless settlement is reached by a civil action.
- (d) In order to be consistent in the application of the above stated provisions of the Act and the Rules, the following policies will be applied to the issuance of violations and the review of violations relative to any disciplinary act taken against any Contractor/Supervisor, Worker, Inspector, Management Planner or Project Designer by the Oklahoma State Department of Labor (DOL).
- (1) Violations may be issued by DOL/Asbestos Inspectors during the performance of on-site inspections when those violations are directly observed by the Inspectors, or by the Director of the Asbestos Division when Rules violations are discovered during project review. If, during the course of an inspection, an inspector observes a violation that creates an imminent threat to the health or safety of abatement workers, or to public health or safety, the inspector may immediately issue a cease and desist order on the project or facility. Such order will take the form of a "red tag." Following the issuance of a "red tag," no person shall be allowed into the tagged area unless accompanied by a Department of Labor asbestos inspector.
 - (2) Upon issuance of a serious violation(s), the entity in violation shall have an opportunity for an administrative hearing, at which time the entity may protest the validity of the violation(s), or appeal to have the serious violation(s) reduced in accordance with Rule 380:50-7-1(c).
 - (A) Such hearing shall be held within 3 working days if an asbestos abatement project is shut down because of the violation(s) or within 10 working days if the project is allowed to continue.
 - (B) Such hearing shall be before a DOL appointed hearing officer in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 309 et seq.
 - (C) Violations of record will be those violations which have been upheld by a hearing officer after a hearing held by the Department of Labor for such purposes, in accordance with DOL rules and the Oklahoma Administrative Procedures Act, or those which are assessed by agreement of the parties.
 - (3) For purposes of disciplinary action, each five non-serious violations of record shall be considered by the DOL to be equivalent to one serious violation of record.

- (4) At any time an Asbestos Abatement Contractor, Management Planner, Inspector, or Project Designer has accumulated five or more serious violations of record, (three for Workers or Supervisors) or serious violations of record equal in number to twenty percent of the number of separate areas of all asbestos abatement projects undertaken within the previous two years, whichever is greater, then the licensee in question will be subject to disciplinary action in accordance with 40 O.S. § 454. For the purpose of determining the number of separate containment areas undertaken by a Contractor, any Operation and Maintenance (O&M) program undertaken by a Contractor for a single owner at a single site, shall be considered to be equivalent to one containment area.
- (5) At any time an Asbestos Contractor has accumulated two or more NESHAP Notices of Violation, the Contractor will be subject to disciplinary action in accordance with 40 O.S. § 454.
- (6) At such time that a Contractor has accumulated the specified number of violations to be subject to disciplinary action in accordance with these Rules, the Contractor will be notified by certified mail, and afforded the opportunity for a hearing in accordance with the Administrative Procedures Act.
- (7) Factors to be taken into account by the DOL when determining what, if any disciplinary action will be taken against a Contractor will be:
 - (A) The severity of the violations in terms of threat or potential threat to Worker or public health and/or safety, and to the environment.
 - (B) The steps which have been taken by the Contractor to avoid a repetition of the violations.
- (8) In cases where a Contractor's serious violation was caused by a Worker or Supervisor, DOL may issue violations against all persons involved, in addition to the Contractor. Issuance of a violation to a Worker does not relieve the Contractor of liability for any violations, and the consequences thereof.

380:50-7-2. Violations and revocation of accreditation

If the specified number of violations are found to exist, the Commissioner shall have authority to suspend, revoke or deny renewal of accreditation to that specific worker, supervisor/contractor, inspector, management planner or project designer.

- (1) Prior to the suspension, revocation or denial of recertification of accreditation of training, the accredited persons shall be afforded the rights of an Administrative Hearing under the Oklahoma Administrative Procedures Act, as described above.

- (2) The following actions shall also be considered grounds for revocation of accreditation:
 - (A) Performing work requiring accreditation at a job site without being in physical possession of initial and current accreditation certificates.
 - (B) Permitting the duplication or use of one's own accreditation certificate by another.
 - (C) Performing work for which accreditation has not been received.
 - (D) Obtaining accreditation from training provider that does not have approval to offer training for the particular discipline from either EPA or from a State that has a Contractor accreditation plan at least as stringent as the EPA MAP.
- (3) The following persons are not accredited or licensed under the OAP and are in violation of the Oklahoma Asbestos Control Act:
 - (A) Any person who obtains accreditation through fraudulent representation of training or examination documents;
 - (B) Any person who obtains training documentation through fraudulent means;
 - (C) Any person who gains admission and completes refresher training through fraudulent representation of initial or previous refresher training documentation;
 - (D) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.
- (4) Procedures for Revocation of Accreditation will comply with the EPA Procedures for Suspension of Revocation of Accreditation or Training Course Approval as outlined in the EPA Model Accreditation Program.

SUBCHAPTER 9. CONTRACTOR PROCEDURES

380:50-9-1. Contractor notification

- (a) For projects involving any asbestos abatement or response action other than emergencies, O&M for schools, SSSD or Class III for facilities and public and commercial facilities:
 - (1) Notifications shall be submitted in accordance with the following schedule:
 - (A) A notification is required ten (10) days prior to performing asbestos abatement or response actions for projects involving more than one glovebag and less than 160

- square feet or 260 linear feet of asbestos-containing materials.
 - (B) A notification is required ten (10) days prior to performing asbestos abatement or response actions for projects involving 160 square feet or 260 linear feet or more of asbestos-containing materials.
 - (C) Projects shall not be divided into small sequential segments for the purpose of avoiding the requirements of this Chapter.
- (2) Asbestos contractors shall notify the Commissioner in writing, and on forms prescribed by the Commissioner. Notification shall include:
- (A) Asbestos contractor's name, address, and phone number.
 - (B) Owner's name, address, and phone number.
 - (C) Location of job site.
 - (D) Projected starting date.
 - (E) Projected ending date.
 - (F) Abatement technique.
 - (G) Amount of asbestos to be abated as linear feet and/or square feet.
 - (H) Names and addresses of all consultants, industrial hygienists, testing laboratories, or other subcontractors to be utilized during the project.
 - (I) Name and address of landfill to be used for asbestos disposal.
 - (J) Plans for decontamination facilities.
 - (K) Copies of project documents, including:
 - (i) Bonds and insurance certificates as applied to public projects.
 - (ii) NESHAPS notification.
 - (L) Written permission from the owners of all vehicles and/or trailers not owned by the contractor that will be used to transport asbestos-containing articles or containers.
 - (M) Names and addresses of haulers of asbestos for hire, who shall be licensed asbestos abatement contractors.
 - (N) A certificate of vehicle liability insurance specifically covering any vehicles or trailers used to transport asbestos-containing or contaminated waste, equipment, or materials. The limits of liability shall not be less than one million dollars (\$1,000,000).
 - (O) The project design.
- (b) For O&M for schools and Class III for facilities and public and commercial facilities:

- (1) Asbestos contractors shall notify the Commissioner in writing by fax or email, and on submittal forms prescribed by the Commissioner, prior to performing any O&M for schools or SSSD or Class III for public and commercial facilities. Notification shall include:
 - (A) Asbestos contractor's name, address, and phone number.
 - (B) Owner's name, address, and phone number.
 - (C) Location of job site.
 - (D) Projected starting date.
 - (E) Projected ending date.
 - (F) Abatement technique.
 - (G) Amount of asbestos to be abated as linear feet and/or square feet.
 - (H) Names and addresses of all consultants, industrial hygienists, testing laboratories, or other subcontractors to be utilized during the project.
 - (I) Name and address of landfill to be used for asbestos disposal.

380:50-9-2. Emergency notification

- (a) Notification by phone, email or fax is permitted in the case of an emergency involving protection of limb, life and property. Notification shall include the information contained in Section 380:50-9-1(a)(2), and the date of the contract. The written notification items in Section 380:50-9-1(a)(2) above shall be submitted to the Commissioner within twenty-four (24) hours after the start of abatement.
- (b) The Contractor shall immediately notify the Commissioner of any changes in the information provided under Section 380:50-9-1(a)(2).
- (c) In case of an emergency, as determined by the Commissioner, the project design will be waived.

380:50-9-3. Authorization to proceed

Contractors shall not start to abate any asbestos-containing materials until:

- (1) An authorization to begin abatement activity has been received by the contractor from the Commissioner. The authorization to proceed will state whether or not the site preparation must be approved by the Department of Labor prior to gross removal of asbestos-containing material.
- (2) Documentation and required materials for prior abatement projects have been received by the Commissioner. This includes but is not limited to outstanding daily air sample test results, physical examinations, and correction of prior violations.

380:50-9-5. Notification of hazards

The contractor or supervisor shall immediately inform and follow up with the owner and the Commissioner by phone, fax or email of health hazards created during abatement. This will include, but is not limited to, such occurrences as breaching the containment area, loss of negative pressure to a negative pressure containment, air monitoring tests indicating airborne asbestos above acceptable levels, recordable injuries, loss of power, etc.

380:50-9-6. Re-notification requirements

If a contractor fails to meet the project start date without advising the Asbestos Division in advance, a new notification 10 days in advance shall be required.

380:50-9-7. Waste shipment records

Upon completion of abatement projects, the contractor shall submit waste shipment records which fully meet the requirements of 40 CFR Part 61 (NESHAPS) and shall include:

- (1) Work site name and mailing address.
- (2) Owner's name and telephone number.
- (3) Contractor's name, mailing address, and phone number.
- (4) Waste disposal site name, mailing address, physical site location, and phone number.
- (5) Description and quantity of materials, in cubic yards, and numbers and types of containers.
- (6) Special handling instructions.
- (7) A signed certification that the contents of the load covered under the manifest are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.
- (8) Name, title, address, phone number, and signature of each hauler, and the date hauled.
- (9) A discrepancy indication space.
- (10) Certification of receipt of the load with the signature of a responsible disposal site employee and date.

SUBCHAPTER 11. LABORATORY REQUIREMENTS

380:50-11-1. Daily air monitoring requirements

Daily air monitoring requirements shall consist of the following:

- (1) Personal monitoring.

- (A) One (1) personal air sample for every four workers, but a minimum of two (2) personal air samples collected from within the work area, and a minimum of two (2) personal air samples per abatement crew, by a method to be determined by the Commissioner. One (1) of these personal air samples must be from a worker collecting and bagging asbestos, and one must be from a worker in the loadout area, where applicable.
 - (B) All personal monitoring results shall be reported with the type of respirator worn by the worker and the license number of each worker.
 - (C) The exposure to airborne fiber concentrations by Workers on abatement projects shall be limited to a maximum value of 0.01 fibers per cubic centimeter within the assigned respirator, as determined by dividing the airborne fiber concentration by the respirator protection factor.
- (2) Inside area monitoring.
- (A) A minimum of one (1) area sample in the vicinity of each abatement crew.
 - (B) One (1) sample from the load-out area during load-out activities.
- (3) Outside area monitoring.
- (A) Minimum of, but not limited to, one (1) air sample from each independent exit area collected directly outside and adjacent to the work area as designated in the project design.
 - (B) One (1) sample per shift from the exhaust of each negative air machine, or common exhaust duct of multiple machines, which discharges from the containment area. Such discharge shall not be permitted to exceed 0.01 fibers/cc.
 - (C) One (1) sample immediately outside the clean room. Air monitoring in the clean-room of the decontamination system is not a requirement of these Rules.
 - (D) Minimum of, not limited to, one (1) additional air sample as designated in the project design.
- (4) Calibration shall be accomplished prior to, and at the conclusion of sampling. The average flow rate shall be utilized for all calculations of airborne concentrations relating to asbestos.
- (A) All non-primary type flow measuring devices shall be routinely calibrated by using a primary standard once per month, and shall be accompanied with calibration records and/or charts which shall contain:
 - (i) Date of calibration.

- (ii) Individual accomplishing calibration.
 - (iii) Identification of referenced primary standard including serial number.
 - (iv) Number of calibration points with accompanying table reflecting indicated flow versus actual flow.
 - (B) Floating ball type flow meters shall be non-adjustable, or shall be sealed and the seal must not be broken. A wax ring is an appropriate seal.
- (5) No airborne fiber count shall be reported to the Department Labor or any other entity as a numerical value if the count is less than the minimum level of detectability for the method used for analysis. The value shall be reported as less than the detectable limit, with that limit so stated.

380:50-11-2. Clean-test requirements

- (a) After all abatement and cleanup procedures are concluded, a Clean Test shall be conducted to ensure cleanliness of the abatement area prior to re-occupancy of the abatement area.
- (b) Clean Test samples shall not be conducted until a visual inspection is performed by Oklahoma Department of Labor personnel.
- (c) Clean Test samples shall be by aggressive sampling techniques, the number and method of such tests to be specified by the project design.
 - (1) For all projects, other than O&M, SSSD, or Class III, where less than 160 square feet or 260 linear feet of ACM or PACM has been removed:
 - (A) A minimum of five (5) samples shall be run in a regulated area located in a public or commercial facility. Samples shall be analyzed by Phase Contrast Microscopy (PCM).
 - (B) A minimum of five (5) samples shall be run in a regulated area located in a school facility as defined by AHERA. Samples shall be analyzed by Phase Contrast Microscopy (PCM).
 - (2) For all projects, other than O&M, SSSD, or Class III, where 160 square feet or 260 linear feet or more of ACM or PACM has been removed:
 - (A) A minimum of five (5) samples shall be run in a regulated area located in a public or commercial facility. Samples shall be analyzed by Phase Contrast Microscopy (PCM).
 - (B) A minimum of five (5) samples shall be run in a regulated area located in a school facility as defined by AHERA. Samples shall be analyzed by Transmission Electron Microscopy (TEM).

- (3) Sample flow rates shall be limited to ten (10) liters per minute for 25-millimeter cassettes.
- (4) The minimum volume of air drawn for each Clean Test sample shall be 1,200 liters for a 25-millimeter cassette.
- (d) For the Clean Test to be approved using PCM analysis, the upper confidence limit of the airborne fiber concentration shall be less than 0.01 fibers per cubic centimeter.
- (e) For any PCM analysis exceeding the allowed Clean Test level for any cassette on a project not covered under AHERA regulations, the contractor may have such cassettes analyzed by TEM utilizing NIOSH Method 7402, in which case the asbestos fiber level shall be less than 0.01 fibers/cc for those fibers greater than five (5) micrometers.
- (f) For Clean Tests to be approved using TEM analysis, the average concentration of the five (5) air samples collected within the regulated area, shall be less than 70 structures per square millimeter.

380:50-11-3. Sampling and monitoring requirements

- (a) Airborne fiber analysis shall be in accordance with the NIOSH Manual of Analytical Methods, No. 7400, "Asbestos and Other Fibers by PCM", as amended.
 - (1) No airborne fiber count shall be reported to DOL or any other entity as a numerical value if the count is less than the minimum level of detectability for the method used for analysis. The value shall be reported as less than the detectable limit, with limit so stated.
 - (2) Upper and lower confidence limits shall be reported for all air samples.
 - (3) If the actual number of fibers counted is less than the limit of detection, the limit of detection shall be used to calculate the upper and lower confidence limits.
- (b) All asbestos analyses shall be performed by laboratories which have quality control programs approved in advance by, and at the discretion of the Commissioner using a set of published guidelines, or which utilize only laboratory technicians who have successfully completed DOL-approved courses in the type analyses performed by the technician, and which:
 - (1) For bulk asbestos analysis:
 - (A) Are certified by the National Voluntary Laboratory Accreditation Program, for laboratories providing bulk sample analyses, or
 - (B) Participate in the AIHA Bulk Asbestos Proficiency Testing Program, latest round, and be rated proficient for the latest round.
 - (2) For NIOSH Method 7400 fiber counting analysis:

- (A) Participate in the AIHA Proficiency Analytical Testing (PAT) Program, latest round, and are proficient for the round, or
 - (B) Have all individual analysts participate in the AIHA Asbestos Analyst Registry (AAR) program and are rated as proficient for each analyst.
- (3) The National Voluntary Laboratory Accreditation Program, for laboratories providing fiber counting analyses using TEM.

380:50-11-4. Microscope requirements

Laboratories shall certify that phase contrast microscopes used for fiber counting meet the specifications of NIOSH Method 7400, including verification of the microscope-resolving power by means of an HSE/NPL phase-shift test slide. All microscopes shall have been checked with a phase-shift test slide. All microscopes shall have been checked with a phase-ring centering telescope after having been moved.

380:50-11-5. Technician's requirements

- (a) All reports of analyses shall be signed by the technician performing the analysis.
- (b) All technicians performing on-site air monitoring shall have:
 - (1) The NIOSH course No. 582 on "Sampling and Analysis of Airborne Asbestos Dust", or equivalent. Such course shall have been provided by a government agency or educational institution except, any person with training recognized by DOL prior to the effective date of these rules shall continue to be recognized.
 - (2) A valid asbestos worker, asbestos supervisor, asbestos inspector, asbestos management planner, or asbestos project designer license.
- (c) All technicians performing PCM analysis shall have The NIOSH course No. 582 on "Sampling and Analysis of Airborne Asbestos Dust", or equivalent. Such course shall have been provided by a government agency or educational institution except, any person with training recognized by DOL prior to the effective date of these rules shall continue to be recognized.
- (d) All technicians performing bulk analyses must have a four-day course, or equivalent, in the bulk analysis of asbestos-containing materials.
- (e) All technicians performing on-site air monitoring must follow the sampling procedures identified in 380:50-11-1, 380:50-11-2, and where applicable, the approved project design.
- (f) All technicians performing on-site air monitoring shall maintain an on-site daily activity log. The log shall include:
 - (1) Time of on-site arrival and departure.
 - (2) Times of entrance into the regulated area to ensure sample integrity.

- (3) Signature of on-site asbestos supervisor.
- (4) All cassettes must be properly labeled as they are placed for sample collection.

380:50-11-7. Third party monitoring requirements for private contractors

- (a) Air monitoring done for private abatement contractors to fulfill the requirements of Section 380:50-11-1-(1) through (6) and Section 380:50-11-2 shall be done by an independent third party, except:
 - (1) When the quantity of asbestos to be removed is less than 160 square feet or 260 linear feet, or
 - (2) When the abatement is performed under the terms of an approved O&M program.
- (b) Contractors will not be issued violations for laboratory deficiencies.

SUBCHAPTER 13. GLOVEBAG OPERATIONS

380:50-13-1. General requirements

- (a) Except as noted in this Subchapter, glovebag operations which shall include drop cloths and critical barrier(s) for the purpose of abatement shall be treated the same as other abatement procedures. Therefore,
 - (1) Air sampling shall be consistent with Subchapter 11 of this Chapter.
 - (2) HEPA vacuum system shall be utilized during all glovebagging operations.
 - (3) Glovebags shall be maintained under negative air pressure, when feasible, but the use of a negative pressure measuring system shall not be required. The inward bulging of the glove bag due to negative pressure inside the glove bag shall be sufficient indication of adequate pressure drop. In the event it is not feasible to maintain the glovebag under negative air conditions, each such glovebag shall be smoke-tested.
 - (4) Pipe and/or fixtures from which asbestos has been removed within a glove bag shall be coated with a suitable lockdown encapsulant prior to removal of the glovebag.
 - (5) A glove bag may not be used for more than one application and may not be modified.
 - (6) Electrical equipment below the level of the glovebag or within arm's reach of the glovebag must be de-activated. All electrical equipment used by the workers must be provided GFI protection.
 - (7) Personnel involved in glovebag abatement shall be required to:

- (A) Wear appropriate personal protective equipment (e.g., proper respiratory protection and full-body protection of Section 380:50-15-2 and Section 380:50-15-6, respectively).
- (B) Fully utilize a decontamination shower which has at a minimum:
 - (i) A location which may be reached by using a clean protective suit over the potentially contaminated work suit.
 - (ii) The requirements of Section 380:50-15-12(c).
- (b) A minimum of two (2) workers shall be used on any glovebag activity.
- (c) Glovebags used within a containment, for convenience, shall not be subject to the provisions of this Subchapter.

SUBCHAPTER 14. OPERATION AND MAINTENANCE PROCEDURES

380:50-14-1. General operation and maintenance requirements

Small scale, short duration asbestos abatement procedures for the purpose of maintenance, repair, or service of piping, valves, fittings, or surfaces, will be exempt from the prior notice requirement of Section 380:50-9-1, provided:

- (1) The owner, or contractor on behalf of the owner, has on file with DOL an approved O&M program which shall:
 - (A) Meet the specific needs of the facility for which the O&M program is intended, or be of a general nature which includes all circumstances under which O&M projects may be taken in the facility.
 - (B) Provide procedures to be followed for worker protection.
 - (C) Specify equipment to be used.
 - (D) Provide means of isolating the work area from occupants of the facility and the environment.
 - (E) Require sufficient air monitoring to protect the workers, occupants of the facility, and the environment.
 - (F) Provide methods and procedures for ensuring that records are kept on each project which shall include:
 - (i) Location and date of work.
 - (ii) Brief description of work.
 - (iii) Names of workers involved, for AHERA school programs, only.
 - (iv) Air monitoring results, for AHERA school programs, only.

- (2) The owner reports the information included in 380:50-14(1)(F)(i) through (iv) above, to DOL during the month following that in which O&M work was done.
- (3) The air monitoring provisions of Section 380:50-11-1, providing all proper measures to protect the workers and public from the potential hazards of asbestos are taken, and providing the contractor has on file with the Commissioner an O&M program approved by the Commissioner.

380:50-14-2. Approval procedures

Approval of O&M programs shall be at the discretion of the Commissioner, based on guidelines published by, and available at, the DOL.

SUBCHAPTER 15. WORKER AND WORK AREA PROTECTION

380:50-15-1. Contractor responsibility

The contractor shall maintain work area conditions and procedures to protect workers and the environment from the hazards of asbestos and the removal of asbestos.

380:50-15-2. Respirator requirements

- (a) The contractor shall provide workers with respirators in accordance with the approved respirator program, a copy of which shall be available to workers at the job site.
- (b) Workers shall wear suitable respiratory protection when working within arm's reach of friable asbestos during construction of the containment, or after a fiber release episode, or if there is visible asbestos debris in the area.
- (c) Workers shall wear, at a minimum, a full face air-purifying respirator (APR) when removing asbestos, except when the provisions of Section 380:50-15-5 apply.
- (d) The contractor shall provide a sufficient quantity of filters approved for asbestos so Workers can change filters during the workday.
 - (1) Filters shall not be used any longer than one (1) workday, nor after the respirator has entered the decontamination shower, nor after a worker has requested a new cartridge(s) when required, except: respirator cartridges with NIOSH approved, factory supplied, waterproof seals which may be taken through the decontamination shower without wetting the cartridge may be reused, provided:
 - (A) There is an on-site respirator cartridge flow measurement device which can determine the need for changing the filters, and

- (B) Workers shall obtain new cartridges when required.
- (2) The respirator filters shall be stored at the job site in the clean room and shall be totally protected from exposure to asbestos prior to their use.
- (3) Single use, disposable respirators will not be approved.
- (4) Protection factors of up to 50 for the full face-piece respirators may be used provided these protection factors have been verified by a quantitative fit test for each worker.
- (e) Contractors shall instruct and train workers in proper respirator use and maintenance, and shall abide by their own respirator programs.

380:50-15-5. Pressure-demand supplied-air respirators

- (a) Pressure-demand supplied-air respirators or Powered Air Purifying Respirators shall be worn for all gross asbestos removal, excluding glovebag operations, if:
 - (1) Air-monitoring results from the previous work shift are not available at the job site.
 - (2) Any of the personal or area air samples indicate airborne fiber concentrations are at a level above which respirators with a lower protection factor would not be adequate, (29 CFR 1926.1101 Table 1, with the Permissible Exposure Limit changed to 0.01 fibers per cubic centimeter), provided the initial shift used to justify respirator downgrading shall be a minimum of seven hours of work involving the actual removal of asbestos.
 - (3) An incident occurs with the potential for raising the airborne fiber concentrations to such a level.
- (b) Pressure-demand supplied-air respirators shall consist only of parts related to the MSHA/NIOSH-approved number. The contractor shall have on site manufacturer's specifications for supplied-air respirators.
- (c) Pressure-demand supplied-air respirators shall be provided by the contractor with a pressure gauge down-stream of the supply regulators to permit Department of Labor inspectors to determine whether pressure requirements are being met.
- (d) Pressure-demand supplied-air respirators shall be provided Grade "D" air that has been processed through a filtration apparatus to ensure that the following levels of contaminants are not exceeded:
 - (1) Carbon monoxide, less than 10 parts per million. The contractor, at all times supplied air is being used, shall daily and at other times requested by DOL Inspectors, test the carbon monoxide alarm with 10 parts per million carbon monoxide test gas.
 - (2) Hydrocarbons less than five milligrams per cubic meter. The supplied air shall be free of tastes, odors, smoke, and the ability to produce an oily film within the respirator face-piece.
 - (3) Carbon dioxide, less than 1000 parts per million.

- (e) Pressure-demand supplied-air respirators must be provided with automatically engaging HEPA filter cartridges for emergency egress in addition to the required reserve air supply.
- (f) Pressure-demand supplied-air respirators shall not be required on subsequent containments of a single abatement project, provided:
 - (1) The asbestos-containing materials are identical to previous containments of the same abatement project.
 - (2) All of the personal and area air samples indicate airborne fiber concentrations are below levels at which respirators with a lower protection factor would be adequate, (29 CFR 1926.1101 Table 1, with the Permissible Exposure Limit changed to 0.01 fibers per cubic centimeter).
 - (3) The abatement crews are substantially the same.
 - (4) The number of workers on the crew have not increased by more than fifty (50) percent.
 - (5) The contractor assumes responsibility for downgrading to a lesser protective respirator, and is subject to citation for serious violations if workers are exposed to greater concentrations than are allowed by Section 380:50-15-5(a)(2), based on the lower confidence limits of the personal monitoring results. It is not necessary to notify DOL of such downgrading.

380:50-15-6. Body covering requirements

Workers shall, at all times, wear full-body coveralls, head covers, and appropriate footwear in the work area. Footwear may be disposable, provided foot protection is adequate. Non-disposable footwear shall be left in the work area at all times until disposal, decontamination, or placement in a suitable container for transport at job completion. Launderable single use cloth suits may be used provided:

- (1) For contractor provided on-site laundry facilities.
 - (A) Suits must be laundered in such a location, and in such a manner, that there is no possibility of asbestos exposure to unprotected personnel, or to the environment.
 - (B) The wash water must be filtered through five-micron filters. The filter residue and filters shall be disposed of as contaminated materials.
 - (C) The contractor must take care that the suits are used only on asbestos abatement projects, that the suits are properly laundered prior to re-use, including the use of a disinfectant and sufficient heat for sterilization.
 - (D) Since it is possible some residual asbestos may remain on the suits, the suits must be transported between job sites in properly sealed and marked containers.

- (2) For off-site professional laundry services the above requirements shall apply, and in addition:
 - (A) A report from an independent environmental consultant must be submitted to the Oklahoma Department of Labor showing the cleaning process is effective, to the degree that suits leaving the laundry for use may be considered asbestos-free.
 - (B) A report from the laundry service must be submitted to the State Department of Labor detailing the laundry process, with particular emphasis on the protection of the laundry Workers from asbestos exposure and including all information on how all applicable federal, state, and local laws, regulations, and ordinances are to be met. The State Labor Department regulates any amount of asbestos material removed in the State, including that which may be on launderable suits. Therefore, such laundries shall be required to utilize only licensed Asbestos Abatement Workers in the handling of such suits.

380:50-15-7. Clean room requirements

The contractor shall provide a clean room to put on the disposable coveralls, respirators, and head covers before entering the work area. The clean room shall have, as a minimum, except in instances which must be approved by DOL in advance:

- (1) A minimum 12 square feet of free floor space.
- (2) A locker for each employee, large enough to contain all articles of personal clothing, personal effects, and shoes.
- (3) A locker for DOL inspectors, large enough to contain all articles of personal clothing, personal effects, shoes and equipment.
- (4) The clean room shall be kept clean and sanitary at all times.

380:50-15-8. Decontamination procedures

All workers exiting the containment area without exception shall:

- (1) Remove the footwear, coveralls, and head covers in the work area before leaving the work area dirty room.
- (2) Still wearing their respirators, proceed to the showers. After thoroughly washing with soap and water, remove respirators and wash respirator.
- (3) Shower thoroughly the skin and hair before entering the clean room to change into street clothes.

380:50-15-9. Worker activity prohibition

Workers shall not eat, drink, smoke, chew gum, or chew tobacco in the containment area.

380:50-15-12. Decontamination facility preparation

- (a) On projects of 10 square feet or 25 linear feet and greater, the contractor shall set up a decontamination facility attached to the work area which shall consist of a clean room, shower area, and dirty room. The facility shall be constructed so as to permit use by either sex without embarrassment or harassment. The decontamination facility shall be subject to the approval of the Commissioner.
- (b) All shower water waste shall be equipped with 5 micron filters. The shower filter and residue shall be disposed of as contaminated material.
- (c) All decontamination shower facilities shall have:
 - (1) Functioning hot water storage capacity of five gallons per on-site Worker at 130 degrees Fahrenheit, or;
 - (2) A functioning in-line water heater capable of delivering a continuous supply of water at a temperature of 100 degrees Fahrenheit.
 - (3) Means of dispensing liquid cleaning agent in a safe, sanitary manner. Use of bar soap will not be permitted. Cleaning agents supplied should be suitable for use on skin and hair.
 - (4) Ten foot-candles of illumination in all areas of the decontamination unit.
 - (5) Showers shall be stable, free of sharp edges, and trip or fall hazards.
 - (6) Shower grates shall be constructed of non-porous materials. If wooden, the shower grate shall be varnished or painted with non-skid, non-porous paint.
 - (7) Negative pressure created by an externally vented negative air machine, equipped with HEPA filter, primary filter and secondary filter and a flow of make-up air from the clean room through the shower to the dirty room. In the case of decontamination showers which are not directly between the clean room and the dirty room, a source of make-up air must be provided directly to the shower chamber.
 - (8) The temperature of the clean room and shower shall be maintained above fifty degrees Fahrenheit (50°F).
- (d) Centralized decontamination facilities shall follow the same requirements.

380:50-15-13. Emergency exits

The contractor shall establish visible and illuminated emergency and fire exits from the work area. Emergency procedures shall have priority. Emergency lighting shall have:

- (1) Battery back-up.
- (2) Sufficient power to illuminate obstructions between all areas of the containment and the exits.

380:50-15-14. Fire extinguishers

- (a) The work area shall have a dry-charge ammonium phosphate fire extinguisher with an Underwriters Laboratories, Inc. rating of at least 10A:B:C, with a valid inspection tag, and which must be decontaminated upon removal.
- (b) A minimum of one 10A:B:C fire extinguisher shall be provided for each 3,000 square feet of the work area, or major fraction thereof. Travel distance from any point of the work area to the nearest fire extinguisher shall not exceed 75 linear feet.

380:50-15-16. Smoking prohibition

Because of fire hazard presented by poly and protective suits, smoking in any work area in which such materials are exposed is strictly prohibited. Smoking in these areas shall constitute a serious violation for the worker and contractor.

SUBCHAPTER 17. MINIMUM ABATEMENT STANDARDS

380:50-17-1. Contractor's scope of work

- (a) The contractor shall meet the following staffing requirements:
 - (1) An asbestos abatement supervisor shall be on-site at all times abatement work is being performed, except for glovebag O&M projects, unless such glovebag projects are for AHERA regulated schools. Such supervisors shall be prepared at any time to enter the containment as required.
 - (2) A licensed asbestos worker, supervisor, or responsible party shall be stationed outside the containment at all times, except for short term excursions in the containment.
 - (3) Any person working within the demarcated work area shall hold a current worker, supervisor, or contractor license, except for:
 - (A) Professional scaffolding erectors,
 - (B) Licensed electricians, or
 - (C) Owners or owners representatives, provided their work does not entail contact with ACM.

- (b) The contractor shall be responsible for all labor, material, services, insurance as required, and equipment necessary to carry out the abatement operation in accordance with regulations and job specifications.
- (c) The contractor shall be responsible for obtaining approval for a waste disposal site in compliance with the Oklahoma State Department of Health.
- (d) Contractors shall post the EPA and OSHA regulations (and any applicable state and local government regulations) at the job site, including where applicable:
 - (1) Minimum or prevailing wage notices.
 - (2) Emergency numbers.
- (e) All air-monitoring results shall be posted at the site as they are obtained by the contractor. If the air monitoring results are being used to justify using other than supplied air respirators, the posted air monitoring results must be from the preceding shift prior to the beginning of the succeeding shift.
- (f) Contractors shall have available at the job site, workers' respirator fit test records, for projects subject to scheduled inspections by DOL.
- (g) Contractors shall have a copy of all Material Safety Data Sheets (MSDS) available and on-site for all material.

380:50-17-2. Materials requirements for asbestos abatement

Materials requirements for asbestos abatement are as follows:

- (1) Poly for walls and stationary objects shall be a minimum of 4-mil thickness. For floors and all other uses, sheeting of at least 6-mil thickness shall be used.
 - (A) All poly exposed to the elements shall be 6-mil nylon reinforced.
 - (B) Black poly may not be used in any area within the containment except for decontamination units, for privacy.
 - (C) Fire retardant poly shall be required:
 - (i) In areas with active, exposed, steam lines or hot process lines or vessels with surface temperatures greater than 160 degrees Fahrenheit (160°F).
 - (ii) When flammable or combustible solvents are being used on the project.
 - (iii) If so specified in the project design.
- (2) Disposal bags shall be of 6-mil polyethylene, with labels to meet EPA or OSHA requirements.
- (3) Disposal drums shall be metal or fiberboard with locking ring tops, with labels to meet EPA or OSHA requirements.
- (4) Surfactant (wetting agent) shall be a 50/50 mixture of polyoxyethylene ether and polyoxyethylene ester, or

equivalent, mixed in a proportion of one fluid ounce to five gallons of water or as specified by the manufacturer.

- (A) Any surfactant substituted shall have a manufacturer's provided material safety data sheet (MSDS) showing the material is not potentially harmful to the Workers and to the environment, when used and disposed of in the manner for which the material was intended.
- (B) Under no circumstances may ethylene glycol be used.

380:50-17-3. Equipment requirements for asbestos abatement

Equipment requirements for asbestos abatement are as follows:

- (1) The Contractor shall utilize a sufficient number of functioning negative air machines equipped with HEPA filters, and which shall:
 - (A) Be capable of providing one work-place air change every 15 minutes.
 - (B) Be capable of producing a reduced pressure of 0.02 inches of water in containment, which shall be verified by instrumentation available at the work site.
 - (i) Such instrumentation shall record a permanent paper record of the differential pressure, which shall be available for inspection by DOL.
 - (ii) Manometer inlet tube placement shall be such that a representative reading of the pressure drop within the containment is obtained.
 - (C) Not all of the above negative air machines need be discharged from the containment, provided the requirements of Sections 380:50-17-3(1)(A) and (B) above are satisfied.
 - (D) Operate continuously from the start of removal of asbestos until clean-test requirements are met under the requirements of Section 380:50-11-2, except when the lock-down encapsulant is being sprayed.
- (2) A sufficient amount of equipment and supplies for work area decontamination shall be available.
- (3) A sufficient supply of scaffolds, ladders, lifts and hand tools (e.g., scrapers, wire cutters, brushes, utility knives, wire saws, etc.) shall be provided as needed.
- (4) Sprayers for spraying amended water shall be provided as needed.
- (5) Rubber dustpans and rubber squeegees shall be provided for cleanup.
- (6) A sufficient supply of HEPA filtered vacuum systems shall be available during cleanup.

- (7) Powered hand tools shall be equipped with HEPA filtered, local exhaust ventilation systems.
- (8) Removal of asbestos by means of high-pressure water jets is prohibited, unless:
 - (A) The building in which the water jets to be used is unoccupied, or absolutely isolated from occupied areas.
 - (B) Measures have been taken by the contractor to guarantee water will not escape from containment.
 - (C) Any water escaping from a containment in which water jets have been used will be assumed to contain asbestos, and unless proved otherwise, could result in a serious violation.
- (9) No asbestos contaminated equipment shall be brought to an asbestos abatement site. Visible residue on such equipment shall be assumed by DOL to contain asbestos.

380:50-17-4. Preparation of asbestos abatement work areas

Preparation of asbestos abatement work areas shall be as follows:

- (1) Shut down and lock out electric power to the work area. Provide temporary power and lighting to ensure safe installation (including ground fault interruption) of temporary power sources and equipment by compliance with all applicable electrical code requirements and OSHA requirements for temporary electrical systems.
 - (A) All electrical power entering the containment must be fed from GFI protected circuits.
 - (B) All GFI protected circuits shall trip at or below seven (7) milli-amps of electrical current.
 - (C) There may be some occasions when it is not possible to shut down all electrical power to the asbestos work area. In this case, a request for variance is required along with a written procedure, approved by a licensed electrician or an electrical engineer, outlining steps to be taken to ensure asbestos worker safety which shall include at a minimum:
 - (i) Identify in advance all electrical power 24 volts and above, which is to be left active.
 - (ii) Mark the wiring, conduit, panels or equipment in such a way that is readily apparent to the asbestos contractor and to DOL asbestos inspectors.
 - (iii) Provide details of all steps to be taken by asbestos contractors to protect the wiring, conduit, panels or equipment from intrusion of water and wetting agents used by the asbestos contractor. Rigid steel conduit with collars need not be addressed in the written procedures.

- (iv) Provide details of all procedures to be taken by asbestos workers to prevent electrical hazards under abatement conditions.
 - (v) Sign written procedures and provide license number of electrician or seal of electrical engineer for submittal to the DOL.
 - (vi) Provide and require all asbestos workers in the work area of activated wiring, conduit, panels or equipment to wear rubber boots, properly rated rubber gloves with current inspection and non-conducting hats.
- (2) Shut down and lock out all heating, cooling and air conditioning system (HVAC) components that are in, supply, or pass through the work area. Seal all intake and exhaust vents in the work area with tape and 6-mil poly. Also seal any seams in system components that pass through the work area.
- (3) The Contractor shall provide sanitary facilities for abatement personnel outside the enclosed work area and maintain them in a clean and sanitary condition throughout the project.
- (4) Clean all movable objects within the work area using a HEPA filtered vacuum and/or wet-cleaning methods as appropriate. After cleaning, these objects shall be removed from the work area and stored in an uncontaminated location. Carpeting, drapes, clothing, upholstered furniture and other fabric items shall be properly decontaminated or disposed of as contaminated waste.
- (5) Clean all fixed objects in the work area using HEPA filtered vacuums and/or wet-cleaning techniques as appropriate. Careful attention must be paid to machinery behind grills or gratings where access may be difficult but contamination significant. Also pay particular attention to wall, floor, and ceiling penetrations behind fixed items. After cleaning, enclose fixed objects in a minimum of 4-mil poly sheeting and seal securely in place with tape.
- (6) Clean all surfaces in the work area using HEPA filtered vacuums and/or wet-cleaning methods as appropriate. Do not use any methods that would raise dust such as dry sweeping or vacuuming with equipment not equipped with HEPA filters. Do not disturb asbestos-containing materials during the initial cleaning phase.
- (7) Floors shall be covered with two layers of 6-mil (minimum) sheeting. Additional layers of sheeting may be utilized as drop cloths to aid in cleanup of bulk materials.

- (A) Floor sheeting shall extend at least 12 inches up the sidewalls of the work area.
- (B) Sheeting shall be installed in a fashion to prevent slippage between successive layers of material.
- (8) Walls shall be covered with a minimum of two layers of 4-mil poly, except if fire retardant, nylon reinforced poly is used throughout an interior abatement project, the walls shall be covered with a minimum of one layer.
 - (A) Wall sheeting shall overlap floor sheeting by at least 12 inches beyond the wall/floor joint to provide a better seal against water damage. Wall sheeting shall be securely attached to the floor sheeting.
 - (B) Wall sheeting shall be secured adequately to prevent it from falling away from the walls. This will require additional support/attachment when negative pressure ventilation systems are utilized.
- (9) Strippable, latex-based, sprayed-on wall and floor films may be used in conjunction with, or in lieu of poly when appropriate, and when applied in accordance with manufacturer's recommendations.
- (10) Any cleaning activities, prior to construction of the containment, which has the potential for contact with ACM shall require:
 - (A) Workers wear protective clothing in accordance with Section 380:50-15-6.
 - (B) Workers wear, at a minimum, a full-face air purifying respirator.
 - (C) Air monitoring be performed in accordance with Section 380:50-11-1.
 - (D) The construction and use of a decontamination facility in accordance with Sections 380:50-15-8 and 380-50:15-12.
 - (E) The construction and use of a load out facility as defined by Section 380:50-1-2.
 - (F) Project design must identify this work activity.
 - (G) Decontamination unit, and demarcation of the job site shall be subject to DOL inspection(s) prior to any cleaning activities.

380:50-17-5. Asbestos removal procedures

Asbestos removal procedures are as follows:

- (1) Isolate and clean the work area.
- (2) Wet all asbestos-containing material with an amended water solution using equipment capable of providing a fine spray mist. Saturate the material to the substrate. However, do not allow excessive water to accumulate in the work area. Keep all

removed material wet enough to prevent fiber release until it can be placed in containers for disposal.

- (3) Wetted asbestos-containing material shall be removed in manageable sections. If removal procedure uses a mechanical vacuum system, the container the material deposits in shall be in a secured area with hard walls at least eight (8) feet in height and shall be monitored to ensure no exposure to the operator or ambient air. Removed material shall be placed in containers before moving to a new location for continuance of work. Surrounding areas shall be periodically sprayed and maintained in a wet condition until visible material is cleaned up.
- (4) Material removed from building structures or components shall not be dropped or thrown to the floor.
- (5) Containers (6-mil polyethylene bags or drums) shall be sealed when full. Bags shall not be overfilled. They shall be securely sealed to prevent accidental opening and leakage by tying tops of bags in an overhand knot or by taping in a goose-neck fashion. Do not seal bags with wire or cord. Bagged material may be stored in containment if space allows, or in the first air-lock of the loadout facility. Bags may be placed in drums for staging and transportation to the landfill. Bags shall be decontaminated on exterior surfaces by wet cleaning and HEPA vacuuming before being placed in clean drums.
- (6) For transport to the landfill and when not exposed to the elements, components removed intact shall be wrapped in a minimum two layers of 6-mil poly secured with tape.
- (7) Asbestos-containing waste with sharp-edged components (e.g. nails, screws, metal lath, tin sheeting) may tear the polyethylene bags or sheeting and shall be placed into drums, or boxes wrapped in a minimum of two layers of 6-mil poly, secured with tape.
- (8) After completion of all stripping work, surfaces from which asbestos-containing materials have been removed shall be wet brushed and sponged or cleaned by some equivalent method to remove all visible residue.
- (9) Cleanup shall proceed in accordance with Section 380:50-17-8.

380:50-17-6. Asbestos encapsulation procedures

Asbestos encapsulation procedures are as follows:

- (1) Isolate and clean the work area in accordance with Section 380:50-17-4.
- (2) Repair damaged and missing areas of existing materials with non-asbestos-containing substitutes. Material must adhere adequately to existing surfaces and provide an adequate base for

- application of encapsulating agents. Filler material shall be applied in accordance with manufacturer's recommendations.
- (3) Remove loose or hanging asbestos-containing materials in accordance with the requirements of Section 380:50-17-5.
 - (4) Bridging-type encapsulants.
 - (A) Apply bridging-type encapsulants according to manufacturer's recommendations.
 - (B) When using a bridging-type encapsulant, use a different color for each successive coat.
 - (5) Penetrating-type encapsulants.
 - (A) Apply penetrating-type encapsulant according to manufacturer's recommendations.
 - (B) Apply penetrating-type encapsulant to penetrate existing sprayed asbestos materials uniformly down to substrate.
 - (C) During treatment with a penetrating-type encapsulant, the contractor shall remove selected core samples of the asbestos-containing materials to check the depth of penetration.
 - (6) Apply encapsulants using airless spray equipment.
 - (7) Cleanup shall be in accordance with the requirements of Section 380:50-17-8.
 - (8) Encapsulated asbestos-containing materials shall be provided with caution labels printed in letters of sufficient size and contrast as to be readily visible and legible. Each room or area where the conditions requiring such labels exist shall have a minimum of one (1) such label, and such additional labels as may be necessary to ensure ready visibility and legibility. Piping shall have labeling or marking as specified in the project design. The label shall read:

CAUTION: CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
ASBESTOS IS A CANCER AND
LUNG DISEASE HAZARD
 - (9) Encapsulants shall not be applied to asbestos surfaces which have been water damaged, or which are subject to water or physical damage after encapsulation, or which exhibit signs of de-lamination.
 - (10) Encapsulants shall not be applied to any asbestos surface unless:
 - (A) The asbestos surface has first been tested for substrate adhesion and/or encapsulant penetration in locations to be determined by DOL and by a method determined by DOL, and

- (B) The encapsulant has been certified by Underwriters Laboratories to be a rated component of the fireproofing system.

380:50-17-7. Asbestos abatement enclosure procedures

Asbestos abatement enclosure procedures are as follows:

- (1) Isolate and clean the work area in accordance with Section 380:50-17-4.
- (2) Spray areas that will be disturbed during the installation of hangers or other support/framing materials for the enclosure with water containing the specified surfactant. Keep these areas damp to reduce airborne fiber concentrations.
- (3) Remove loose or hanging asbestos-containing materials in accordance with the requirements of Section 380:50-17-5.
- (4) After installation of hangers and other fixing devices and before installation of enclosure, repair damaged areas of fireproofing/thermal insulation materials as required using a non-asbestos-containing replacement material. Prepare surfaces and apply replacement material in accordance with manufacturer's recommendations.
- (5) Use hand tools equipped with HEPA filtered local exhaust ventilation to drill, cut into, or otherwise disturb asbestos-containing materials during the installation of support systems for the enclosures. (Alternatively, these areas of material could be removed prior to installation of supports).
- (6) Use materials that are impact resistant and that will provide an airtight barrier once construction is complete.
- (7) Move utilities as necessary and reinstall in a manner which permits proper utilization and does not disturb the integrity of the enclosures.
- (8) Enclosed asbestos-containing materials shall be designated in accordance with Section 380:50-17-6(8) in order to warn building maintenance personnel in the event they are required to disturb the enclosure.

380:50-17-8. Asbestos abatement cleanup procedures

Asbestos abatement cleanup procedures are as follows:

- (1) Remove and place in containers all visible accumulations of asbestos-containing material and asbestos-contaminated debris, utilizing rubber dust pans and rubber squeegees to move material about. Do not use metal shovels to pick up or move accumulated waste. Special care shall be taken to minimize damage to floor sheeting.

- (2) Wet clean all surfaces in the work area using rags, mops and sponges as appropriate.
- (3) Remove the cleaned outer layer of plastic sheeting from walls and floors prior to receiving the visual inspection. Windows, doors, HVAC system vents and all other openings shall remain sealed. The negative air machines shall remain in continuous operation. Decontamination enclosure systems shall remain in place and be utilized.
- (4) After cleaning the work area, wait for all surfaces to dry, then HEPA vacuum and wet clean all objects and surfaces in the work area again.
- (5) Remove all containers of waste from the work area through the load-out airlock, prior to the visual inspection required in Section 380:50-17-10(1).
- (6) Decontaminate all tools, equipment, and miscellaneous items and remove at the appropriate time in the cleaning sequence.
- (7) Inspect the work area for visible residue. If any accumulation of residue is observed, it will be assumed to be asbestos-containing and the cleaning cycle shall be repeated.
- (8) After the work area has been rendered free of visible residue, a visible coat of a satisfactory lock-down agent shall be applied to all surfaces in the work area including structural members, building components and plastic sheeting on walls, floors, and covering non-removable items, to seal in non-visible residue. The lock-down agent shall be:
 - (A) Tinted to ensure full coverage.
 - (B) Tested as-tinted, and certified by Underwriters Laboratories, to have a fire rating compatible with the area in which it is being used.

380:50-17-9. Asbestos disposal procedures

Asbestos abatement disposal procedures are as follows:

- (1) As the work progresses, to prevent exceeding available storage capacity on site, sealed and labeled containers of asbestos waste shall be removed and transported to the disposal location.
- (2) Disposal must occur at an authorized site in accordance with regulatory requirements of EPA and applicable state and local guidelines and regulations.
- (3) Transportation to the landfill.
 - (A) Once drums, bags, and wrapped components have been removed from the work area, they shall be loaded into a vehicle for transportation.
 - (B) Asbestos shall be transported only in enclosed trucks or trailers, except when components containing asbestos to

be hauled to a disposal or re-use site are of such a size and/or shape that transport in an enclosed truck or trailer is not feasible.

- (C) The cargo area of the truck shall be free of debris and lined with 6-mil poly to prevent contamination from leaking or spilled containers. Floor sheeting shall be installed first and extend up the side walls. Wall sheeting shall be overlapped and taped into place.
- (D) Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall be secured to prevent shifting and bags placed on top. Do not throw containers into truck cargo area.
- (E) Personnel loading asbestos-containing waste, not in secured containers, shall be protected by disposable clothing including head, body and foot protection and at a minimum, half face-piece, air-purifying, dual-cartridge respirators equipped with high-efficiency filters. Plastic bags and paper drums shall not be considered secured containers.
- (F) Any debris or residue observed on containers or surfaces outside of the work area resulting from cleanup or disposal activities shall be immediately cleaned up using HEPA filtered vacuum equipment and/or wet methods as appropriate.
- (G) All Contractors' vehicles being used at an asbestos abatement site, including trucks and/or trailers used to haul asbestos shall be required to have current inspection stickers and vehicle licensing as required by state law.
- (H) Trucks and/or trailers used to haul asbestos from an abatement site are subject to inspection by DOL prior to use, unless such inspection is waived.
- (I) Any time asbestos-containing materials are being loaded or unloaded, transportation vehicles or trailers shall have warning signs visible from all sides of the vehicle or trailer. Such signs shall be a minimum 20 inches by 14 inches upright format and shall contain the legend:

DANGER
ASBESTOS DUST HAZARD
CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only

Notation

1 inch Sans Serif, Gothic, or Block
1 inch Sans Serif, Gothic, or Block
3/4 inch Sans Serif, Gothic, or Block
14 Point Gothic

- (J) Anytime asbestos-containing materials are being transported on public roadways in quantities greater than three disposal bags, one disposal barrel, or any amount as wrapped bulk material, the vehicle or trailer shall display U.S. Department of Transportation CLASS 9 placards on each side and each end. No such placard shall be displayed by any vehicle or trailer which does not contain asbestos materials.
- (K) Wrapped components must be wrapped with at least two layers of reinforced 6-mil poly.
- (L) Elongate wrapped components shall be wrapped with a spiral winding of duct tape or other securing medium.
- (M) Bulk wrapped components shall be sufficiently wrapped with duct tape or other securing medium as to prevent dislodging of the wrapping.
- (4) Disposal at the landfill.
 - (A) Upon reaching the landfill, trucks are to approach the dump location as closely as possible for unloading of the asbestos-containing waste.
 - (B) Bags, drums and components shall be examined as they are off-loaded at the disposal site. Material in damaged containers shall be repacked in empty drums or bags as necessary. (Local requirements may not allow the disposal of asbestos waste in drums. Check with appropriate agency and institute appropriate alternative procedures).
 - (C) Waste containers shall be placed on the ground at the disposal site, not pushed or thrown out of trucks, unless bulk containers, designed and manufactured to be mechanically unloaded are utilized, provided:
 - (i) Such containers are handled in accordance with manufacturers specifications.
 - (ii) Care is taken to prevent puncture or rupture of such containers.
 - (D) Personnel off-loading containers at the disposal site shall wear protective equipment consisting of head, body and foot protection and, at a minimum, half face-piece, air-purifying, dual-cartridge respirators equipped with high-efficiency filters.

- (E) Following the removal of all containerized waste, the truck cargo area shall be decontaminated using HEPA vacuums and/or wet methods to meet the no-visible-residue criterion. Poly shall be removed and discarded along with contaminated cleaning materials and protective clothing, in bags or drums at the disposal site.

380:50-17-10. Re-establishment of the work area and systems

Re-establishment of the work area shall occur only after the following sequence of procedures has been performed and documented to the satisfaction of the Commissioner:

- (1) After satisfactory completion of the required visual inspection by DOL, clearance testing according to Section 380:50-11-2 shall be conducted.
- (2) Remaining poly shall be removed from walls and floors and disposed of as ACM, maintaining decontamination enclosure systems and critical barriers as required.
- (3) The Contractor shall notify the Commissioner for an inspection of the work area for any remaining visible residue, if such inspection was not waived by the Inspector at the time of the visual inspection. Evidence of contamination will necessitate additional cleaning requirements in accordance with Section 380:50-17-8.
- (4) Additional air monitoring shall be performed if additional cleanup is necessary.
- (5) Critical barriers may be removed and disposed of as asbestos-contaminated waste.
- (6) Replace all items or equipment removed in accordance with Section 380:50-17-4(4), as appropriate.

380:50-17-11. Salvaged equipment and material

Items to be salvaged must be properly decontaminated.

380:50-17-12. Abatement activities in occupied areas

No abatement activity shall take place in occupied areas or buildings unless the contractor has taken sufficient measures to protect the health and safety of occupants of the building or area.

- (1) Contaminated areas shall be sufficiently secure as to prevent escape of asbestos fibers into occupied areas.
- (2) The job site shall be sufficiently secured to prevent entry into unsafe or contaminated areas. Taped plastic or warning ribbon shall be deemed insufficient for site security when the job site is unoccupied.

- (3) There must be sufficient routes of escape during abatement activities in occupied buildings to meet applicable local and state fire codes.
- (4) No abatement activity shall take place in any occupied building or area during normal operating hours unless the abatement activities can be isolated and secured from the activities of the building or area, and from intrusion by occupants of the building or area.

380:50-17-13. Industrial applications of rules

Subchapter 19 of this Chapter is intended primarily for interior, non-industrial settings and may not be suitable in particular instances of industrial applications. In such cases, an industry or contractor may submit, in advance, an alternate plan of action to accomplish abatement in:

- (1) A unique circumstance, or
- (2) A plan to cover typical and repetitive circumstances.
- (3) Any abatement in containments not totally enclosed, or in glovebags, may take place only when a containment or wind wall at least three (3) feet above the highest removal point has been constructed and measures have been taken by the contractor to keep wind velocities within the containment or glovebag area below fifteen (15) miles per hour, as measured by an anemometer to be available at the job site at all times.

380:50-17-14. Demolition procedures

For structures to be demolished and for which there is no probability of occupancy, the Department of Labor will, upon application, generally relax some procedures, including:

- (1) Sections 380:50-11-1(1) and (2) on personal and area monitoring, providing workers are in pressure-demand, supplied-air respirators.
- (2) Section 380:50-11-1(3) on outside sampling, provided there are no adjacent occupied areas.
- (3) Section 380:50-11-2 on clearance monitoring and Sections 380:50-17-4(7) through 380:50-17-4(15), and Sections 380:50-17-8(2) through 380:50-17-8(4), on contractor procedures, providing all surfaces are thoroughly sprayed with a lock-down encapsulant after cleanup.

SUBCHAPTER 19. VARIANCES

380:50-19-1. Request for variance

Any request for variance from this Chapter shall be in writing. The basis for the variance must be included in the request, as well as steps to be taken by the asbestos contractor to ensure that the intent of the regulations will be fully complied with. Any variance granted will be on its own merits and may not be used to justify any future similar variance.

SUBCHAPTER 23. MISCELLANEOUS FRIABLE ASBESTOS MATERIAL ABATEMENT PROCEDURES

380:50-23-1. Vinyl-asbestos floor tile and sheet flooring abatement requirements

Removal of vinyl asbestos floor tile which has been classified as RACM and sheet flooring may be done using the following procedures:

- (1) Removal shall be done only by licensed Asbestos Abatement Contractors, using only Asbestos Abatement Workers.
- (2) The Department of Labor shall be notified of all such removals, in accordance with Section 380:50-9-1 of these rules.
- (3) Workers shall wear, at a minimum, a full-face air purifying respirator with HEPA filters. If organic solvents are used, both HEPA and organic filters shall be utilized, as required.
- (4) Air monitoring shall be in conformance with Subchapter 11 of these Rules.
- (5) There shall be a decontamination shower adjacent to the work area, or in a location convenient to the work area, protected from the public. If the shower is not adjacent to the work area, workers shall put on a clean protective suit to walk to the shower, keeping the respirator in place.
- (6) The work area shall be properly secured and marked.
- (7) All air handlers effecting the work area shall be disabled.
- (8) All electrical power within arms reach of the floor shall be locked out or securely covered to prevent water intrusion or contact by workers.
- (9) Critical barriers shall be erected.
- (10) There shall be a minimum of one layer of 4-mil poly covering the walls.
- (11) There shall be sufficient negative air machines in the work area to provide 4 air changes per hour. The negative air machines need not be externally vented.

- (12) Asbestos-containing adhesive may be removed by manually scraping, or with the use of non-toxic, low flammability solvents, provided necessary precautions are taken.
- (13) Any water escaping from the work area shall be considered to have created a breach of containment, and shall be handled accordingly, including immediately contacting DOL.

380:50-23-2. Asbestos-containing duct tape abatement requirements

Because of the low potential hazard of removing asbestos-containing duct tape while wet, removal of this tape may be done using the following procedures:

- (1) The tape may be removed only by a licensed asbestos abatement contractor, using only licensed asbestos abatement workers.
- (2) Workers shall wear a protective suit, gloves, and at a minimum, a full-face air purifying respirator. Workers may put on a clean disposable suit over the one being worn, and walk to the next area of tape to be removed. The outer suit may be removed during the work, and used repeatedly for walking either to other tape removal areas, or to a convenient shower at the end of the work period.
- (3) Tape on air handling equipment or ductwork may be removed only while the air handlers are off.
- (4) The tape may be removed only from areas that are unoccupied at the time and have critical barriers established.
- (5) The area under the tape is to be covered with a 6-mil poly drop cloth.
- (6) The tape is to be saturated with a wetting agent. Detergent-based residential type cleaning agents may be used.
- (7) The tape is to be peeled away and dropped into a properly labeled asbestos disposal bag.
- (8) The surface under the tape is to be cleaned with a cloth soaked in wetting agent, and the cloth then placed in the asbestos disposal bag.
- (9) The drop cloth is to be rolled or folded and placed in the asbestos disposal bag.
- (10) After drying, the area under the tape is to be sprayed or brushed with paint, varnish, shellac, or other sealant. Care should be taken with flammable sprays.
- (11) Passive air monitoring in the area after tape removal shall be done. Clearance levels shall be 0.01 fibers per cubic centimeter, or the background level, whichever is higher.

380:50-23-3. Asbestos-containing ceiling tile abatement procedures

Removal of friable asbestos-containing ceiling tile may be done using the following procedures.

- (1) All required Department of Labor notices and State Health Department NESHAP notices must be filed with those agencies.
- (2) Prior to the start of the ceiling tile removal project, the Department of Labor must make an on-site inspection of the area to determine the applicability of these procedures. The Inspector will determine at that time if electrical power above the ceiling grid must be de-activated.
- (3) All air handler units (heaters, air-conditioners, blowers) must be turned off.
- (4) The ceiling tile removal may only be done when the work area is not occupied.
- (5) All movable items must be removed from the room.
- (6) Decontamination facilities must be established, but need not be contiguous with the tile removal area provided:
 - (A) Workers can travel to the facilities without endangering the general public or the environment.
 - (B) Workers are thoroughly HEPA vacuumed and wear a clean protective suit over the existing suit.
- (7) Critical barriers must be erected.
- (8) Workers must wear protective full body coveralls and full-face respirators.
- (9) Negative air machines in the tile removal area must be installed, vented internally, and provide a minimum of one air change each 30 minutes. A 6-mil poly drop cloth must be used under the work teams, in case a tile falls.
- (10) Workers shall work in teams, with one Worker removing and bagging tiles, and one Worker holding a HEPA vacuum near the grid.
- (11) Tiles must be placed in 6-mil asbestos-marked bags, sealed with duct tape. This bag must be placed in a second bag for transport.
- (12) The tiles must be disposed of in an approved asbestos landfill, and copies of waste shipment records provided to the Department of Labor.
- (13) The grid shall be HEPA vacuumed and wet wiped.
- (14) Air monitoring tests must be run in accordance with Subchapter 11 of these rules.

380:50-23-4. Asbestos-containing ceiling texturing procedures

Many ceilings of schools, office buildings, and homes have been constructed of gypsum board covered with a thin layer of texturing compound, and then painted. Much of this texturing compound contains small asbestos particles to provide the textured surface. This type ceiling, when in place and undamaged does not constitute a significant health risk. The Labor Department does not consider the painting of such a ceiling to be an asbestos encapsulation, and therefore does not require such painting to be done by an asbestos contractor, and no special precautions related to asbestos need be taken. If the texturing material is seriously damaged or de-laminates an individual determination of the potential risk must be made. Removal of this material constitutes an asbestos abatement project and may be done using the following procedures:

- (1) All required Department of Labor notices and State Health Department NESHAP notices must be filed with those agencies.
- (2) All air handler units (heaters, air-conditioners, blowers) must be turned off.
- (3) The ceiling texturing removal may only be done when the work area is not occupied.
- (4) All movable items must be removed from the room.
- (5) Decontamination facilities must be established, but need not be contiguous with the ceiling texturing removal area if workers can travel to the facilities without endangering the general public or the environment.
- (6) Critical barriers must be erected.
- (7) A single layer of wall and floor poly must be erected in compliance with the requirements of Section 380:50-17-4 of these Rules.
- (8) Workers must wear protective full body coveralls and full-face respirators.
- (9) Negative air machines must be installed in the removal area, vented internally, and provide a minimum of one air change each 30 minutes.
- (10) Air monitoring tests must be run in accordance with Subchapter 11 of these rules.

SUBCHAPTER 25. CONTRACTOR WORK FEE

380:50-25-1. Contractor fee

Contractors shall pay to the Department of Labor a fee of:

- (1) Six hundred dollars (\$600.00) for each separate containment area of any asbestos abatement project.

- (2) For projects which are not a part of a definite containment area, or are performed with multiple glovebags or miniature containments, a fee of Two Hundred Dollars (\$200.00), plus Five Dollars (\$5.00) per such glovebag or miniature containment, shall be paid.
- (3) Abatement projects which are undertaken by an owner or agent of an owner as a part of an operation and maintenance program under Section 380:50-14 shall be charged a fee of One Hundred Fifty Dollars (\$150.00) per month for any month in which abatement took place. Failure to pay the required fee will void the operation and maintenance program, making subsequent abatement fall under the full scope of this Chapter.

380:50-25-2. Payment requirements

Payment shall be made to the Department of Labor as billed to the contractor according to the following:

- (1) Payments shall be due 60 days after billing.
- (2) Contractors who have not paid the fee within 90 days of billing may be barred from further abatement work, whether public or private, as long as the fee is past due.
- (3) Contractors with accounts 120 days past due may have license revocation proceedings filed against them.
- (4) Fees for O&M procedures under Section 380:50-13-2 shall be paid on a monthly basis, along with submittal of the monthly report.

380:50-25-3. Public entity exemption from fees

Asbestos abatement projects on property owned by any political subdivision of the State of Oklahoma are exempt from the contractor's work fee.

380:50-25-4. Industrial exemption from fees

Asbestos abatement projects done under the industrial exemption provision of these rules are exempt from the contractor's work fee.

SUBCHAPTER 27. INDUSTRIAL EXEMPTIONS

380:50-27-1. Industrial Exemption

- (a) Private entities engaged in removal, encapsulation, or enclosure, within their own facilities and with their own employees, of friable asbestos containing materials related to industrial functions in area not accessible to the general public, shall be exempt from the provisions of these rules except:

- (1) Any transportation of asbestos-containing material shall be done by a contractor fully meeting the requirements for the definition of "asbestos hauler" in Section 380:50-1.
 - (2) Such asbestos hauler must provide DOL with the waste shipment record requirements of Section 380:50-9-7.
 - (3) Such employees shall be subject to accreditation requirements of the OAP.
 - (4) Exempt facilities shall be subject to inspections by DOL for the purpose of verifying such accreditation.
- (b) This exemption does not apply to asbestos abatement undertaken during demolition of industrial facilities due to plant closures.

SUBCHAPTER 29. IMPLEMENTATION DATES

380:50-29-1 Implementation dates

These rules shall become effective on July 1, 1992, except:

- (1) The provisions of Section 380:50-4-3 shall become effective October 1, 1992.
- (2) The provisions of Section 380:50-5-8 become effective January 1, 1993.
- (3) The provisions of Section 380:50-17-2(a) requiring nylon reinforced and/or, fire retardant poly shall become effective January 1, 1993.