

---

**By: Chairman, Environmental Matters Committee (Departmental - Environment)**

Introduced and read first time: January 18, 1996

Assigned to: Environmental Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 1996

---

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Asbestos Control - Revisions to Accreditation Plan**

3 FOR the purpose of conforming certain requirements applicable to asbestos occupations  
4 to changes in federal law; deleting a reference to an obsolete method of  
5 accreditation; defining certain terms; and generally relating to accreditation of  
6 individuals in asbestos-related work.

7 BY repealing and reenacting, with amendments,  
8 Article - Environment  
9 Section 6-401 and 6-417  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 1995 Supplement)

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

14 **Article - Environment**

15 6-401.

16 (a) In this subtitle the following words have the meanings indicated.

17 [(b) "AHERA" means Asbestos Hazard Emergency Response Act.

18 (c) (B) (1) "Asbestos occupation" means any job as an inspector, project  
19 designer, management planner, asbestos abatement contractor, asbestos supervisor, or  
20 asbestos abatement worker involving:

21 (i) A project IN A PUBLIC AND COMMERCIAL BUILDING OR in a  
22 school BUILDING that involves the location, identification, physical and hazard

2

1 assessment, enclosure, removal, repair, renovation, or demolition of asbestos material IN  
2 A PUBLIC AND COMMERCIAL BUILDING OR in a school building; [or]

3 (ii) The inspection, planning, or design of any project IN A SCHOOL  
4 BUILDING as enumerated in subparagraph (i) of this paragraph; OR

5 (III) THE INSPECTION OR DESIGN OF ANY PROJECT IN A PUBLIC  
6 AND COMMERCIAL BUILDING AS ENUMERATED IN SUBPARAGRAPH (I) OF THIS  
7 PARAGRAPH.

8 (2) "Asbestos occupation" does not include work on any small-scale,  
9 short-duration operations, maintenance, and repair activities as defined in 40 CFR 763,  
10 APPENDIX C TO SUBPART E, [asbestos-containing materials in schools] ASBESTOS  
11 MODEL ACCREDITATION PLAN.

12 [(d)] (C) "Asbestos material" means any material or product which contains more  
13 than 1 percent asbestos.

14 [(e)] (D) "Business entity" means a partnership, firm, association, corporation,  
15 sole proprietorship, or other business concern.

16 (E) "INTERIOR SPACE" INCLUDES:

17 (1) EXTERIOR HALLWAYS CONNECTING BUILDINGS;

18 (2) PORTICOES; AND

19 (3) MECHANICAL SYSTEMS USED TO CONDITION INTERIOR SPACE.

20 (f) "License" means a license issued by the Department under this subtitle to  
21 remove and encapsulate asbestos.

22 (G) (1) "PUBLIC AND COMMERCIAL BUILDING" MEANS THE INTERIOR  
23 SPACE OF ANY BUILDING THAT IS NOT A SCHOOL BUILDING.

24 (2) "PUBLIC AND COMMERCIAL BUILDING" INCLUDES:

25 (I) INDUSTRIAL AND OFFICE BUILDINGS;

26 (II) RESIDENTIAL APARTMENT BUILDINGS OF 10 OR MORE  
27 DWELLING UNITS;

28 (III) CONDOMINIUMS OF 10 OR MORE DWELLING UNITS;

29 (IV) GOVERNMENT-OWNED BUILDINGS;

30 (V) COLLEGES;

31 (VI) MUSEUMS;

32 (VII) AIRPORTS;

33 (VIII) HOSPITALS;

34 (IX) CHURCHES;

3

1 (X) STORES;

2 (XI) WAREHOUSES; AND

3 (XII) FACTORIES.

4 (3) "PUBLIC AND COMMERCIAL BUILDING" DOES NOT INCLUDE ANY  
5 RESIDENTIAL APARTMENT BUILDING OF FEWER THAN 10 DWELLING UNITS, ANY  
6 CONDOMINIUM OF FEWER THAN 10 DWELLING UNITS, OR ANY DETACHED  
7 SINGLE-FAMILY HOME.

8 [(g)] (H) "Public unit" includes:

9 (1) Any agency, bureau, department, or instrumentality of Stategovernment  
10 that is not subject to Executive Order 01.01.1987.22;

11 (2) Any agency, bureau, department, or instrumentality of federal or local  
12 government;

13 (3) Educational institutions that are not subject to Executive Order  
14 01.01.1987.22; and

15 (4) Any public, quasi-public, or municipal corporation.

16 [(h)] (I) "School" means any elementary or secondary school as defined in  
17 Section 198 of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 2854.

18 6-417.

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

21 (2) The Department shall accredit an individual upon submittal of proof to  
22 the Department that the individual has:

23 (i) Successfully completed and passed a training program and any  
24 required refresher program approved by the Department;

25 (ii) Successfully completed and passed a training program and any  
26 required refresher program approved by the United States Environmental Protection  
27 Agency; or

28 (iii) Acquired and maintained current accreditation from an  
29 EPA-approved state accreditation plan of another state.

30 (3) The Department may accept as proof of accreditation a certificate  
31 showing successful completion of any approved training program and any required  
32 refresher program [or by proof of national registration with the National Asbestos  
33 Council's AHERA State Certification Reciprocity Registration Program].

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

37 (2) The regulations shall include standards for:

4

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

6 (c) The Department shall set reasonable fees sufficient to cover the Department's  
7 direct and indirect costs in approving training programs, including the cost of  
8 applications, issuance and renewal of training course approvals and reviews, on-site  
9 audits, recordkeeping, and other related activities.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 June 1, 1996.