RULES
OF
THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
SOLID WASTE MANAGEMENT

CHAPTER 0400-13-02
ASBESTOS ACCREDITATION REQUIREMENTS

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0400-13-02-.01 ASBESTOS ACCREDITATION REQUIREMENTS: GENERAL.

(1) General.

(a) Scope and applicability.

1. This chapter contains procedures and requirements for the accreditation of asbestos training programs, individuals, and firms performing asbestos activities. This chapter outlines the responsibilities and limitations of each accredited asbestos training program, individual, and firm.

2. This chapter applies to all individuals and firms who perform or offer to perform asbestos activities in schools or public and commercial buildings, as defined in paragraph (2) of this rule.

3. This chapter does not apply to small-scale, short-duration activities conducted in schools or public and commercial buildings.

4. Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government and the State of Tennessee having jurisdiction over any property or facility, or engaging in any asbestos activities, and each officer, agent, or employee thereof, shall be subject to, and comply with the requirements of this chapter.

(i) Inclusions:

(I) This chapter does not exempt a Local Education Agency (“LEA”) from complying with the requirements outlined in the federal Asbestos Hazard Emergency Response Act and 40 C.F.R. Part 763, Subpart E Asbestos-Containing Materials in Schools regulations;

(II) An LEA and its employee(s) shall comply with this chapter; and

(III) Firms, which include general contractors, consultants, staffing services, and subcontractors, hired by an LEA to perform asbestos activities shall comply with the requirements of this chapter.

(ii) Exemptions:

(Rule 0400-13-02-.01, continued)

(I) LEAs and their employees are exempt from paying application fees outlined in Rule 0400-13-02-.05 when individuals conducting the asbestos activity or activities are employed directly by LEAs and their school systems to ensure their compliance with AHERA, as defined in paragraph (2) of this rule.

I. The exemption in item (I) of this subpart includes custodial and maintenance employees and designated individuals responsible to ensure that LEAs comply with AHERA.

II. The exemption in item (I) of this subpart does not apply to individuals, even though employed by the LEA, conducting asbestos activities in buildings not owned or operated by the LEA.

(II) Federal, state, and local regulatory agencies are exempt from this chapter when performing compliance inspections for the purpose of determining adherence to applicable statutes or regulations, and not to locate, assess, or remedy the condition of asbestos-containing building material.

5. Nothing in this chapter requires the performance of asbestos activities.

(b) As used in this chapter:

1. Words in the masculine gender also include the feminine and neuter genders;

2. Words in the singular include the plural; and

3. Words in the plural include the singular.

(c) The rules in this chapter are organized, numbered, and referenced according to the following outline form:

(1) Paragraph

(a) Subparagraph

1. Part

(i) Subpart

(I) Item

I. Subitem

A. Section

(A) Subsection

(d) The Commissioner may make forms available electronically or allow these applications or information to be submitted electronically and, if submitted electronically, then that electronic submission shall comply with the requirements of Chapter 0400-01-40.

(2) Definitions.

(Rule 0400-13-02-.01, continued)

When used in this chapter, the following terms have the following meanings unless otherwise specified:

(a) "Accessible" when referring to ACM means that the material is subject to disturbance by school building occupants or custodial or maintenance personnel in the course of their normal activities.

(b) "Accredited" or "accreditation" when referring to an individual, firm, or training provider means that the Commissioner has issued an accreditation certificate to a firm or training provider or issued an accreditation identification card to an individual pursuant to this chapter, and when referring to a laboratory means that the laboratory entity is accredited in accordance with 15 U.S.C. § 2646.

(c) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite.

(d) "Asbestos activities" means providing an initial or refresher asbestos training course(s); conducting asbestos inspections, asbestos response actions, asbestos project monitoring; or preparing asbestos management plans or asbestos project designs.

(e) "Asbestos-containing material" or "ACM" means any material or product which contains more than one percent (1%) asbestos.

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

(g) "Asbestos Hazard Emergency Response Act" or "AHERA" means the Asbestos Hazard Emergency Response Act of 1986, as amended, 15 U.S.C.§§ 2641 – 2656, and its associated regulations, 40 C.F.R. §§ 763.80 – 763.99.

(h) "Asbestos inspector" or "inspector" means an individual who has successfully completed the required three-day asbestos inspector training course to conduct asbestos inspections in schools and public and commercial buildings to identify all locations of friable and non-friable asbestos-containing building material, identify the type of asbestos-containing building material, and determine its classification and condition.

(i) "Asbestos management planner" or "management planner" means an individual who has successfully completed the three-day asbestos inspector and two-day management planner training courses to conduct asbestos inspections and risk assessments, determine the appropriate response actions, and to prepare an asbestos management plan for use in schools.

(j) "Asbestos project designer" or "project designer" means an individual who has successfully completed the three-day asbestos project designer training to design any of the following activities with respect to asbestos-containing building material in schools or public and commercial buildings: response actions other than a small-scale short duration maintenance activity, maintenance activities that disturb asbestos-containing building material other than a small-scale short duration maintenance activity, or response actions for a major fiber release episode.

(k) "Asbestos project monitor" or "project monitor" means an individual who has successfully completed the five-day asbestos project monitor training to observe response actions performed by a firm or individual and generally serves as a building owner's representative to ensure that abatement work is completed according to the specifications and in compliance with all relevant statutes and regulations. The asbestos

(Rule 0400-13-02-.01, continued)

project monitor performs the vital role of collecting clearance air samples to confirm the completion of a response action involving friable and non-friable asbestos-containing material and asbestos-containing building material.

(l) "Asbestos supervisor" or "supervisor" means an individual who has successfully completed the required five-day asbestos supervisor training to provide oversight or supervision of asbestos response actions performed in schools or public and commercial buildings. An accredited supervisor may directly or indirectly supervise, oversee, and provide direction to asbestos workers performing response actions. An asbestos supervisor may be an individual with the position title of foreman, working foreman, or lead man pursuant to the accredited supervisor's company's policy.

(m) "Asbestos training course" or "training course" means an initial or refresher asbestos training course, including an online refresher asbestos training course, in any of the following disciplines: worker, inspector, management planner, project designer, supervisor, and project monitor.

(n) "Asbestos worker" or "worker" means an individual who has successfully completed the required four-day accredited asbestos worker training course to be responsible in a non-supervisory capacity to carry out the following activities with respect to friable asbestos-containing building material in schools or public and commercial buildings: a response action, other than a small-scale, short duration activity; a maintenance activity that disturbs friable asbestos-containing building material other than a small-scale, short duration activity; or a response action for a major fiber release episode.

(o) "Asynchronous online course" means a course that allows students to view instructional materials at any time they choose at any location and does not include a live video lecture component.

(p) "Building" means any structure having two or more walls and a roof/ceiling.

(q) "Building owner" means the person in whom legal title to the premises is vested unless the premises are held in trust, in which instance the building owner means the person in whom beneficial title is vested.

(r) "Clearance air samples" mean air samples collected to confirm the completion of removal, encapsulation, or enclosure of ACBM, or assumed to be ACBM, prior to the re-occupancy of the contained work area by the public.

(s) "Commissioner" means the Commissioner of the Tennessee Department of Environment and Conservation or the Commissioner's designee.

(t) "Contained work area" means designated rooms, spaces, or other areas where response actions are being performed, including decontamination area(s), that are separated from the uncontaminated environment by polyethylene sheeting or other materials used in conjunction with the existing floors, ceiling, and walls of the structure or building.

(u) "Course agenda" means an outline of the key topics to be covered during an accredited asbestos training course in the appropriate discipline, which shall include the time allotted to teach each topic, hands-on training and assessment, and the name(s) of the instructor(s).

(v) "Course completion certificate" means a training course certificate issued to a student that successfully completes the requirements outlined in paragraph (4) of Rule 0400-13-02-.02 for a specific discipline and has passed the course examination with a grade of 70% or greater.

(Rule 0400-13-02-.01, continued)

(w) “Course student roster” means a list of names of every individual who attended a specific training course and whether they completed, passed, or failed.

(x) “Course test blueprint” means a written document identifying the proportion of the course test questions devoted to each major topic in the course curriculum.

(y) “Current certificate” means a training course completion certificate for a training course that an individual completed not more than 12 months before the current date.

(z) “Department” means the Tennessee Department of Environment and Conservation.

(aa) “Discipline” means one of the specific types or categories of asbestos activities identified in this chapter for which individuals may receive training from accredited training providers and become accredited by the Commissioner. Accredited asbestos “disciplines” are: worker, supervisor, inspector, management planner, project designer, and project monitor.

(bb) “EPA” means the United States Environmental Protection Agency.

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

(dd) “Enclosure” means an airtight, impermeable, permanent barrier around asbestos-containing building material to prevent the release of asbestos fibers into the air.

(ee) “Firm” means a company, corporation, partnership, sole proprietor, commercial enterprise, business entity, contractor, subcontractor, consultant, commission, state agency, county governmental body, municipality, party, association, staffing service, or any private or public legal entity; any Indian tribe; any interstate body; any departmental agency or instrumentality of the federal government, or two or more individuals or persons that carry on business. For the purposes of this chapter, employees of the firm include individuals whom the firm subcontracts.

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

(gg) “Friable asbestos-containing building material” means any friable asbestos-containing material that is in or on interior structural members or other parts of a school or public and commercial building. This term also includes previously non-friable ACM that is in or on interior structural members or other parts of a school or public and commercial building after such material becomes damaged to the extent that, when dry, it can be or has been crumbled, pulverized, or reduced to powder.

(hh) “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, and hallway(s), that is designated by an

(Rule 0400-13-02-.01, continued)

individual accredited to prepare management plans, design abatement projects, or conduct response actions.

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

(jj) "Hands-on training assessment" means an evaluation that tests the student's ability to satisfactorily perform the work practices and procedures taught in an accredited asbestos training course.

(kk) "Hands-on training exercise" means any activity that requires the student to practice performing a work task or procedure. "Hands-on training exercise" does not include an exercise or activity in which the instructor shows a student how to perform a task without requiring the student to perform the task.

(ll) "High-efficiency particulate air" or "HEPA" means a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 μm in diameter or larger.

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

(nn) "Initial training course" means a training course required for initial accreditation in a specific discipline under this chapter.

(oo) "Inspection" means an activity undertaken in a school building, or a public and commercial building to determine the presence, location, or assess the condition of friable or non-friable asbestos-containing building material or suspected asbestos-containing building material, whether by visual or physical examination, or by collecting samples of such material. "Inspection" includes re-inspections of friable or non-friable known or assumed asbestos-containing building material which has been previously identified by an accredited inspector. For the purposes of this chapter, "inspection" does not include:

1. Periodic surveillance conducted solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing building material;

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

3. Visual inspections conducted solely for the purpose of determining completion of response actions.

(pp) "Learning objective" means the knowledge, skills, abilities, and behaviors a student is expected to obtain from a given instructional activity.

(qq) "Local Education Agency" or "LEA" means:

1. A public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of

(Rule 0400-13-02-.01, continued)

school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools;

2. The owner of any non-public, non-profit elementary or secondary school building; and

3. The governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. §§ 921 to 932).

(rr) "Major fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of more than three square or linear feet of friable asbestos-containing building material.

(ss) "Management Plan" means a document required by EPA to be developed by local education agencies as set forth in 40 C.F.R. Part 763 Subpart E Asbestos-Containing Materials in Schools that shall be developed by an accredited management planner.

(tt) "Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of three square or linear feet or less of friable asbestos-containing building material.

(uu) "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.

(vv) "NESHAP" means the National Emission Standard Hazardous Air Pollutants.

(ww) "Non-friable asbestos material" means an asbestos-containing material used in a school or public and commercial building which, when dry, cannot be crumbled, pulverized, or reduced to a powder by hand pressure.

(xx) "Online refresher training course" means a refresher training course curriculum presentation taken through web-based technology that is accessed through a network-enabled system using a computer whereby the student can watch and hear with or without the ability to interact with the instructor while the course is in progress.

(yy) "Operation and maintenance program" or "O&M program" means a program of work practices to maintain friable asbestos-containing building material in good condition, ensure clean-up of asbestos fibers previously released, and prevent further release by minimizing and controlling friable asbestos-containing building material disturbance or damage.

(zz) "Oversight" means to directly observe an asbestos activity or response action for the purpose of determining compliance with contractual, performance, or regulatory standards.

(aaa) "Person" means any individual, firm, business entity, governmental body, public entity, or private entity.

(bbb) "Potential damage" means circumstances in which:

1. Friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities; or

(Rule 0400-13-02-.01, continued)

2. There are indications that there is a reasonable likelihood that the material or its covering will become damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices, changes in occupancy, or recurrent damage.

(ccc) "Potential significant damage" means circumstances in which:

1. Friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities;

2. There are indications that there is a reasonable likelihood that the material or its covering will become significantly damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices changes in occupancy, or recurrent damage; or

3. The material is subject to major or continuing disturbance, due to factors including, but not limited to, accessibility or under certain circumstances, vibration, or air erosion.

(ddd) "Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training course.

(eee) "Project design" means a specific, detailed description of the procedures, processes, and engineering controls that is developed and documented to address an asbestos project, which may include but is not limited to: plans, drawings and specifications that recommend or establish the scope of work, standards of workmanship, equipment specifications or utilization, construction standards, alternative response action, courses of actions, or response action health and safety controls.

(fff) "Public and 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 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 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.

(ggg) "Reciprocity" means a written cooperative or interchange of privileges between the State of Tennessee and consenting EPA-authorized states or EPA-authorized Indian Tribes.

(hhh) "Recognized laboratory" means a laboratory entity that is accredited in accordance with 15 U.S.C. § 2646(d).

(iii) "Refresher training course" means a training course accredited by the Commissioner as an annual, supplemental training course for an individual engaged in a specific discipline.

(jjj) "Removal" means the taking out or the stripping of any asbestos-containing building material from a damaged area, a functional space, or a homogeneous area in a school or public and commercial building.

(kkk) "Repair" means returning damaged asbestos-containing building material to an undamaged condition or to an intact state so as to prevent a fiber release.

(Rule 0400-13-02-.01, continued)

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

(mmm) "Responsible official" means an individual with the authority to act on behalf of a training provider and to make decisions that bind the training provider.

(nnn) "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) as of the effective date of this rule.

(ooo) "School building" means:

1. 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;

2. Any gymnasium or other facility which is specially designed for student athletic or recreational activities;

3. Any other facility used for the instruction or housing of students or for the administration of educational or research programs;

4. Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in subparagraphs (a), (b), or (c) of this definition;

5. Any portico or covered exterior hallway or walkway of any facility described in subparagraphs (a), (b), or (c) of this definition; and

6. Any exterior portion of a mechanical system used to condition interior space of any facility described in subparagraphs (a), (b), or (c) of this definition.

(ppp) "Significantly damaged friable miscellaneous ACM" means damaged friable miscellaneous ACM where the damage is extensive and severe.

(qqq) "Significantly damaged friable surfacing ACM" means damaged friable surfacing ACM in a functional space where the damage is extensive and severe.

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

1. Removal of asbestos-containing insulation on pipes;

2. Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

3. Replacement of an asbestos-containing gasket on a valve;

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

5. Installation or removal of a small section of drywall;

6. Removal of small quantities of asbestos-containing material only if required in the performance of another maintenance activity not intended as asbestos abatement;

(Rule 0400-13-02-.01, continued)

7. Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag;

8. Minor repairs to damaged thermal system insulation which does not require removal;

9. Repairs to a piece of asbestos-containing wallboard; and

10. Repairs, involving encapsulation, enclosure, or removal, to small amounts of friable asbestos-containing material 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 (e.g., a glove bag). If used, such an enclosure shall conform spatially and geometrically to the localized work area to perform its intended containment function.

(sss) "Surfacing material" means material in a school or 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.

(ttt) "Synchronous online course" means an online course that is delivered live and that students are required to log in and participate in at a specific time.

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

(vvv) "Training curriculum" or "training course" means a course that meets or exceeds the established set of course topics set forth in paragraph (4) of Rule 0400-13-02-.02 for a particular discipline to provide asbestos specialized instructions and hands-on training.

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

(xxx) "Training manager" means the individual who is responsible for administering the accredited training program and for monitoring the performance of principal and guest instructors to ensure the training provider's compliance with the requirements of Rule 0400-13-02-.02.

(yyy) "Training provider" means the individual or firm that applies for or that has received accreditation from the Commissioner to conduct asbestos training in Tennessee and is responsible for complying with the applicable requirements of Rule 0400-13-02-.02.

(zzz) "TSCA" means the Toxic Substances Control Act, 15 U.S.C. §§ 2601 to 2692.

(aaaa) "Visible emission" means any emission which is visually detected without the aid of instruments and which contains particulates of asbestos material.

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.02 ACCREDITATION OF TRAINING PROVIDERS AND TRAINING COURSE(S).

(1) Scope and general requirements.

(a) No person shall provide, claim to provide, or offer to conduct an initial or refresher asbestos training course in Tennessee without first applying for and receiving accreditation as a training provider from the Commissioner, and such training course being accredited by the Commissioner in accordance with the requirements of this rule. The requirements of this rule regarding accreditation of a refresher training course apply to both classroom-based training and online training unless otherwise specified. No training provider shall conduct any course in a manner materially different from the manner accredited by the Commissioner.

(b) A training provider, as a condition of obtaining and maintaining accreditation, shall employ an asbestos training manager and principal instructors whose credentials have been reviewed and approved by the Commissioner.

(c) A training provider seeking accreditation from the Commissioner to provide initial or refresher training courses shall follow the procedures of paragraph (2) of this rule and comply with the requirements of paragraphs (3) and (4) of this rule. An accredited training provider seeking re-accreditation shall comply with the requirements of paragraph (5) of this rule. Paragraph (6) of this rule addresses the records an accredited training provider shall obtain and maintain. Paragraph (7) of this rule addresses audits of all aspects of a training provider's training program.

(d) A training provider may seek accreditation to offer accredited initial or refresher asbestos training courses in any of the following disciplines: inspector, management planner, supervisor, project designer, worker, and project monitor.

(e) A training provider shall confirm that its students possess a current certificate or accreditation from an authorized EPA state or Indian tribe in the appropriate discipline before granting any individual admission to a refresher training course.

(2) Training provider accreditation application process.

The following are the procedures a training provider shall follow to receive accreditation from the Commissioner before offering or conducting asbestos initial or refresher training courses:

(a) Initial or refresher training course application.

A training provider seeking accreditation to offer and conduct initial or refresher asbestos training courses in English or in another language shall submit a completed application to the Commissioner that is signed by a responsible official of the training provider. A training provider may apply for accreditation for a refresher training course concurrently with its application for accreditation of the corresponding initial training course. The application shall contain one or more notebooks with sections clearly divided and labeled, containing the following information:

1. The training provider's legal business name, physical and mailing address (if different) of the headquarters and training facility site(s), telephone and fax numbers, and current email address(es);

2. A list of the initial or refresher asbestos training courses for which the training provider is applying for accreditation. For the purposes of this rule, courses taught in different languages and electronic learning courses are considered different courses, and each must independently meet the accreditation requirements;

(Rule 0400-13-02-.02, continued)

3. A list of any EPA-authorized states and EPA regions in which the training provider currently maintains accreditation to conduct initial or refresher asbestos training courses, dates each accreditation was originally issued, and if such accreditations are current;

4. (i) The names, qualifications, and copies of credentials acceptable to the Commissioner for principal instructors and the training manager, which may include, but are not limited to:

(I) Copies of any official academic transcripts, degree, or professional license as evidence of meeting the education requirements;

(II) Resumes, letters of reference, and detailed descriptions of work experience, including 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 asbestos supervisors, as evidence of meeting the work experience requirements; and

(III) Initial and consecutive refresher course completion certificates, including a current certificate, in the appropriate asbestos training course(s) as evidence of meeting the training requirements;

(ii) The principal instructors and the training manager identified in subpart (i) of this part shall meet the academic and experience requirements, as required by parts (3)(b)1. and 2. of this rule; and

(iii) If the training provider is an individual, general partnership, or other business entity where individuals shall hold the right to all or part of the accreditation, an attestation and documentation for each such individual complying with the requirements of the Eligibility Verification for Entitlements Act, T.C.A. §§ 4-58-101 to -110;

5. A description of the facilities and equipment to be used for administering the training courses;

6. A legible copy of the student and instructor manuals and any electronic version of such manual, the course agenda, handouts, and other materials to be used for each training course;

7. If a published textbook is used as supplemental course material, the author's name, textbook title, publisher, and publication date;

8. If a training provider is seeking accreditation to offer a training course in a non-English language, a copy of the student and instructor manuals in both the English language and non-English language versions, and any electronic version of such manuals;

9. A statement signed by a duly authorized representative of the training provider certifying that each course the training provider is seeking accreditation to offer meets the requirements set forth in paragraphs (3) and (4) of this rule. The statement shall include the following information for each training course:

(i) Length of training in days, starting times and ending times for each day of training, and the total hours for each course;

(Rule 0400-13-02-.02, continued)

(ii) Amount and type of hands-on training exercise;

(iii) Examination (length, format, and passing score);

(iv) Topics covered in the course and time duration of each; and

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

10. A copy of each training course examination blueprint, course examination, and examination answer key for each course for which the training provider is seeking accreditation to provide. Any course examination blueprint, course examination, or examination key provided pursuant to this part shall not be provided to persons seeking accreditation;

11. An example of the uniquely numbered training certificate containing all the requirements of part (3)(b)11. of this rule, that shall be issued to students who successfully complete each training course and pass the examination;

12. A copy of the quality control plan as required by part (3)(b)13. of this rule; and

13. A course evaluation form developed to receive feedback from students to help determine the strengths and weaknesses of each course or instructor and to promote continuous improvement in the delivery of the training course by the instructor(s).

(b) A training provider may apply for accreditation to offer training courses in as many disciplines as the training provider chooses. A training provider may seek accreditation to offer additional courses at any time provided that the training provider demonstrates that it meets the requirements of this rule. A classroom-based annual refresher training course accreditation does not extend to an on-line annual refresher training course. Each online annual refresher training course shall be accredited separately.

(c) A training provider applying for accreditation to offer training courses shall submit with the application the appropriate nonrefundable application fee in accordance with subparagraph (2)(a) of Rule 0400-13-02-.05. Payment of fees is not an indication of accreditation to conduct any asbestos training course or approval of a training manager or principal instructor.

(d) Upon receipt, the Commissioner will review the application for completeness, and once deemed complete, evaluate the applicant's ability to comply with the requirements of paragraphs (3) and (4) of this rule. The Commissioner may request additional information or consider additional information from other sources, including but not limited to, a training provider's work history and materials retained by that training provider under paragraph (6) of this rule. If approved, an accreditation certificate will be sent to a training provider that identifies the accredited course or courses an accredited training provider may offer. Submitting an incomplete or insufficient application will result in a denial of accreditation, and a letter detailing the deficiencies will be sent to the applicant. If denied, a training provider may reapply for accreditation by filing a new application for accreditation and paying the appropriate application fees.

(e) A training provider's initial and/or refresher training course accreditation shall expire after two years on the last day of the month of issuance. If the training provider meets the requirements of paragraph (5) of this rule, the training provider shall be re-accredited

(Rule 0400-13-02-.02, continued)

provided its accreditation has not been revoked, previously refused to be re-accredited, or suspended in accordance with Rule 0400-13-02-.07.

(f) A training provider must amend its accreditation application if the training provider subsequently adds a new training program manager or any new principal instructor(s) that were not included in the original application for accreditation. The training program is not permitted to provide training under the new training manager or offer courses taught by any new principal instructor(s) until the Commissioner either approves the amended accreditation application or 30 days have elapsed since the training provider submitted its amended application to the Commissioner, whichever occurs earlier. The Commissioner will provide written approval or denial with explanation within 30 days of receipt of the amended application and review fee set forth in subparagraph (2)(a) of Rule 0400-13-02-.05.

(g) By applying for and accepting accreditation, a training provider consents to allowing the Commissioner to enter any location where the training provider maintains asbestos training records during regular business hours and any location where an asbestos course is being conducted.

(3) Requirements for the accreditation of training providers and courses.

(a) No instructor may receive a course completion certificate for a course for which the individual served as an instructor.

(b) A training provider shall meet the requirements of this subparagraph to obtain and retain accreditation from the Commissioner.

1. A training provider shall employ a training manager who has:

(i) (I) A bachelor's or graduate degree in building construction technology, occupational safety, public health, education, business administration, program management, or related scientific field;

(II) A license to practice as a registered architect, engineer, or certified industrial hygienist;

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

(IV) At least two years of experience in managing a training program specializing in environmental hazards; and

(ii) Demonstrated, to the satisfaction of the Commissioner, experience, education, or training in the construction industry including lead or asbestos abatement, painting, carpentry, renovation, remodeling, or occupational safety and health.

2. A training provider shall ensure that the training manager designates, for each training course, a qualified principal instructor who has:

(i) Successfully completed the appropriate EPA-authorized state accredited asbestos training courses for each discipline in which the principal instructor is listed to instruct;

(ii) Academic credentials (associate degree or high school diploma); and

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(iii) Experience in teaching adults in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3. A training provider shall ensure that the training manager or principal instructor designates qualified guest instructors when needed to provide specific instruction to the lecture, hands-on activities, or work practice components of a course. To be qualified, a guest instructor shall be:

(i) A journeyman in a specific trade (inclusive of, but not limited to, contractors, plumbers, or electricians); or

(ii) A professional in a specific discipline (inclusive of, but not limited to, lawyers, insurance agents, or doctors).

4. A training provider shall be responsible for the organization of courses and oversight of all teaching materials used to conduct accredited asbestos training courses. A training provider's training manager shall ensure that all topics and objectives covered in each course reflect the current federal, state, and local regulations, standards, and guidelines.

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

6. A training provider shall ensure that each class is taught in the language in which all students of that particular class are fluent. Written materials shall be correctly translated into the language in which all participating students are fluent. The principal and guest instructor(s) shall be sufficiently fluent in the language in which the class is conducted. Interpreters may not be used to teach or provide instructions in a training course.

7. For an initial asbestos training course to be accredited, the training provider shall provide a course that meets the requirements of paragraph (4) of this rule.

8. For a classroom-based refresher training course to be accredited, a training provider shall:

(i) Provide a course that meets the following requirements:

(I) The inspector refresher course shall last a minimum of four training hours and have a final course exam administered consisting of 25 multiple choice questions;

(II) The management planner refresher course shall last a minimum of four training hours and have a final course exam administered consisting of 25 multiple choice questions. To maintain accreditation as a management planner, an individual shall complete both the inspector refresher course and the management planner refresher course and pass both final course exams; and

(III) The supervisor, project designer, worker, and project monitor refresher courses shall last a minimum of eight training hours and

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have a final course exam administered consisting of 25 multiple choice questions;

(ii) Include a comprehensive overview of the curriculum requirements contained in paragraph (4) for the discipline covered, including a review and discussion of relevant changes in federal, state, and local regulations;

(iii) Provide a discipline-specific course as a separate and distinct course that is not combined with any other training during the period of the refresher course, except that multiple courses may be taught at different times on the same day; and

(iv) Ensure an instructor is physically present in the classroom delivering the lectures.

9. For an online asynchronous or synchronous asbestos refresher training course to be accredited, a training provider shall:

(i) Submit, as a part of the application required by paragraph (2) of this rule, the instructor's credentials (including the credentials of those who conduct and develop the online annual refresher training course) and obtain the Commissioner's approval, in accordance with subparagraph (2)(f) of this rule, if there are any subsequent changes in principal instructors;

(ii) Have systems in place that:

(I) Prior to beginning the online annual refresher training, and at intervals during the training, authenticate the identity of the students taking the training and the student's eligibility to enroll in the course and protect the student's personal and sensitive information such as social security number, date of birth, and state asbestos license number by using appropriate encryption technologies.

If a training provider obtains student authentication by the student submitting personal and sensitive information, such as social security number, date of birth, state asbestos license number, or special question and answer combination that information shall be requested prior to beginning the online annual refresher training and at intermittent, designated intervals during the training. A training provider shall use appropriate encryption technologies to protect the student's sensitive user information.

(II) Ensure students are focusing on the training material throughout the entire training period by providing a strong interactive component; and

(III) Prevent students from prematurely skipping ahead by establishing minimum time allotments for each section of the training and monitor and maintain records of a student's actual time online, including breaks;

(iii) Have a principal instructor available to answer questions that students have while they are taking the online refresher training course by providing online threaded discussion, message boards, or a toll-free telephone number available during training periods for a student to call with questions regarding the course material;

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(iv) Provide technical support via methods outlined in subpart (iii) of this part to the student during training periods to address any technical problems that arise, such as with the student's computer or with the online application, and ensure that if a student is inadvertently logged out of an online session due to technical difficulties, the student is given credit for the portion of the course already completed;

(v) Provide an online course that meets requirements of part 8. of this subparagraph except for subpart 8.(iv) of this subparagraph;

(vi) Verify the identity of the student taking the examination for an online refresher course in a manner sufficient to prevent fraud and have either a testing center or proctor-based exam for the examination portion of the online training;

(vii) Ensure that:

(I) The course examination questions are randomized from course to course so that the same examination is not given repeatedly;

(II) An item bank (or a pool of questions used to vary the questions asked) is used to ensure that examination questions are not used repeatedly; and

(III) Controls are instituted to ensure that the examination screen cannot be saved, copied, or printed;

(viii) Clearly identify that the online refresher course is specifically applicable to Tennessee when advertising the course, or when registering a student for the course; and

(ix) Ensure that a course evaluation of the online course is developed for each online refresher course to help determine the strengths and weaknesses of such course and to promote continuous improvement.

(x) Implement systems that reduce opportunities for document fraud, including a distinct online training certificate that meets the requirements of part 11. of this subparagraph and that designate the type of course using the following language: Traditional Classroom, Asynchronous Online, or Synchronous Online.

10. General course and examination requirements.

(i) For each initial training course offered, the training manager shall require the instructor to conduct a hands-on training assessment, if applicable, for the topic being taught, and a course examination at the completion of each course. The minimum passing score on any, initial course examination shall be 70% correct. In order for any student to pass an initial training course the student shall successfully complete the hands-on training assessment, if applicable, and pass the course examination. The enrollment in any given class shall be limited to 25 students.

(ii) A training provider is responsible for maintaining the validity and integrity of the applicable hands-on training test to ensure that it accurately evaluates the student's performance of the work practices and procedures associated

(Rule 0400-13-02-.02, continued)

with the course topics of each discipline contained in paragraph (4) of this rule.

(iii) A training provider is responsible for maintaining the validity and integrity of an initial or refresher course examination to ensure that it accurately evaluates the student's knowledge and retention of the course topics contained in paragraph (4) of this rule.

(iv) A closed book course examination shall be developed in accordance with the course blueprint and submitted with the training course accreditation application required by part (2)(a)10. of this rule. A training provider shall administer a closed book examination for each discipline, except the asbestos worker and supervisor initial or refresher course examination, which may be administered orally to a student, if requested. Each examination shall cover the topics included in the training course for that discipline. A training provider shall document that each individual who receives an initial or refresher training course completion certificate has achieved a passing score of 70% or higher on the examination. These records shall clearly indicate the date upon which the examination was administered, the training course and discipline for which the examination was given, the name of the individual who proctored the examination, a copy of the examination, and the name and test score of each individual taking the examination. The following are the requirements for examination in each initial and refresher asbestos training course:

(I) Worker, Inspector, and Management Planner

Initial: 50 multiple-choice questions
Refresher: 25 multiple-choice questions

(II) Supervisor, Project Designer and Project Monitor

Initial: 100 multiple-choice questions
Refresher: 25 multiple-choice questions

11. (i) A training provider shall issue a unique course completion certificate to each student who successfully completes an initial or refresher training course. For a refresher training course, the certificate shall state whether the refresher training course was in-person or online. A training provider shall maintain records that document the names of all individuals who have attended a course, certificates awarded, their course completion certificate numbers, the discipline for which certification was conferred, training course dates and expiration dates, and the training location. A training provider shall maintain the records in a manner that allows verification by telephone, email, or fax of the required information. The topic and dates of the training course shall correspond to those listed on that individual's course completion certificate. The initial or refresher course completion certificate shall include the following minimum information:

(I) A unique certificate number;

(II) Name of individual;

(III) Discipline of the training course completed;

(IV) Dates of the training course;

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(V) Date of the examination and examination score;

(VI) The training location;

(VII) An expiration date of one year after the date upon which the individual successfully completed the course and examination;

(VIII) The name, address, and telephone number of the training provider that issued the course completion certificate; and

(IX) A statement that an individual receiving a management planner certificate has completed the inspector course prerequisite training for asbestos accreditation.

(ii) The training course completion certificate issued to a student for an online refresher training course shall specifically reference that the course was taken online.

(iii) Training providers shall notify the Commissioner via mail, online submission, or email no later than five days after the date of course completion and provide the name of every student who attended the online refresher training course, the refresher training course taken, and each student's pass or fail score.

12. A training provider offering the initial management planner training course shall request documentation from the student that the student has completed a valid initial or refresher asbestos inspector training course and possesses an inspector course completion certificate before granting course admission.

13. A training provider shall develop and implement a quality control plan. The plan shall be used to maintain and improve the quality of the training program. This quality control plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials; hands-on training materials, if applicable; and course examination to reflect innovations in the field;

(ii) Procedures for the training provider to annually determine and document all instructors for competence and awareness of new developments, new regulations, and innovations in the asbestos activities and field testing. All instructors shall be reviewed and evaluated annually by a training provider's training manager;

(iii) A requirement that students enrolled in training courses shall not be made to participate in more than eight hours of training in a single day;

(iv) A requirement that any student who completed a work shift of eight hours or more during a day not exceed four hours of training during that day; and

(v) A requirement that a specific course shall be completed by a student within two weeks of the training course start date.

14. Each training provider is responsible for ensuring compliance with all requirements of this rule and for ensuring that its training manager and instructors meet all requirements and responsibilities as set out in this chapter.

(Rule 0400-13-02-.02, continued)

15. For an initial or refresher training course, a training provider shall:

    (i) On forms designated by the Commissioner, provide a written notification via mail, online submission, or email of the course name and start date, location, name of the principal instructor, and the language in which each course will be taught at least 10 days prior to commencement of the first day of instructional training;

    (ii) Give the Commissioner written notice of any changes in the start date, location, principal instructor, or language of a training course. Such notice shall be received by the Commissioner via mail, online submission, or email at least five days prior to commencement of the first day of instructional training; and

    (iii) No later than five days after the conclusion of an initial or refresher training course, provide a written course student roster to the Commissioner on a form provided by the Commissioner. The course student roster shall contain the name of every student who attended the course, their pass or fail score, and location where the class was held, and it shall be submitted via mail online submission, or email.

16. A training provider's failure to provide notifications as required by part 15. of this subparagraph may result in the Commissioner not accepting course completion certificates for that training course.

17. The training provider is required to provide students with the student manual submitted to the Commissioner pursuant to subparagraph (2)(a) of this rule. If the student manual will be provided in a format other than print, such as electronically, the training provider shall either:

    (i) Request and ensure that students bring electronic devices that can access the manual to be used in the classroom; or

    (ii) Provide an electronic device that can access the manual for each student's use while taking the course.

(4) Minimum training curriculum requirements.

(a) General.

1. To obtain and retain accreditation to offer an asbestos course in a specific discipline, a training provider shall ensure that the provider's course of study includes, at a minimum, the course topics listed under each discipline in subparagraph (b) of this paragraph. Requirements marked with an asterisk (*) indicate areas that require hands-on training activities as an integral component of the initial course. Hands-on training shall include working with asbestos-substitute materials, fitting and using respirators, using glove bags, donning protective clothing, and constructing a decontamination unit, as well as other asbestos work activities.

2. A course review of the key aspects for a specific training course shall be conducted at the end of the course. A closed book examination shall be given at the end of each training course. The closed book examination for the asbestos worker and supervisor disciplines may be written or may be administered orally to a student; all other examinations shall be written.

(Rule 0400-13-02-.02, continued)

3. In-person, classroom-based lectures shall be conducted for all initial training courses.

4. Unless demonstrated to the Commissioner as not needed, interactive audiovisual classroom exercises and materials shall be used to complement lectures in training courses, but such interactive exercises and materials shall not entirely substitute for the lectures.

5. The training curriculum for each discipline shall be separate and distinct from the others. An individual seeking accreditation in more than one of the six accredited disciplines included in subparagraph (b) of this paragraph shall not attend more than one training course at a time but may attend courses sequentially.

(b) Disciplines.

1. Asbestos Inspector.

All individuals who inspect for ACBM in schools or public and commercial buildings shall be accredited as an asbestos inspector prior to engaging or offering to engage in such activities. All individuals seeking accreditation as an inspector shall complete a three-day course as outlined in this part. The course shall include lectures, demonstrations, a field trip, four hours of hands-on training, individual respirator fit-testing methods, course review of key aspects, and a written examination. Hands-on training shall include conducting a simulated building walk-through inspection and respirator fit-testing.

The asbestos inspector training course shall address the following topics and state-of-the-art work-practice standards:

(i) Background information on asbestos—

Identification of asbestos and examples and discussion of the uses and locations of asbestos in buildings; and 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; and 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—

Discussion of prior experience and qualifications for inspectors and management planners; discussion of the functions of an accredited inspector as compared to those of an accredited management planner; and a 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

(Rule 0400-13-02-.02, continued)

policies, environmental and pollution liability policy clauses; state liability insurance requirements; and bonding and the relationship of insurance availability to bond availability;

(v) 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; and inspecting electrical systems, including appropriate safety precautions; and 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 the 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, abatement records of building; and the role of the inspector in exclusions for previously performed inspections;

(viii) *Inspecting for friable and non-friable 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; and quality control and quality assurance procedures;

(x) *Inspector respiratory protection and personal protective equipment—

(Rule 0400-13-02-.02, continued)

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 face piece-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;

(xi) *Recordkeeping and writing the inspection report—

Labeling of samples and keying sample identification to sampling location; 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 40 C.F.R. § 763.93. The asbestos inspectors shall use forms for recording the results of inspections in schools or public or commercial buildings, and the course curriculum shall include examples of these forms;

(xii) Regulatory review—

The following topics shall be covered: NESHAP (40 C.F.R. Part 61, Subparts A and M); EPA Worker Protection Rule (40 C.F.R. Part 763, Subpart G); OSHA Asbestos Construction Standard (29 C.F.R. § 1926.1101); OSHA Respiratory Protection (29 C.F.R. § 1910.134); the Asbestos-Containing Materials in School Rule (40 C.F.R. Part 763, Subpart E); applicable state and local regulations, and differences between federal and state requirements where they apply, and the effects, if any, on public and nonpublic schools or commercial or public 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; and classroom discussion of field exercises;

(xiv) Course review—

A review of key aspects of the training course; and

(xv) Written examination.

2. Asbestos Management Planner.

All individuals who prepare management plans for schools shall be accredited as asbestos management planners prior to engaging or offering to engage in such activities. An individual performing the management planner role in public and commercial buildings is not required to be accredited under this chapter. All individuals seeking accreditation as management planners shall complete the required three-day inspector training course as outlined in part 1. of this subparagraph and a two-day management planner training course covering the topics contained in this part. Possession of a current accredited initial or refresher inspector training course completion certificate shall be a prerequisite for admission to the management planner training course. The management planner

(Rule 0400-13-02-.02, continued)

training course shall include lectures, demonstrations, course review, and a written examination.

The management planner training course shall address the following topics and state-of- the-art work-practice standards:

(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 the TSCA Title II requirements for inspection and management plans for school buildings as given in 40 C.F.R. § 763.93; interpretation of field data and laboratory results; and a comparison of field inspector's data sheet with laboratory results and 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; and relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors for hazard assessment;

(iv) Legal implications—

Liability; insurance issues specific to planners; and liabilities associated with interim control measures; in-house maintenance, repair, and removal; and the 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; and 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; and a 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;

(Rule 0400-13-02-.02, continued)

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, canvas, and wet wraps; muslin with straps, fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; and a case study in developing an O&M plan (development, implementation process, and problems that have been experienced);

(viii) Regulatory review—

The following topics shall be covered: NESHAP (40 C.F.R. Part 61, Subparts A and M); OSHA Asbestos Construction Standard (29 C.F.R. § 1926.1101); EPA Worker Protection Rule (40 C.F.R. Part 763, Subpart G); TSCA Title II; and applicable state regulations;

(ix) 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. The forms that are to be used shall be incorporated into the initial training course for management planners;

(x) Assembling and submitting the management plan—

Plan requirements for schools in accordance with 40 C.F.R. § 763.93; and 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 operation and maintenance costs; and Asbestos School Hazard Abatement Act grants and loans;

(xii) Course review—

A review of key aspects of the training course; and

(xiii) Written examination.

3. Asbestos Supervisor.

An individual shall be accredited as an asbestos supervisor prior to supervising (directly or indirectly) or offering to supervise any of the following activities with respect to friable ACBM in a school or public and commercial buildings: a response action other than an SSSD activity, a maintenance activity that disturbs friable ACBM other than an SSSD activity, or a response action for a major fiber release episode.

All individuals seeking accreditation as an asbestos supervisor shall complete a five-day training course as outlined in this part. The training course shall include lectures, demonstrations, a minimum of 14 hours of hands-on training, individual respirator fit-testing, course review, and a written examination. Hands-on training shall permit asbestos supervisors to have actual experience performing tasks associated with asbestos abatement.

(Rule 0400-13-02-.02, continued)

Asbestos supervisors include those individuals who provide supervision and direction to asbestos workers performing response actions. Asbestos supervisors may include those individuals with the position title of foreman, working foreman, or lead man 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 shall have access to an asbestos supervisor throughout the duration of the project.

The asbestos supervisor training course shall address the following topics and state-of-the-art work-practice standards:

(i) 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;

(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; synergism between cigarette smoking and asbestos exposure; and the latency period for diseases;

(iii) *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 face piece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit-testing procedures; variability between field and laboratory protection factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; the 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; 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; and the avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the

(Rule 0400-13-02-.02, continued)

work area (Potential exposures, such as family exposure, shall be included.);

(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 individual;

(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;

(ix) Regulatory review—

Relevant federal, state, and local regulatory requirements, procedures, and standards, including requirements of the TSCA Title II; NESHAP (40 C.F.R. 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 respirator protection (29 C.F.R. § 1910.134); OSHA Asbestos Construction Standard (29 C.F.R. § 1926.1101); EPA Worker Protection Rule (40 C.F.R. Part 763, Subpart G); and applicable state and local asbestos regulatory requirements;

(x) Respiratory protection programs and medical monitoring programs;

(xi) Insurance and liability issues—

Supervisor or contractor issues; firm issues; worker’s compensation coverage and exclusions; third-party liabilities and defenses; and insurance coverage and exclusions;

(xii) Recordkeeping for asbestos abatement projects—

Records required by federal, state, and local regulations; and 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 a contract specifications;

(Rule 0400-13-02-.02, continued)

(xv) Course review—

A review of key aspects of the training course; and

(xvi) Written or individual oral examination.

4. Asbestos Project Designer.

An individual shall be accredited as an asbestos project designer prior to designing or offering to design any of the following with respect to friable ACBM in a school or public and commercial building: (i) a response action other than a SSSD maintenance activity, (ii) a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, (iii) or a response action for a major fiber release episode. All individuals seeking accreditation as an asbestos project designer shall complete a three-day training course as outlined in this part. The project designer course shall include lectures, demonstrations, a field trip, course review, and a written examination.

The abatement project designer training course shall address the following topics and state-of-the-art work-practice standards:

(i) Background information on asbestos—

Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; and the 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; 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 renovation projects and OSHA requirements for notification of other contractors on a multi-employer site (29 C.F.R. § 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; and the use of glove bags and a demonstration of glove bag use;

(v) *Field trip—

(Rule 0400-13-02-.02, continued)

A visit to an abatement site or other suitable building site, including on-site discussions of abatement design and building walk-through inspection. The field trip shall include a discussion of the rationale for the concept of functional spaces during the walk-through;

(vi) *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 respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; and the 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; and aggressive air movement and negative-pressure exhaust ventilation as a clean-up method;

(ix) Designing abatement solutions—

Discussion of removal; enclosure; encapsulation methods; and 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; and the relationship of the visual inspection to final air clearance;

(xi) 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;

(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 and medical considerations; and 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; the relationship of drawings to design specifications; and 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; and 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 and 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; and scheduling of renovation to minimize exposure;

(xix) Regulatory review—

Relevant federal, state, and local regulatory requirements, procedures, and standards, including but not limited to requirements of TSCA Title II; NESHAP (40 C.F.R. Part 61), Subparts A (General Provisions) and M (National Emission Standard for Asbestos); OSHA Respiratory Protection (29 C.F.R. § 1910.134); OSHA Asbestos Construction Standard (29 C.F.R. § 1926.1101); EPA Worker Protection Rule (40 C.F.R. Part 763, Subpart G); and OSHA Hazard Communication Standard (29 C.F.R. § 1926.59).

(xx) Course review—

A review of key aspects of the training course; and

(xxi) Written examination.

5. Asbestos Worker.

An individual shall be accredited as an asbestos worker prior to carrying out or offering to carry out any of the following activities with respect to friable ACBM in a school or public and commercial building: a response action other than a SSSD activity, a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or a response action for a major fiber release episode. All individuals seeking accreditation as an asbestos worker shall complete at least a four-day course as outlined in this part.

(Rule 0400-13-02-.02, continued)

The asbestos worker training course shall include lectures, demonstrations, at least 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. An individual who is otherwise accredited as an asbestos supervisor may perform in the role of an asbestos worker without possessing a separate state accreditation as an asbestos worker.

The asbestos worker training course shall address the following topics and state-of-the-art work-practice standards:

(i) The physical characteristics of asbestos—

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; synergistic effect between cigarette smoking and asbestos exposure; latency period for asbestos-related diseases; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;

(iii) *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 face piece-to-face seal (positive and negative-pressure fit checks); qualitative and quantitative fit-testing procedures; variability between field and laboratory protection factors that alter respirator 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; 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 sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices (new abatement 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 individual;

(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; and

(xii) A written or individual oral examination.

6. Asbestos Project Monitor.

An individual shall be accredited as an asbestos project monitor prior to engaging in or offering to perform work as a project monitor. Project monitors are responsible for observing abatement activities and generally serving as a building owner's representative to ensure that abatement work is completed according to specification and in compliance with all relevant statutes and regulations. The project monitor may also perform the vital role of air monitoring for purposes of determining final clearance.

All individuals seeking accreditation as an asbestos project monitor shall complete a five-day training course, which consists of lectures and demonstrations, at least six hours of hands-on training, course review of key aspects, and a written examination. The hands-on training component shall be satisfied by having the student simulate participation in or performance of any of the relevant job functions or activities or by incorporation of the workshop component described in subpart (xiv) of this part.

The project monitor training course shall address the following topics and state-of-the-art work-practice standards:

(i) Roles and responsibilities of the project monitor—

(Rule 0400-13-02-.02, continued)

Definition and responsibilities of the project monitor, including regulatory and specification compliance monitoring; air monitoring; conducting visual inspections; and final clearance monitoring;

(ii) Characteristics of asbestos and asbestos-containing materials—

Typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; and presentation of the health effects of asbestos exposure, including routes of exposure, dose-response relationships, and latency periods for asbestos-related diseases;

(iii) Regulatory review—

Overview of pertinent EPA regulations including: NESHAP (40 C.F.R. Part 61, subparts A and M); AHERA, 40 C.F.R. Part 763, (Subpart E – Asbestos-Containing Materials in Schools); and the EPA Worker Protection Rule (40 C.F.R. Part 763, Subpart G). Overview of pertinent OSHA regulations, including: Construction Industrial Standard for Asbestos (29 C.F.R. § 1926.1101); Respirator Protection Standard (29 C.F.R. § 1910.134); and the Hazard Communication Standard (29 C.F.R. § 1926.59). Overview of applicable state and local asbestos regulatory requirements; and regulatory interrelationships;

(iv) Understanding building construction and building systems—

Building construction basics, building physical plan layout; understanding building systems (HVAC, electrical, etc.); layout and organization, where asbestos is likely to be found on building systems; renovations; and the effect of asbestos abatement on building systems;

(v) Asbestos abatement contracts, specifications, and drawing—

Basic provisions of the contract; relationships between principal parties; establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading and interpreting records and abatement drawings; discussion of change orders; and common enforcement responsibilities and authority of project monitors;

(vi) Response actions and abatement practices—

Pre-work inspections; pre-work considerations; pre-cleaning of the work area; removal of furniture, fixtures, and equipment; shutdown or modification of building systems; construction and maintenance of containment barriers; proper demarcation of work areas; work area entry and exit; hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release; wet methods; continuous cleaning; abatement methods other than removal; abatement area clean-up procedures; waste transport and disposal procedures; and contingency planning for emergency response;

(vii) Asbestos abatement equipment—

Typical equipment found on an abatement project; air filtration devices; vacuum systems; negative pressure differential monitoring; HEPA filtration units, theory of filtration, design and construction of HEPA filtration units, qualitative and quantitative performance of HEPA filtration units, sizing the

(Rule 0400-13-02-.02, continued)

ventilation requirements, and location of HEPA filtration units; qualitative and quantitative tests of containment barrier integrity; and best available technology;

(viii) Personal protective equipment—

Proper selection of respiratory protection; classes and characteristics of respirator types; limitations of respirators; proper use of other safety equipment; protective clothing selection; the use and proper handling of hard/bump hats and safety shoes; breathing air systems; high pressure vs. low pressure; testing for Grade D air; and determining proper backup air volumes;

(ix) Air monitoring strategies—

Sampling equipment; sampling pumps (low vs. high volume); flow regulating devices (critical and limiting orifices); the use of fibrous aerosol monitors on abatement projects; sampling media; types of filters; types of cassettes; filter orientation; storage and shipment of filters; calibration techniques; primary calibration standards; secondary calibration standards; temperature and pressure effects; frequency of calibration; recordkeeping and field work documentation; calculations; air sample analysis; techniques available and limitations of AHERA on their use; transmission electron microscopy (background to sample preparation and analysis, air sample conditions which prohibit analysis; phase contrast microscopy (background to sample preparation, and AHERA's limits on the use of phase contrast microscopy) and what each technique measures; analytical methodologies, AHERA Transmission Electron Microscopy (TEM) protocol, NIOSH 7400, OSHA reference method (non-clearance); sampling strategies for clearance monitoring; types of air samples (personal breathing zone vs. fixed station area) sampling location and objectives (pre-abatement, during abatement, and clearance monitoring); number of samples to be collected; minimum and maximum air volumes; clearance monitoring (post-visual-inspection) (number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results, and calculations); quality assurance; special sampling problems such as crawl spaces, acceptable samples for laboratory analysis, and sampling in occupied buildings (barrier monitoring);

(x) Safety and health issues other than asbestos—

Confined-space entry; electrical hazards; fire and explosion concerns; ladders and scaffolding; heat stress; air contaminants other than asbestos; fall hazards; and hazardous materials on abatement projects;

(xi) Conducting visual inspections—

Inspections during abatement, visual inspections using the ASTM E1368 document; conducting inspections for completeness of removal; and discussion of "How clean is clean?";

(xii) Legal responsibilities and liabilities of project monitors—

Specification enforcement capabilities; regulatory enforcement; licensing; and powers delegated to project monitors through contract documents;

(Rule 0400-13-02-.02, continued)

(xiii) Recordkeeping and report writing—

Developing standardized project logs and daily logs (what should be included, who sees them, etc.); final report preparation; and recordkeeping in accordance with 40 C.F.R. § 763.94;

(xiv) *Workshops (six hours spread over three days)—

(I) Contracts, specifications, and drawings:

This workshop shall consist of each participant being issued a set of contracts, specifications, and drawings and then being asked to answer questions and make recommendations to a project architect, engineer, or the building owner based on given conditions and these documents.

(II) Air monitoring strategies and asbestos abatement equipment:

This workshop shall consist of simulated abatement sites for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstrations and exhibition, the project monitor may also be able to gain a better understanding of the function of various pieces of equipment used on abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.).

(III) Conducting visual inspections:

This workshop shall consist of an interactive video in which a participant is “taken through” a work area and asked to make notes of what is seen. A series of questions will be asked which are designed to stimulate an individual’s recall of the area. This workshop could consist of a series of two or three videos with different site conditions and different degrees of cleanliness;

(xv) Course review—

A review of key aspects of the training course; and

(xvi) Written examination.

(5) Re-accreditation of training providers and courses.

(a) A training provider’s re-accreditation to offer an asbestos initial or refresher training courses shall expire after two years on the last day of the month of issuance.

(b) A training provider seeking training course re-accreditation to offer initial and refresher asbestos courses shall submit a complete application and the appropriate fee to the Commissioner no later than 45 days before the accreditation expires.

(c) A training provider’s application for re-accreditation shall include:

1. The training provider’s name, physical address of the headquarters and training facility, mailing address, if different from the physical address, and telephone number;

(Rule 0400-13-02-.02, continued)

2. A list of asbestos initial or refresher courses for which the training provider is applying for re-accreditation;

3. A description of any changes to the training facility, equipment, training course material (revision dates should be listed on the material), training manager, or principal instructors since the training provider's last application;

4. A statement signed by the training provider stating that the training provider will comply at all times with all requirements of Rule 0400-13-02-.02; and

5. A payment of the appropriate application fee in accordance with subparagraph (2)(a) of Rule 0400-13-02-.05.

(6) Training provider recordkeeping requirements.

(a) A training provider shall maintain and make available to the Commissioner, upon request, the following records:

1. All documents that demonstrate the instructor qualifications listed in parts (3)(b)1. and 2. of this rule for the training manager and principal instructors;

2. Copies of all instructional materials such as: current and past curriculum (course) materials, course agenda, course test blueprint, course examinations, learning objectives for each lecture, exercises, hands-on training exercises, examinations, course evaluations, and other documents used in the delivery of the training. Documentation of revisions shall be maintained;

3. Documentation that each individual who receives a course completion certificate for a training course has achieved a passing score on the examination. These records must clearly indicate the date the examination was administered, the training course and discipline for which the examination was given, the name of the individual who proctored the examination, a copy of the examination, and the name and test score of each individual taking the examination. The topic and dates of the training course must correspond to those listed on that individual's course completion certificate;

4. Records that document the names of all individuals who have been awarded course completion certificates, their certificate numbers, the disciplines for which the course completion certificate was conferred, training and expiration dates, and the training location. A training provider shall maintain records in a manner that allows verification by telephone of the required information; and

5. Any other records which were submitted to the Commissioner for the accreditation of the course, training manager, and principal instructors.

(b) 1. A training provider shall retain all records required under subparagraph (a) of this paragraph for at least three years after the creation of the record.

2. The retention period for all records required under this subparagraph shall be extended for the duration of any enforcement action as set forth in Rule 0400-13-02-.07 against a training provider or as requested by the Commissioner.

(c) Upon request, the Commissioner shall be allowed to review appropriate documents to determine a training provider's compliance with this rule.

(Rule 0400-13-02-.02, continued)

(d) If a training provider ceases to conduct training, the training provider shall provide the Commissioner written notification at least 30 days prior to the end date of its last course or date of closure, whichever is later and give the Commissioner the opportunity to take possession of the training provider's applicable Tennessee asbestos training records.

(7) Training provider compliance monitoring inspection audits.

(a) The Commissioner may conduct unannounced audits of a training provider's records and of any course to ensure compliance with the requirements of this chapter.

(b) For audit purposes, a training provider shall, at no charge, allow the Commissioner to attend and have access to all or any part of any course to determine compliance with the requirements of this chapter. A training provider shall not restrict the Commissioner's access to any part of a training program and shall make records required to be maintained by these rules available for review, inspection, or copying.

(c) Unless a training provider notifies the Commissioner of changes in a training course site or course cancellation at least five days prior to the start date of the course, the Commissioner may assess all costs associated with the unannounced audit, such as travel, per diem expenses, and work hours to that training provider for reimbursement. The actual costs incurred will be assessed using the State of Tennessee Finance and Administration's "General Reimbursement Rate Schedule" policy.

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.03 ACCREDITATION OF INDIVIDUALS AND FIRMS ENGAGED IN ASBESTOS ACTIVITIES.

(1) Scope and applicability.

(a) Paragraph (2) of this rule contains the requirements an individual must meet in order to obtain an accreditation from the Commissioner to conduct asbestos activities in Tennessee.

(b) Paragraph (3) of this rule establishes the minimum education and experience required for an individual to be accredited by the Commissioner as an asbestos inspector, asbestos management planner, asbestos supervisor, asbestos project designer, asbestos worker, or asbestos project monitor.

(c) Paragraph (4) of this rule contains the work practice standards for each discipline.

(d) Paragraph (5) establishes the requirements an individual must meet to be re-accredited in a particular discipline.

(e) Paragraph (6) establishes the requirements a firm must meet to be accredited and re-accredited by the Commissioner to perform or offer to perform any asbestos activity in schools or public and commercial buildings in Tennessee.

(f) No application presented for review by an individual or firm will be processed without the applicable supporting documentation and payment of the appropriate nonrefundable application fee. If an application for accreditation of an individual or firm under this rule is denied, the individual or firm may reapply upon filing a new, complete application and paying the appropriate, nonrefundable application fee.

(Rule 0400-13-02-.03, continued)

(g) Receipt and deposit of fees does not indicate approval of the application or guarantee the issuance of accreditation.

(h) All required applications and supporting documentation shall be submitted via mail or through the State of Tennessee online internet application submission portal, if such a portal is available, in accordance with subparagraph (1)(d) of Rule 0400-13-02-.01.

(2) Accreditation of an individual.

(a) 1. An individual shall not perform or offer to perform any asbestos activities in schools or public and commercial buildings in or for the State of Tennessee without first applying for and receiving accreditation as an asbestos inspector, asbestos management planner, asbestos supervisor, asbestos project designer, asbestos worker, or asbestos project monitor, as is appropriate to the asbestos activities to be performed by the individual, from the Commissioner and possessing a valid photo identification accreditation card for that discipline in accordance with the requirements of this rule.

2. Unless suspended, refused to be re-accredited, or revoked, in accordance with Rule 0400-13-02-.07, an individual's accreditation lasts for one year and shall remain valid until the expiration date of the current course completion certificate of the individual's most recent training course in the discipline.

3. Individuals performing any asbestos activities in schools or public and commercial buildings in or for the State of Tennessee shall be in possession of a valid State of Tennessee-issued photo accreditation identification card for the applicable discipline(s) being performed at all times while at the work site.

4. To receive a replacement accreditation identification card during the term of an accreditation, the individual shall, at least 30 days prior to the expiration of the current course completion certificate, submit the request on the appropriate form and pay the fee for a replacement accreditation identification card. Upon confirmation that the individual has the required current course completion certificate(s) on file, the Commissioner shall issue the individual a replacement accreditation identification card.

(b) An individual seeking accreditation by the Commissioner to perform asbestos activities in schools or public and commercial buildings as an asbestos inspector, asbestos management planner, asbestos supervisor, asbestos project designer, asbestos worker, or asbestos project monitor shall submit to the Commissioner an application for the discipline(s) in which accreditation is sought on forms provided by the Commissioner. The form(s) shall be completed in accordance with the instructions accompanying each form. The following shall also be submitted to the Commissioner along with the application form(s):

1. Proof, to the satisfaction of the Commissioner, of meeting the requirements of paragraph (3) of this rule, which may include, but is not limited to, the following documents:

(i) Copy of official academic transcripts or diploma, as evidence of meeting the applicable education requirements;

(ii) Resumes, letters of reference, or documentation of work experience, as evidence of meeting the applicable work experience requirements;

(Rule 0400-13-02-.03, continued)

(iii) Course completion certificates from a Commissioner-accredited or recognized asbestos training program for the appropriate discipline(s), as evidence of meeting the training requirements. Except as otherwise allowed by Rule 0400-13-02-.04, course completion certificates issued by an asbestos training provider that was not accredited by the Commissioner at the time the course completion certificate was issued shall not be accepted; and

(iv) For individuals seeking accreditation as a management planner, also submit both the applicable accredited inspector training course completion certificate and the management planner training course completion certificate.

2. The applicable nonrefundable application fee in subparagraph (2)(a) of Rule 0400-13-02-.05;

3. A copy of a current course completion certificate for an initial training course in the appropriate discipline(s), and any refresher course completion certificate received in that discipline the previous year, if applicable;

4. One standard color passport photograph with each application for the asbestos discipline for which accreditation is sought; and

5. An attestation and documentation complying with the requirements of the Eligibility Verification for Entitlement Acts, T.C.A. §§ 4-58-101 to -110.

(c) After an individual submits a complete application demonstrating compliance with all of the requirements of subparagraph (b) of this paragraph, the Commissioner will review the completed application and any additional information, including but not limited to work history from other sources. Any approval will include the issuance of an accreditation identification card. Any denial will include a letter describing any deficiency or reason for denial.

(d) If an individual has filed an incomplete application for accreditation, the Commissioner will issue a letter to the individual stating the materials and information needed to complete the application. If the individual does not provide all materials and information needed to complete the application within 30 days of the letter, the Commissioner may deny the application.

(3) Requirements for accreditation of an individual in the appropriate discipline.

To become accredited by the Commissioner as an asbestos inspector, asbestos management planner, asbestos supervisor, asbestos project designer, asbestos worker, or asbestos project monitor, an individual shall:

(a) Successfully complete a Commissioner-accredited initial training course and pass the course's closed book examination, consistent with 40 C.F.R. Part 763, Appendix C, for the appropriate discipline;

(b) Meet or exceed the following experience and educational requirements:

1. Inspectors.

A high school diploma (or equivalent).

2. Management Planner.

(Rule 0400-13-02-.03, continued)

(i) Have current credentials as a registered architect, certified industrial hygienist, licensed professional engineer, or certification in a related engineering, health, or environmental field (e.g., safety professional, environmental scientist);

(ii) Have a bachelor's degree and one year of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction);

(iii) Have an associate degree and two years of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(iv) Have a high school diploma and four years of experience in a related field (e.g., environmental remediation work, asbestos, lead, or in the building construction trades).

3. Supervisor.

(i) Have at least one year of experience as an accredited asbestos worker (no specific level of education is required); or

(ii) Have at least two years of experience in a related field (e.g., environmental remediation work, asbestos, lead) or in the building construction trades.

4. Project Designer.

(i) Currently hold credentials as a registered architect, certified industrial hygienist, licensed professional engineer, or certification in a related engineering, health, or environmental field (e.g., safety professional, environmental scientist);

(ii) Have a bachelor's degree and one year of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(iii) Have an associate degree and two years of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction).

5. Worker. No minimum experience or education requirements.

6. Project Monitor.

(i) Currently hold credentials as a registered architect, certified industrial hygienist, licensed professional engineer or certification in a related engineering, health, or environmental field (e.g., safety professional, environmental scientist);

(ii) Have a bachelor's degree and one year of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction);

(iii) Have an associate degree and two years of experience in a related field (e.g., asbestos, lead, or environmental remediation work, or building construction); or

(Rule 0400-13-02-.03, continued)

(iv) Have a high school diploma and four years of experience in a related field (e.g., environmental remediation work, asbestos, lead, or in the building construction trades and designs).

(4) An individual conducting asbestos activities shall comply with the work practice standards in subparagraphs (a) through (f) of this paragraph specific to the discipline for which that individual is accredited. An accredited individual shall not conduct asbestos activities appropriate to other disciplines for which accreditation or re-accreditation has not been obtained.

(a) Asbestos Inspector.

1. An accredited asbestos inspector inspects, identifies, and provides written assessments of all friable known or assumed ACBM in schools and public and commercial buildings.

2. For each inspection and re-inspection, an accredited asbestos inspector shall sign and date the assessment and include the inspector's Commissioner-issued accreditation number on all reports.

3. An accredited asbestos inspector shall classify and give reasons in the written assessment for classifying the ACBM, suspected ACBM, and assumed to be ACM in schools and public and commercial buildings into one of the following categories:

(i) Damaged or significantly damaged thermal system insulation ACM;

(ii) Damaged friable surfacing ACM;

(iii) Significantly damaged friable surfacing ACM;

(iv) Damaged or significantly damaged friable miscellaneous ACM;

(v) ACBM with potential for damage;

(vi) ACBM with potential for significant damage; or

(vii) Any remaining friable ACBM or friable suspected ACBM.

4. An accredited asbestos inspector's assessment must include the following considerations:

(i) Location and the amount of the material, both in total quantity and as a percentage of the functional space; and

(ii) Condition of the material, specifying:

(I) Type of damage or significant damage (e.g., flaking, blistering, water damage, or other signs of physical damage);

(II) Severity of damage (e.g., major flaking, severely torn jackets, as opposed to occasional flaking, minor tears to jackets); and

(III) Extent or spread of damage over large areas or large percentages of the homogeneous area.

(Rule 0400-13-02-.03, continued)

5. An accredited asbestos inspector shall determine whether the material is accessible.

6. An accredited asbestos inspector shall determine the material's potential for disturbance.

7. An accredited asbestos inspector shall determine the known or suspected causes of damage or significant damage (e.g., air erosion, vandalism, vibration, water).

8. An accredited asbestos inspector shall determine preventive measures which might eliminate the reasonable likelihood of undamaged ACM from becoming significantly damaged.

9. An accredited asbestos inspector shall ensure that all bulk samples collected from school and public and commercial buildings shall be analyzed by an accredited laboratory.

(b) Accredited Asbestos Management Planner.

1. An accredited asbestos management planner develops management plans to review the results of each inspection, re-inspection, and assessment for the school building and to conduct any other necessary activities to recommend in writing appropriate response actions to the local education agency.

2. An accredited asbestos management planner shall sign and date the recommendation and include the asbestos management planner's Commissioner-issued accreditation number in the management plan.

(c) Accredited Asbestos Supervisor.

1. An accredited asbestos supervisor may provide oversight (directly or indirectly) for the following activities with respect to friable ACBM in schools and public and commercial buildings:

(i) Conducting a response action other than a SSSD activity;

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD activity; or

(iii) A response action for a major fiber release episode.

2. An accredited asbestos supervisor shall use state-of-the-art work practices, which include the following:

(i) Proper work practices for asbestos abatement activities, including proper construction; maintenance of barriers and decontamination enclosure systems; proper 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; and proper clean-up and disposal procedures.

(ii) Proper work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for unplanned releases; proper management of potential exposure situations; and appropriate transport and disposal procedures.

(iii) New asbestos abatement-related techniques and methodologies may be used.

3. (i) One accredited asbestos supervisor is required to be at the worksite at all times while response actions are being conducted; and

(ii) Accredited asbestos workers shall have access to an accredited asbestos supervisor throughout the duration of the project.

4. An accredited asbestos supervisor shall include the supervisor's Commissioner-issued accreditation number on all reports.

(d) Accredited Asbestos Project Designer.

1. An accredited asbestos project designer produces written specifications and designs for any of the following asbestos activities with respect to friable ACBM in a school or public and commercial building:

(i) Any response action other than a SSSD maintenance activity;

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity; or

(iii) A response action for a major fiber release episode.

2. An accredited asbestos project designer shall sign and date the written specification packet and include the project designer's Commissioner-issued accreditation number.

3. Duties of an accredited project designer are inclusive of, but not limited to, the following activities: determination of the scope of work; work sequence; performance standards for response actions, including preparation of specifications and plans; and contract documents used with respect to the handling of friable and non-friable ACBM. The project design also includes: techniques for completing an initial cleaning of the work area; the rationale behind establishment of functional spaces; written diagrams and methods of diagramming all containment barriers; a written rationale for air clearance; and the clarification of what constitutes a complete visual clearance.

(e) Accredited Asbestos Worker.

1. An accredited asbestos worker is responsible for carrying out any of the following activities with respect to friable ACBM in schools and public and commercial buildings:

(i) A response action other than a SSSD maintenance activity;

(ii) A maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity; or

(iii) A response action for a major fiber release episode.

2. An accredited asbestos worker shall provide the worker's Commissioner-issued accreditation upon request.

(Rule 0400-13-02-.03, continued)

(f) Accredited Asbestos Project Monitor.

1. An accredited asbestos project monitor monitors response actions and generally serves as the building owner's representative to ensure compliance with contract and job specifications and regulatory requirements, except for projects that are SSSD activities. The functional role of an asbestos project monitor is specific to a particular response action and is inclusive of:

   (i) Performing visual audits of a job site before, during, and after a response action is undertaken; and

   (ii) Performing air monitoring as a part of a response action or for the purpose of clearing a response action.

2. An accredited asbestos project monitor shall sign and date the written report and include the asbestos project monitor's Commissioner-issued accreditation number.

3. At the conclusion of any response action to remove, encapsulate, or enclose ACBM or material assumed to be ACBM, except for projects that are SSSD activities, the accredited project monitor shall conduct the following activities to determine the completion of a response action:

   (i) Visually inspect each functional space where such action was conducted to determine whether the action has been properly completed; and

   (ii) Collect clearance air samples using aggressive sampling in accordance with 40 C.F.R. Part 763 Subpart E (Asbestos-Containing Materials in Schools) Appendix A (Interim Transmission Electron Microscopy Analytical Methods – Mandatory and Non-Mandatory – and Mandatory Section to Determine Completion of Response Actions), to determine completion of response actions involving ACBM or material assumed to be ACBM, other than small-scale, short-duration activities. Samples shall be analyzed for asbestos using one of the following methods:

      (I) Transmission Electron Microscopy ("TEM") using laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP); or

      (II) Phase contrast microscopy ("PCM") for monitoring samples collected for clearance purposes to confirm completion of response action (removal, encapsulation, or enclosure) of ACBM or materials assumed to be ACBM that is greater than SSSD and less than or equal to 160 square feet or 260 linear feet. To determine the amount of ACBM affected, the asbestos project monitor adds the total square or linear footage of ACBM within the containment barriers used to isolate the functional space for the action to remove, encapsulate, or enclose the ACBM or materials assumed to be ACBM (Contiguous portions of material subject to such action conducted concurrently or at approximately the same time within the same school building shall not be separated to qualify under this item).

4. When the clearance air samples are collected in accordance with subitem 3.(ii)(I) of this subparagraph, an accredited asbestos project monitor shall consider the response action complete if either subpart (i) or (ii) of this part are met:

(i) The three blank samples have an arithmetic mean of the asbestos structure concentration on the blank filters that is less than or equal to 70 s/mm2 and the average airborne asbestos concentration measured inside the abatement area is not statistically higher than the average airborne asbestos concentration measured outside the abatement area as determined by the Z-test calculation found in 40 C.F.R. Part 763, Appendix A of Subpart E. The response action is considered complete if Z is less than or equal to 1.65; or

(ii) If the volume of air drawn for each of the five samples collected within the affected functional space is equal to or greater than 1,199 liters (L) of air for a 25 mm filter or equal to or greater than 2,799 L of air for a 37 mm filter and the average concentration of asbestos as analyzed by the TEM method in 40 C.F.R. Part 763, Appendix A of subpart E, for the five air samples does not exceed 70 s/mm^2.

5. When the clearance air samples are collected in accordance with subitem 3.(ii)(II) of this subparagraph, an accredited asbestos project monitor shall not consider the response action complete until the results of samples collected in the affected functional space and analyzed by phase contrast microscopy (PCM) using the National Institute for Occupational Safety and Health ("NIOSH") Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987, show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM (0.01 fibers per cubic centimeter (0.01 f/cm^3) of air).

6. An accredited asbestos project monitor shall ensure that air samples meet the following work practice standards:

(i) In a school or public and commercial building air samples shall be analyzed by TEM by using laboratories accredited by the National Institute of Standards and Technology's (NIST) National Voluntary Laboratory Accreditation Program (NVLAP);

(ii) In a school when the area is greater than a small-scale, short-duration activity and less than or equal to 160 square feet or 260 linear feet, air samples may be analyzed by phase contrast microscopy ("PCM") using the NIOSH Method 7400 by a laboratory enrolled in the American Industrials Hygiene Association Proficiency Analytical Testing Program; and

(iii) In a public or commercial building when the area is greater than or equal to 160 square feet or 260 linear feet, air samples may be analyzed by PCM using a laboratory enrolled in the American Industrials Hygiene Association Proficiency Analytical Testing Program.

(5) Re-Accreditation of Individuals.

(a) To maintain accreditation in a particular discipline, an accredited individual shall submit the following within 60 days prior to the expiration date of their current accreditation:

1. A complete re-accreditation application, which shall include all information required for initial accreditation in the respective asbestos discipline;

2. Proof of a current refresher training completion certificate in the respective asbestos discipline;

(Rule 0400-13-02-.03, continued)

3. One standard two-inch by two-inch color passport photograph; and

4. The appropriate nonrefundable re-accreditation application fee in accordance with subparagraph (2)(a) of Rule 0400-13-02-.05.

(b) Upon receiving the information required by subparagraph (a) of this paragraph, the Commissioner shall issue the individual a new accreditation identification card that expires on the expiration date of the current refresher training completion certificate filed with the individual's re-accreditation application.

(6) Accreditation and Re-Accreditation of Firms.

(a) A firm shall not perform or offer to perform any asbestos activity in schools or public and commercial buildings in Tennessee unless that firm is accredited by the Commissioner.

(b) A firm seeking accreditation or re-accreditation shall submit to the Commissioner:

1. A completed application on forms provided by the Commissioner;

2. The appropriate nonrefundable application fee in accordance with subparagraph (2)(a) of Rule 0400-13-02-.05;

3. A letter attesting that when conducting asbestos activities in schools or public and commercial buildings, the firm shall:

(i) Only employ Tennessee-accredited individuals;

(ii) Ensure that accredited individuals perform only the tasks specific to their respective accredited disciplines; and

(iii) Ensure that while performing these tasks, the firm complies with the work practice standards of paragraph (4) of this rule; and

4. For an initial accreditation, if the firm is a sole proprietor, general partnership, or other business entity where individuals shall hold the right to all or part of the accreditation, an attestation and documentation for each such individual complying with the requirements of the Eligibility Verification for Entitlements Act, T.C.A. §§ 4-58-101 to -110.

(c) Following the submission of a complete firm application in accordance with subparagraph (b) of this paragraph, the Commissioner will review the completed application and any additional information, including but not limited to work history from other sources, and respond with either an accreditation certificate or a denial letter. The Commissioner will not approve a firm's application for accreditation if the Commissioner determines that the requirements of this chapter are not met or the regulatory or environmental compliance history of the firm, its principals, or its key employees demonstrates an unwillingness or inability to maintain compliance with this chapter. The Commissioner may consider regulatory or environmental compliance history in other jurisdictions aside from Tennessee. An administrative or judicial finding of a violation, or execution of a consent agreement and order constitutes evidence of prior unwillingness or inability to maintain compliance. The Commissioner will send the firm a letter giving the reason for not approving the application. A firm may reapply for accreditation at any time by filing a new, complete application that includes all the information required in subparagraph (b) of this paragraph.

(Rule 0400-13-02-.03, continued)

(d) A firm shall maintain the following records for three years: personnel employment, contracts for performance, final asbestos abatement reports, and clearance air monitoring reports. The retention period for all records required under this subparagraph shall be extended for the duration of any enforcement action against a firm.

(e) Upon request, the Commissioner shall be allowed to review relevant documents to determine a firm's compliance with these rules.

(f) Unless the Commissioner revokes, denies re-accreditation, or suspends the accreditation in accordance with Rule 0400-13-02-.07, the accreditation shall be valid for three years from the last day of the month of issuance.

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.04 RECIPROCITY.

(1) The Commissioner may recognize an accredited initial or refresher asbestos training course or training provider, approved by an EPA-authorized state or Indian tribe provided the Commissioner has a written reciprocity agreement with that state or tribe.

(2) The Commissioner may establish reciprocity agreements with EPA-authorized states or Indian tribes for individuals or firms that hold valid accreditations in those jurisdictions to obtain accreditation in Tennessee.

(3) Eligible servicemembers and spouses of servicemembers may secure accreditation in accordance with the provisions of T.C.A. § 4-3-1304(d) and 50 U.S.C. § 4025a (as in effect January 5, 2023).

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.05 FEES.

(1) All individuals, firms, and training providers seeking accreditation or re-accreditation shall pay the appropriate nonrefundable application fee, except as provided otherwise by item (1)(a)4.(ii)(I) of Rule 0400-13-02-.01.

(2) Application Fees for Accreditation.

(a) Initial accreditation and re-accreditation fees are specified in the following Tables:

Table 1
Training Provider Application Fees

Training Course and Modifications	Initial Two-Year Accreditation Fees	Re-Accreditation (every two years) Application Fees
Initial Course & Minimum Time Required		
Worker - 4-day course	$1,700	$1,200
Project Monitor - 5-day course	$2,125	$1,600

(Rule 0400-13-02-.05, continued)

Inspector - 3-day course Supervisor - 5-day course Project Designer - 3-day course Management Planner - 2-day management training course	$1,275 $2,125 $1,275 $ 850	$ 975 $1,600 $ 975 $ 650
Classroom-Based and Online Asynchronous and Synchronous Refresher Course & Minimum Time Required Worker - 1-day Project Monitor - 1-day Inspector - 1/2-day Supervisor - 1-day Project Designer - 1-day Management Planner - 1/2-day	 $450 $450 $250 $450 $450 $250	 $450 $450 $250 $450 $450 $250
Modification of Rosters	Application Review Fee for Modification of Roster	
To Change or Add Individual(s), as the Training Manager or Principal Instructor(s)	$25	

Table 2
Firm Application Fees

Type of Accreditation	Three-Year Accreditation and Re-Accreditation Application Fee	
Firm Accreditation	$500	

Table 3
Application Fees for an Individual

Individual Accreditation	Initial Annual Accreditation Fee	Individual Re-Accreditation Annual Fee
Worker Project Monitor Inspector Management Planner Inspector/Management Planner Combined Supervisor Project Designer	$100 $110 $160 $233 $367 $167 $184	$100 $110 $160 $233 $367 $167 $184

(b) Application and Payment Procedure.

(Rule 0400-13-02-.05, continued)

Application forms and instructions can be obtained from the Toxic Substances Program, Tennessee Department of Environment and Conservation by calling 1-888-771-5323 toll free.

(3) Accreditation Card or Certificate Replacement.

An individual seeking an accreditation identification card replacement or a firm or training provider seeking a replacement accreditation certificate shall complete the applicable portions of the appropriate application in accordance with the instructions provided and submit the application to the Commissioner with a nonrefundable $50 replacement fee. The types of applications include:

(a) Individual— "Application for a Person to Conduct Asbestos Activities."

(b) Firm— "Application for a Firm to Conduct Asbestos Activities."

(c) Training Provider— "Accreditation Application for Training Providers."

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.06 RESERVED.

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*

0400-13-02-.07 ENFORCEMENT.

(1) The Commissioner may suspend, refuse to re-accredit, or revoke the accreditation for any accredited individual, firm, or training provider, or may refuse to issue any accreditation for which any person has applied for accreditation, for any violation of this chapter, as well as for the following reasons:

(a) Engaging or offering to engage in any asbestos activity in Tennessee requiring accreditation as a training provider or firm without being accredited, or engaging in or offering to engage in any discipline as an individual without being accredited in that discipline;

(b) For a training provider, misrepresenting the contents of an asbestos initial or refresher training course or training hour requirements;

(c) For a training provider, misrepresenting the extent of a training course's accreditation by the Commissioner;

(d) For a training provider, failing to comply with the training course requirements of Rule 0400-13-02-.02;

(e) Obtaining documentation of asbestos training or examinations through fraudulent means;

(f) Gaining admission to or completing an accredited asbestos refresher training course through a fraudulent representation of initial or previous refresher training documentation;

(Rule 0400-13-02-.07, continued)

(g) Obtaining accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience or submitting false, fraudulent, or misleading documentation as part of the person's of firm's application for accreditation or re-accreditation;

(h) Obtaining accreditation using a certificate from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state that has a contractor accreditation plan at least as stringent as the EPA MAP.

(i) Performing work requiring accreditation at a job site without being in physical possession of a current accreditation identification card;

(j) Permitting the duplication or use of an individual's own asbestos accreditation certificate or accreditation identification card by another individual;

(k) For a training provider, allowing an approved principal instructor or other individual with supervisory authority over the delivery of a training course to not comply with a requirement or any provision of this chapter;

(l) Failing to maintain any records as required under this chapter;

(m) Failing to submit required information or notifications under this chapter in a timely manner;

(n) Failing to comply with an order of the Commissioner, or failing to demonstrate the skills, techniques, procedures, or knowledge necessary to perform asbestos activities in accordance with the requirements of this chapter;

(o) Engaging in fraud or deception or misrepresentation during the performance of the person's duties as an accredited individual, firm, or training provider;

(p) Charging the owner or operator of a building for unapproved work or work which was not performed;

(q) Performing an action that causes a release of asbestos;

(r) Submitting false or misleading information or statements to the Commissioner;

(s) Failing to timely submit information requested by the Commissioner;

(t) For a firm, performing asbestos activities requiring accreditation using an individual who is not properly accredited by the Commissioner;

(u) For a firm, allowing an individual with supervisory authority at the work site to violate a requirement or any applicable provision of these rules;

(v) Being convicted, or entering a plea of guilty or no contest, in a court of competent jurisdiction to any crime that occurred while performing asbestos activities in schools or public and commercial buildings, to any crime involving fraud or deception, or to any felony. Such a conviction of or entry of a plea by an individual serving as an officer of a firm or training provider shall constitute grounds for such action against the firm or training provider;

(w) A finding of liability in a civil proceeding arising from performance of asbestos activities in schools or public and commercial buildings, or a finding of liability in a civil proceeding involving fraud or deception. Such a finding of liability against an individual owning 10

(Rule 0400-13-02-.07, continued)

percent or more of a firm or training provider or serving as an officer of a firm or training provider shall constitute grounds for such action against the firm or training provider;

(x) Having a compliance history demonstrating an unwillingness or inability to maintain compliance with this chapter. An individual serving as an officer of a firm or training provider having such a compliance history shall constitute grounds for such action against the firm or training provider;

(y) Losing any other professional license, certification, or authorization through applicable procedures of revocation or suspension, including but not limited to federal debarment;

(z) Failure of an individual to use applicable state-of-the-art work practices;

(aa) Failing or refusing to establish and maintain records or reports as required by this chapter, to provide copies of reports or records to the Commissioner as required by this chapter, or to permit access to records or reports by the Commissioner as required by this chapter; or

(bb) Failing or refusing to permit entry or inspection by the Commissioner to ensure compliance with these rules.

(2) The Commissioner may suspend or revoke the accreditation of a training provider for some or all of the accredited training courses where an approved training course instructor, or other individual with supervisory authority over the delivery of training, has been found in violation of other asbestos activity regulations. An administrative or judicial finding of violation, or execution of a consent agreement and order constitutes evidence of a failure to comply with such regulations.

(3) The Commissioner may take any action authorized under this rule against a firm based on any actions of any employee, principal, or agent in violation of this chapter performed on behalf of the firm.

(4) The Commissioner may enforce the provisions of this chapter by issuing an order to a person for payment of any appropriate fees or surcharges authorized under the chapter. The Commissioner may also enforce the provisions of this chapter by issuing an order to suspend, refuse to re-accredit, or revoke the accreditation for any accredited individual, firm, or training provider. Such orders shall be served by certified mail return receipt requested, or in accordance with Tennessee statutes authorizing service of process in civil actions. Such orders shall include the grounds for the order and instructions as to how the person receiving an order can contest it.

(5) Any person served an order pursuant to paragraph (4) of this rule may contest the order and request a hearing before the Commissioner by sending a written petition for hearing that sets forth the reasons for contesting the order to the address listed for such a contest on the order. A petition for a hearing under this paragraph must be received by the Commissioner or be postmarked within 30 days of receipt of the order pursuant to paragraph (4) of this rule. Upon timely filing of a written petition contesting an order under this paragraph, the Commissioner shall institute a contested case hearing, and the proposed disciplinary action, assessment of fees and/or surcharges, as set forth in the order shall be suspended pending the conclusion of the contested case hearing.

(6) If a written petition requesting review of the order is not filed within 30 days of receipt of the order pursuant to paragraph (5) of this rule, the person against whom the order is issued shall be deemed to have consented to the order and it shall become final.

(Rule 0400-13-02-.07, continued)

(7) Any contested case hearing before the Commissioner under this chapter shall be conducted in accordance with the Uniform Administrative and Procedures Act, T.C.A. §§ 4-5-301 to -326.

Authority: *T.C.A. §§ 4-5-201, et seq.; 11-1-101; and 62-41-101, et seq.* ***Administrative History:*** *New rules filed February 19, 2025; effective May 20, 2025. Chapter was transferred from 1200-01-20 which was repealed.*