



U.S. Environmental Protection Agency Applicability Determination Index

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Title: "Trained Person" Requirements
Recipient: Gammuto, John J.
Author: Lay, Linda J.

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References: 61.145(c)(8)

Abstract:

Clarification of the "trained person" requirements of 40 CFR 61.145 (c)(8) is provided. Section 61.145 (c)(8) requires that "no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present." Information on the relationship between the training requirements under NESHAP and AHERA is also provided.

Letter:

Dr. John J. Gammuto, PE
Performance Systems Consultants
4804 Oakwood Avenue
Downers Grove, Illinois 60515

Dear Dr. Gammuto:

This is in response to your letter dated March 10, 1992 requesting a clarification of the "trained person" requirements of 40 CFR 61.145(c)(8).

Section 61.145(c)(8) requires that "no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present." Section 61.145(c)(8) also states that "the required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal

work practices; reporting and recordkeeping; and asbestos hazards and worker protection."

In the September 12, 1991 Federal Register, EPA issued a notice on page 46380 explaining how the asbestos NESHAP training requirements could be met. The notice states that the Asbestos Abatement Contractor/Supervisor curriculum is a training program under the current Asbestos Hazard Emergency Response Act (AHERA) that meets the NESHAP requirements. Development of other training courses that do not qualify for AHERA accreditation is discouraged in light of EPA's planned revision of the Model Accreditation Plan under AHERA which will extend accreditation requirements to public and commercial buildings. Although completion of the Asbestos Abatement Contractor/Supervisor refresher training course every 2 years is sufficient to comply with the asbestos NESHAP, annual refresher training is required to maintain accreditation under AHERA. Those persons who were accredited as an AHERA Asbestos Abatement Contractor/Supervisor at the time the NESHAP training took effect (November 20, 1991) are accredited as a NESHAP on-site representative until the certificate expiration date.

Your specific questions are addressed below.

1. "... are the "previously" trained personnel required to have a (4) Day C/S course prior to a Refresher Course (1) Day?"

Response: If the "previously" trained personnel completed a training course that met the requirements of the asbestos NESHAP, then those personnel need only attend a refresher course if their certification has not expired. Again, although currently not required, it is strongly recommended that the personnel complete a four day training course that has been accredited by the AHERA program (the Asbestos Abatement Contractor/Supervisor course). The NESHAP program does not accredit any training programs, however, it is believed that the three day "Competent Person" training course that you mention is insufficient to adequately cover the topics required by the NESHAP rule. It is also believed that the management techniques, legal and insurance issues discussed in the four day course are beneficial in all cases (including "internal" work) and should be included in any training.

2. "... is the (3) Day "Competent Person" Course acceptable for an "internal industrial" program if it meets all EPA AHERA requirements for Workers and Supervisors that are not classified as (Asbestos Abatement Contractors) they are only "internal" Workers and Supervisors employed by a specific industrial company (non- school facility)?"

Response: AHERA has a three day "abatement worker" training course, not a "Competent Person" course. This three day course was intended for workers, and not supervisors. We believe that AHERA's four day course provides the minimum training that a supervisor must have. AHERA's three day abatement worker training does not cover the topics required by the NESHAP in sufficient detail for a supervisor. Also, with the extension of accreditation to include public and commercial buildings, there will no longer be a distinction in the training requirements for workers and supervisors between school and non-school buildings.

3. "... are the previously trained personnel 'grandfathered' so they will be in compliance by receiving a (1) Day Refresher to provide an update on asbestos issues in the work environment?"

Response: If the previously trained personnel received training that met the minimum requirements of the NESHAP, they would be "grandfathered" under the new requirements and would only be required to take the refresher course. However, if the previous training does not meet the minimum requirements, then the previously trained personnel would be required to receive the appropriate training (e.g., the four day course).

This determination has been coordinated with EPA's Office of Enforcement, the Emission Standards Division of the Office of Air Quality Planning and Standards, and the Office of Pollution Prevention and

Toxics. If you have any questions, please contact Tom Ripp of my staff at (703) 308-8727.

Sincerely,

Linda J. Lay, Chief
Inorganic Chemicals Section
Stationary Source Compliance Division