

Chapter 543

(House Bill 793)

AN ACT concerning

Environment – Asbestos Occupation – Training Program and Examination

FOR the purpose of authorizing a business entity to provide an asbestos training program; prohibiting a business entity that provides an asbestos training program from administering an asbestos occupation exam; altering the definition of “independent testing organization”; and generally relating to asbestos training and examinations.

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–417

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

6–417.

(a) (1) In this section the following words have the meanings indicated.

(2) “Business entity” includes any person designated to manage or supervise the removal or encapsulation of asbestos.

(3) “Independent testing organization” means an entity that [is]:

(I) IS not in any way affiliated with a business entity that employs an individual to remove or encapsulate asbestos in the State; **AND**

(II) DOES NOT PROVIDE A TRAINING PROGRAM.

(b) (1) Unless the individual is accredited by the Department, an individual may not engage in an asbestos occupation.

(2) The Department shall accredit an individual only upon verifying that the individual:

- (i) Is at least 18 years old;
- (ii) Has either:

1. Successfully completed a training program and any required refresher program approved by the Department or the United States Environmental Protection Agency; or

2. Acquired and maintained current accreditation from an EPA–approved state accreditation plan of another state; and

(iii) Has passed an applicable asbestos occupation examination provided and administered by the Department or by an independent testing organization acting on behalf of the Department.

(3) The Department may accept as proof of accreditation a certificate showing successful completion of any approved training program and examination, and any required refresher program.

(4) (I) A BUSINESS ENTITY MAY PROVIDE A TRAINING PROGRAM.

(II) A BUSINESS ENTITY THAT PROVIDES A TRAINING PROGRAM MAY NOT ADMINISTER AN ASBESTOS OCCUPATION EXAMINATION.

(c) (1) The Department shall adopt regulations establishing standards and procedures that are consistent with federal law for the accreditation of asbestos occupations.

(2) The regulations shall include standards for:

- (i) Training course approval and review;
- (ii) Examinations for accreditation of applicants;
- (iii) Annual refresher courses and renewal of accreditation;
- (iv) Denial, suspension, and revocation of accreditation; and
- (v) Procedures for implementing this accreditation plan.

(d) The Department shall set reasonable fees sufficient to cover the Department’s direct and indirect costs in administering the examination, approving training programs, including the cost of applications, issuance and renewal of training course approvals and reviews, on–site audits, record keeping, and other related activities.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.