

## Chapter DHS 159

### ASBESTOS CERTIFICATION AND TRAINING ACCREDITATION

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**Note:** Chapter HSS 159 was created as an emergency rule effective November 3, 1989. Chapter HSS 159 was renumbered chapter HFS 159 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, September, 1999, No. 525. **Chapter HFS 159 was renumbered chapter DHS 159 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.**

**Subchapter I — General Provisions**

**DHS 159.01 Authority and purpose.** This chapter is promulgated under the authority of s. 254.20, 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.

**DHS 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 employees or the lessee or lessee's employees 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.

**DHS 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 per-

cent 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 employees or agents of federal, state or local government solely for the purpose of determining compliance with applicable statues 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 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. DHS 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, opera-

tion, 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, including 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; **correction in (15) made under s. 13.92 (4) (b) 6., Stats., Register January 2009 No. 637.**

**DHS 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. 254.20 (11), Stats.

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

**DHS 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 of administration's division of hearings and appeals 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 Division of Hearings and Appeals 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

**DHS 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.

**DHS 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. 254.20 (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 Occupational Health, Division of Public Health, 1414 E. Washington, Madison, WI 53703, telephone (608) 261-6876.

(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. DHS 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.

**DHS 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.

**DHS 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. DHS 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. DHS 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. DHS 159.11 (6).

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

**DHS 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. DHS 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:** DHS 159.10 (2) (e) was repealed eff. 7-1-95.

**Note:** For a copy of the notification form, 4500-113, write or phone the Asbestos Training and Certification Program, Bureau of Occupational Health, Division of Public Health, 1414 E. Washington, Madison, WI 53703, telephone (608) 261-6876, 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.

**DHS 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.

(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

**DHS 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.

**DHS 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 Occupational Health, Division of Public Health, 1414 E. Washington Ave., Madison, WI 53703, telephone (608) 261-6876.

(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 Occupational 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.

**DHS 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 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.

**DHS 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.

**DHS 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.