

3745-22-01

Definitions.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of this rule, "referenced materials."]

(A) "Approved training course" means an asbestos hazard abatement specialist training course, an asbestos hazard evaluation specialist training course, an asbestos hazard abatement worker training course, asbestos hazard abatement project designer training course, asbestos hazard abatement air-monitoring technician training course, or any renewal training course meeting the requirements of Chapter 3710. of the Revised Code and approved by the director pursuant to rule 3745-22-07 of the Administrative Code.

(B) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).

(C) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, or encapsulation of reasonably related friable asbestos-containing materials in an amount greater than fifty linear feet or fifty square feet. Asbestos hazard abatement activity also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.

(D) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air-sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 CFR 763 Subpart E. An industrial hygienist or industrial hygienist in training certified by the American board of industrial hygiene is exempt from certification as an asbestos hazard abatement air-monitoring technician.

(E) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement activities and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. Asbestos hazard abatement contractor does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement activity, or any individual who engages in asbestos hazard abatement activity in his own home. Asbestos hazard abatement contractor shall not mean a business entity which engages in asbestos hazard abatement activities solely at its own place of business provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection

agency and the United States occupational safety and health, and provided further that persons employed by the business entity performing asbestos hazard abatement activity meet the requirements of this chapter.

(F) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities that are conducted by one asbestos hazard abatement contractor and that are reasonably related to each other.

(G) "Asbestos hazard abatement project designer" means the person responsible for the oversight of asbestos hazard abatement activities or determination of the work scope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.

(H) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities including asbestos hazard abatement project managers, hazard abatement project supervisors and foremen, and employees of school districts or other governmental or public entities who coordinate or directly supervise or oversee asbestos hazard abatement activities performed by school district, governmental, or other public employees in school district, governmental, or other public buildings.

(I) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity.

(J) "Asbestos hazard evaluation specialist" means a person responsible for the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or the preparation of asbestos management plans for the purpose of protecting the public health from the hazards associated with exposure to asbestos, including the performance of air and bulk sampling. This category of specialists includes management planners, health professionals, industrial hygienists, private consultants, or other individuals involved in asbestos risk identification or assessment or regulatory activities.

(K) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.

(L) "Certificate" means either of the following:

(1) A document issued by the director to an individual affirming that the individual successfully has completed the training and other requirements set forth in this chapter of the Administrative Code to qualify as an asbestos hazard abatement specialist or an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, or an approved asbestos hazard abatement training course provider.

- (2) A document issued by a training institution in accordance with rule 3745-22-07 of the Administrative Code affirming that an individual successfully has completed the instruction required in all licensing or certification categories as provided in sections 3710.07 and 3710.10 of the Revised Code and the rules of Chapter 3745-22 of the Administrative Code.
- (M) "Clearance air-sampling means air-sampling performed after the completion of any asbestos hazard abatement activity and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.
- (N) "Contained work area" means designated rooms, spaces, or other areas where asbestos abatement activities are being performed, including decontamination structures. The contained work area is separated from the uncontaminated environment by polyethylene sheeting or other materials used in conjunction with the existing floors, ceilings, and walls of the structure.
- (O) "Employee" means an individual who is employed by a business or public asbestos hazard abatement contractor.
- (P) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures for asbestos-containing materials with suitable products to prevent friable asbestos from becoming airborne.
- (Q) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used or designed as an air plenum.
- (R) "Environmental monitoring" means any air sampling other than clearance air sampling or employee exposure monitoring performed for the purpose of determining airborne asbestos concentrations.
- (S) "Friable asbestos-containing material" means any material containing more than one per cent asbestos by area, as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1 Polarized Light Microscopy (PLM), that, when dry can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than ten per cent as determined by a method other than point counting by Polarized Light Microscopy, verify the asbestos content by point counting using Polarized Light Microscopy. Any category I or category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall also be considered friable.
- (T) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in Chapter 3710. of the Revised Code and rule 3745-22-04 of the Administrative Code to engage in asbestos hazard abatement activities as an

asbestos hazard abatement contractor.

(U) "Oversight" means to directly observe an asbestos abatement project for the purpose of determining compliance with contractual, performance or regulatory standards affecting the safety of the asbestos abatement activity.

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

(W) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either.

(X) "Removal" means the stripping of friable asbestos containing materials from a wall, ceiling, pipe, boiler, duct, turbine, reactor, tank, furnace, load-supporting member, nonload-supporting member, or the taking out of any friable asbestos-containing material from any site.

(Y) "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.

(Z) Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of and the particular edition or version of the material is included in this rule. For materials subject to change, only the specific version specified in this rule are referenced. Material is referenced as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not referenced unless and until this rule has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

(a) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at <http://www.ecfr.gov>. The CFR compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(b) National Institute for Occupational Safety and Health. Information and copies of course information, standards and methods may be obtained by writing to: "Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30329-4027," by calling 800-CDC-INFO (800-232-4636) or via electronic format at <https://www.cdc.gov/niosh/pubs/default.html>. NIOSH publications are also available for inspection and use at most public libraries and "The State Library of Ohio."

(c) United States Code (USC). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www.gpo.gov/fdsys/>. The U.S.C compilations are also available for inspection and use at most public libraries and "The State Library of Ohio."

(2) Referenced materials:

(a) 29 CFR 1926.1101, "Asbestos," as published in the July 1, 2017 Code of Federal Regulations.

(b) 40 CFR Part 61, subpart M; "National Emission Standards for Hazardous Air Pollutants;" 38 FR 8820, Apr. 6, 1973, as amended at 55 FR 48414, Nov. 20, 1990.

(c) 40 CFR Part 763; "Asbestos;" 52 FR 41846, Oct. 30, 1987.

(d) 40 CFR Part 763, subpart E, appendix C, "Asbestos model accreditation plan," as published in the July 1, 2017 Code of Federal Regulations.

(e) 40 CFR Part 763, appendix E, subpart E, section 1; "Polarized Light Microscopy (PLM), Interim Method of the Determination of Asbestos in Bulk Insulation Samples;" 47 FR 23369, May 27, 1982 and 47 FR 38535, Sept. 1, 1982. Redesignated at 60 FR 31922, June 19, 1995.

(f) 40 CFR Part 763, subpart G, "Asbestos worker protection," as published in the July 1, 2017 Code of Federal Regulations.

(g) 40 CFR 783.86, "Sampling," as published in the July 1, 2017 Code of Federal Regulations.

(h) NIOSH course number 582, "Sampling and evaluating airborne asbestos dust."

(i) NIOSH manual of analytical methods (NMAM), 5th Edition as published April, 2016, 4th edition as published January 15, 1998.

(j) NIOSH Method 7400, "Asbestos and other fibers by PCM," Issue 2, August 15, 1994; Issue 1, Rev 3 on May 15, 1989.

(k) NIOSH Method 7402, "Asbestos by TEM," Issue 2, August 15, 1994; Issue 1, May 15, 1989.

(l) Toxic Substances Control Act, Title II, "Asbestos Hazard Emergency

[Response," as contained in 15 USC Chapter 53, subchapter II, as published January 3, 2017 in Supplement III of the 2012 edition of the United States Code.](#)