

RULE SYNOPSIS

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

The Ohio EPA Division of Air Pollution Control (DAPC) has completed draft rule language required to apply and obtain U.S. EPA approval of the Ohio EPA Asbestos Licensing/Accreditation Program. The asbestos law, Ohio Revised Code (ORC) chapter 3710., was amended for this same purpose and became effective on October 16, 2019.

Changes Made as a Result of Comments on the Draft Rule Amendments

Ohio EPA made these rules available to the public for a 30-day draft rule comment period ending April 17, 2020. DAPC did not receive any comments on the draft changes. DAPC made a few minor changes to fix typographical errors found in the draft rules but did not make any changes that affected the content or intent of the draft language.

Summary of draft revisions for OAC Chapter 3745-22:

Throughout the rules in this rulemaking, changes of the words “activity” and “project” have been made to reflect changes in the definitions of asbestos hazard abatement activity and asbestos hazard abatement project. Three changes are being made to exclude specific activities from the rules which will benefit businesses working in Ohio. Various minor changes are being made for clarification and to match agency and LSC formatting conventions. Specific changes being made in this rulemaking are described below:

OAC rule 3745-22-01 (Definitions):

Paragraphs (C): DAPC changed the definition of “Asbestos hazard abatement activity” from activities involving 50 feet of “...reasonably related friable asbestos containing materials” (ACM), to activities involving 3 feet of ACM to meet the requirements of the U.S. EPA Model Accreditation Program (MAP). This term is applied to all individuals performing asbestos abatement. This definition is being changed to match the language in ORC 3710.01(B).

Paragraph (D): DAPC removed industrial hygienist in training from the definition of “Asbestos hazard abatement air-monitoring technician” since they are no longer certified by the American board of industrial hygiene. This definition is being changed to match the language in ORC 3710.01(S).

Paragraph (F): DAPC moved the “50 feet” requirements from the definition of “Asbestos hazard abatement activity” in OAC rule 3745-22-01(C) to this paragraph. The requirement for an asbestos contractor’s license and notification will remain at 50 linear or square feet of ACM. This definition is being changed to match the language in ORC 3710.01(D).

Paragraph (J): DAPC added terms to the definition of "Asbestos hazard evaluation specialist" that U.S. EPA requires for MAP approval. This definition is being changed to match the language in ORC 3710.01(F).

Paragraph (X): DAPC added language to exclude from the definition of "Removal" the removal of "... friable asbestos containing demolition debris resulting from a demolition that is exempt from OAC 3745-20." Removal of asbestos containing materials from exempt structures during renovation or prior to demolition will continue to be required to be performed by licensed asbestos contractors.

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

Paragraph (H): DAPC changed the language in this paragraph from requiring notification "within 3 days" to "no later than the following working day" which matches the requirements in OAC Chapter 3745-20. This is being made to eliminate confusion and create standard language between the chapters.

Paragraph (J): DAPC added language exempting from the requirements of OAC 3745-22 any persons performing the removal or repair of pipeline asphaltic wrap or roof flashings in compliance with the United States occupational safety administration, 29 CFR section 1926.1101(g)(11).

Paragraph (K): DAPC added language exempting from the requirements of OAC 3745-22 any persons performing removal of built up roofing materials, including the use of a rotating blade roof cutter, in compliance with the "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos, 40 CFR Part 61, Subpart M, Appendix A and the United States occupational safety administration, 29 CFR section 1926.1101(g)(8)(ii).

OAC rule 3745-22-06 (Asbestos hazard evaluation specialist application requirements, criteria, and standards of conduct.):

Paragraph (C)(8): DAPC added terms to be the same as the definition of "Asbestos hazard evaluation specialist" in OAC rule 3745-22-01(J).

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