

3745-22-07**Application, criteria, and standards for approval of asbestos hazard abatement training courses.**

[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 rule 3745-22-01 of the Administrative Code, "referenced materials."]

(A) The director shall acknowledge receipt of an application for approval of any training course within ten working days of receipt. The director shall review the application and shall determine whether or not contingent approval will be granted as meeting the criteria of section 3710.10 of the Revised Code and the requirements of this rule within ninety days after the application is deemed complete. Upon being granted contingent approval, the director shall issue a document to the applicant affirming that the asbestos hazard abatement training course substantially satisfies or will substantially satisfy the criteria of section 3710.10 of the Revised Code and the requirements of this rule. The director shall grant final approval of a course only after an on-site audit by the director which reveals that the course substantially satisfies the criteria in this rule. Course approvals expire one year from the date of contingent or final approval. Subject to Chapter 119. of the Revised Code, the director may deny or revoke contingent or final approval of a training course if the director determines the course or applicant does any of the following:

(1) Misrepresents the extent of its approval by the director or the United States environmental protection agency.

(2) Fails to submit required information or notifications in a timely manner.

(3) Fails to maintain required records.

(4) Falsifies accreditation records, instructor qualifications, or other accreditation information.

(5) Violates or threatens to violate any provision of either of the following:

(a) Chapter 3710. of the Revised Code or this chapter.

(b) The United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, subpart E, appendix C.

(B) Any person may apply to the director for approval of a course by submitting a written application to the director and paying a non-refundable fee of nine hundred dollars for an initial course and three hundred dollars for a refresher course. To be approved

for this purpose, a training course shall meet all of the following criteria, in addition to the applicable requirements of paragraph (D) of this rule:

(1) Instruction is provided by persons approved by the director. The applicant shall submit the following information for each person to be approved as an instructor:

(a) A completed training course instructor application on a form prescribed by the director.

(b) A certificate of successful completion of a United States environmental protection agency or state approved initial course specific to the discipline for which the person intends to teach.

(c) A written verification of a minimum of six months of educational or occupational experience related to the discipline of the course which the person is intending to teach.

(2) Any person sponsoring an initial or refresher training course shall include a closed-book examination at the conclusion of each course. In addition to examination requirements found in the United States environmental protection agency "Model Accreditation Plan" 40 CFR 763, subpart E, appendix C, each examination shall meet the following criteria:

(a) Adequately cover the topics included in the training course for the appropriate discipline.

(b) Require a passing score of at least seventy per cent.

(c) Consist of at least the following number of multiple choice questions for each respective discipline:

(i) Fifty for a refresher asbestos hazard abatement specialist.

(ii) Fifty for a refresher asbestos hazard evaluation specialist.

(iii) Fifty for a refresher asbestos hazard abatement worker.

(iv) Fifty for a refresher asbestos hazard project designer.

(d) Be administered in a manner that ensures the following:

(i) No contents are revealed to any student prior to the examination.

(ii) The security of any written examination materials is ensured.

- (iii) All students who pass the examination do so on their own merits.
- (iv) No written material other than the examination materials can be viewed by any student during the examination.
- (v) A proctor is present for the duration of the examination.
- (e) Permit a student to retake the final written examination after having failed to achieve a passing score. The reexamination may be taken two times, allowing a student a total of three opportunities to pass the required examination. A student shall retake any asbestos training course examination within a two week period following the completion of the initial or refresher asbestos training course. Failure of the student to pass the third attempt shall require the student to retake the entire appropriate asbestos training course.
- (3) Any person sponsoring a refresher training course shall verify, by examining each student's previous certificate, that each student possesses a valid accreditation before granting admission to the refresher course and that the student's previous initial or refresher course is for the same discipline as the refresher course. Valid accreditation means that the student's most recent accreditation has not been expired for a period of more than twelve months from the expiration date.
- (4) Records shall be maintained for twenty years of persons who have attended or completed the course and of their attendance and completion dates, which information shall be provided to the director upon request. Records shall include the following information:

 - (a) Name, certificate number, certificate discipline, exam score of student and a current, original, and clear, color photograph of the student for the purpose of providing proper identification.
 - (b) Dates of course attendance and course location.
 - (c) A copy of the administered exam, the date upon which the exam was administered and the name of the person who proctored the exam.
- (5) Issuance of a certificate to each student who satisfactorily completes the course and examination. The certificate shall contain the following information:

 - (a) Name of student.
 - (b) Certificate number.

- (c) Course name, dates attended, and course expiration date.
 - (d) Name address, and phone number of approved training provider.
 - (e) Signature of the approved training provider.
 - (f) Date of the exam.
 - (g) A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA title II.
 - (h) A current, color, original, and clear, passport type photograph of the student for the purpose of providing proper identification.
- (C) Any person sponsoring an initial or refresher training course shall annually complete and submit to the director an application on the form prescribed by the director. An application shall be accompanied by the appropriate fee set forth in paragraph (B) of this rule.
- (D) No person other than the Ohio environmental protection agency shall conduct or offer to conduct any initial or refresher training course or examination required by this chapter unless that person is approved by the director to sponsor the courses and examinations. In conducting any such course or examination, the agency and the approved training provider shall administer the course and examinations according to the United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, Subpart E, appendix C, and Chapter 3745-22 of the Administrative Code.
- (E) At a minimum, an asbestos hazard abatement specialist course shall provide curriculum topics, hours of instruction and an examination in accordance with the requirements for the discipline of "asbestos abatement contractors and supervisors" found in the United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, Subpart E, appendix C.
- (F) At a minimum, an asbestos hazard evaluation specialist course shall provide curriculum topics, hours of instruction and an examination in accordance with the requirements for the disciplines of "inspectors" and "management planners" found in the United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, Subpart E, Appendix C.
- (G) At a minimum, an asbestos hazard abatement worker course shall provide curriculum topics, hours of instruction and an examination in accordance with the requirements for the discipline of "asbestos abatement workers" found in the United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, subpart E, Appendix C.

(H) At a minimum, an asbestos hazard abatement project designer course shall provide curriculum topics, hours of instruction and an examination in accordance with the requirements for the discipline of "abatement project designers" found in the United States environmental protection agency "Model Accreditation Plan," 40 CFR 763, Subpart E, Appendix C.

(I) An asbestos hazard abatement air-monitoring technician course shall provide a combined total of at least fifteen clock hours of instruction including at least two hours of hands-on training and an examination comprised of fifty multiple choice questions, both of which adequately addresses each of the following topics:

- (1) The physical characteristics of asbestos and asbestos-containing materials.
- (2) Potential health effects related to asbestos-exposure.
- (3) Medical monitoring.
- (4) Employee personal protective equipment and personal hygiene.
- (5) Relevant federal, state and local regulations and state-of-the-art sampling methodologies.
- (6) Record keeping and chain of custody.
- (7) Writing and reading clearance air sampling specifications.
- (8) Visual clearance inspections.
- (9) Laboratory procedures and equipment.
- (10) Calibrators and sampling equipment.
- (11) Calibration and set up of sampling equipment.
- (12) Problems encountered in the field.
- (13) Course review.

(J) After an applicant receives notice from the director that the application for approval of an asbestos training course has been granted, to maintain approval status, the applicant shall do the following:

- (1) Conduct the approved training course in strict accordance with the approved application.

- (2) Notify the director, in writing, prior to conducting any approved training course, of any change in course materials, instructors, or any other aspect of the training program that would render the information contained in the application for approval no longer accurate.
- (3) Notify the director, in writing, at least two weeks prior to the curtailment or discontinuance of the approved training course of its plans for disposition of records. Upon notification, the director may take possession of the approved training provider's records.
- (4) Provide any additional information to the director upon request.
- (5) Permit access to records by the director upon request.
- (6) Notify the director, in writing, on a form prescribed by the director at least ten business days prior to the start of any approved training course.
- (7) Submit to the director in writing, by the tenth calendar day of each month, the following:

 - (a) The dates that any approved training course was held during the previous month.
 - (b) The name of the approved training course.
 - (c) The student's names and course completion certificate numbers.
- (8) Notify the director, in writing, on a form prescribed by the director, of any change in a training course notification that would render the information in the notification no longer accurate.
- (9) Afford the director the opportunity to conduct an on-site audit of the training course anytime during an actual course conducted in the state.

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Certification

Date

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