

Title 11: Mississippi Department of Environmental Quality

Part 2: Air Regulations

Part 2, Chapter 10: Mississippi Commission on Environmental Quality Regulations for the Accreditation and Certification of Asbestos Abatement Personnel (Adopted December 20, 1989, Amended October 25, 1990, Last Amended November 20, 2003)

Rule 10.1 General. The Asbestos Abatement Accreditation and Certification Act, codified as Miss. Code Ann. §§37-138-1 through 37-138-31, requires that, beginning on the effective date of these regulations, all persons who perform inspections and reinspections, prepare management plans and perform as air monitors, contractors, project designers, supervisors and workers in abatement projects for the purpose of identifying, evaluating and abating the hazard of asbestos-containing material in public and private elementary and secondary school buildings and in all public and commercial buildings in this State must be accredited and certified as qualified to perform such asbestos abatement activities. These regulations provide requirements for the accreditation and certification of asbestos abatement inspectors, management planners, project designers, air monitors, contractors, supervisors and workers. These regulations do not require the performance of inspections, management plans, project designs, or asbestos projects but require utilization of personnel certified in accordance with the provisions of these regulations in the event these activities are performed in or on a school building, public building, or commercial building.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 10.2 Definitions.

- A. “Abatement” means removal, encapsulation, enclosure or repair of or an operations and maintenance program for asbestos-containing materials including responses to major fiber release episodes.
- B. “Act” shall mean the Asbestos Abatement Accreditation and Certification Act.
- C. “Air monitor” means a person who collects airborne samples for analysis of asbestos fibers during an abatement project including baseline, area and clearance samples.
- D. “Asbestos” means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.
- E. “Asbestos-containing materials” (ACM) means any material or product which contains more than one percent (1%) asbestos.
- F. “Asbestos project” means a project for the abatement of ACM in school buildings, public buildings or commercial buildings including the abatement of shingles, tiles, or felt containing ACM in the roof or exterior siding of such building except for exclusions adopted by the Commission in accordance with Section 37-138-9(a) and except for

abatement of asbestos-containing resilient floor tile, sheet vinyl flooring and associated adhesives provided there is a two-working-day advance notification to the commission of the abatement of asbestos-containing floor tile, sheet vinyl flooring and associated adhesives, unless sanding, grinding, burning or sawing occurs or such abatement is otherwise considered a “response action” or would cause the material to become “friable” as both those terms are defined under 40 CFR Section 763.83.

- G. “Building” means (1) any structure having two or more walls and a roof or ceiling and (2) any other structure that is totally enclosed.
- H. “Certificate” means a document issued by the Commission or its designee authorizing an individual to perform certain specific activities related to the identification, evaluation or abatement of ACM in or on school buildings, public buildings and commercial buildings as described in these regulations.
- I. “Commercial building” means any privately owned building, including any industrial building, in which the public is invited or allowed access and any other privately owned building so located that the conduct of any asbestos abatement activities therein could reasonably expose any person or persons to ACM hazards, except that a commercial building shall not include any residence.
- J. “Commission” means the Mississippi Commission on Environmental Quality.
- K. “Continuous” and “continuously current” mean, with respect to training as required herein, that applicable refresher course(s) have been successfully completed annually since the successful completion of the initial training course.
 - (1) For purposes of this definition, “annually” shall be construed to mean the one-year period from an applicable initial or refresher training completion date and the anniversary of that date or any shorter period.
 - (2) For purposes of this definition, “annually” shall be construed to be greater than a one-year period only if an individual demonstrates to the satisfaction of the Commission that
 - (a) a reasonable effort was made by the individual to complete applicable training within one year,
 - (b) failure to complete training was beyond the individual’s control, and
 - (c) training was completed as soon as possible following the one-year anniversary.
- L. “Contract for the performance of an asbestos project” shall mean an agreement, either oral or written, which is for the purpose of the performance, in whole or in part, of an asbestos project for a valuable consideration.

- M. Contractor” means an individual who contracts for the performance of an asbestos project on his own behalf or on behalf of a business entity. The contractor, if acting on behalf of a business entity, must be a responsible official for the company, partnership, corporation, sole proprietorship, or other business entity performing, or offering to perform, an asbestos project.
- N. “Duly authorized representative (DAR)” means a representative of a responsible official who, in accordance with corporate by-laws or policy, can legally bind the business entity and is to be held responsible for actions, standards, requirements, and prohibitions under state and federal asbestos control regulations. Notification of the designation of the DAR by the responsible official must be submitted to MDEQ in writing and must be signed by a responsible official prior to any action by the DAR and/or submission of any documentation by the DAR.
- O. “Director” means the Executive Director of the Mississippi Department of Environmental Quality or his designee.
- P. “EPA” means the United States Environmental Protection Agency.
- Q. “Encapsulation” means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).
- R. “Enclosure” means an airtight, impermeable, permanent barrier around ACM to prevent the release of asbestos fibers into the air and does not include a temporary barrier erected for the purpose of ACM removal.
- S. “Friable” when referring to ACM in or on a school building, public building or commercial building, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable ACM after such previously nonfriable ACM becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- T. “Individual” means a natural person as distinguished from the State or other agency or institution thereof, any municipality, political subdivision, public or private corporation, partnership, association or other entity.
- U. “Inspector” means a person employed to inspect or reinspect for the presence of ACM, collect samples for confirmation of ACM and provide written assessment of ACM.

- V. “Major fiber release episode” means any uncontrolled or unintentional disturbance of friable asbestos containing building materials (ACBM), resulting in a visible emission, which involves the falling or dislodging of more than 3 square or linear feet of ACBM.
- W. “Management Plan” means a plan for abatement of ACM.
- X. “Management Planner” means a person employed to develop a management plan.
- Y. “Minor fiber release episode” means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACBM.
- Z. “Model Plan” means the Model Accreditation Plan for States promulgated under Title II of Toxic Substances Control Act (TSCA) (Section I of Appendix C to Title 40, Part 763, Subpart E of the Code of Federal Regulations) which is incorporated herein and adopted by reference except as otherwise noted.
- AA. “Non-friable” means ACM in or on a school building, public building or commercial building which when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.
- BB. “Operations and maintenance program” means a program of work practices to maintain ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling ACM disturbance or damage.
- CC. “Person” means the State or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.
- DD. “Project designer” means a person who specifies engineering methods and work practices to be used during asbestos projects.
- EE. “Public building” means any building owned by the State, counties, municipalities, institutions of higher learning, community colleges or any political subdivision.
- FF. “Removal” means the taking out or the stripping of ACM from a school building, public building or commercial building.
- GG. “Repair” means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.

- HH. “Residence” means a building other than a school building, public building or commercial building or portion of a commercial building, which is actually owned or leased and simultaneously occupied by one or more individuals as a fixed or permanent place of habitation, including but not limited to and primarily consisting of single family unit houses and apartment buildings having four or fewer dwelling units.
- II. “Response action” means a method including removal, encapsulation, enclosure, and repair, and operation and maintenance, or some other method which disturbs asbestos containing materials and is intended to protect human health and the environment from friable asbestos-containing materials except for small scale, short duration projects. Includes response to major fiber release episodes as defined in Section I of the Model Plan.
- JJ. “Responsible official” means:
- (1) for a corporation, a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative;
 - (2) for a partnership or sole proprietorship: a general partner or the proprietor, respectively; and
 - (3) for any other business entity: the owner or disclosed agent who can legally bind that business entity.
- KK. “Routine maintenance activities” mean an asbestos project consisting of maintenance activities performed on a scheduled basis or during an emergency situation, where the abatement of ACM is necessary for conducting the scheduled or emergency maintenance activities. Such maintenance activities shall not have as any of its intended purposes the abatement of ACM. Routine maintenance activities can include, but are not limited to, the replacement of gasket materials, removal or replacement of pipes, the rebuilding of valves, or the removal of beams above ceilings.
- LL. “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).
- MM. “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 athletic or recreational activities or for an academic course in physical education.
 - (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 this definition of “school building” under paragraphs (1), (2) or (3).
 - (5) Any portico or covered exterior hallway or walkway.
 - (6) Any exterior portion of a mechanical system used to condition interior space.
- NN. “Small-scale, short duration abatement activities” shall have the meaning as set forth in the Model Plan which is incorporated herein and adopted by reference.
- OO. “Supervisor” means a person designated by a contractor to be responsible for direction of day-to-day activities of an asbestos project.
- PP. “Worker” means a person who works on an asbestos project other than a project designer, contractor, air monitor, supervisor, inspector or management planner.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.3 Prohibition. No persons may engage in any asbestos project in a school building, public building or commercial building as an inspector, management planner, project designer, air monitor, contractor, supervisor or worker on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in an asbestos project have been issued to individuals by the Commission, and are currently in effect. Certificates may be issued only to individuals and not to other persons. No persons shall engage in the physical activities related to abatement of ACM in a school building, public building or commercial building except individuals who have been issued initial or renewed worker certificates that are currently in effect. A contractor shall not employ any worker, or any other individual of different certification category, on an asbestos project who does not possess a current and appropriate certificate issued by the Commission.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.4 Type and Duration of Certificates.

- A. The Commission shall have authority to issue certificates for inspectors, management planners, project designers, air monitors, contractors, supervisors and workers.

- B. Unless the Commission revokes or suspends a certificate, an initial certificate shall remain in effect during the period of time training is effective but not to exceed one (1) year after the date of issuance. Each initial certificate may be renewed annually in accordance with these regulations. Each renewal certificate shall remain in effect during the period of time training is effective but not to exceed one (1) year after the date of certificate issuance.
- C. Not less than thirty (30) days prior to the expiration date of the initial or renewal certificate, the applicant will make application for renewal of the certification in accordance with Rule 10.5 of these regulations if the applicant desires to continue certification in effect. If the applicant submits a timely and complete application in accordance with Rule 10.5 of these regulations and the Commission, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing certificate, the existing certificate shall continue in effect until final action on the application is taken by the Commission.
- D. The Commission may modify, revoke, or suspend any certificate issued to individuals accredited and certified in accordance with these regulations if the individual:
- (1) Knowingly submits false or inaccurate information for issuance or renewal of a certificate under these regulations;
 - (2) Willfully fails to comply with the conditions of the certificate issued by the Commission;
 - (3) Violates any provision of these regulations, the Asbestos Abatement Accreditation and Certification Act, or any laws, rules, regulations, or written orders of the Commission;
 - (4) Performs work at a job site requiring accreditation/certification without being in physical possession of initial and current certificates;
 - (5) Permits the duplication or use of one's own accreditation or certification certificate by another;
 - (6) Performs work for which required accreditation has not been received; or
 - (7) Obtains accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or an EPA-approved state program.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 10.5 Applications.

- A. No individual shall be considered for an initial or renewal certificate unless the qualification requirements of Rule 10.9 and the accreditation training requirements of Rule 10.9 for the discipline that is the subject of the application have been met and completed prior to application. Additionally, no individual shall be granted an initial or renewal certificate if the applicant fails to pay the applicable annual certificate fee(s) provided for in Rule 10.7 of these regulations simultaneously with the submission of the application as provided for in Paragraph 5 below.
- B. Each application for an initial or renewal certificate shall be made on forms prepared by the Commission for this purpose and shall contain the information that the Commission deems necessary to determine whether the initial or renewal certificate should be issued in accordance with the Act.
- C. Each application for an initial or renewal certificate shall be signed by the individual requesting the initial or renewal certificate. The signature shall be made under oath and shall constitute personal affirmation that the statements made in the application are true and complete.
- D. Each application shall contain the applicable fee as indicated in Rule 10.7 of these regulations.
- E. Individuals applying for certification in more than one category may submit multiple applications in the same transmittal. Each application so submitted shall be completed as required above so as to be separable from the others. Provided, however, an applicant for a contractor certificate may apply for a supervisor certificate in the same application. If an individual meets all of the requirements of these regulations, including payment of both the contractor and supervisor certification fees, the individual shall be issued both a contractor certificate and a supervisor certificate.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 10.6 Consideration of Applications and Issuance of Certificates.

- A. The Commission shall review each application and supporting documents. If the application is incomplete, the Commission may return the materials submitted by the applicant and advise the applicant what additional information is necessary in order to evaluate the application.
- B. If the application is approved, the Commission shall issue to the applicant the initial or renewal certificate for the discipline that is the subject of the application within thirty (30) days after receipt of the complete application.
- C. The Commission may deny an application for certification if the Commission determines that the applicant (a) has not complied with all of the provisions of these regulations and with all other applicable federal, State and local statutes and regulations, or (b) submits inaccurate or falsified information in the application, or (c) submits incomplete

application forms after receiving the notice from the Commission provided in Subsection 1 of this rule. The Commission shall make determinations regarding issuance or denial of the certificate based upon the information contained in the application, the applicant's compliance history, and any other pertinent information that is available to the Commission. The Commission shall not be required to conduct any investigation concerning an applicant other than information available at the offices of the Department of Environmental Quality in Jackson, Mississippi.

- D. Each applicant who is issued an initial or renewal certificate shall be subject to the terms and conditions set forth and embodied in the initial or renewal certificate as the Commission deems necessary to ensure compliance with the requirements of these regulations in accordance with the Act.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.7 Fees. All fees shall be submitted to the Commission by check or money order, payable to the Asbestos Accreditation and Certification Act Fund. Fees for more than one (1) discipline shall be paid by a separate check or money order for each discipline. The fees for initial and renewal certificates are as follows:

Management Planner	\$200.00
Project Designer	\$200.00
Inspector	\$200.00
Air Monitor	\$250.00
Contractor	\$350.00
Supervisor	\$250.00
Worker	\$35.00

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.8 Accreditation Training Requirements.

- A. Training Providers. Pursuant to Section 37-138-27 of the Mississippi Code, the Board of Trustees of State Institutions of Higher Learning designated Mississippi State University (MSU) to offer all accreditation training courses set forth in these regulations. MSU has certified in writing to the Commission that it is currently offering all such training courses. After November 1, 1990, all such training courses offered by MSU shall meet the requirements of the Model Plan, 40 CFR 763, Subpart E, Appendix C, which is incorporated herein and adopted by reference except as otherwise noted. MSU has certified in writing to the United States Environmental Protection Agency and Commission that all training courses offered by MSU meet the requirements of the Model Plan. The Commission has received such written certification by MSU and has approved the training courses offered by MSU as meeting the requirements for accreditation training under these regulations.

The only training courses offered within the geographic boundaries of the State of Mississippi that will be approved by the Commission as meeting accreditation requirements under these regulations, other than worker training courses, are those offered by MSU that are approved by the Commission in accordance with Section 37-138-7, Mississippi Code Annotated. All EPA-approved training courses offered outside of the geographic boundaries of the State of Mississippi, as well as EPA-approved worker training courses offered within the geographic boundaries of the State of Mississippi, will meet accreditation training requirements under these regulations. Each applicant who submits proof of successful completion of an applicable EPA-approved training course shall provide proof of EPA approval of such training course.

- B. Initial Training. Every individual applying for an initial certificate shall have attended and successfully completed (a) the applicable MSU Commission-approved initial training course or (b) an EPA-approved initial training course offered outside the geographic boundaries of the State of Mississippi, or (c) for a worker certificate, an EPA approved worker training course offered within or outside the geographic boundaries of the State of Mississippi, for the appropriate discipline for which an initial certificate is requested within one (1) year prior to applying for said certificate. Provided however, an individual shall not be required to attend and successfully complete any additional initial training course prior to applying for an initial certificate as long as required refresher training has been successfully completed within 24 months of the initial and subsequent refresher courses completed thereafter.
- C. Refresher Training.
 - (1) Every individual applying for a renewal certificate shall have attended and successfully completed the MSU Commission-approved refresher training course or an EPA-approved refresher training course offered outside the geographic boundaries of the State of Mississippi, or, for a worker renewal certificate, an EPA-approved worker refresher training course offered within or outside the geographic boundaries of the State of Mississippi, for the discipline for which a renewal certificate is requested within one year after the expiration date of the initial certificate or renewal certificate.
 - (2) If an individual fails to successfully complete the MSU Commission-approved refresher training course or an EPA-approved refresher course offered outside the geographic boundaries of the State of Mississippi, or, for a worker renewal certificate, an EPA-approved worker refresher training course offered within or outside the geographic boundaries of the State of Mississippi, for the discipline for which an application is requested within one year after the expiration date of the initial certificate or renewal certificate the individual shall complete all requirements for an initial certificate in order to receive renewal certification.

- D. The Commission, acting through the Office of Pollution Control of the Department of Environmental Quality, shall have authority to monitor and audit all initial and refresher training courses offered within the geographic boundaries of the State of Mississippi.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.9 Qualifications. In addition to completing the applicable EPA approved training course that meets the requirements of the Model Plan, each applicant for an initial or renewal certificate must demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying fully with all applicable federal and State laws and regulations and possesses the following qualifications listed below prior to submitting an application:

- A. Inspectors - Education qualifications - high school diploma or Graduate Equivalent Degree (GED).
- B. Management Planners - Education and professional license qualifications:
 - (1) Bachelor of Science degree in engineering or its equivalent from an accredited university and a current, valid license by the Mississippi Board of Registration for Professional Engineers and Land Surveyors as a registered professional engineer, or
 - (2) Bachelor of Science degree in architecture or its equivalent from an accredited university and a current, valid license as an architect by the Mississippi Board of Architecture.
- C. Project Designer - Education and professional license qualifications:
 - (1) Bachelor of Science degree in engineering or its equivalent from an accredited university and a current, valid license by the Mississippi Board of Registration for Professional Engineers and Land Surveyors as a registered professional engineer, or
 - (2) Bachelor of Science degree in architecture or its equivalent from an accredited university and a current, valid license as an architect by the Mississippi Board of Architecture.
- D. Contractor – Education Qualifications – high school diploma or GED.

The applicant for a contractor certificate must be a responsible official or DAR. *See* Definitions for responsible official and DAR, Rule 10.2.
- E. Supervisor – Education Qualifications – high school diploma or GED.
- F. Worker - Medical Qualifications – a written certificate, on a form provided by the Commission, by a licensed physician in accordance with State Law approving the worker

applicant to work on an asbestos project, which must be submitted to the Commission with the worker applicant's application for an initial certificate. Such certificate must accompany the worker applicant's application for a renewal certificate only every three years thereafter. A chest x-ray is not required for either the initial or any renewal application.

G. Air Monitor – Education and training requirements:

- (1) Have earned a high school diploma or GED;
- (2) Satisfactorily complete a commission-approved training course for supervisors. A supervisor training course approved by the United States Environmental Protection Agency completed satisfactorily shall be sufficient to meet this requirement, and
- (3) Satisfactorily complete a commission-approved training course for collecting and evaluating air samples. Successful completion of the National Institute for Occupational Safety & Health (NIOSH) 582 course shall be sufficient to meet this requirement.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.10 Exclusion. Notwithstanding anything in these regulations to the contrary, small-scale, short duration abatement activities, as defined in Rule 10.2 (40) of these regulations, may be conducted in school buildings, public buildings and commercial buildings without utilization of certified inspectors, management planners, project designers, supervisors, air monitors, contractors and workers.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.11 Supervision of Asbestos Projects. At least one certified supervisor is required to be at the asbestos project worksite at all times while abatement activities are in progress. Certified workers must have access to a certified supervisor throughout the duration of the asbestos project. The contractor(s) and supervisor(s) for an asbestos project shall maintain all certificates for all contractors, supervisors and workers who are employed in connection with the asbestos project at the asbestos project site. The contractor(s) and/or supervisor(s) shall make available all such certificates to the Commission, acting through the Office of Pollution Control, at the time of any inspection at the asbestos project site by the Office of Pollution Control.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.12 Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates, Proceedings and Hearings Before the Commission and Appeals.

- A. If the Commission decides to suspend, revoke, or modify the certification of any individual, it shall notify the affected individual in writing of the following:

- (1) The legal and factual basis for the suspension, revocation, or modification.
 - (2) The commencement date and duration of the suspension, revocation, or modification.
 - (3) Actions, if any, which the individual may take to avoid suspension, revocation, or modification or to receive certification in the future.
 - (4) The opportunity and method for requesting a hearing prior to final Commission action to suspend, revoke, or modify certification.
 - (5) Any additional information, as appropriate, which the Commission may provide.
- B. In the event the Commission suspends and/or revokes a contractor's certificate, it also may order any business entity for which the individual is a responsible official or DAR to cease and desist performing asbestos abatement activities if necessary to ensure that the business entity does not then operate without appropriately certified personnel, or in violation of any emission standard, regulation, or written order of the Commission.
- C. If the Commission determines that an individual has submitted false information, the Commission has the discretion to vote for lifetime revocation or denial.
- D. Penalties, reprimands, suspensions and revocations of certificates shall be governed by Section 37-138-27, Mississippi Code Annotated. All proceedings and hearings before the Commission regarding violations of Section 37-138-1, et seq., Mississippi Code Annotated, or any rule or regulation, written order of the Commission, emergency order of the Director or certificates issued or renewed by the Commission pursuant to Section 37-138-1, et seq., Mississippi Code Annotated and all appeals therefrom shall be conducted in accordance with Section 49-17-31 through 49-17-41, Mississippi Code Annotated.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-17-31 through 49-17-41, 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.13 Other Laws. Compliance with these regulations shall not affect or substitute for compliance with all other applicable laws and regulations concerning accreditation of asbestos abatement personnel, including but not limited to, National Emissions Standards for Hazardous Air Pollutants (NESHAPS), Occupational Safety Health Act (OSHA), and Asbestos Hazard Emergency Response Act (AHERA) requirements.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

Rule 10.14 Severability. If any provision, section, subsection, sentence, clause or phrase of any of these regulations, or the application of same to any person or set of circumstances is for any reason challenged or held to be invalid or void, the validity of the remaining regulations and/or

portions thereof or their application to other persons or sets of circumstances shall not be affected thereby.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

Rule 10.15 Training Course Standards. The following are the requirements for initial training courses and refresher training courses that must be successfully completed by individuals seeking certification to perform asbestos related work pursuant to these regulations.

A. Initial training

- (1) Training courses required by individuals seeking certification as inspectors, management planners, project designers, contractors, supervisors, or workers and the applicable EPA-approved training courses for air monitors must meet all requirements of Section I(B) of the Model Plan which is incorporated herein and adopted by reference unless otherwise noted.
- (2) Initial training courses must be discipline specific for the certification being sought.
- (3) Initial training courses must be completed within a two week period.
- (4) Persons enrolled in training courses shall not be required to sit through more than eight hours of actual training in any single 24 hour period.
- (5) Attendance in training courses following regular work hours shall not exceed a maximum of four hours in any single session.
- (6) Except for worker training, initial training courses must be taught by at least two instructors.
- (7) An examination as defined in Section I(C) of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted, must be given at the conclusion of the initial training course. All examinations shall be a closed book examination and demonstration testing may also be included as part of the examination. A person seeking accreditation in a specific discipline shall pass the examination for that discipline to receive accreditation. For example, a person seeking accreditation as an inspector must pass the inspector accreditation examination under the Model Plan which is incorporated herein and adopted by reference unless otherwise noted.

B. Refresher training courses

Annual refresher training is required for reaccreditation of all disciplines. Refresher courses shall be specific to each discipline and must meet all requirements of Section I(D) of the Model Plan which is incorporated herein and adopted by reference unless

otherwise noted. For each discipline, the refresher course shall review and discuss changes in federal and State regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course. Air monitors must complete the supervisor refresher course in accordance with the requirements for supervisors.

At the conclusion of the refresher training courses in all disciplines, the training provider shall administer a closed book 25 multiple-choice question exam. Applicants must pass the exam with a minimum score of 70%. The exam shall be developed by the training provider. The training provider shall make the exam available for review by the Mississippi Department of Environmental Quality.

C. Training course approval. Training course providers seeking approval of their training courses must meet the requirements of these regulations and Section I of the Model Plan which is incorporated herein and adopted by reference unless otherwise noted. Training providers shall submit the following for evaluation and approval by the Commission prior to conducting initial course.

(1) A completed application on a form provided by the Department of Environmental Quality, along with the supporting documentation. The form and supporting documentation shall include the following:

- (a) Name, address, and telephone number of the training provider, and name and signature of the contact person;
- (b) course title, location and the language in which the course is to be taught;
- (c) a student manual and an instructor manual for each course;
- (d) course agenda;
- (e) a copy or description of all audio/visual materials used;
- (f) a description of each hands-on training activity;
- (g) a copy of a sample exam; and
- (h) a sample certificate with the following information:
 - (1) Name and social security number of student;
 - (2) training course title specifying initial or refresher;
 - (3) inclusive dates of course and applicable examination;
 - (4) statement that the student completed the course and passed any examination required;

- (5) unique certificate number as required;
 - (6) for courses covered under 40 CFR Part 763, Subpart E, Appendix C, as amended, certificate expiration date that is one year after the date the course was completed and the applicable examination passed;
 - (7) printed name and signature of the training course administrator and printed name of the principal instructor;
 - (8) name, address, and phone number of the training provider;
 - (9) training course location; and
 - (10) a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act.
- (i) A list of any other states that currently approve the training course.
- (2) A list of instructors and their qualifications including academic and/or field experience.
 - (3) Contingent approval shall be granted if the application and supporting documentation meet the criteria of this rule. Full approval shall be granted to a course with contingent approval after successful completion of an on-site audit of the course. The on-site audit shall include, but not be limited to, an evaluation of the following:
 - (a) Instructor effectiveness;
 - (b) technical accuracy;
 - (c) course administration; and
 - (d) course content.

D. Withdrawal of training course approval.

The Commission may suspend or revoke approval of any training course approved under this regulation that is determined to be in violation of these regulations and Section III(c) of the Model Plan.

Periodic training course audits may be performed by the Department of Environmental Quality to assure compliance with all requirements of the regulations regarding training.

E. Recordkeeping requirements.

- (1) Approved training providers shall maintain all records required in Section I(F) of the Model Plan which is incorporated herein and adopted by reference unless otherwise noted for a minimum of 3 years.
- (2) If a training provider ceases to conduct training, the training provider shall notify the approving government body (EPA or the State) so that the approving government body may take possession of the asbestos training records maintained by the training provider.

F. Training course notification.

- (1) Not less than ten (10) days prior to the first day of an anticipated training course, training course providers must provide written notification to the Department of Environmental Quality, on forms developed by the Department, of the following:
 - (a) The course discipline;
 - (b) date and time of the training course;
 - (c) exact location of the site of the training course (if the location is different from the principal location of the training provider, a vicinity map, sketch or detailed written directions showing the training site location shall be included in the notification, unless a vicinity map has previously been submitted (for the specific location);
 - (d) information about the language to be used in the training course;
 - (e) the name of the principal instructor; and
 - (f) a copy of the training course agenda. (If the agenda is identical to an agenda which has previously been submitted, an additional copy of the agenda is not required with the notification).
- (2) Failure to provide re-notification of changes in the time or location of the training course or any other information listed on the original notification within two (2) working days prior to the first day of the pending training course may lead to rejection of any certificate of training issued by the training provider in support of individual accreditation in Mississippi.
- (3) Within seven (7) calendar days after completion of a training course, the training course provider must provide the Department with a written roster containing the following:

- (a) The name of the course indicating the discipline and whether the course is an initial or refresher training course;
 - (b) the names of all course participants;
 - (c) for each participant, whether the participant passed or failed the examination;
 - (d) the date, time and location of the training course;
 - (e) for each participant, the training certificate number;
 - (f) the name of the principal instructor, and
 - (g) the name, address and phone number of the training provider.
- (4) Failure to submit a roster as required in Rule 10.15.F(3) may result in the rejection of any certificate of training submitted to the Department in support of an application for accreditation.
- G. Non-english language courses. The following shall apply to all courses taught in non-English languages.
- (1) Training courses shall be taught in the language in which all participating students are fluent;
 - (2) written materials, including examinations must be correctly translated into the language in which all participating students are fluent; and
 - (3) interpreters may not be used to teach or instruct training courses.
- H. Instructor qualifications. Any person seeking approval as an instructor for courses covered under Section I of the Model Plan which is incorporated herein and adopted by reference unless otherwise noted shall meet the applicable requirements listed in this section.
- (1) Application - Any person seeking approval as an instructor must submit a completed Training Course Instructor Application provided by the Department. The required information includes personal data, training course and topics, education history, training history, employment history, accreditation or licenses issued by other states, professional registrations, and submittals to EPA or other states.
 - (2) Work practice topics for each shall include:
 - (a) For the worker course: state-of-the-art work practices;

- (b) for the contractor/supervisor course: state-of-the-art work practices, and techniques for asbestos abatement activities;
 - (c) for the inspector course: pre-inspection planning and review of previous inspection records, inspecting for friable and nonfriable asbestos containing materials, assessing the condition of friable asbestos containing materials, bulk sampling/documentation of asbestos in schools, recordkeeping and writing inspection reports;
 - (d) for the management planner course: evaluation/interpretation of survey results, hazard assessment, developing an operations and maintenance plan, recordkeeping for the management planner, and assembling and submitting the management plan;
 - (e) for the abatement project designer course: safety system design specifications, designing abatement solutions, budgeting/cost estimation, writing abatements specifications, preparing abatement drawings and occupied buildings; and
 - (f) for the air monitor course: air monitoring strategies, conducting visual inspections, and recordkeeping and report writing.
- (3) Instructors for work practice topics, hands-on exercises, workshops, or field trips where required for courses covered under 40 CFR Part 763, Subpart E, Appendix C as amended, shall meet the following requirements as applicable:
- (a) Worker initial and worker refresher and supervisor initial and supervisor refresher courses;
 - (1) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for supervisor; and
 - (2) the applicant shall meet at least one of the following educational and asbestos work experience combinations:
 - (i) If the applicant does not possess either a high school diploma or equivalent, the applicant shall:
 - (A) have at least 1440 hours experience in a worker or supervisor capacity in a contained work area; and
 - (B) have at least 360 hours as an instructor in an Environmental Protection Agency-approved or

Environmental Protection Agency state approved worker course.

(ii) If the applicant possesses either a high school diploma or equivalent, the applicant shall:

(A) have at least 960 hours experience in a worker, supervisory, or consulting capacity in a contained work area; or

(B) have at least 240 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.

(iii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:

(A) Have at least 480 hours experience in a worker, supervisory, or consulting capacity in a contained area; or

(B) have at least 120 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.

(b) Inspector initial and refresher courses:

(1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for inspector; and

(2) the applicant shall meet at least one of the following education and asbestos work experience combinations:

(i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:

- (A) have documented experience, including asbestos inspections in at least one million square feet of building space in the past three years; or
 - (B) have at least 60 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved inspector course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
- (A) have documented experience, including asbestos inspections in at least 500,000 square feet of building space in the past three years; or
 - (B) have at least 40 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved inspector course or other occupational safety and health and environmental courses required to meet federal and state regulations.
- (c) Management planner initial and refresher courses:
- (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for management planner; and
 - (2) the applicant shall meet at least one of the following education and asbestos work experience combinations:
 - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
 - (A) Have documented management planning experience showing at least 25 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 25 asbestos projects in the past three years, or a combination of management plans and projects managed; or

- (B) have at least 48 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.
 - (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
 - (A) Have documented management planning experience showing at least 12 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 12 asbestos projects in the past three years, or a combination of management plans and projects managed; or
 - (B) have at least 32 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (d) For the project designer initial and refresher courses:
 - (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for abatement project designer; and
 - (2) The applicant shall meet at least one of the following education and asbestos work experience combinations:
 - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
 - (A) Have documented asbestos abatement project design experience including the design of at least 12 asbestos projects in the past three years; or
 - (B) Have at least 30 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other

occupational safety and health and environmental courses required to meet federal and state regulations.

- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
 - (A) Have documented asbestos abatement project design experience, including the design of at least six asbestos projects in the past three years; or
 - (B) Have at least 20 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.

- (e) Instructors for a Commission approved NIOSH 582 or Commission approved Air Monitoring Course shall meet the following requirements:
 - (1) Have a high school diploma or equivalent;
 - (2) Successfully complete the National Institute for Occupational Safety and Health's NIOSH 582 training course or Commission approved air monitoring course.

- (f) All instructors approved under these regulations shall take a refresher training course in at least one discipline from a training provider other than their employer every other year.

- (4) Instructors who will teach segments of training courses covered under 40 CFR Part 763, Subpart E, Appendix C, as amended, other than work practice topics, hands-on exercises, workshops, or field trips shall meet the following requirements:
 - (a) Be actively working in the field of expertise in which training is conducted; and
 - (b) have a minimum of a high school diploma or equivalent.

Source: *Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.*