

Chapter HSS 159

ASBESTOS CERTIFICATION AND TRAINING
ACCREDITATION

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Note: Chapter HSS 159 was created as an emergency rule effective November 3, 1989.

Subchapter I — General Provisions

HSS 159.01 Authority and purpose. This chapter is promulgated under the authority of s. 140.06, Stats., to ensure that persons performing asbestos abatement or asbestos management activities in or on buildings are protected from harm while engaged in those activities and that their activities do not adversely affect the health or safety of other persons. This is accomplished by requiring that before anyone engages in asbestos abatement or asbestos management work, he or she is to successfully complete a training course that meets the requirements of the U.S. environmental protection agency (EPA) and this chapter. This chapter requires that training courses be accredited by the department, applying EPA standards, and that persons engaged in asbestos abatement or management activities have a certification card issued by the department which is evidence that they have successfully completed that training.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

HSS 159.02 Scope. (1) **APPLICABILITY.** (a) This subchapter and subch. II apply to any person performing asbestos abatement or asbestos management activities in or on a school building or other publicly owned or privately owned building, except for an owned or leased residential building of fewer than 10 units where the owner or owner's employes or the lessee or lessee's employes are used to abate or manage the asbestos.

(b) This subchapter, subch. III, and Appendix A apply to any person, school, facility or other organization that conducts asbestos abatement or asbestos management training for inspectors, management planners, supervisors, including air sampling professionals, workers and project designers.

(2) **APPROVED COMPARABLE COMPLIANCE.** The department may approve an alternative to any requirement in this chapter when the department is provided with satisfactory proof that the alternative will achieve results which are to as stringent as the results of literal application of the requirement and which complies with applicable federal regulations.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; renum. (1) (a) 1. to be (1) (a), r. (1) (a) 2., Register, January, 1993, No. 445, eff. 2-1-93; emerg. am. (1) (a), eff. 10-4-94; am. (1) (a) and (2), Register, June, 1995, No. 474, eff. 7-1-95.

Register, June, 1995, No. 474

HSS 159.03 Definitions. In this chapter:

(1) "Accreditation" means approval of a training course for a specific job classification on the basis of its compliance with the model plan and subch. III.

(2) "ACM" or "asbestos-containing material" means asbestos or any material or product which contains more than one percent of asbestos, as determined by a method approved by the U.S. environmental protection agency (EPA).

(3) "Air sampling professional" means a person certified as an asbestos supervisor who oversees the progress and condition of a project through air sampling and other acceptable supervisory techniques.

(4) "Asbestos" means chrysotile, crocidolite, amosite, fibrous anthophyllite, fibrous tremolite and fibrous actinolite.

(5) "Asbestos abatement activity" means any activity which disturbs asbestos-containing material, including but not limited to the repair, enclosure, encapsulation or removal of ACM and the renovation or demolition of any part of a building, including the roof and sidings.

(5m) "Asbestos inspection" means those activities undertaken in a school building or a public or commercial building to specifically determine the presence or location or assess the condition of friable or non-friable ACM or previously identified or suspected ACM, whether by visual or physical examination or by collecting samples of the materials. "Asbestos inspection" includes reinspections of friable or non-friable known or assumed ACM which has been previously identified, but does not include:

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

(b) Inspections performed by employes or agents of federal, state or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

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

(6) "Asbestos inspector" means a person who conducts an asbestos inspection.

(7) "Asbestos management activity" means an inspection for ACM, the design of an asbestos response action or the development of an asbestos management plan.

(8) "Asbestos management plan" means the document which specifies the plan for managing ACM in a building in order to protect the occupants of the building and the environment.

(9) "Asbestos management planner" means a person who develops a plan to manage asbestos in a building and who makes recommendations for the best response actions to be taken to manage ACM in the building.

(9g) "Asbestos roofing supervisor" means a person who oversees a roofing project that disturbs asbestos-containing roofing materials, and has the authority to require changes in performance practices or to halt

the project, and who may collect bulk samples to ascertain the presence of asbestos in roofing material or function as the air sampling professional for roofing activities.

(9r) "Asbestos roofing worker" means a person who, working with category I ACM, prepares the roof for negative air pressure containment, if necessary, repairs the ACM on a roof, except for blister or buckle repairs, or removes or loads out ACM from a roof.

(10) "Asbestos supervisor" means a person who oversees on-site an asbestos abatement activity or an asbestos response action or functions as an air sampling professional and has the authority to require changes in performance practices or to halt the project.

(11) "Asbestos worker" means a person who performs asbestos abatement activities or asbestos response actions, including but not limited to setting up containment, repairs, removal, encapsulation, enclosure, loading out or disposal of ACM from a building.

(12) "Building" means any structure, including all interior space and exterior surfaces, and any non-occupied structures such as but not limited to parking garages, towers or tunnels. This definition includes all interior or exterior building mechanical systems used to condition the interior space of the structure.

(12m) "Category I ACM" means asbestos-containing packings, gaskets, resilient floor covering and asphalt roofing products containing more than one percent asbestos by weight.

(13) "Certification" means the issuance of an identification card to an applicant who has successfully completed a U.S. environmental protection agency (EPA) or department accredited course in a specific asbestos job classification.

(14) "Contingent approval" means an accreditation status that is provisionally granted based only on a review of training course curriculum and other information and materials.

(15) "Department" means the Wisconsin department of health and social services.

(16) "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.

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

(18) "EPA" means the U.S. environmental protection agency.

(19) "Friable" means material that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure, including previously nonfriable material when that material becomes damaged to the extent that when dry it may be crumbled, pulverized or reduced to powder by hand pressure.

(20) "Full approval" means a completed accreditation status granted after on-site monitoring of a training course previously granted contingent approval.

(20g) "Guest lecturer" means a person who teaches one topical area of an accredited asbestos training course and is a recognized professional in that topical field.

(20m) "Instructor" means a person who is trained in the principles and methods of adult learning, has training and experience in the topics he or she will teach and teaches more than one topical area in an accredited asbestos training course.

(21) "Job classification" means one of the asbestos abatement or management job classifications listed in s. HSS 159.11 (2).

(21g) "Major fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of more than 3 square feet or 3 linear feet of friable ACM.

(21m) "Minor fiber release episode" means any uncontrolled or unintentional disturbance of ACM, resulting in a visible emission, which involves the falling or dislodging of 3 or less square feet or 3 or less linear feet of friable ACM.

(22) "Model plan" means the EPA Model Contractor Accreditation Plan for States, 40 CFR part 763, subpart E, Appendix C, Sections I and III, adapted as Appendix A to this chapter.

(23) "O & M worker" or "operations and maintenance worker" means any person who is involved in the repair, operation, service or maintenance of a building that will result in the disturbance of ACM in the building or who provides custodial and maintenance services in a building where ACM is present or suspected or assumed to be present but whose activities do not normally result in the disturbance of ACM.

(24) "OSHA" means the U.S. occupational safety and health administration.

(25) "Project designer" means a person who has had explicit training in planning and designing asbestos abatement projects by successfully completing an accredited project design course and who may plan asbestos abatement projects or O & M activities.

(26) "Removal" means the taking out of any or all ACM in or on a building.

(27) "Renovation" means the removing, stripping or disturbing of asbestos material used on any pipe, duct, boiler, tank, reactor, turbine, furnace or structural surface, excluding operations in which load-supporting structural members are wrecked or taken out.

(28) "Repair" means returning damaged ACM to an undamaged condition or to an intact state in order to prevent fiber release.

(29) "Response action" means a method, including removal, encapsulation, enclosure, repair, and operations and maintenance other than small scale short duration, that protects human health and the environment from friable ACM.

(30) "School" means any local school district, the owner of any non-public, non-profit elementary or secondary school building or any governing authority of any school operated under 20 USC 921 to 932, includ-

ing a home-based private educational program when the students come from more than one family.

(31) "School building" has the meaning given in 40 CFR 763.83 for a building for students in classes in any grade or grades from kindergarten to grade 12.

(31g) "Small scale short duration activities" or "SSSD activities" are tasks, not including major fiber release episodes, such as, but not limited to:

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

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

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

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

(e) Installation of electrical conduits;

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

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

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

(i) Repairs involving encapsulation, enclosure or removal of small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement.

(32) "Training provider" means any person, partnership, corporation, institution or any other organization or agency, including an agency of the state or local government, that seeks or receives accreditation for an asbestos abatement or management training course to be conducted by the training provider.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; am. (4), cr. (9g), (9r) and (12m), Register, January, 1993, No. 445, eff. 2-1-93; emerg. cr. (5m) and am. (6), (20g), eff. 10-4-94; am. (2), (4), (6), (10), (11), (12), (29), (32), cr. (5m), (20g), (20m), (21g), (21m), (31g), Register, June, 1995, No. 474, eff. 7-1-95.

HSS 159.04 Penalties. Any person who violates any provision of this chapter shall be subject to a forfeiture of not less than \$25 nor more than \$100 for each violation as provided in s. 140.06 (11), Stats.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

HSS 159.05 Appeals. (1) Any denial of an application for certification or accreditation under this chapter or any suspension, revocation or non-renewal of a certification card or an accreditation status is subject to administrative review under ch. 227, Stats.

(2) An appeal shall be in writing and shall take the form of a request for a hearing. The request for a hearing shall be filed with the department's office of administrative hearings no later than 20 calendar days

after the date of the denial, suspension or revocation, and is considered filed when received by that office.

Note: The mailing address of the Department's Office of Administrative Hearings is P.O. Box 7875, Madison, WI 53707.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

Subchapter II — Certification of Persons to do Asbestos Abatement or Management

HSS 159.10 Certification requirement. (1) ASBESTOS ABATEMENT AND ASBESTOS MANAGEMENT PERSONNEL. Except for an O & M worker exempt under the provisions of sub.(2), no person subject to this chapter may act independently, under contract or be employed to perform any asbestos inspection, abatement, design, management or supervisory activity unless he or she has a valid certification card issued by the department.

(2) (a) The certification and identification requirements under this subchapter do not apply to O & M workers who are:

1. Doing any of the following:

a. Performing work that meets the definition of SSSD, but not including taking action in response to a major fiber release episode;

b. Taking action in response to a minor fiber release episode; or

c. Performing work on small quantities of normally non-friable ACM which remains non-friable throughout the course of the work activity; and

2. Performing work that is non-repetitive and is not a series of small jobs that if performed sequentially would result in an abatement activity or response action.

(b) An exempt O & M worker whose O & M activities will result in the disturbance of ACM shall complete 16 hours of training described in 40 CFR 763.92 (a) and shall have evidence signifying completion of the course.

(c) An exempt O & M worker whose O & M activities will not normally result in the disturbance of ACM in a building where ACM may be present shall receive at least 2 hours of awareness training which shall include but need not be limited to the training described in 40 CFR 763.92 (a).

(d) 1. An O & M worker who works in a school building or public building shall complete the training required under par. (b) or (c). An O & M worker hired on or after August 1, 1990 shall complete the training within 60 days after being hired.

2. An O & M worker who works in a privately owned non-school building shall complete training required under par. (b) or (c). An O & M worker hired on or after February 1, 1991 shall complete the training within 60 days after being hired.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; emerg. r. and recr. (2) (e), eff. 10-4-94; am. (1), (2) (a) to (d), r. (2) (e), Register, June, 1995, No. 474, eff. 7-1-95.

Register, June, 1995, No. 474

HSS 159.11 Certification procedure. (1) **CONDITIONS FOR CERTIFICATION.** (a) A person wanting to be certified under this subchapter shall complete a department accredited course in the particular job classification under sub. (2) in which certification is sought and pass an examination approved by the department. Each accredited course and training curriculum is separate and distinct from the others. A person seeking certification in any job classification may not attend 2 or more courses concurrently but may attend 2 or more courses sequentially.

(b) An applicant for certification shall submit to the department, along with the application form and photograph required under sub. (5), the fee required under sub. (7) and a notarized photocopy of an original certificate showing successful completion of a department accredited course in the job classification in which certification is being sought. The notary shall attest to the photocopy being an accurate copy of the original certificate.

(2) **JOB CLASSIFICATION.** Certification to perform asbestos abatement or management activities shall be specific for one of the following job classifications:

- (a) Asbestos inspector;
- (b) Asbestos management planner;
- (c) Asbestos supervisor, as either a project supervisor or an air sampling professional;
- (d) Asbestos worker;
- (e) Project designer;
- (f) Asbestos roofing supervisor; or
- (g) Asbestos roofing worker.

(3) **TRAINING.** The department may conduct training or contract for training required to prepare persons for certification or O & M work and may establish fees for the training it conducts. Any fees collected may not exceed the actual cost of training and shall be credited to the appropriation under s. 20.435 (1) (gm), Stats., as provided by s. 140.06 (8), Stats.

(4) **TESTING.** The department may design, prepare, administer and revise examinations to test for competency in the areas where training or certification is required.

(5) **APPLICATION.** A person desiring certification or recertification shall apply on a form provided by the department. When applying, the applicant shall provide a recent identifying photograph for use on the certification card.

Note: For a copy of the application form, write or phone the Asbestos Training and Certification Program, Bureau of Environmental Health, Division of Health, 1414 E. Washington, Madison, WI 53703, telephone (608) 266-9379.

(6) **CERTIFICATION CARD ISSUANCE.** (a) Within 14 days after receipt of a completed application for certification or recertification, a recent photograph, a notarized copy of the original training certificate and the payment of the fee required under sub. (7), the department shall grant or deny certification. If certification is granted, the department shall issue

or arrange for the issuance of a certification card for a specific job classification under sub. (2). Issuance of the card means the person has met certification requirements for that job classification. If certification is not granted, the department shall give the applicant reasons in writing why the application was denied.

(b) Certification shall remain valid for one year from the date of course completion unless sooner suspended or revoked.

(c) The department may suspend, revoke or withhold certification by written notification to the person who applied for or was issued a certification card for any of the following reasons:

1. The person is not qualified to be certified;
2. The person has displayed a pattern of conduct which in the department's judgment constitutes unreasonable risk to the health and safety of persons or the environment;
3. The person performed work requiring certification at a job site without being in possession of a valid certification card;
4. The person permitted the duplication or use of the person's own training certificate or certification card by another person;
5. The person performed work for which certification has not been received;
6. The person obtained certification from a training provider who is not accredited to offer the training;
7. The person gained admission to or completed an asbestos training course through fraudulent means; or
8. The person provided false information as part of the application process, which may have included:
 - a. Fraudulent representation of training or examination documents;
 - b. Obtaining of training documentation through fraudulent means;
 - c. Gaining admission to and completing refresher training through fraudulent representation of initial or previous refresher training; or
 - d. Obtaining certification through fraudulent representation of certification requirements such as education, training, professional registration or experience.

(d) The person being certified is responsible for the card issued to him or her. The card is that person's property and is not the property of that person's employer. The employer may not confiscate the certification card of the person who has been certified. Any person who abates or manages asbestos that requires certification under s. HSS 159.02 (1) (a) shall possess the required certification card while the activities requiring certification are being performed.

(7) FEES. (a) An applicant for certification or recertification under this subchapter shall pay a fee as follows:

1. For certification as an asbestos inspector, a fee of \$150.00;

2. For certification as an asbestos management planner, a fee of \$100.00;
3. For certification as an asbestos worker, a fee of \$50.00;
4. For certification as an asbestos supervisor, a fee of \$100.00;
5. For certification as a project designer, a fee of \$150.00;
6. For certification as an asbestos roofing supervisor, a fee of \$50.00; and
7. For certification as an asbestos roofing worker, a fee of \$25.00.

(b) If a certification card is lost, stolen, or damaged, the person shall request the department to issue a replacement card and shall include with that request the payment of a fee of \$8.00 and a recent identifying photograph.

(c) The department shall void the certification status of an applicant if a check tendered to make payment to the state under this subsection is not paid by the bank on which it is drawn.

(8) **ROOFING CERTIFICATION CARD.** (a) A roofing certification card allows a person to perform roofing activities that involve only category I ACM. The card is not valid for interior abatement activities nor for exterior abatement activities that involve non-roofing ACM.

(b) Recovering a roof does not require a roofing certification card provided that the worker does not engage in any repair or removal activities except for blister or buckle repairs. In this paragraph, "recovering" means placing a non-ACM over the existing asbestos-containing roofing material.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; am. (2) (d), (e), (7) (a) 4. and 5., cr. (2) (f), (g), (7) (a) 6., 7., (8) (a) and (b), Register, January, 1993, No. 445, eff. 2-1-93; emerg. r. and recr. (6) (c), eff. 10-4-94; am. (1) (a), r. and recr. (6) (c), (d), Register, June, 1995, No. 474.

HSS 159.12 Recertification. (1) No person may perform asbestos abatement or asbestos management activities after the expiration date on that person's certification card. To continue to perform those activities after that date, the person shall in advance of the expiration date take a refresher course in the job classification specified on the card, apply to the department for recertification, pay the fees and be recertified by the department. The refresher course shall be specific to each job classification. Each refresher course shall be conducted as a separate course and may not be combined with any other training during the period of the refresher course.

(2) The person who was certified may take a refresher course up to a year after the expiration of his or her certification. The applicant shall retake the complete course if the time period between expiration and the refresher class is one year or more. In the interim, no asbestos abatement or management work may be performed without current and valid certification.

(3) As a condition of recertification, the department may require a person to pass an examination.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; emerg. am. (1), eff. 10-4-94; am. (1), Register, June, 1995, No. 474, eff. 7-1-95.

HSS 159.13 Reciprocity for certification. (1) If a person residing in another state holds a valid certification issued by a state other than Wisconsin, and that certification was issued based on successful completion of an EPA-accredited training course or a training course accredited by a state under a system at least as stringent as the model plan, the person may be deemed to have satisfied the training requirement of s. HSS 159.11 (1) (a).

(2) In order to be eligible for Wisconsin certification under this section, the person shall present to the department a notarized photocopy of the certificate issued by the other state, a recent identifying photograph, pay the fee required under s. HSS 159.11 (7), and, if required by the department, successfully complete an examination. If the department approves the application, the department shall issue a certification card pursuant to s. HSS 159.11 (6).

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

HSS 159.14 Abatement notification. (1) Any person proposing to undertake an asbestos abatement activity in a school building or other public or private building, except for O & M work in s. HSS 159.10 (2) (e), shall notify the department not less than 10 days prior to the start of the activity. Notification shall be made by submitting a copy of the form used to notify the department of natural resources of the intent to demolish or renovate a building facility, structure or installation containing asbestos material.

Note: For a copy of the notification form, 4500-113, write or phone the Asbestos Training and Certification Program, Bureau of Public Health, Division of Health, 1414 E. Washington, Madison, WI 53703, telephone (608) 266-9382, or write the Asbestos Coordinator, Department of Natural Resources, Box 7921, Madison, WI 53707.

(2) The date of postmark by U.S. mail shall be the official date of notification. The department's date of receipt stamp shall be the official date for notification by means other than the U.S. mail.

(3) In an emergency, notification shall be by telephone before the work is done followed by a written notice sent to the department within 48 hours after the handling of the emergency.

(4) The department shall consider the emergency notification procedure in sub.(3) as compliance to the abatement notification requirement for contracts or activities that develop in a period of less than 10 days. The written notice shall be sent to the department within 48 hours after the notification by telephone.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

HSS 159.15 Enforcement. (1) The department may enter, at any reasonable time, any property, premises or place in which any person required to have a certification card is engaged in any asbestos abatement activity to determine if that person has a valid certification card.

(2) No person may refuse entry or access to any representative of the department authorized by the department to act under this chapter if that representative requests entry for purposes of determining compliance with this subchapter, provided that the representative presents a valid identification issued by the department and complies with all the health and safety procedures established by law for persons engaged in asbestos abatement activities.

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(3) Only a Wisconsin asbestos certification card is valid in this state for asbestos abatement or asbestos management activities described in this subchapter. A card for each person engaged in asbestos abatement activities shall be on the job site during work periods.

(4) An asbestos supervisor certified by the department shall be at the asbestos abatement site at all times while abatement work is being done.

(5) An asbestos roofing supervisor certified by the department shall be at the roofing site at all times while work involving asbestos-containing material is being done.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; cr. (5), Register, January, 1993, No. 445, eff. 2-1-93.

Subchapter III — Accreditation of Training Courses

HSS 159.20 General requirements. (1) No person may advertise or conduct asbestos abatement or asbestos management training in this state if the training course is not accredited by the department.

(2) To obtain accreditation for a training course, a training provider shall comply with subch. I, this subchapter and Section III of Appendix A, and the training course shall be in compliance with Section I of Appendix A.

(3) No training provider may deny training to any person solely on account of sex, race, color, creed, national origin, ancestry, sexual orientation or disability.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; am. (2) and (3), Register, June, 1995, No. 474, eff. 7-1-95.

HSS 159.21 Accreditation procedure. (1) **SUBMISSION.** Any person seeking accreditation of training courses under this subchapter shall submit to the department the information and materials specified in Section III of Appendix A, any other information and materials requested by the department and the fee required under sub. (3). Application shall be made on a form provided by the department.

Note: For a copy of the application form, write or phone the Asbestos Training and Certification Program, Bureau of Public Health, 1414 E. Washington Ave., Madison, WI 53703, telephone (608) 266-9382.

(2) **COURSE APPROVAL.** (a) *Contingent approval.* The department shall review all information and materials submitted under sub. (1) for compliance with Appendix A and this subchapter. If the department determines that the information and materials are acceptable, the department shall grant contingent approval and notify the training provider in writing within 60 days after receiving all required information and materials.

(b) *Full approval.* After the department grants contingent approval to a training course, a department representative shall monitor the course on-site to ascertain whether or not full approval should be granted. The department shall notify the training provider in writing of approval or of disapproval within 60 days after monitoring the course. If accreditation is not granted, the department shall give the training provider reasons in writing for the denial.

(c) *Only training courses.* The department does not give accreditation to an overall training program or to a training institution. Departmental

accreditation is only for a specific training course designed for a person seeking certification or recertification in the job classification for which he or she is being trained. A training provider may only list training courses as department or EPA accredited if those courses are accredited and relate to asbestos certification or recertification.

(3) **INSTRUCTOR AND GUEST LECTURER APPROVAL.** No person may function as an instructor of a contingently approved or fully approved training course or as a guest lecturer in a contingently approved or fully approved training course without being approved by the department under this section.

(4) **INSTRUCTOR QUALIFICATIONS.** (a) A person seeking approval as an instructor shall have successfully completed a two-day train-the-trainer course or an equivalent teaching methods course that meets the requirements of part I.7.A. of the model plan and shall also have successfully completed an accredited course in each discipline that the instructor intends to teach.

(b) A person seeking approval as an instructor shall produce verifiable documentation as described in the model plan that demonstrates that the person has relevant experience in the topic or topics the instructor will teach in an accredited training course.

(5) **INSTRUCTOR APPROVAL PROCEDURE.** The training provider shall submit documentation to the department of the training and experience of each person seeking instructor approval and shall obtain approval before any instruction is conducted by the proposed instructor in a contingently approved or fully approved training course.

(6) **GUEST LECTURER APPROVAL PROCEDURE.** The training provider shall submit to the department verifiable documentation that describes the professional training and experience of a guest lecturer in the topic the guest lecturer will teach, and references for the guest lecturer. The training provider shall submit that documentation at least 2 weeks before the start of a contingently approved or fully approved training course in which the guest lecturer is to participate.

Note: Submit all documentation to the Asbestos Training and Certification Program, Bureau of Public Health, 1414 E. Washington Ave., Madison WI 53703.

(7) **Fees.** (a) The department shall charge a fee of \$750 for the accreditation of each training course and a fee of \$250 for each refresher course.

(b) The department shall void the accreditation status of a training course if a check tendered to make payment to the state is not paid by the bank on which it is drawn.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; emerg. renum. (3) to be (7) and cr. (3) to (6), eff. 10-4-94; am. (2), renum., (3) to be (7), cr. (3) to (6), Register, June, 1995, No. 474, eff. 7-1-95.

HSS 159.22 Training notification. (1) An accredited training provider shall notify the department whenever the training provider has scheduled an accredited training course to begin. Notification shall be made at least 3 weeks in advance of the starting date and shall include the names of all instructors and guest lecturers and the specific topics they will teach. The training provider shall notify the department by telephone of any change in the submitted schedule at least 24 hours before the start of

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the course. The training provider shall notify the department as soon as possible if a scheduled course is canceled.

Note: To notify the department about a change in the schedule, phone (608) 266-9382.

(2) The training provider shall permit department representatives to attend, evaluate and monitor any training course and have access to records of training courses at any reasonable time without charge or hindrance to the department.

(3) The training provider shall notify the department before an unevaluated training staff member or faculty member not previously included in an application for accreditation will teach a training course. Notification to the department shall be at least one week before the start of the course.

(4) If subsequent to approval by the department a training course is altered, modified, or changed in regard to teaching staff, curriculum, training materials or content, the training course remains subject to the requirements of this subchapter and the model plan and shall be resubmitted to the department for approval.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; am. (1), (2), (3), Register, June, 1995, No. 474, eff. 7-1-95.

HSS 159.23 Periodic evaluation. The department may audit a training course on-site on a periodic and unannounced basis for the purpose of ascertaining whether or not the training course continues to meet accreditation requirements.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

HSS 159.24 Enforcement. The department may deny, revoke or suspend accreditation of a training course by written notification to the training provider for a reason including but not limited to:

(1) The course or course alteration fails to meet requirements found in Appendix A:

(2) Deceptive use of training course certificates;

(3) Misrepresentation of the extent of a training course's approval by a state or EPA;

(4) Failure to submit required information or notification to the department in a timely manner;

(5) Failure to maintain requisite records;

(6) Falsification of accreditation records, instructor qualifications or other accreditation information;

(7) Failure to adhere to the training standards and requirements of the EPA MAP or state accreditation program; or

(8) The violation of any provision of subch. I or this subchapter.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; am. (intro.) and (3), renum. (4) to be (8), and am. cr. (4) to (7), Register, June, 1995, No. 474, eff. 7-1-95.

Appendix A

WISCONSIN MODEL ACCREDITATION PLAN AND TRAINING COURSE APPROVAL PROCEDURES

(adapted from 40 CFR 763, Subpart E, Appendix C)

1. Wisconsin Model Accreditation Plan

The Wisconsin Model Accreditation Plan has 8 components:

- (1) Initial training;
- (2) Examinations;
- (3) Refresher training course;
- (4) Verification of qualifications;
- (5) Decertification requirements;
- (6) Reciprocity;
- (7) Instructor qualifications; and
- (8) Training provider recordkeeping requirements.

For purposes of the certification requirements in ch. HSS 159, the duration is specified in number of days. A day of training shall have a minimum of 6 classroom contact hours, excluding lunch and breaks, and shall not exceed 8 hours in one calendar day.

In several instances, initial training courses for a specific job classification, such as workers or inspectors, require hands-on training. For asbestos supervisors and workers, hands-on training should include working with asbestos substitute materials, fitting and using respirators, use of glovebags, donning protective clothing, constructing a decontamination unit as well as other abatement work activities. Hands-on training must permit supervisors and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing.

1. INITIAL TRAINING

The following are initial training course requirements for persons required to have certification under s. 254.20, Stats.:

A. Asbestos Inspectors. All persons seeking certification as inspectors shall complete a 3-day training course as outlined below. The 3-day program shall include lectures, demonstrations, 4 hours of hands-on training, individual respirator fit testing, course review and written examination. The Department recommends the use of audiovisual

materials to complement lectures, where appropriate.

The inspector training course shall adequately address the following topics:

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

(b) *Potential health effects related to asbestos exposure.* The nature of asbestos-related diseases; routes of exposure; dose-response relationship and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos-related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(c) *Functions, qualifications and role of inspectors.* Discussion of prior experience and qualifications for inspectors and management planners; discussion of the functions of a certified inspector as compared to those of a certified management planner; discussion of inspection process including inventory of ACM and physical assessment.

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

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

(f) *Relations with the public, employes and building occupants.* Notifying employe organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of building occupants about actions being taken.

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(g) *Pre-inspection planning and review of previous inspection records.* Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling and abatement records of a building; the role of the inspector in exclusions for previously performed inspections.

(h) *Inspecting for friable and non-friable asbestos-containing material (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.

(i) *Bulk sampling and documentation of asbestos in schools.* 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; sampling equipment the inspector should use; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures.

(j) *Inspector respiratory protection and personal protective equipment.* Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit, such as 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.

(k) *Recordkeeping and writing the inspection report.* Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM condition; photographs of selected sampling areas and examples of ACM inventory; information required for inclusion in the management plan by TSCA Title II section 203 (i) (1).

(L) *Regulatory review:*

(1) EPA Worker Protection Rule 40 CFR Part 763, Subpart G;

(2) Toxic Substances Control Act (TSCA) Title II;

(3) OSHA Asbestos Construction Standard, 29 CFR 1926.58;

(4) OSHA respirator requirements, 29 CFR 1910.134;

(5) Friable ACM in Schools Rule, 40 CFR Part 763 Subpart F;

(6) Applicable state and local regulations and differences between federal and state requirements where they apply and the effects, if any, on public and non-public schools, other public buildings and commercial buildings; and

(7) National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61 Subparts A and M.

(m) *Field trip.* To include a field exercise including a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercise.

(n) *Course review.* Review of key aspects of the training course.

B. Asbestos Management Planners. All persons seeking certification as management planners shall complete an inspection training course as outlined above and a 2-day management planning training course. The 2-day training program shall include lectures, demonstrations, course review, and a written examination. The Department recommends the use of audiovisual materials to complement lectures, where appropriate.

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

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

(b) *Evaluation and interpretation of survey results.* Review of TSCA Title II requirements for inspection and management plans as given in section 203 (i) (1) of TSCA Title II; summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey.

(c) *Hazard assessment.* Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant

damage; use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM; relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors of hazard assessment.

(d) *Legal implications.* Liability; insurance issues specific to planner; liabilities associated with interim control measures, in-house maintenance, repair, and removal; use of results from previously performed inspections.

(e) *Evaluation and selection of control options.* Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions.

(f) *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 plans; team approach to design of high-quality job specifications.

(g) *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 high efficiency particulate air (HEPA) vacuuming reducing disturbance of ACM; scheduling O & M for off-hours; rescheduling or canceling renovation in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM - bridging and penetrating encapsulants; pipe fittings, metal sleeves, polyvinyl chloride (PVC), canvas, wet wraps, muslin with straps, fiber mesh cloth, mineral wool and insulating cement; discussion of employe protection programs and staff training; case study in developing an O & M plan (development and implementation process, and problems that have been experienced).

(h) *Regulatory review.*

(1) OSHA Asbestos Construction Standard, 29 CFR 1926.58;

(2) National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 Subparts A General Provisions, and M, National Emissions Standards for Asbestos;

(3) EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;

(4) Toxic Substances Control Act (TSCA) Title II; and

(5) Applicable state regulations.

(i) *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; procedures for recordkeeping.

(j) *Assembling and submitting the management plan.* Plan requirements in TSCA Title II section 203 (i) (1); management plan as a planning tool.

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

(l) *Course review.* Review of key aspects of the course.

C. *Asbestos Supervisors.* All persons seeking certification as asbestos supervisors shall complete a 5-day training course as outlined below. The training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a written examination. The Department recommends the use of audiovisual materials to complement lectures where appropriate.

For purposes of s. 254.20, Stats., asbestos supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, and repair. Supervisors may include those individuals with the position title of foreman, working foreman, or leadperson pursuant to collective bargaining agreements. Under this Model Plan, as adapted from 40 CFR 763 Subpart E, Appendix C, at least one supervisor is required to be at the worksite at all times while work is in progress. Asbestos workers must have access to certified supervisors throughout the duration of the project.

The supervisors training course shall adequately address the following topics:

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

(b) *Potential health effects of asbestos exposure.* The nature of asbestos-related disease; routes of exposure; dose-response relationship and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease.

(c) *Employe personal protective equipment.* Classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fit tests);

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qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit, such as 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.

(d) *State-of-the-art work practices.* Proper work practices for asbestos abatement activities including descriptions of proper construction of maintenance of barriers and decontamination enclosure systems; positioning of warning signs, electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures, and recommended and prohibited work practices; discussion of new abatement-related techniques and methodologies.

(e) *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; potential exposures such as family exposure.

(f) *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.

(g) *Medical monitoring.* OSHA and EPA Worker Protection Rule requirements for a pulmonary function test, chest x-rays and a medical history for each employee.

(h) *Air monitoring.* Procedures to determine airborne concentrations of asbestos fibers: a description of aggressive sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results, specifically from analysis performed by polarized light phase contrast, and electron microscopy analyses.

(i) *Relevant federal, state, and local regulatory requirements.* Procedures and standards including:

(1) Toxic Substances Control Act (TSCA) Title II;

(2) National Emission Standards for Hazardous Air Pollutants, 40 CFR 61 Subparts A, General Provisions, and M, National Emission Standards for Asbestos;

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

(4) OSHA Asbestos Construction Standard, 29 CFR 1926.58; and

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

(j) *Respiratory protection programs and medical surveillance programs.*

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

(l) *Recordkeeping for asbestos abatement projects.* Records required by federal, state, and local regulations; records recommended for legal and insurance purposes.

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

(n) *Contract specifications.* Discussion of key elements that are included in contract specifications.

(o) *Course review.* Review of key aspects of the training course.

D. Asbestos Workers. All persons seeking certification as asbestos workers shall complete a 4-day training course as outlined below. The asbestos worker training course shall include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a written examination. The Department recommends the use of audiovisual materials to complement lectures where appropriate.

The worker training course shall adequately address the following topics:

(a) *Physical characteristics of asbestos.* Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options.

(b) *Potential health effects related to asbestos exposure.* The nature of asbestos-related diseases, routes of exposure, dose-response relationship and the lack of a safe exposure level, synergism between cigarette smoking and asbestos exposure, latency period for disease.

(c) *Employee personal protective equipment.* Classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit, such as facial hair; the components of a proper respiratory protection program; selection and use of personal

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protective clothing; use storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

(d) *State-of-the-art work practices.* Proper asbestos abatement activities including description of proper construction of maintenance of barriers and decontamination enclosure systems; positioning of warning signs, electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure and repair; emergency procedures for sudden release; potential exposure situations; transport and disposal procedures; recommended and prohibited work practices.

(e) *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.

(f) *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.

(g) *Medical monitoring.* OSHA and EPA Worker Protection Rule requirements for a pulmonary function test, chest x-rays and a medical history for each employee.

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

(i) *Relevant federal, state, and local regulatory requirements, procedures and standards.* With particular attention directed at relevant EPA, OSHA and state regulations concerning asbestos abatement workers.

(j) *Establishment of a respiratory protection program.*

(k) *Course review.* Review of key aspects of the training course.

E. Project Designers.

A person shall be certified as a project designer to design any of the following activities with respect to friable ACM in a school or in a public or commercial building:

(1) A response action other than SSSD maintenance activity;

(2) A maintenance activity that disturbs friable ACM other than a SSSD maintenance activity; or

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

All persons seeking certification as project designers shall complete a 3-day project designer training course as outlined below. The 3-day project designer training program shall include lectures, demonstrations, a field trip, course review, and a written examination. The Department recommends the use of audiovisual materials to complement lectures, where appropriate.

The 3-day project designer training course shall adequately address the following topics:

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

(b) *Potential health effects related to asbestos exposure.* Nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.

(c) *Overview of abatement construction projects.* Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.58).

(d) *Safety system design specifications.* 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 high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove bag use.

(e) *Field trip.* Visit an abatement site or other suitable building site, including on-site discussion of abatement design, building walk-through inspection, and discussion following the walk through.

(f) *Employe personal protective equipment.* To include the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that

alter respirator fit, such as facial hair; components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; regulations covering personal protective equipment.

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

(h) *Fiber aerodynamics and control.* Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a clean-up method.

(i) *Designing abatement solutions.* Discussion of removal, enclosure, and encapsulation methods; asbestos waste disposal.

(j) *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; the use of transmission electron microscopy (TEM) in air clearance and lab accreditation under National Institute of Standards and Technology (NIST) or National Voluntary Laboratory Accreditation Program (NVLAP).

(k) *Budgeting and cost estimation.* Development of cost estimates; present cost of abatement versus future operations and maintenance costs; setting priorities for abatement jobs to reduce cost.

(l) *Writing abatement specifications.* Preparation of and the need for written project design; means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications to a particular building; worker and building occupant health and medical considerations; replacement of ACM with non-asbestos substitutes; clearance of work area after abatement; air monitoring for clearance.

(m) *Preparing abatement drawings.* Significance and need for drawings; use of as-built drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications; particular problems in abatement drawings.

(n) *Contract preparation and administration.*

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

(p) *Replacement.* Replacement of asbestos with asbestos-free substitutes.

(q) *Role of other consultants.* Development of technical specifications sections by industrial hygienists or engineers; the multidisciplinary team approach to abatement design.

(r) *Occupied buildings.* Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure.

(s) *Relevant federal, state and local regulatory requirements:*

(1) Toxic Substances Control Act (TSCA) Title II;

(2) National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subparts A, General Provisions, and M, National Emission Standards for Asbestos;

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

(4) EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;

(5) OSHA Asbestos Construction Standard, 29 CFR 1926.58; and

(6) OSHA Hazard Communication Standard found at 29 CFR 1926.59.

(t) *Course review.* Review of key aspects of the training course.

F. Roofing Workers. All persons seeking certification as roofing workers shall complete a one-day roofing worker training course as outlined below. The one day course shall include lectures, demonstrations and hands-on, a course review and a written examination.

The roofing workers training course shall adequately address the following topics within the minimum amount of class time specified:

(a) *Asbestos characteristics.* Identification of asbestos, aerodynamic characteristics, typical asbestos uses in roofing. Duration: 45 minutes.

(b) *Potential health effects of asbestos exposure.* The nature of asbestos-related diseases, lack of a safe exposure level, synergism between cigarette smoking and asbestos exposure, routes of exposure, dose-response relationship, latency period. Duration: 45 minutes.

(c) *Personal protective equipment.* Classes and characteristics of respirators, qualitative and quantitative fit testing, personal protective clothing, risk of family exposure,

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medical surveillance, limitations of respirators, field testing respirators, respirator protection factors, factors that alter respirator fit, use/storage/handling of non-disposable clothing, respiratory protection, proper selection/inspection/donning/use/ storage procedures for respirators, components of a proper respiratory protection program. Duration: 2 hours.

(d) *Regulations for workers.* Wisconsin Department of Natural Resources regulations, Wisconsin Department of Health and Social Services regulations, U.S. Occupational Safety and Health Administration regulations, U.S. Environmental Protection Agency regulations, Wisconsin Department of Industry, Labor and Human Relations regulations, Wisconsin Department of Transportation regulations. Duration: 45 minutes.

(e) *State of the art work practices.* General safety, engineering controls, wet methods associated with roofing work, NESHAP category I and II roofing material, operations and maintenance criteria, impact of roofing activities on interior asbestos-containing materials, air sampling for worker's interpretation of results, handling procedures for asbestos-containing roofing materials, proper use of power equipment, demonstration of decontamination procedure, decontamination units. Duration: 2 hours.

G. Roofing Supervisors. All persons seeking certification as roofing supervisors shall complete a one-day roofing worker course as outlined above and an additional one-day roofing supervisor training course. The training program shall include lectures, demonstrations and hands-on, course review and a written examination.

The training course shall adequately address the following topics within a minimum amount of class time specified:

(a) *Bulk sampling for asbestos-containing roofing materials.* Techniques for bulk sampling and sampling equipment, quality control and assurance procedures, use of respiratory protection, repair of the sampling area, use of polarized light microscopy. Duration: 30 minutes.

(b) *Air sampling for airborne asbestos fibers.* Regulations and recordkeeping, calibration, interpreting results, asbestos analysis by PCM/TEM, equipment terminology, air sampling strategies and techniques for roofs. Duration: 1 hour.

(c) *Regulations for supervisors.* U.S. Occupational Health and Safety Administration regulations 29 CFR 1926.58 (asbestos construction standards), 29 CFR 1926.59 (hazard communication standard) and 29 CFR 1910.134 (respiratory protection), Wisconsin Administrative Code Chapter ILHR 32 (asbestos regulations for public sector employees), Wisconsin Department of Transportation regulations, Wisconsin Adminis-

trative Code Chapter HSS 159 (asbestos certification), overview of U.S. Environmental Protection Agency regulations 40 CFR 763 Asbestos Hazard Emergency Response Act (AHERA), Wisconsin Administrative Code Chapter NR 447 (control of asbestos emissions) and Section NR 502.06 (3) (collection and transportation). Duration: 1 hour 30 minutes.

(d) *Insurance and liability issues.* Tort law, occurrence insurance, regulatory law, claims made insurance, contractual law, worker's compensation. Duration: 30 minutes

(e) *Other supervisory issues.* Emergency planning, contract specifications, slower work productivity, fear associated with asbestos work, logistical problems related to asbestos-containing roofing materials, negative pressure and local exhaust ventilation. Duration: 1 hour.

(f) *On-site representative or competent person.* Glove bags and how they work, negative pressure enclosures, local exhaust ventilation systems, considerations when coordinating with asbestos abatement personnel. Duration: 45 minutes.

2. EXAMINATIONS

The Department shall administer a closed book examination or designate other entities such as department-approved training courses to administer the closed book examination to persons seeking certification who have completed an initial training course. Demonstration testing may also be included as part of the examination. A person seeking certification in a specific job classification shall pass the examination for that classification to receive certification. For example, a person seeking certification as an inspector must pass the Department-approved inspector certification examination.

Each examination shall adequately cover the topics included in the training course for that classification. Persons who pass the Department-approved examination and fulfill whatever other requirements the Department imposes shall receive an identification card indicating that they are certified in a specific classification.

The following are the requirements for examinations in each area:

1. Asbestos Inspectors - 50 multiple choice questions, 70% passing score.
2. Asbestos Management Planners - 50 multiple choice questions, 70% passing score.
3. Asbestos Supervisors - 100 multiple choice questions, 70% passing score.
4. Asbestos Workers - 50 multiple choice questions, 70% passing score.

5. Project Designers - 100 multiple choice questions, 70% passing score.

6. Roofing Workers - 35 multiple choice questions, 70% passing score.

7. Roofing Supervisors - 50 multiple choice questions, 70% passing score.

3. REFRESHER TRAINING COURSES

An annual refresher training course for recertification shall be one day in length except for the inspector, roofing supervisor and roofing worker classifications. Refresher courses for inspectors, roofing supervisors and roofing workers shall be a half-day in length. Management planners shall attend the inspector refresher course, plus an additional half-day on management planning.

The refresher course shall be specific to each classification. For each classification, 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 as determined by the Department. After successfully completing the annual refresher course and meeting application requirements, persons shall have their certification extended an additional year. The Department may consider requiring persons to pass recertification examinations at specific intervals.

Before allowing a student into a refresher training course, the training provider shall verify that the student has met any prerequisites for enrollment in the refresher course, including but not limited to having completed an initial training course in that discipline.

4. VERIFICATION OF QUALIFICATIONS

The Department may require whatever additional verifiable documentation may be necessary to substantiate that a person has met any or all applicable requirements in this chapter.

5. DECERTIFICATION REQUIREMENTS

Conditions for decertification are found in s. HSS 159.11 (6) (c) for the five job classifications.

6. RECIPROCITY

Requirements for reciprocal acceptance of training certificates issued by states other than Wisconsin are found in s. HSS 159.13.

7. INSTRUCTOR QUALIFICATIONS

A. Training

A person seeking approval as an instructor of an accredited asbestos training course

in any discipline shall have successfully completed:

(a) A teaching methods course which covers at a minimum the following topics: principles of adult learning, training course design, non-lecture instructional methods, use of audio-visual and other instructional resources, teaching methods such as, instructional objectives, guided discovery and learning styles, and maintaining classroom control for a learning environment.

The course shall consist of at least 16 hours of instruction and shall include a practice teaching component involving critique and evaluation of the applicant's teaching skills. Any degree that covers the topics required by this subdivision satisfies this requirement; and

(b) Certification in the disciplines that the instructor intends to instruct in.

B. Experience

A person seeking approval as an instructor of an asbestos course in any discipline shall be minimally qualified in the topics to be taught by having at least one year of experience in the 5 years preceding an application for approval in performing or being directly responsible for the tasks that are, or are closely related to the tasks performed in the asbestos discipline in which the applicant intends to teach.

C. Equivalent training and experience

The Department may approve training and experience qualifications other than those in parts A and B if the department, following consideration and evaluation of them on a case by case basis finds that they are substantially equivalent to the training and experience qualifications in parts A and B.

8. TRAINING PROVIDER RECORD-KEEPING REQUIREMENTS

All accredited asbestos training providers shall comply with the following minimum recordkeeping requirements for all accredited training courses.

1. Training course materials. A training provider must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.

2. Instructor and guest lecturer qualifications. A training provider must retain copies of all instructor resumes, and the documents approving each instructor issued by the Wisconsin department of health and social services. Instructors must be approved by the Department of Health and Social Services before teaching courses for accreditation purposes. A training provider must notify the Department of Health and Social Services in advance whenever it changes course instructors. Records must accurately identify individual instructors who will teach

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each particular course topic for each date that a course is offered.

3. Examinations. A training provider shall document that each person who receives a certification certificate for an initial training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the training course and the discipline for which exam was given, the name of the person who proctored the exam, a copy of the exam and the name and test score of each person taking the exam. The topic and dates of the training course shall correspond to those listed on that person's certification certificate. Copies of examinations administered and stored with the state or a state authorized testing organization shall meet these recordkeeping requirements.

4. Certificates. The training provider shall maintain records that document the names of all persons who have been awarded certificates, certificate number, the discipline for which the certificate was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.

5. Records retention period and access. All required records under this chapter shall be retained for a minimum of 3 years. The training provider shall allow reasonable access by the Department to all training records required by this chapter, including electronic records if they exist.

6. Cessation of training. If a training provider goes out of business or chooses to no longer conduct any or all department accredited asbestos courses, the training provider shall notify the Department and shall give the Department the opportunity to take possession of any or all relevant training records.

II. Department Approval of Training Courses

Individuals or groups wishing to sponsor training courses in Wisconsin for job classifications required to be certified under ch. HSS 159 shall apply for Department approval. For a course to receive approval, it must meet the requirements of the course as outlined in the Wisconsin Model Accreditation Plan.

An applicant for training course approval shall send the accreditation fee and requested information to the Department's Asbestos Training and Certification Program. The information shall include:

(1) A completed application form including the course sponsor's name, address and phone number;

(2) A letter from the training course sponsor that clearly indicates how the course meets the Wisconsin Model Accreditation Plan requirements for:

- (a) Length of training in days;
 - (b) Amount and type of hands-on training; and
 - (c) Topics covered in the course.
- (3) A course curriculum;
- (4) Course materials (student manuals, instructor notebooks, handouts, etc.);
- (5) A copy of the keyed exam;
- (6) A detailed statement about the development of the examination used in the course;
- (7) Student notification of exam scores;
- (8) Names and qualifications of course instructors. Instructors shall have academic credentials and/or field experience in asbestos abatement;
- (9) Course evaluation forms;
- (10) Description and an example of numbered certificates issued to students who attend the course and pass the examination;
- (11) Advertising materials;
- (12) Training schedule; and
- (13) Copies of approval letters from EPA and other states.

Information and materials for refresher courses are similar to those above, except for exam development requirements.

Each certificate issued to a person seeking certification shall contain the following minimum information:

- a. A unique certificate number;
- b. Name of the person who completed the training;
- c. Discipline of the training course completed;
- d. Dates of the training course;
- e. Date of the examination;
- f. An expiration date of one year after the date upon which the person successfully completed the course and examination;
- g. The name, address and telephone number of the training provider that issued the certificate.
- h. A statement that the person receiving the certificate has completed the requisite training for asbestos certification under TSCA Title II; and

i. A statement that the student passed the examination.

The Department may revoke or suspend approval if an on-site audit indicates that a training course is not conducting training that meets the requirements of the Wisconsin Model Accreditation Plan. Training course sponsors shall permit department representatives to attend, evaluate and

monitor any training course without charge to the department. Department representatives may not give advance notice of their audits.

The Department will submit a list of training courses that have been granted accreditation consistent with the Wisconsin Model Accreditation Plan to the U.S. EPA for publication in the Federal Register.