

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-22 “Asbestos Hazard Abatement Contractors, Specialists & Other Professionals” New Rule

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language for the transfer of Ohio Administrative Code (OAC) Chapter 3701-34, “Asbestos Hazard Abatement Contractors, Specialists & Other Professionals”, to the Ohio EPA with the passage of House Bill 49 and Ohio’s Biennium Budget for Fiscal Year 2018-2019 by the 132nd Ohio General Assembly in July 2017 and as required by Ohio Revised Code (ORC) Sections 3710.02 and 119. DAPC has determined that all the rules in this chapter are still necessary and some require amendments.

On August 31, 2017, these rules were released to the public for a 23-day draft comment period. DAPC received 1 set of comments but did not make any changes to the draft rule language. DAPC’s response can be viewed in the “Response to Comments” document available on Ohio EPA’s webpage.

Summary of draft revisions for OAC Chapter 3745-22:

The rules are intended to mirror the existing program language in OAC Chapter 3701-34 as possible. Throughout the rules, clarification has been made that the director means the director of environmental protection and all citations to the old ODH rules have been made to reflect the new OAC Chapter 3745-22 citations. Various minor changes are also being made for clarification and to match agency and LSC formatting conventions.

OAC rule 3745-22-01 (Definitions):

1. Paragraphs (B) and (S): Changed the definitions of “Asbestos” and “Friable asbestos-containing material” to match that in Ohio EPA’s asbestos rules.
2. DAPC is adding language in paragraph (Z) on the version and availability of items referenced throughout this chapter.

OAC rule 3745-22-03 (General application procedures and provisions for contractors, specialists, designers, air monitors, and workers.):

Paragraph (I): Public health emergency has been changed to environmental health emergency.

OAC rule 3745-22-04 (Contractor application requirements, criteria, and standards of conduct.):

Paragraphs (C)(1) and (C)(2): Have been changed to reference Ohio EPA’s asbestos abatement rules for clarification.

OAC rule 3745-22-05 (Asbestos hazard abatement specialist application content, qualifications, standards of conduct), OAC rule 3745-22-06 (Asbestos hazard evaluation specialist application content, qualifications, standards of conduct) & OAC rule 3745-22-10 (Asbestos hazard abatement air-monitoring technician application content, qualifications, standards of conduct).

Paragraph (A)(1) of each rule was changed to only require last four digits of social security number.

OAC rule 3745-22-08 (Asbestos hazard abatement worker application contents, qualifications, standards of conduct), OAC rule 3745-22-09 (Asbestos hazard abatement project designer application content, qualifications, standards of conduct):

1. Paragraph (A)(1): Changed to only require the last four digits of a social security number.
2. Paragraphs (C): Have been changed to reference Ohio EPA's asbestos abatement rules for clarification.

Various minor changes are being made for clarification and to match agency and LSC formatting conventions.