SAFE STATE ENVIRONMENTAL PROGRAMS ADMINISTRATIVE CODE

CHAPTER 822-X-2 ACCREDITATION OF TRAINING PROGRAMS, TRAINING COURSES, REFRESHER TRAINING COURSES, AND INDIVIDUALS ENGAGED IN ASBESTOS-RELATED ACTIVITIES

TABLE OF CONTENTS

822-X-2-.01 Purpose.

(1) Chapter 822-X-2 ("Chapter") as authorized by Acts 1989, No. 89-517 and Acts 1997, No. 97-626, the Asbestos Contractor Accreditation Act, establishes the procedures and requirements for the review and accreditation of training programs, training courses, and individuals engaged in asbestos-related activities.

(2) The legislature of the State of Alabama has enacted Chapter 39 of Title 22, Code of Ala. 1975, as amended, to meet the requirements established in Section 206 of the Toxic Substances Control Act, 15 U.S.C.A. §2646, as amended, and to ensure the availability of a trained and qualified workforce to identify and address asbestos-related hazards found in schools or public and commercial buildings. The appropriate Federal statutes and regulations are adopted herein by reference as legal authority. Where there is an inconsistency between the Alabama statute and Federal regulations, the Alabama statute controls; and where the Alabama statute is silent, Federal regulations control.
Author: John Sikes, Charles Markin
Statutory Authority: Code of Ala. 1975, Title 22 Chapter 39 Acts 1989, No. 89-517; Acts 1997, No. 97-626.
History: **New Rule:** Filed October 1, 2001; effective November 5, 2001.

822-X-2-.02 Applicability.

(1) This Chapter applies to all persons who are engaged in asbestos-related activities in schools or public and commercial buildings as defined in Section 822-X-2-.03.

(2) This Chapter also applies to persons who prepare management plans for schools.
Author: John Sikes, Charles Markin
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822-X-2-.03 Definitions.

(1) ACBM means asbestos-containing building material.

(2) ACM means asbestos-containing material.

(3) Accredited abatement worker means an individual who has been trained by an accredited training program, as defined in this Section, and who has been accredited by Safe State pursuant to Section 822-X-2-.05 to perform asbestos abatements.

(4) Accredited inspector means an individual who has been trained by an accredited training program, as defined in this Section, and who has been accredited by Safe State pursuant to Section 822-X-2-.05 to conduct asbestos inspections.

(5) Accredited project designer means an individual who has been trained by an accredited training program, as defined in this Section, and who has been accredited by Safe State pursuant to Section 822-X-2-.05 to prepare asbestos abatement project designs.

(6) Accredited management planner means an individual who has been trained by an accredited training program, as defined in this Section, and who has been accredited by Safe State pursuant to Section 822-X-2-.05 to develop asbestos management plans.

(7) Accredited supervisor means an individual who has been trained by an accredited training program, as defined in this Section, and who has been accredited by Safe State pursuant to Section 822-X-2-.05 to supervise and conduct asbestos abatements. (For purposes of this Chapter, Supervisor is the same as Contractor/ Supervisor in 40 CFR 763 Appendix C to Subpart E.)

(8) Accredited training program means a training program that has been accredited by Safe State pursuant to Section 822-X-2-.04, by a State or Tribe with which Alabama has a written reciprocal agreement pursuant to this Chapter, or by the EPA pursuant to 40 CFR 763 (Subpart E, Appendix C) to provide training for individuals engaged in asbestos abatement and asbestos-related activities.

(9) Administrative Procedures Act means the Alabama Administrative Procedures Act, §§41-22-1 to -22-27, Code of Alabama (1975).

(10) Asbestos means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite grunerite); anthophyllite; tremolite; and actinolite.

(11) Asbestos abatement means the removal, enclosure, or encapsulation of friable or nonfriable ACBM.

(12) Asbestos abatement project means any activity involving the removal, enclosure, or encapsulation of friable or nonfriable ACBM.

(13) Asbestos-containing building material (ACBM) means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on a public and commercial building or interior structural members or other parts of a school building.

(14) Asbestos-containing material (ACM) means any material or product in or on a public and commercial building or in a school building which contains more than one percent (1%) asbestos.

(15) Asbestos-related activities means asbestos abatement, response actions, inspections, and project designs as defined in this Section.

(16) ASHARA means Asbestos School Hazard Abatement Reauthorization Act (40 CFR part 763, Appendix C to Subpart E).

(17) Asynchronous Online Course means a course that is delivered at any time and at any location.

(18) Course agenda means an outline of the key topics to be covered during a training course, and must include the starting time for each lecture, exercise, or hands-on section and the name of the instructor for each key topic.

(19) Course test means a closed-book evaluation of the overall effectiveness of the training which shall test the trainees' knowledge and retention of the topics covered during the course.

(20) Course student roster means a list of names of every individual who attended the course.

(21) Course test blue print means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

(22) Discipline means one of the specific types or categories of asbestos-related activities identified in this Chapter for which individuals may receive training from accredited programs and become accredited by Safe State, namely: Inspector, Management Planner, Supervisor, Project Designer, and Abatement Worker.

(23) EPA means the United States Environmental Protection Agency.

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

(25) Enclosure means an airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air.

(26) Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, having ten or more dwelling units if regulated under ASHARA or 5 or more dwelling units if regulated under NESHAP); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to NESHAP is not excluded, regardless of its current use or function.

(27) Friable asbestos material means any material containing more that 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, Section 1, Polarized Light Microscopy that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that, when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure.

(28) Functional space means a room, group of rooms, or homogeneous area (including crawl spaces or the space between a dropped ceiling and the floor or roof deck above), such as classroom(s), cafeteria, gymnasium, hallway(s), that is designated by a person accredited to prepare management plans, design abatement projects, or conduct response actions.

(29) Guest instructor means an individual designated by the training program manager to provide instruction specific to the lecture, hands-on exercises, or work practice components of a course.

(30) Hands-on exercise means an activity that requires the student to practice performing a work task or procedure. An exercise or activity in which the instructor shows a student how to perform a task without requiring the student to actually perform the task is a demonstration and not a hands-on exercise.

(31) Hands-on skills assessment means an evaluation that tests the trainee's ability to satisfactorily perform the work practices and procedures identified in Section 822-X-2-.04(2)(b)1-.5. as well as any other skill taught in a training course.

(32) Homogeneous area means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color and texture.

(33) Inspection means an activity undertaken in a school building or a public and commercial building to determine the presence or location of, or to assess the condition of, friable or nonfriable ACBM or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. This term includes re-inspections of friable and non- friable known or assumed ACBM that have been previously identified. The term does not include the following:

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

(b) Inspections performed by employees or agents of the Federal, State, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) Visual inspections of the type described in 40 CFR 763.90(i) solely for the purpose of determining completion of response actions.

Learning objective means the knowledge, skills, abilities, and behaviors a trainee is expected to obtain from a given instruction activity.

(35) Major fiber release episode means any uncontrolled or unintentional disturbance of 3 or more square feet or linear feet of ACBM.

(36) Miscellaneous material means interior building material on structural components, structural members, or fixtures, such as

floor and ceiling tiles, and does not include surfacing material or thermal system insulation material.

(37) NESHAP means the National Emission Standards for Hazardous Air Pollutants.

(38) Nonfriable asbestos material means material in a school building or a public and commercial building which, when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

(39) Operations and maintenance program means a program of work practices to maintain friable ACBM in good condition, ensure clean-up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage.

(40) Person means an individual, firm, corporation, partnership, commission, state agency, county governmental body, municipality, party, company, association, or any other private or public legal entity; any Indian Tribe; any interstate body; and any department, agency, or instrumentality of the Federal government.

(41) Principal instructor means the individual who has the primary responsibility for organizing and teaching a particular course.

(42) Project design means a plan or set of specifications which describes how an asbestos abatement project is to be conducted.

(43) Public and commercial building means the interior space of any building which is not a school, except that the term does not include any residential apartment building of fewer than 10 dwelling units or detached single-family homes. The term includes, but is not limited to: industrial and office buildings, residential apartment buildings and condominiums of 10 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.

(44) Removal means the taking out or the stripping of substantially all ACBM from a damaged area, a functional space, or a homogeneous area in a school building or a public and commercial building.

(45) Repair means returning damaged ACBM to an undamaged condition or to an intact state so as to prevent fiber release.

(46) Response action means a method, including removal, encapsulation, enclosure, repair, or operations and maintenance, that protects human health and the environment from friable ACBM.

(47) Safe State means the Safe State Program, a division of the University of Alabama.

(48) School means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).

(49) 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; and

(f) Any exterior portion of a mechanical system used to condition interior space.

(50) Small-scale, short-duration (SSSD) activities means tasks such as, but not limited to:

(a) Removal of asbestos-containing insulation on pipes;

(b) Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

(c) Replacement of an asbestos-containing gasket on a valve;

(d) Installation or removal of a small section of drywall;

(e) Installation of electrical conduits through or proximate to asbestos-containing materials; and SSSD can be further defined by the following considerations;

(f) Removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement;

(g) Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag (appx. 40" x 64");

(h) Minor repairs to damaged thermal system insulation which do not require removal;

(i) Repairs to a piece of asbestos-containing wallboard; or

(j) 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 the 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.

(51) Surfacing material means material in a school building or a public and commercial building that is sprayed-on, troweled-on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes.

(52) Synchronous Online Course means an online course that is delivered live.

(53) Thermal system insulation material means material in a school building or a public and commercial building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes.

(54) Training course means a course of instruction designed to develop specialized knowledge and skills in asbestos-related activities and shall include any asbestos training course which has been accredited pursuant to Section 822-X-2-.04.

(55) Training curriculum means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

(56) Training hour means at least 50 minutes of actual instruction, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, hands-on exercises, or any combination of lecture, activity, demonstration, evaluation, or hands-on exercises. Training hours do not include registration, breaks, and meals.

(57) Training manager means the individual responsible for administering a training program, monitoring the performance of principal instructors and guest instructors, and ensuring that the training program complies at all times with the requirements of Section 822-X-2-.04.

(58) TSCA means the Toxic Substances Control Act, 15 U.S.C. 2646, et seq., as amended.

(59) Week day means Monday, Tuesday, Wednesday, Thursday, or Friday except for holidays.
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822-X-2-.04 Accreditation Of Training Programs And Training Courses For Asbestos-Related Activities.

(1) Procedures and requirements for training program accreditation.

(a) Scope.

1. A training program may seek accreditation to offer asbestos abatement and asbestos-related courses in any of the following disciplines: inspector, management planner, supervisor, project designer, and abatement worker. A training program may also seek accreditation to offer refresher courses, asynchronous online courses, or synchronous online courses for each of the above-1isted disciplines.

2. Refresher courses, asynchronous online courses, and synchronous online courses are treated as separate courses and require separate application from the live class versions. All courses must be in full compliance with the application procedures described in this section.

A training program shall not provide, offer, or claim to provide accredited asbestos training courses in Alabama without applying for and receiving accreditation from Safe State as required under this Section.

For any course(s) not currently accredited by a State, a Tribe, or EPA, the training program must seek full accreditation from Safe State by satisfying the

requirements of paragraphs (1)(b) and (1)(c) of this Section.

A training program currently accredited by another State, a Tribe, or EPA may receive Safe State accreditation by satisfying the requirements of paragraph (1)(d) of this Section.

(b) Requirements for accreditation of training courses. A training program seeking accreditation of training courses must submit to Safe State a complete written application using an application form designated by Safe State and meet the requirements of paragraph (1)(c) of this Section. An application for accreditation of an abatement worker training course taught in English must be submitted separately from an application submitted for an abatement worker training course taught in a language other than English. To apply for Safe State accreditation of training courses, a training program shall complete the following:

1. Submit a written application for each training course that contains the following information:

(i) The training program's name, street address, mailing address, and telephone number;

(ii) A list of the training courses for which it is applying for accreditation;

(iii) A statement signed by the training program manager certifying that the training program meets the requirements of paragraph (1)(c) of this Section; Copies of documents evidencing the education, work experience, training, or demonstrated experience of the training manager, principal instructor, and any guest instructors as described in paragraph (1)(c)1-. 3. of this Section. The training program shall give written notice to Safe State of any changes in the training instructors or guest instructors initially listed in the application for accreditation. Such notice shall be given thirty (30) days prior to the date the new instructor begins teaching and shall be accompanied by the required documentation of the new instructor's qualifications;

(v) A legible copy of the student and instructor manuals and other materials to be used for each course with identification of the location of topics in the student manual on forms designated by Safe State. If a published textbook is used as supplemental course material, the author's name, textbook title, publisher, and publication date shall be provided;

(vi) A statement as to who developed or authored the course materials;

(vii) A copy of the course agenda for each course;

(viii) A description of the facilities and equipment to be used for lecture and hands-on exercises;

(ix) A description of the activities and procedures that will be used for assessment of hands-on skills for each course;

(x) Starting times and ending times for each day of training, and the total hours of each course;

(xi) A list of learning objectives for each lecture, class exercise, and hands-on exercise;

(xii) A copy of the course test blueprint and the course test;

(xiii) A copy of the training certificate that will be issued to students who successfully complete the training course and that contains all the requirements of (1)(c)11. of this Section;

(xiv) A copy of the quality control plan as described in (1)(c)12. of this Section; and

(xv) Accreditation fee for each course. The accreditation fee is $550 per each day (eight training hours) of training. This accreditation fee applies to initial, refresher, and online courses.

2. Within 60 days after receiving from the training program a complete application described in paragraph (1)(b)1. of this Section, Safe State will conditionally accredit the training course. Upon receiving conditional accreditation a training program must demonstrate that it meets the requirements of paragraphs (1)(c) and (e) of this Section by conducting a course that is audited by Safe State for each training course for which it seeks accreditation. If Safe State finds that the training course meets the requirements of paragraphs (1)(c) and (e) of this Section, Safe State shall grant final accreditation and issue to the training program a certificate of accreditation for the training course. If a training course is not granted final accreditation as the result of the audit conducted pursuant to this paragraph, the students of that class are not eligible for accreditation pursuant to Section 822-X-2-.05.

3. A training course accredited under this Section shall remain accredited for one year from the date of issuance of the letter of accreditation, unless accreditation is suspended, revoked, or modified pursuant to Section 822-X-2-.06.

4. A training program may apply for accreditation of training courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the training program can demonstrate that it meets the requirements of paragraph (1)(c) of this Section.

(c) Requirements for the accreditation of training programs. For a training program to obtain accreditation from Safe State to offer training courses that are accredited pursuant to the procedures described in paragraph (1)(b), the training program shall meet the following requirements:

1. The training program shall employ a training manager who has:

(i) Demonstrated experience, education, or training in the construction industry, including: asbestos or lead abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene; and

(ii) One of the following:

(I) At least two years of experience, education, or training in teaching workers or adults; or

(II) A bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, occupational safety, public health, education, business administration, program management, or a related field; or

(III) Two years experience in managing a training program specializing in environmental hazards.

2. The training manager shall designate a qualified principal instructor for each course who:

(i) Has demonstrated experience, education, or training in teaching workers or adults; and

(ii) Meets the accreditation requirements for each discipline in which they are to teach; and

(iii) Has two years of experience, education, or training in asbestos or lead abatement, painting,

carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3. The training manager may designate guest instructors as needed to provide specific instruction on course topics. There are two classifications of guest instructors, each requiring different qualifications:

(i) Guest instructors who provide instruction specific to the hands-on exercises or work practice components of a course must meet the same qualification requirements as a principal instructor listed in paragraph (1)(c)2. of this Section;

(ii) Guest instructors who provide instruction specific to course topics other than hands-on exercises and work practices must demonstrate experience, education, or training in teaching workers or adults and have at least two (2) years experience, education, or training in the course topic in which the guest instructor will provide instruction.

4. The principle instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The principal instructor shall ensure that all topics covered in each course reflect the Federal, State, and local regulations, standards, and guidelines that are then in effect at the time the course is conducted.

5. The following documents shall be recognized by Safe State as evidence that training managers, principal instructors, and guest instructors have the education, work experience, training, or demonstrated experience listed in paragraphs (1)(c)1-.3. of this Section:

(i) Academic transcripts or diploma, as evidence of satisfying the educational requirements;

(ii) Documentation of work experience, as evidence of satisfying the work experience requirements, detailed on forms designated by Safe State. Detailed descriptions of work experience should include, at a minimum, the number of and dates of projects and jobs, the size of each project and job, descriptions of tasks performed by the individual, and the names and telephone numbers of supervisors on each project or job; and

(iii) Certificates from train-the-trainer courses and asbestos-specific training courses, as evidence of meeting the training requirements.

6. The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on exercises, and assessment activities. This includes providing and using training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

7. The training manager shall allow Safe State to audit the training program to verify the contents of the application for accreditation submitted by the training program. Safe State, States and Tribes which have written reciprocal agreements with Safe State, EPA, or all three may audit the training program to verify the contents of the application for course accreditation submitted by the training program.

8. Each class shall be taught in the language in which all students of that particular class are fluent. Written materials must be correctly translated into the language in which all participating students are fluent. The instructor(s) must be sufficiently fluent in the language in which the class is conducted. Interpreters may not be used to teach or instruct training courses.

9. To become accredited in the following disciplines, the training program shall provide accredited training courses that meet the following training hour requirements:

(i) The inspector course shall last a minimum of 24 training hours (3 days), and will include respirator fit-testing methods, a field trip, and a minimum of 4 hours devoted to hands-on exercises. The minimum curriculum requirements for the inspector course are contained in paragraph (2)(b)1. of this Section;

(ii) The management planner course shall last a minimum of 16 training hours (2 days). Satisfactory completion of the three-day inspector course is a prerequisite to this course. The minimum curriculum requirements for the management planner course are contained in paragraph (2)(b)2. of this Section;

(iii) The supervisor course shall last a minimum of 40 training hours (5 days), with a minimum of 14 hours devoted to hands-on exercises. The minimum curriculum requirements for the supervisor course are contained in paragraph (2)(b)3. of this Section;

(iv) The project designer course shall last a minimum of 24 training hours (3 days) including lecture, demonstrations, and a field trip (related

demonstrations or hands-on exercises may be substituted for the field trip). The minimum curriculum requirements for the project designer course are contained in paragraph (2)(b)4. of this Section; and

(v) The abatement worker course shall last a minimum of 32 training hours (4 days), with a minimum of 14 hours devoted to hands-on exercises. The minimum curriculum requirements for the abatement worker course are contained in paragraph (2)(b)5. of this Section.

10. Minimum trainee competency and proficiency requirements.

(i) For each course offered, the training program shall conduct a hands-on skills assessment (except in the management planner and project designer courses) and a course test at the completion of the course. The minimum passing score on any course test shall be 70% correct. The hands-on skills assessment, if applicable, and the course test must be successfully completed by the individual in order for the individual to pass any course;

(ii) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics contained in paragraph (2)(b) of this Section;

(iii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainee's knowledge and retention of the course topics contained in paragraph (2)(b) of this Section; and

(iv) The course test shall be developed in accordance with the course test blueprint submitted with the training course accreditation application. The supervisor and project designer course test shall consist of a minimum of 100 multiple choice test items. All other course tests shall consist of a minimum of 50 multiple choice test items, except that the abatement worker course test may consist of a minimum of 50 test items using any Safe State approved test format.

11. The training program shall issue a unique course completion certificate to each individual who

successfully completes the course requirements. The course completion certificate shall include:

(i) The name and address of the individual;

(ii) The name of the particular course that the individual completed (i.e., Initial or Refresher plus the discipline);

(iii) Designation as a live asynchronous online or synchronous online course

(iv) Inclusive dates of the training course and the date of test passage;

(v) The name, address, and telephone number of the training program;

(vi) The street address of the training site if different from the training program's address;

(vii) The printed name of the principal instructor;

(viii) The printed name and signature of the training manager;

(ix) For abatement worker and abatement worker refresher training courses only, the language in which the course was taught, if other than in English;

(x) A unique identification number which clearly distinguishes the training course and the individual to whom the course completion certificate is issued from any other training course or individual; and

(xi) The expiration date of the training, which is one year from the last day of the training course.

12. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This quality control plan shall contain, at a minimum, the following requirements:

(i) Procedures for periodic revision of training materials, hands-on exercises, and the course test to reflect innovations in the field; for asynchronous or synchronous online courses you shall also include a description of the procedures that will be used to update your online course materials and content;

(ii) Procedures for the training manager to determine instructor competence and awareness of new developments, new regulations, and innovations in the asbestos abatement and testing field. All instructors, whether principal, guest, work practices, or hands-on exercises, must be reviewed at least annually;

(iii) A requirement that persons enrolled in training courses shall not be made to participate in more than eight hours of actual training in any single 24 hour period;

(iv) A requirement that the length of a training course that is attended by persons who that same day have completed a work shift of eight hours or more shall not exceed four training hours; and

(v) A requirement that all training course requirements must be completed within two weeks of the training course start date.

13. The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements of paragraph (1)(c) of this Section.

14. The training manager shall develop and implement a technical support plan for all asynchronous and synchronous online courses. The plan shall describe potential technical issues and how these issues will be handled in a timely fashion.

(d) Notification procedures.

1. Using forms designated by Safe State for each training course, the training manager must provide to Safe State written notification of the starting date, location, name of the principal instructor, and the language in which each course will be taught at least ten (10) days prior to the first day of instruction of that training course.

2. The training manager shall give Safe State written notice of any changes in the starting date, location, principal instructor, or language of a training course. Such notice must be received by Safe State at least two (2) week days prior to the first day of instruction of the course (FAXs are acceptable).

3. No later than seven (7) days after the conclusion of a training course or refresher training course, the training manager must provide a written course student roster to Safe State on forms designated by Safe State.

The course student roster must contain the name of every individual who attended the course (FAXs are acceptable).

4. The training manager's failure to provide timely notifications required by this paragraph (e)1-.3. may result in Safe State not accepting the certificates of training for that training course issued by the training program as part of an individual's application for accreditation in Alabama pursuant to Section 822-X-2-.05, suspension by Safe State of the training program's accreditation, or both.

5. Training programs that offer training on a continuous or near continuous schedule must enter into a written agreement with Safe State describing how the notification procedures of (1)(e)1. and 2. of this Section will be implemented.

(2) Minimum training curricula requirements.

(a) To become accredited to offer asbestos abatement and asbestos-related activities courses in specific disciplines, training programs must ensure that each training course of study includes, at a minimum, the course topics listed in (2)(b) of this Section. Requirements marked by an asterisk (*) indicate areas that require hands-on exercises as an integral component of the course. An instructor/student ratio of 1:10 is recommended for the hands-on exercises. The training program must provide enough work stations to ensure students perform hands-on exercises with minimal waiting time. Demonstrations of work tasks and procedures shall not be substituted for hands-on exercises.

(b) The minimum course topics for training courses for each discipline are:

1. Inspector. All persons who inspect for ACBM in schools or public and commercial buildings must be accredited. All persons seeking accreditation as an inspector shall complete at least a three-day training course as outlined below. The course shall include lectures, demonstrations, four hours of hands-on training, respirator fit-testing methods, course review, and a written examination.

Use of audiovisual materials to complement lectures is recommended, where appropriate. Hands-on training should include conducting a simulated building walk-through inspection. The inspector training course shall adequately address the following topics:

(i) Background information on asbestos. Identification of asbestos and examples and

discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos.

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; 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 periods for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.

(iii) 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.

(iv) Legal liabilities and defenses. Responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims-made and occurrence policies, and environmental and pollution liability policy clauses; state liability insurance requirements; bonding and the relationship of insurance availability to bond availability.

(v) Understanding building systems. The interrelationship among building systems, including: an overview of common building physical plan layout; heat, ventilation, and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-built drawings.

(vi) Public/employee/building occupant relations. Notifying employee organizations about the inspection; 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.

(vii) *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; consultation 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.

(viii) *Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM. Procedures to follow 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; assessing damage, significant damage, potential 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 factors.

(ix) *Bulk sampling/documentation of asbestos. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a 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; the EPA's recommendation that all bulk samples collected from school or public and commercial buildings be analyzed by a laboratory accredited under the NVLAP administered by NIST.

(x) *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 procedures; variability between field and laboratory protection factors that alter respiratory fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing.

(xi) *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 examples of ACM condition; information required for inclusion in the management plan required for school buildings under TSCA Title II, Section 203(i)(1). (Since the EPA recommends that States develop and require the use of standardized forms for recording the results of inspections in schools or public and commercial buildings, the use of these forms should be incorporated into the curriculum of training conducted for accreditation.)

(xii) Regulatory review. The following topics should be covered: National Emission Standards for Hazardous Air Pollutants (NESHAP: 40 CFR Part 61, Subparts A and M); the EPA Worker Protection Rule (40 CFR Part 763, Subpart G); OSHA Asbestos Construction Standard (29 CFR 1926.1101); OSHA respirator requirements (29 CFR 1910.134); the Asbestos-containing Materials in School Rule (40 CFR Part 763, Subpart E); applicable State and local regulations, differences between Federal and State requirements where they apply, and the effects, if any, on public and nonpublic schools or public and commercial buildings.

(xiii) 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 of field exercise.

(xiv) Course review. A review of key aspects of the training course.

2. Management planner. All persons who prepare management plans for schools must be accredited. All persons seeking accreditation as management planners shall complete a three-day inspector training course as outlined above and a two-day management planner training course. Proof of Safe State accredited inspector training shall be a prerequisite for admission to the management planner training course. The management planner training course shall include lectures, demonstrations, course review, and a written examination. Use of audiovisual materials to complement lectures is recommended, where appropriate. Although TSCA Title II does not require accreditation for persons preparing management plans in public and commercial buildings, such persons may find this training and accreditation helpful in preparing them to design or

administer asbestos operations and maintenance programs for public and commercial buildings. The management planner training course shall adequately address the following topics:

(i) Course overview. The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; and protection of building occupants.

(ii) Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings given in Section 203(i)(1) of TSCA Title II; interpretation of field data and laboratory results; comparison of field inspector's data sheet with laboratory results and the site survey.

(iii) Hazard assessment. Amplification of the difference between physical assessment and hazard assessment; the role 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; assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, air plenums, and other factors to hazard assessment.

(iv) 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.

(v) 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 practices 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.

(vi) Role of other professionals. Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high-quality job specifications.

(vii) 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; discussions of employee protection programs and staff training; case study in developing an O&M plan (development, implementation process, and problems that have been experienced).

(viii) Regulatory review. Focusing on the OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; the National Emission Standards for Hazardous Air Pollutants(NESHAP) found at 40 CFR Part 61, Subpart A (General Provisions) and Subpart M (National Emission Standard for Asbestos); the EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G; TSCA Title II; and applicable State and local regulations.

(ix) Recordkeeping for the management planner. Use of the field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; procedures for recordkeeping. (Since the EPA recommends the use of standardized forms for purposes of management plans, use of such forms should be included in the training).

(x) Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II Section 203(i)(1); the management plan as a planning tool.

(xi) Financing abatement actions. Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos School Hazard Abatement Act grants and loans.

(xii) Course review. A review of key aspects of the training course.

3. Supervisor. A person must be accredited as an asbestos abatement supervisor to supervise any of the following activities with respect to friable ACBM in a school or

public and commercial building: (1) a response action other than a SSSD activity, (2) a maintenance activity that disturbs friable ACBM other than a SSSD activity, or (3) a response action for a major fiber release episode.

All persons seeking accreditation as asbestos abatement supervisors shall complete at least a five-day training course as outlined below. The training course must include lectures, demonstrations, a minimum of 14 hours of hands-on training, respirator fit testing methods, course review, and a written examination. Hands-on training must permit supervisors to have actual experience performing tasks associated with asbestos abatement. Use of audiovisual materials to complement lectures is recommended, where appropriate.

Asbestos abatement supervisors include those persons who provide supervision and direction to workers performing response actions. Supervisors may include those individuals with the position title of foreman, working foreman, or leadman pursuant to collective bargaining agreements. At least one supervisor is required to be at the worksite at all times while response actions are being conducted. Asbestos workers must have access to accredited supervisors throughout the duration of the project. The supervisor training course shall adequately address the following topics:

(i) The physical characteristics of asbestos and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, and physical appearance; review of hazard assessment considerations; and summary of abatement control options.

(ii) Potential health effects related to asbestos exposure. Nature of asbestos-related diseases; 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; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs.

(iii) *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); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

(iv) *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 working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices. New abatement-related techniques and methodologies may be discussed.

(v) *Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures such as family exposure.

(vi) *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, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

(vii) Medical monitoring. OSHA and EPA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.

(viii) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including descriptions of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results; and discussion of transmission electron microscopy (TEM) that will be used for analysis of final air clearance samples in schools. [Although TEM is required only for schools, EPA recommends that TEM be used for

analysis of final air clearance samples for public and commercial buildings and that sample analyses be performed by laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP).]

(ix) Relevant Federal, State, and local regulatory requirements, procedures, and standards, including:

(I) Requirements of TSCA Title II;

(II) National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61, Subpart A [General Provisions] and Subpart M [National Emission Standard for Asbestos]);

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

(IV) OSHA Asbestos Construction Standard (29 CFR 1926.1101); and

(V) EPA Worker Protection Rule (40 CFR Part 763, Subpart G).

(x) *Respiratory Protection Programs and Medical Monitoring Programs.

(xi) Insurance and liability issues. Contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.

(xii) Recordkeeping for asbestos abatement projects. Records required by Federal, State, and local regulations; records recommended for legal and insurance purposes.

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

(xiv) Contract specifications. Discussions of key elements that are included in contract specifications.

(xv) Course review. A review of key aspects of the training course.

4. Project Designer. A person must be accredited as an asbestos project designer to design any of the following activities with respect to friable ACBM in a school or public and commercial building: (1) a response action other than a SSSD activity, (2) a maintenance activity that disturbs friable ACBM other than a SSSD activity, or (3) a response action for a major fiber release episode. All persons seeking accreditation as a project designer shall complete at least a minimum three-day training course as outlined below. The project designer course shall include lectures, demonstrations, a field trip, course review, and a written examination.

Use of audiovisual materials to complement lectures is recommended, where appropriate. The asbestos abatement project designer training course shall adequately address the following topics:

(i) Background information on asbestos. Identification of asbestos; examples and discussions of the uses and locations of asbestos in buildings; physical appearance of asbestos.

(ii) Potential health effects related to asbestos exposure. Nature of asbestos-related diseases; 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; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs.

(iii) 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).

(iv) 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 practices as they apply to encapsulation, enclosure, and repair of ACM; use of glove bags and a demonstration of glove bag use.

(v) 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.

(vi) 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); the components of a proper respiratory protection program; selection and use of personal protective clothing; and use, storage, and handling of non-disposable clothing.

(vii) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, and fire and explosion hazards.

(viii) Fiber aerodynamics 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.

(ix) Designing abatement solutions. Discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal.

(x) Final clearance process. Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; the relationship of the visual inspection to final air clearance; and discussion of transmission electron microscopy (TEM) that will be used for analysis of final air clearance samples in schools. [Although TEM is required only for schools, EPA recommends that TEM be used for analysis of final air clearance samples for public and commercial buildings and that sample analyses be performed by laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP).]

(xi) Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; setting priorities for abatement jobs to reduce costs.

(xii) 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; modification of guide specifications for a particular building; worker and building occupant health/medical considerations; replacement of ACM with non-asbestos substitutes.

(xiii) 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 drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems related to abatement drawings.

(xiv) Contract preparation and administration.

(xv) Legal/liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; claims-made versus occurrence policies.

(xvi) Replacement. Replacement of asbestos with asbestos-free substitutes.

(xvii) Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design.

(xviii) 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.

(xix) Relevant Federal, State, and local regulatory requirements, procedures, and standards, including, but not limited to:

(I) Requirements of TSCA Title II;

(II) National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61); Subpart A (General Provisions) and Subpart M (National Emission Standard for Asbestos);

(III) OSHA Respirator Standard (29 CFR 1910.134);

(IV) OSHA Asbestos Construction Standard (29 CFR 1926.1101);

(V) OSHA Hazard Communication Standard (29 CFR 1926.59); and

(VI) EPA Worker Protection Rule (40 CFR Part 763, Subpart G).

(xx) Course review. A review of key aspects of the training course.

5. Abatement Worker. A person must be accredited as an asbestos abatement worker to carry out any of the following activities with respect to friable ACBM in a school or public and commercial building: (1) a response action other than a SSSD activity, (2) a maintenance activity that disturbs friable ACBM other than a SSSD activity, or (3) a response action for a major fiber release episode. All persons seeking accreditation as asbestos abatement workers shall complete at least a four-day training course as outlined below.

The worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training, respirator fit testing methods, course review, and an examination. Hands-on training must permit workers to have actual experience performing tasks associated with asbestos abatement. A person who is otherwise accredited as an asbestos supervisor may perform in the role of a worker without possessing a separate accreditation as an asbestos abatement worker.

Because of cultural diversity associated with the asbestos workforce, Safe State will accredit two types of asbestos worker training: (1) training in English and (2) training in a foreign language. Course materials for a course taught in a language other than English must be correctly translated and taught in the language of the students; interpreters are not allowed.

Use of audiovisual materials to complement lectures is recommended, where appropriate. The asbestos abatement worker training course shall adequately address the following topics:

(i) The physical characteristics of asbestos and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options.

(ii) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; 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 for asbestos-related diseases; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancers of other organs.

(iii) *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); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

(iv) *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 working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high-efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices. New abatement-related techniques and methodologies may be discussed.

(v) *Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures such as family exposure.

(vi) *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, scaffold and ladder hazards, slips, trips, and falls, and confined spaces.

(vii) Medical monitoring. OSHA and EPA Worker Protection Rule requirements for physical examinations, including a pulmonary function test, chest X-rays, and a medical history for each employee.

(viii) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.

(ix) Relevant Federal, State, and local regulatory requirements, procedures, and standards. With particular attention directed at relevant EPA, OSHA, and State regulations concerning asbestos abatement workers.

(x) *Establishment of respiratory protection programs.

(xi) Course review. A review of key aspects of the training course.

(3) Requirements for the accreditation of asbestos refresher training courses:

(a) A training program may seek accreditation of asbestos refresher training courses in any of the following disciplines: inspector, management planner, supervisor, project designer, and abatement worker.

1. To obtain Safe State accreditation of refresher training courses, a training program must include at a minimum for each asbestos refresher training course the following:

(i) A review of the training course topics for that discipline listed in paragraph (2)(b) of this Section;

(ii) An overview of safety practices then in effect pertaining to asbestos-related activities in general, as well as specific information pertaining to the refresher training course for that discipline;

(iii) A review of laws and regulations then in effect pertaining to asbestos-related activities in general, as well as specific information pertaining to the refresher training course for that discipline;

(iv) A review of technologies then in effect pertaining to asbestos-related activities in general, as well as specific information pertaining to the refresher training course for that discipline;

(v) Eight (8) training hours each for the supervisor, project designer, and abatement worker refresher training courses, and four (4) training hours each for the inspector and management planner refresher training courses; and

(vi) A course test consisting of a minimum of 25 multiple choice questions except that the abatement worker course test may consist of a minimum of 25 test items using any Safe State approved test format.

2. Using forms designated by Safe State, a training program seeking accreditation of asbestos refresher training courses shall submit a written application to Safe State in the manner described in this Section. For each refresher training course which the training program desires to offer, the training program must submit the information specified in paragraph (1)(b) of this Section and meet all the conditions specified in paragraph (1)(c) of this Section.

3. Using forms designated by Safe State, the training manager, for each refresher training course, shall follow the notification procedures specified by paragraph (1)(e) of this Section.

(4) Requirements for the accreditation of synchronous and asynchronous online asbestos training courses

a. Scope

1. A training program may seek accreditation of asynchronous and synchronous online asbestos training courses in any of the following disciplines: inspector, risk assessor, management planner, supervisor, and abatement worker.

2. A training program shall not provide, offer, or claim to provide accredited online asbestos training courses in Alabama without applying for and receiving accreditation from Safe State as required under this Section.

3. To obtain Safe State accreditation of online training courses, a training program must include at a minimum for each online asbestos training course the items in (1) and (2) of this section for initial courses or (3)(a)(1.) and (3)(a)(2.) of this section for refresher courses.

4. In addition to the requirements listed in (1), (2) and (3) of this section, to obtain Safe State accreditation of online training courses, a training program must provide evidence of the following additional requirements:

(i) Training providers should have systems in place that authenticate the identity of the students taking the training and their eligibility to enroll in the course. It is strongly recommended that appropriate encryption technologies be employed to protect sensitive user information. Such systems will help to deter fraud, including the falsification of student identity.

(ii) Training providers should have systems in place that ensure students are focusing on the training material throughout the entire training period. For instance, online educational technology could provide a strong interactive component to ensure continued student focus through threaded discussion between students and the instructor and via interactive video clips.

(iii) Training providers should have systems in place that prevent students from prematurely skipping ahead. In addition, the students actual time spent online, including applicable breaks, should be monitored and recorded, and these records retained.

(iv) Training providers should have an approved principal instructor or approved guest instructor available to answer questions that students have while they are taking the online annual training. Student questions shall be responded to as soon as possible and no later than one business day.

(v) Technical support should be available to the students during the training periods to address any technical problems that arise. The training provider shall respond to technical support issues as soon as possible and no later than one business day. If a student is inadvertently logged out of an online session due to technical difficulties, the student should be given credit for the portion of the course already completed. At the same time, that student also should be required to make-up that portion of the training missed.

(vi) The identity of the students taking an exam online should be verified in some manner to prevent fraud or a testing center or proctor should be used.

(vii) Test questions should be randomized from course to course so that the same test is not given repeatedly. Controls should be instituted to ensure that test screens cannot be saved, copied, or printed.

(viii) Training providers should have systems in place that reduce opportunities for document fraud including a distinct, online training certificate that contains all the requirements of (1)(c)11. of this Section and that designates the course using the following language: Traditional Classroom, Asynchronous Online, or Synchronous Online.

(ix) Safe State will be notified by the training manager via a monthly electronic roster containing a list of names of every individual who attended the course.

(x) For auditing purposes, the training program, at no charge, shall allow representatives of Safe State unrestricted access to the online course at any time that the course is being provided.

(xi) If approved by Safe State to conduct online training in Alabama, the training program shall clearly identify that the online course is applicable to and approved by Alabama when advertising the course, or when registering students for the course. Approval by Safe State is applicable to the State of Alabama only and is not applicable to any other State unless there is a reciprocity agreement with that State.

(5) Procedures for re-accreditation of asbestos training courses.

(a) To maintain training course and refresher training course accreditation in a discipline, an accredited training program must apply for re-accreditation by Safe State in that discipline within one (1) year after the date of accreditation or most recent re-accreditation. To maintain training course or refresher training course accreditation, a training program annually must meet the requirements of paragraphs (4)(b) and (4)(c) of this Section.

(b) Using forms designated by Safe State, a training program seeking re-accreditation of a training course or refresher training course shall submit a re-accreditation application to Safe State prior to the expiration of the course's accreditation.

(c) The re-accreditation application shall include:

1. The training program's name, current address, and telephone number;

2. A list of the courses for which it is applying for re-accreditation;

3. A description of any changes to the training facility, equipment, curriculum, course blueprint, course test, course agenda, learning objective for any lecture, hands-on exercise, or any other material that have occurred or have been made since Safe State's approval of the training program's initial application or most recent re-accreditation application for that training course or refresher training course; and

4. A statement signed by the training manager stating:

(i) That the training program complies at all times with all requirements in paragraphs (1) through (3) of this Section, as applicable; and

(ii) That the training program has complied with and will continue to comply with the record keeping and reporting requirements of paragraph (5) of this Section.

5. A fee of $300 for each training course or refresher training course for which re-accreditation is desired.

(d) The training manager shall allow Safe State to audit the training program to verify the contents of the application for re-accreditation as described in paragraph (6) of this Section.

(6) Training program record keeping requirements

(a) Accredited training programs shall maintain, and make available to Safe State upon request, the following records for each training course or refresher training course:

1. All documents specified in paragraph (1)(c)5. of this Section;

2. The current curriculum/course materials, including any documents reflecting any changes made to these materials;

3. The course test blueprint and course test;

4. The learning objectives for each lecture, exercise, and hands-on exercise;

5. Information regarding how the hands-on assessment is conducted including, but not limited to, who conducts the

assessment, how the skills are graded, what facilities are used, and the pass/fail rate;

6. The quality control plan as described in paragraph (1)(c)12. and documentation of annual review of instructors;

7. The course agenda;

8. Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate; and

9. Any other material not listed in this paragraph that the training program submitted to Safe State as part of the training program's application for accreditation or re-accreditation.

10. Additional record keeping requirements for asynchronous and synchronous online training courses include:

(i) Student identity authentication and verification

(ii) Online/ contact time tracking

(iii) Online course evaluation forms

(iv) Principal instructor and technical support contacts

(b) The training program shall retain these records at the street address specified on the training program accreditation or re-accreditation application (or as modified in accordance with this paragraph) for a minimum of three years and six months. The training program shall notify Safe State in writing within 30 days after changing the street address or transferring the records from the street address specified on any application form submitted to Safe State.

(7) Training program audits.

(a) In addition to audits performed in connection with paragraph (1)(b)2. of this Section, Safe State may conduct unannounced audits of each training program, training course, or refresher training course to ensure compliance with the requirements of this Chapter.

(b) During an audit by Safe State, a training program, at no charge, shall allow representatives of Safe State to attend all or any part of any training course or refresher training course. Training programs shall not restrict access by Safe State to any part of a training course while Safe State is conducting an on-site or on line audit. As part of the audit

process, training programs, upon request, shall make records as described in paragraph (5) of this Section available to Safe State for review, copying, and inspection.

(c) Unless a training program notifies Safe State of changes in a training course site or of a course cancellation not less than two (2) week days prior to the date of the change or cancellation, then any advanced travel costs received by Safe State may not be refunded to the training program.

(8) Reciprocity. Safe State may seek written reciprocal agreements with other States or Tribes where equivalency of asbestos accreditation and training requirements can be demonstrated. Safe State may recognize the accreditation of a training course or refresher training course granted by another State or Tribe with which Safe State has a written reciprocal agreement.
Author: Michael Rasbury, Jason Brasfield, John Sikes, Charles Markin
Statutory Authority: Code of Ala. 1975, Title 22 Chapter 39 Acts 1989, No. 89-517; Acts 1997, No. 97-626.
History: New Rule: Filed October 1, 2001; effective November 5, 2001. **Amended:** Filed November 6, 2018; effective December 21, 2018.

822-X-2-.05 Accreditation 0f Individuals Engaged In Asbestos-Related Activities.

(1) Procedures for accreditation of individuals:

(a) Individuals seeking accreditation by Safe State to engage in asbestos abatement and asbestos-related activities in Alabama must:

1. Using forms designated by Safe State, submit to Safe State a written application and other required documentation demonstrating that they meet the accreditation requirements established in paragraph (1) (c) of this Section for the particular discipline for which accreditation is sought;

2. Submit payment of an application fee with the application for accreditation as follows:

(i) Inspector	$180.00 *
(ii) Management Planner	$180.00 *
(iii) Supervisor	$180.00
(iv) Project Designer	$180.00

(v) Worker $ 50.00

*An individual who applies simultaneously for accreditation as an accredited inspector and accredited management planner will be assessed a total accreditation application fee of $240 for the two disciplines.

3. Submit 2 passport size color photos (1 1/4” x 1 1/4”) or electronic equivalent; and

4. The documentation that must accompany the application for accreditation shall meet the requirements established in paragraph (1)(d) of this Section. Safe State reserves the right to require submission of an official form of photographic identification issued by a government agency or office.

(b) Upon receipt of the completed application and verification that the individual meets all the applicable requirements of this Chapter, Safe State shall issue to the individual an Alabama Accreditation for Asbestos Abatement and Asbestos-Related Activities certificate and a photo identification card for the appropriate discipline. Individual accreditation in a discipline expires one year from the last day of the individual's most recently completed asbestos-related training course or refresher training course for that discipline. The current Safe State-issued identification card and the Alabama Accreditation certificate must be maintained at the location where the asbestos related activity is being performed.

(c) Requirements for individual accreditation. To become accredited as an inspector, management planner, supervisor, project designer, or abatement worker, an individual must:

1. Successfully complete an accredited asbestos-related training course and receive a training course completion certificate in the appropriate discipline from a training program which is accredited by Safe State in accordance with Section 822-X-2-.04. Individuals who have successfully completed a training course that is not accredited by Safe State may seek individual accreditation by following the procedures in paragraph (3) of this Section;

2. Have attained at least 19 years of age; and

3. For the discipline in which individual accreditation is sought, meet or exceed the following experience requirements or education requirements, or both.

(i) Inspector.

(I) No additional experience or education requirements.

(ii) Management planner.

(I) Safe State accreditation as an asbestos inspector; and

(II) One of the following:

a. Hold a Bachelor's degree from a college or university accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or its equivalent and one year of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction; or

b. Hold an Associate's degree and two years experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or building construction; or

c. Hold a current certification as an industrial hygienist, licensed professional engineer, registered architect, or certification in a related engineering, occupational health, or environmental field such as safety professional, or environmental scientist; or

d. Earned a high school diploma or equivalent and have at least three years of experience in a related field such as remediation work (e.g., asbestos, lead, or environmental), facility maintenance, or building construction.

(iii) Supervisor.

(I) One year experience as an accredited asbestos abatement worker; or

(II) At least two years experience in a related field such as remediation work (e.g., asbestos, lead, or environmental) or in the building trades.

(iv) Project Designer:

(I) Must be a licensed professional engineer (PE) as defined in Section 34-11-1(3) of the Code of

Ala. 1975 or a registered architect as defined in Section 34, Chapter 2 of the Code of Ala. 1975; or for asbestos projects that do not require the services of a licensed professional engineer or registered architect pursuant to the requirements of Section 34, Chapters 2 or 11, of the Code of Ala. 1975, and

(II) One of the following:

a. Hold a current certification as an industrial hygienist by the American Board of Industrial Hygiene; or

b. Hold a Bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field; or

c. Four years of experience in building construction and design, or a related field.

(v) Abatement worker:

(I) No additional experience and/or education is required.

(d) Required documentation. The following documents shall be recognized by Safe State as evidence of meeting the requirements of paragraph (1)(c) of this Section. These documents shall be submitted with the application for individual accreditation:

1. Photocopies of academic transcripts or diploma, as evidence of meeting the educational requirements;

2. Documentation of current certification, licensure, or registration such as industrial hygienist, professional engineer, or architect;

3. Documentation of work experience, as evidence of meeting the work experience requirements, detailed on forms designated by Safe State. Detailed descriptions of work experience must be included and, at a minimum, consist of the number of and dates of projects or jobs, the size of each project or job, descriptions of tasks performed by the applicant, and the names and telephone numbers of supervisors on each project or job;

4. Training course and all refresher training course completion certificates issued by a Safe State accredited training program or by a training program currently

accredited by another State, a Tribe, or EPA as provided for in Section 822-X-2-.04(1); or signed letter from a Safe State accredited training program which certifies that the applicant has successfully completed the required asbestos-related training course(s), as evidence of meeting the training requirements; and

5. A photocopy of a State-issued driver's license or department of motor vehicle identification card; a photocopy of a passport or military identification card as evidence of meeting the minimum age requirement.

(2) Procedures for re-accreditation of individuals accredited by Safe State:

(a) To maintain individual accreditation in a particular asbestos-related discipline, an accredited individual must apply to Safe State for re-accreditation each year. To apply for individual re-accreditation, an individual must:

1. Using forms designated by Safe State, submit to Safe State an application for individual re-accreditation accompanied by a refresher training course completion certificate issued by a Safe State accredited training program or by a training program currently accredited by another State, a Tribe, or EPA as provided for in Section 822-X-2-.04)(3) in the desired discipline(s); or a signed letter from a Safe State accredited training program which certifies that the applicant has completed the required refresher training course in that discipline within 24 months of the last day of the initial accredited training course or the most recently completed accredited refresher training course for that discipline.

NOTE: Accreditation is for 12 months from the last day of initial or refresher accredited training. If a refresher course has not been taken and re-accreditation issued, work in asbestos-related activities is prohibited. When more than 24 months have elapsed since the last day of initial or refresher accredited training, accreditation will be cancelled and the initial course must be re-taken before accreditation will be re-issued.

2. Submit payment of a re-accreditation application fee with the application for re-accreditation as follows:

(i) Inspector	$180.00 *
(ii) Management Planner	$180.00 *
(iii) Supervisor	$180.00
(iv) Project Designer	$180.00

(v) Abatement Worker $ 50.00

*An individual who applies simultaneously for re-accreditation as an inspector and management planner will be assessed a total re-accreditation application fee of $240 for the two disciplines.

(b) Upon receipt of the completed application for re-accreditation and verification that the individual meets the requirements of this Chapter, Safe State shall issue to the individual an Alabama Accreditation for Asbestos Abatement and Asbestos-Related Activities certificate and a photo identification card for the appropriate discipline. Individual re-accreditation in a discipline expires 12 months from the last day of the individual's most recently completed asbestos-related refresher training course in that discipline. The current Safe State-issued identification card and the Alabama accreditation certificate must be maintained at the location where the asbestos related activity is being performed.

(3) Procedures for accreditation and re-accreditation for individuals based upon training courses not accredited by Safe State:

(a) Individuals who, at the time of and as part of an application for accreditation or re-accreditation, submit in accordance with paragraph (1) or (2) of this Section documentation of completion of an asbestos-related training course or refresher training course that is not accredited by Safe State in accordance with Section 822-X-2-.04 but is currently accredited by another State, a Tribe, or EPA will be recognized and accredited by Safe State if either of the following requirements are satisfied:

1. The training program that conducted the training course(s) or refresher training course(s) not accredited by Safe State applies for and receives from Safe State accreditation of the training course(s) or refresher training course(s) in accordance with paragraphs 822-X-2-.04(1) or .04(3); or

2. The individual completes a Safe State accredited asbestos-related refresher training course in the appropriate discipline and submits to Safe State the course training certificate in addition to a complete application for accreditation or re-accreditation pursuant to paragraph (1) or (2) of this Section.

(b) The expiration date of an individual’s accreditation or re-accreditation in a discipline obtained in accordance with paragraph (3)(a) of this Section shall be one year from the last day of the most recently completed asbestos-related training course or refresher training course.

(4) Reciprocity. Safe State may seek written reciprocal agreements with other States or Tribes where equivalency of asbestos accreditation or certification and training requirements can be demonstrated. Individuals seeking Alabama accreditation by means of reciprocal agreements between this State and another State or Tribe shall apply for accreditation in accordance with procedures established from time to time by Safe State.
Author: John Sikes, Charles Markin
Statutory Authority: Code of Ala. 1975, Title 22 Chapter 39 Acts 1989, No. 89-517; Acts 1997, No. 97-626.
History: **New Rule:** Filed October 1, 2001; effective November 5, 2001. **Amended:** Filed November 6, 2018; effective December 21, 2018.

822-X-2-.06 Suspension, Revocation, Or Modification Of Accreditation Of Training Programs, Training Courses, Or Individuals Engaged In Asbestos-Related Activities.

(1) Procedures for the suspension, revocation, or modification of accreditation of training programs, training courses, or individuals.

(a) Safe State may, after notice and an opportunity for a hearing, suspend, revoke, or modify a training program's accreditation or the accreditation of a training course or refresher training course if a training program, training manager, or other person with supervisory authority over the training program has:

1. Misrepresented the contents of an asbestos-related training course or refresher training course to Safe State, the EPA, or any State or Tribe with which Safe State has a written reciprocal agreement, or to the individual(s) enrolled in the training course or refresher training course;

2. Failed to submit required information or notifications in a timely manner;

3. Failed to submit required information or notifications in the format required by Safe State;

4. Failed to maintain required records;

5. Falsified accreditation or re-accreditation records, instructor qualifications, or other accreditation-related information or documentation;

6. Failed to comply with the training standards and requirements in this Chapter;

7. Failed to comply with Federal, State, or local asbestos-related activities statutes or regulations; or

8. Made false or misleading statements to Safe State in its application for accreditation or re-accreditation that Safe State relied upon in approving the application.

(b) Safe State may, after notice and opportunity for a hearing, suspend, revoke, or modify an individual's accreditation or re-accreditation in a discipline if that individual has:

1. Obtained documentation of asbestos-related training through fraudulent means;

2. Knowingly misrepresented that he or she met or satisfied one or more of the admission requirements of a training course or refresher training course;

3. Submitted false, fraudulent, or misleading documentation or evidence dealing with the individual’s education, training, professional registration, or experience as part of his or her application for accreditation or re-accreditation in a discipline;

4. Submitted a false or fraudulent application for individual accreditation or re-accreditation in a discipline;

5. Performed asbestos-related work requiring accreditation at a job site without having proof of accreditation available at the job site for inspection;

6. Permitted the duplication or use of the individual's own asbestos-related activity certificate by another; or

7. Failed to comply with Federal, State, or local asbestos-related activities statutes or regulations.

(c) In addition to an administrative or judicial finding of violation, execution of a consent agreement in settlement of an enforcement action constitutes, for purposes of this Section, evidence of a failure to comply with relevant statutes or regulations.

(d) Prior to taking action to suspend, revoke, or modify the accreditation or re-accreditation of an asbestos-related training program, of a training course or refresher training course, or of an individual, Safe State shall notify the affected entity in writing of the following:

1. The legal and factual basis for the proposed suspension, revocation, or modification;

2. The anticipated commencement date and duration of the proposed suspension, revocation, or modification;

3. Actions, if any, which the affected entity may take to avoid suspension, revocation, or modification or to receive accreditation in the future;

4. The opportunity and method for requesting a hearing prior to final Safe State action to suspend, revoke, or modify accreditation; and

5. Any additional information, as appropriate, that Safe State may provide.

(e) If a hearing is requested by the training program or individual, Safe State shall:

1. Provide the affected entity an opportunity to offer written statements in response to Safe State's assertions of the legal and factual basis for its proposed action, and any other explanations, comments, and arguments it deems relevant to the proposed action;

2. Provide the affected entity such other procedural opportunities as contained in the Alabama Administrative Procedures Act in Chapter 22 of Title 41, Code of Ala. 1975, as amended, to ensure a fair and impartial hearing; and

3. Appoint an official or other individual not associated with Safe State as Presiding Officer to conduct the hearing. No person shall serve as the presiding officer if he or she has had any prior association with the specific matter.

(f) The Presiding Officer appointed pursuant to paragraph (1)(e)3. of this Section shall:

1. Conduct a fair, orderly, and impartial hearing within 90 days of the request for a hearing;

2. Consider all relevant evidence, explanation, comment, and argument submitted; and

3. Notify the affected entity in writing within 90 days of completion of the hearing of his or her decision and order. Such an order is a recommendation to the Director of Safe State who shall issue an order that is the final Safe State action that may be subject to judicial review in accordance with the Administrative Procedures Act.

(g) If Safe State determines that the public health, interest, or welfare warrants immediate action to suspend the

accreditation of any training program, training course, refresher training course, or individual accreditation prior to the opportunity for a hearing, it shall notify the affected entity in writing of:

1. The intent to immediately suspend its training program, training course, refresher training course, or individual accreditation. If a suspension, revocation, or modification notice has not previously been issued pursuant to paragraph (1)(a) or (1)(b) of this Section, it shall be issued at the same time the emergency suspension notice is issued;

2. The grounds for the immediate suspension and why it is necessary to suspend the entity's accreditation before an opportunity for a suspension, revocation, or modification hearing;

3. The anticipated commencement date and duration of the immediate suspension; and

4. Its right to request a hearing on the immediate suspension within 15 days of the suspension taking place and the procedures for the conduct of such a hearing.

(h) Any notice, decision, or order issued by Safe State under this Section, any transcripts or other verbatim record of oral testimony, and any documents filed by an accredited asbestos-related training program or individual in a hearing under this Section, shall be available to the public, except information that may be entitled to confidential treatment provided in Sections 8-27-(1-6) or Section 41-13-1, Code of Ala. 1975. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information that may be entitled to confidential treatment provided in Sections 8-27-(1-6) or Section 41-13-1, Code of Ala. 1975.

(i) The public shall be notified of the suspension, revocation, modification, or reinstatement of the accreditation of a training program, of a training course or refresher training course, or of an individual accreditation through appropriate mechanisms.

(j) Safe State and the EPA may maintain a list of parties whose asbestos-related activity accreditation has been suspended, revoked, modified, or reinstated.

(k) In considering an individual’s application for accreditation, Safe State shall not recognize a certificate of training issued by any asbestos-related training program for a

course which has had its accreditation suspended or revoked by Safe State, another State, a Tribe, or EPA.

Author: John Sikes, Charles Markin
Statutory Authority: Code of Ala. 1975, Title 22 Chapter 39 Acts 1989, No. 89-517; Acts 1997, No. 97-626.
History: **New Rule:** Filed October 1, 2001; effective November 5, 2001.

822-X-2-.07 Effective Date - December 1, 2001.

Individuals and training programs may apply for asbestos-related activity accreditation pursuant to this Chapter on or after December 1, 2001.

Author: John Sikes, Charles Markin
Statutory Authority: Code of Ala. 1975, Title 22 Chapter 39 Acts 1989, No. 89-517; Acts 1997, No. 97-626.
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