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KENTUCKY ASBESTOS ACCREDITATION PROGRAM

(Based on 40 CFR Part 763, Appendix C to Subpart E, Asbestos Model Accreditation Plan)
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I. KENTUCKY ASBESTOS ACCREDITATION PROGRAM REQUIREMENTS

This section defines terms which have specific meanings in this document.

A. Definitions

1. **“Asbestos-containing building material (ACBM)”** means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.
2. **“Asbestos-containing material (ACM)”** means, when referring to school buildings, any material or product which contains more than one (1) percent asbestos.
3. **“Friable”** means, when referring to material in a school building, that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after it becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
4. **“Friable asbestos-containing building material”** means any friable ACM that is in or on interior structural members or other parts of a school, public, or commercial building.
5. **“Friable asbestos-containing material”** means material containing more than one (1) percent asbestos which has been applied on ceilings, walls, structural members, piping, duct work, or any other part of a building, which when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes nonfriable asbestos-containing material after it becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
6. **“Inspection”** means an activity undertaken in a school, public, or commercial building, to determine the presence or location, or to assess the condition of, friable or nonfriable asbestos-containing building material or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material. This term includes reinspections of friable and nonfriable known or assumed ACBM which has been previously identified. The term does not include the following:

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.

Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations.

Visual inspections of the type described in 40 CFR 763.90(i) solely for the purpose of determining

completion of response actions.

7. “Major fiber release episode” means a disturbance of ACBM resulting in a visible emission, which involves the falling or dislodging of more than three (3) square or linear feet of friable ACBM.

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

9. “Response action” means a method, including removal, encapsulation, enclosure, repair, and operation and maintenance, that protects human health and the environment from friable ACBM.

10. “Small-scale, short-duration (SSSD) activities” are tasks such as, but not limited to the following:

Removal of three (3) linear feet or less of asbestos-containing insulation on pipes;

Removal of no more than three (3) linear feet, three (3) square feet, or five-tenths (0.5) cubic feet of asbestos-containing insulation on beams or above ceilings;

Replacement of an asbestos-containing gasket on a valve;

Installation or removal of a single drywall panel; or

Installation of electrical conduits through or proximate to asbestos-containing materials.

SSSD can be further defined by the following considerations:

Removal of no more than three (3) linear feet, three (3) square feet, or five-tenths (0.5) cubic feet of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement;

Removal of no more than three (3) linear feet, three (3) square feet, or five-tenths (0.5) cubic feet of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag;

Minor repairs to no more than three (3) linear feet, three (3) square feet, or five-tenths (0.5) cubic feet of damaged thermal system insulation which do not require removal;

Repairs to a piece of asbestos-containing wallboard; or

Repairs, involving encapsulation, enclosure, or removal, to no more than three (3) linear feet, three (3) square feet, or five-tenths (0.5) cubic feet of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement.

This section describes the requirements for initial training courses for persons seeking certification as asbestos professionals in the Commonwealth of Kentucky.

B. Initial Training

Each initial training course has a prescribed curriculum and number of days of training. One day of training shall include at least six and one-half (6½) hours of instruction excluding breaks and lunch. Instruction time shall not exceed twelve (12) hours in a twenty-four (24) hour period, and a training course and its attendant examination shall be completed within a two (2) week period.

Course instruction shall be provided by EPA-approved or state-approved instructors. EPA or state instructor approval shall be based upon a review of the instructor's academic credentials and experience in asbestos abatement. For a worker training course, a single instructor shall be allowed.

All other initial disciplines shall have a minimum of two (2) instructors. Each training course shall have a maximum of forty (40) students.

Training requirements for each of the five accreditation disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACM, or suspect ACM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be conducted. Lastly, workers and supervisors carry out and oversee abatement work. Each accreditation discipline and training curriculum shall be separate and distinct from the others. A person seeking accreditation in any of the five accreditation disciplines shall not attend two (2) or more courses concurrently, but may attend such courses sequentially.

The instructor/student ratio for all hands-on training shall be no more than ten (10) students per instructor. For asbestos abatement supervisors and workers, hands-on training shall include working with asbestos-substitute materials, fitting and using respirators, use of glovebags, donning protective clothing, and constructing a decontamination unit as well as other abatement work activities.

Worker Training Course

A person shall be accredited as a worker to carry out any of the following activities with respect to friable ACBM in a school, public, or commercial building:

- A response action other than a SSSD activity.
- A maintenance activity that disturbs friable ACBM other than a SSSD activity.
- A response action for a major fiber release episode.

A person seeking accreditation as an asbestos abatement worker shall complete at least a four (4) day training course as outlined below. The four (4) day worker training course shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, course review, and an examination. Hands-on training shall permit workers to have actual experience performing tasks associated with asbestos abatement. A person who is accredited as a supervisor may perform in the role of a worker without possessing separate accreditation as a worker.

The worker training course shall adequately address the following topics:

1. Physical characteristics of asbestos. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options.
2. 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; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.
3. 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.
4. State-of-the-art work practices. Proper work practices for asbestos abatement activities, including descriptions of proper construction; maintenance of barriers and decontamination enclosure systems; positioning of warning signs; lock-out of electrical and ventilation systems; proper working techniques for minimizing fiber release; use of wet methods; use of

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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 sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.

5. 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.
6. 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.
7. 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.
8. Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
9. 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.
10. Establishment of respiratory protection programs.
11. Course review. A review of key aspects of the training course.

Supervisor Training Course

A person shall be accredited as a supervisor to supervise any of the following activities with respect to friable ACBM in a school, public, or commercial building:

- A response action other than a SSSD activity.
- A maintenance activity that disturbs friable ACBM other than a SSSD activity.
- A response action for a major fiber release episode.

A person seeking accreditation as an asbestos abatement supervisor shall complete at least a five (5) day training course as outlined below. Upgrading worker accreditation to that of supervisor

by completing only one (1) additional day of initial training is not allowed; separate initial training as a supervisor is required. The training course shall include lectures, demonstrations, at least fourteen (14) hours of hands-on training, individual respirator fit testing, course review, and a written examination. Hands-on training shall permit supervisors to have actual experience performing tasks associated with asbestos abatement.

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 work site at all times while response actions are being conducted. Asbestos workers shall have access to accredited supervisors throughout the duration of the project.

The supervisor training course shall adequately address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.
2. 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; synergism between cigarette smoking and asbestos exposure; and latency period for diseases.
3. 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.
4. 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.

5. Personal hygiene. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.
6. Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards; heat stress; air contaminants other than asbestos; fire and explosion hazards; scaffold and ladder hazards; slips, trips, and falls; and confined spaces.
7. 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.
8. 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.
9. Relevant federal, state, and local regulatory requirements, procedures, and standards, including:
 - Requirements of TSCA Title II.
 - National Emission Standards for Hazardous Air Pollutants (40 CFR part 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos).
 - OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.1001(c), 1926.1101(c)), and 1910.134.
 - OSHA Asbestos Construction Standard (29 CFR 1926.1101).
 - EPA Worker Protection Rule, (40 CFR part 763, Subpart G).
10. Respiratory Protection Programs and Medical Monitoring Programs.
11. Insurance and liability issues. Contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; and insurance coverage and exclusions.
12. Recordkeeping for asbestos abatement projects. Records required by federal, state, and local regulations; and records recommended for legal and insurance purposes.
13. Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

- 14. Contract specifications. Discussions of key elements that are included in contract specifications.
- 15. Course review. A review of key aspects of the training course.

Inspector Training course

All persons who inspect for ACBM in schools, public, or commercial buildings shall be accredited. All persons seeking accreditation as an inspector shall complete at least a three (3) day training course as outlined below. The course shall include lectures, demonstrations, four (4) hours of hands-on training, individual respirator fit-testing, course review, and a written examination. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit testing.

The inspector training course shall adequately address the following topics:

- 1. Background information on asbestos. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; and physical appearance of asbestos.
- 2. 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; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs.
- 3. 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; and discussion of inspection process, including inventory of ACM and physical assessment.
- 4. 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; and bonding and the relationship of insurance availability to bond availability.
- 5. Understanding building systems. The interrelationship between 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; and reading blueprints and as-built drawings.

6. 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.
7. 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; and the role of the inspector in exclusions for previously performed inspections.
8. Inspecting for friable and nonfriable ACM and assessing the condition of friable ACM. Procedures to follow in conducting visual inspections for friable and nonfriable 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; and 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.
9. 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 nonfriable 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; and quality control and quality assurance procedures.
10. 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; and use, storage, and handling of non-disposable clothing.
11. 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; and

information required for inclusion in the management plan required for school buildings under TSCA Title II, section 203 (i)(1).

12. Regulatory review. The following topics shall be covered: National Emission Standards for Hazardous Air Pollutants (NESHAP; 40 CFR part 61, Subparts A and M); EPA Worker Protection Rule (40 CFR part 763, Subpart G); OSHA Asbestos Construction Standard (29 CFR 1926.1101); OSHA respirator requirements (29 CFR 1910.1001(c), 1926.1101(c), and 1910.134; the Asbestos-Containing Materials in Schools 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 and on commercial or public buildings.
13. 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; and classroom discussion of field exercise.
14. Course review. A review of key aspects of the training course.

Management Planner Training Course

All persons who prepare management plans for schools shall be accredited. All persons seeking accreditation as management planners shall complete a three (3) day inspector training course as outlined above and a two (2) day management planner training course. Possession of current and valid inspector accreditation shall be a prerequisite for admission to the management planner training course. The management planner course shall include lectures, demonstrations, course review, and a written examination.

The management planner training course shall adequately address the following topics:

1. Course overview. The role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; and protection of building occupants.
2. Evaluation/interpretation of survey results. Review of TSCA Title II requirements for inspection and management plans for school buildings as given in section 203(i)(1) of TSCA Title II; interpretation of field data and laboratory results; and comparison of field inspector's data sheet with laboratory results and site survey.
3. 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; and

- relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
4. Legal implications. Liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal; and use of results from previously performed inspections.
 5. 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; and the need for containment barriers and decontamination in response actions.
 6. 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; and team approach to design of high-quality job specifications.
 7. 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 bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps, fiber mesh cloth, mineral wool, and insulating cement; discussion of employee protection programs and staff training; and case study in developing an O&M plan (development, implementation process, and problems that have been experienced).
 8. Regulatory review. Focusing on the OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; the National Emission Standard for Hazardous Air Pollutants (NESHAP) found at 40 CFR Part 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos); EPA Worker Protection Rule found at 40 CFR part 763, Subpart G; TSCA Title II; and applicable state regulations.
 9. Recordkeeping for the management planner. Use of field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; and procedures for recordkeeping.
 10. Assembling and submitting the management plan. Plan requirements for schools in TSCA Title II section 203(i)(1); and the management plan as a planning tool.
 11. Financing abatement actions. Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operation and maintenance costs; and

Asbestos School Hazard Abatement Act grants and loans.

12. Course review. A review of key aspects of the training course.

Project Designer Training Course

A person must be accredited as a project designer to design any of the following activities with respect to friable ACBM in a school, public, or commercial building:

- A response action other than a SSSD maintenance activity.
- A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity.
- A response action for a major fiber release episode.

A person seeking accreditation as a project designer shall complete at least a minimum three (3) day training course as outlined below. The project designer course shall include lectures, demonstrations, a field trip, course review and a written examination.

The abatement project designer training course shall adequately address the following topics:

1. Background information on asbestos. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; and physical appearance of asbestos.
2. 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.
3. Overview of abatement construction projects. Abatement as a portion of a renovation project; and OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101).
4. 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; use of glove bags; and a demonstration of glove bag use.
5. Field trip. A visit to an abatement site or other suitable building site, including on-site discussions of abatement design and building walk-through inspection. Include discussion

of rationale for the concept of functional spaces during the walk-through.

6. 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.
7. 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.
8. 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; and aggressive air movement and negative-pressure exhaust ventilation as a clean-up method.
9. Designing abatement solutions. Discussions of removal, enclosure, and encapsulation methods; and asbestos waste disposal.
10. Final clearance process. Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection; and the relationship of the visual inspection to final air clearance.
11. Budgeting/cost estimating. Development of cost estimates; present costs of abatement versus future operation and maintenance costs; and setting priorities for abatement jobs to reduce costs.
12. 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; and replacement of ACM with non-asbestos substitutes.
13. 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; and particular problems related to abatement drawings.

14. Contract preparation and administration.
15. Legal/liabilities/defenses. Insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; and claims-made versus occurrence policies.
16. Replacement. Replacement of asbestos with asbestos-free substitutes.
17. Role of other consultants. Development of technical specification sections by industrial hygienists or engineers; and the multi-disciplinary team approach to abatement design.
18. Occupied buildings. Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; and scheduling of renovation to minimize exposure.
19. Relevant federal, state, and local regulatory requirements, procedures and standards, including, but not limited to:
 - Requirements of TSCA Title II.
 - National Emission Standards for Hazardous Air Pollutants, (40 CFR part 61) Subparts A (General Provisions) and M (National Emission Standard for Asbestos).
 - OSHA Respirator Standard found at 29 CFR 1910.1001(c), 1926.1101(c), and 1926.134.
 - EPA Worker Protection Rule found at 40 CFR part 763, Subpart G.
 - OSHA Asbestos Construction Standard found at 29 CFR 1926.1101.
 - OSHA Hazard Communication Standard found at 29 CFR 1926.1101(k), and 1926.59.
20. Course review. A review of key aspects of the training course.

This section describes the examinations that are required to demonstrate successful completion of training courses.

C. Examinations

A closed-book examination shall be administered by providers of EPA-approved training courses to persons who have completed an initial or refresher training course and who are seeking accreditation in Kentucky. (If the course is presented in an EPA-approved state that requires the accreditation applicant to pass a state-administered examination, the examination shall be administered by that state.)

A person seeking initial or refresher accreditation in a specific discipline shall pass the examination for that discipline in order to receive a proof of training. Students shall not take an examination more than two (2) times for each course attendance. After two (2) failures, the student shall repeat the full course before being allowed to retest. Each examination shall adequately cover the topics included in the training course for that discipline. The passing score for all examinations shall be seventy percent (70%) of questions answered correctly. The required number of questions for the examination in each discipline follows:

1. Worker
 - Initial course: fifty (50) multiple-choice questions.
 - Refresher course: twenty-five (25) multiple-choice questions.
2. Supervisor:
 - Initial course: one-hundred (100) multiple-choice questions.
 - Refresher course: fifty (50) multiple-choice questions.
3. Inspector:
 - Initial course: fifty (50) multiple-choice questions.
 - Refresher course: twenty-five (25) multiple-choice questions.
4. Management Planner:
 - Initial course: fifty (50) multiple-choice questions.
 - Refresher course: twenty-five (25) multiple-choice questions.
5. Project Designer:
 - Initial course: one-hundred (100) multiple-choice questions.
 - Refresher course: fifty (50) multiple-choice questions.

This section describes the issuance of proof of training upon successful completion of training courses.

D. Issuance of Proof of Training and Accreditation certificates.

- (1) Each person who completes a training course and passes the required examination shall be

issued a proof of training by the training provider in a specific discipline. Each proof of training issued shall contain the following information:

1. A unique identification number
2. Name of person successfully completing the course
3. Discipline of the training course completed
4. Dates of the training course
5. Date of the examination
6. An expiration date of one (1) year after the date upon which the person successfully completed the course and examination
7. The name, address, and telephone number of the training provider that issued the proof of training
8. A statement that the person receiving the proof of training has completed the requisite training for asbestos accreditation under TSCA Title II

Training providers who provide refresher training for accredited persons shall also provide proof of training with the information specified in this section.

(2) Each person who completes a training course, passes the required examination, and completes and receives the Cabinet's approval for an application for accreditation shall receive an accreditation certificate from the Cabinet in a specific discipline.

This section describes the continuing education that is required in order to maintain accreditation

E. Continuing Education

For all disciplines, annual refresher training is required for reaccreditation as indicated below:

1. Workers: one (1) full day of refresher training.
2. Supervisors: one full day of refresher training.
3. Inspectors: one half-day of refresher training.
4. Management Planners: one half-day of inspector refresher training and one half- day of refresher training for management planners.

5. Project Designers: one (1) full day of refresher training.

The refresher courses shall be specific to each discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course. For each discipline, the refresher course shall review and discuss changes in federal, state, and local regulations; developments in state-of-the-art procedures; and a review of key aspects of the initial training course.

After completing the annual refresher course and passing the required examination, persons shall be eligible to apply for accreditation renewal.

This section describes the recordkeeping requirements that are required of approved training course providers.

F. Recordkeeping Requirements for Training Providers

All approved providers of asbestos training courses in Kentucky shall comply with the following recordkeeping requirements.

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

numbers, the disciplines for which training was successfully completed, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

- 5.☐ Verification of prerequisite training information. Training providers of refresher training courses shall confirm, by checking previous proofs of training, that their students possess valid prerequisite training (less than two (2) years old) before granting course admission. Training providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing valid inspector prerequisite training (less than one (1) year old) at the time of course admission.
- 6.☐ Records retention and access.
 - a. The training provider shall maintain all required records for a minimum of three (3) years.
 - b. The training provider shall allow reasonable access to all of the records required by this section.
 - c. If a training provider ceases to conduct training in Kentucky, the training provider shall notify the Cabinet and give it the opportunity to take possession of that provider's asbestos training records.

This section describes the conditions under which the Cabinet will suspend or revoke the accreditation of an asbestos professional.

G. Suspension or Revocation of Accreditation

The Cabinet may temporarily suspend or permanently revoke accreditations issued to persons accredited as workers, supervisors, inspectors, management planners, and project designers based on the following criteria:

- (1) Performing work requiring accreditation at a job site without being in physical possession of initial and current proofs of training and current accreditation certificates;
- (2) Altering a proof of training or accreditation certificate or allowing the duplication or use of one's own proof of training or accreditation certificate by another;
- (3) Performing work for which accreditation has not been issued;
- (4) Obtaining accreditation training from a training provider that does not have approval to offer training for the particular discipline from either EPA or from an EPA-approved state;
- (5) Willfully making a misstatement or knowingly omitting information in the accreditation application, renewal application, or an amendment to an application,

including submittal of fraudulent training documentation;

- (6) Failing to comply with this document or with 401 KAR 58:005, 58:010, or 58:025;
- (7) Failing to perform an asbestos abatement activity in a manner which will protect human health and the environment;
- (8) Performing a response action required to be performed by an accredited person which is disapproved by the Cabinet or not contained in an applicable management plan;
- (9) Obtaining training documentation through fraudulent means;
- (10) Gaining admission to and completing refresher training through fraudulent representation of initial or previous refresher training documentation; or
- (11) Obtaining accreditation through fraudulent representation of accreditation requirements.

This section describes the conditions under which asbestos accreditations issued in other states will be accepted by the Cabinet.

H. Reciprocity

In lieu of a proof of training issued by a EPA-approved training provider, an applicant for Kentucky asbestos accreditation may submit proof of accreditation from an EPA-approved state. If an original document is not available, the Cabinet may accept other proof of accreditation (e.g., a notarized copy.) Proof of accreditation shall include the following information:

1. A unique accreditation number
2. Name of person accredited
3. Discipline of accreditation
4. Dates of accreditation, with an expiration date of one (1) year after the date upon which the person successfully completed the course and examination
5. The name of the EPA-approved state agency that issued the accreditation

II. CABINET APPROVAL OF TRAINING COURSES

This Unit describes the criteria which will be used by the Cabinet to approve asbestos training courses. Also described are the conditions under which approval will be suspended or withdrawn.

Providers of training courses that are not EPA-approved shall apply for and receive contingent approval from the Cabinet or from an EPA-approved state before presenting the course in Kentucky. For a course to receive approval, it shall meet the requirements for the course as outlined in this document and in 401 KAR 58:005. EPA-approved training courses shall be considered approved by the Cabinet at the same level as their EPA approval (i.e., contingent or full).

A. Training Course Approval

A training provider shall submit the following information to the Cabinet as part of its application for contingent approval of each initial or refresher training course:

1. The course provider's name, address, and telephone number;
2. A list of any other states that currently approve the training course and the level of approval (i.e., contingent or full);
3. The course curriculum;
4. A letter from the provider of the training course that clearly indicates how the course meets the Kentucky Asbestos Accreditation Program and EPA MAP requirements for:
 - Length of training in days
 - Amount and type of hands-on training
 - Examination (length, format, and passing score)
 - Topics covered in the course
5. A copy of all course materials (student manuals, instructor notebooks, handouts, etc.);
6. A copy or representative example of the development of the examination used in the course;
7. Names and qualifications of all course instructors (instructors shall have academic and/or field experience in asbestos abatement); and
8. An example of the numbered proofs of training issued to students who attend the course and pass the examination.

B. Suspension or Revocation of Training Course Approval

The suspension or revocation of approval of training programs by the Cabinet shall be based on the following criteria:

- (1) Misrepresentation of the extent of a training course's approval by a state or EPA;
- (2) Failure to submit required information or notifications in a timely manner;
- (3) Failure to maintain requisite records;
- (4) Falsification of accreditation records, instructor qualifications, or other accreditation information; or
- (5) Failure to adhere to the training standards and requirements of 401 KAR 58:005, the Kentucky Asbestos Accreditation Program, the accreditation program of an EPA-approved state, or the EPA MAP, as appropriate.
- (6) Violation, by an approved training course instructor or other person with supervisory authority over the delivery of training, of an asbestos regulation administered by the Cabinet, EPA, or an EPA-approved state if the Cabinet determines that the violation compromises the integrity or effectiveness of the training. An administrative or judicial finding of violation, or execution of a consent agreement and order under KRS 224.99 or 40 CFR 22.18, constitutes evidence of a failure to comply with relevant statutes or regulations.

The Cabinet may also suspend or withdraw approval of training programs where a training provider has submitted false information as a part of the self-certification required under Unit V.B. of the revised EPA MAP.

Training course providers shall permit representatives of Cabinet to attend, evaluate, and monitor any training course without charge. Cabinet compliance inspection staff are not required to give advance notice of their inspections.

III. CABINET PROCEDURES FOR SUSPENSION OR REVOCATION OF ACCREDITATION OR TRAINING COURSE APPROVAL

This Unit describes the procedures that the Cabinet will use to suspend or revoke accreditation or training course approval.

If the Cabinet suspends or revokes the accreditation of any person or suspends or revokes the approval of a training course, the Cabinet will notify the affected entity of the following:

- (1) The grounds upon which the suspension or revocation is based.
- (2) The time period during which the suspension or revocation is effective, whether permanent or for a specific time period,
- (3) The conditions, if any, under which the affected entity may receive accreditation or approval in the future.
- (4) Any additional conditions which the Cabinet may impose.
- (5) The opportunity to request a hearing prior to final Cabinet action to suspend or revoke accreditation or course approval.

If a hearing is requested by the person or training course provider pursuant to the preceding paragraph, the Cabinet will:

- (1) Notify the affected entity of those assertions of law and fact upon which the action to suspend or revoke is based.
- (2) Provide the affected entity an opportunity to offer written statements of facts, explanations, comments, and arguments relevant to the proposed action.
- (3) Provide the affected entity such other procedural opportunities as the Cabinet may deem appropriate to ensure a fair and impartial hearing.
- (4) Appoint a Cabinet hearing officer as Presiding Officer, who shall have had no prior connection with the specific case, to conduct the hearing.

The Presiding Officer appointed pursuant to the preceding paragraph shall:

- (1) Conduct a fair, orderly, and impartial hearing, without unnecessary delay.
- (2) Consider all relevant evidence, explanation, comment, and argument submitted pursuant to the preceding paragraph.

- (3) Promptly notify the affected entity of his or her recommended decision and order. The recommended order shall be submitted to the Cabinet Secretary for a final order. Either party may file written exceptions to the presiding officer's recommended order.

Emergency suspensions of accreditation. If the Cabinet determines that the public health, interest, or welfare warrants immediate action to suspend the accreditation of any person or the approval of any training provider, the Cabinet shall:

- (1) Notify the affected entity of the grounds upon which the emergency suspension is based;
- (2) Notify the affected entity of the time period during which the emergency suspension is effective.
- (3) Notify the affected entity of the Cabinet's intent to suspend or revoke accreditation or training course approval, as appropriate. If such suspension or revocation notice has not previously been issued, it will be issued at the same time the emergency suspension notice is issued.

Any notice, decision, or order issued by the Cabinet under this section, and any documents filed by an accredited person or approved training course provider in a hearing under this section, shall be available to the public except as otherwise provided by section KRS 224.10-210. A 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 which may be entitled to confidential treatment under KRS 224.10-210.