

Kansas Administrative Regulations

Department of Health and Environment

Article 50.—Asbestos Control

28-50-6. Asbestos worker training course approval.

(a) Any person, business entity, state agency, political or taxing subdivision of the state, or other entity may develop and present a class I or class II asbestos worker certification training course that is intended to comply with the requirements of K.A.R. 28-50-5(b)(1). The training course shall be approved by the department before its official presentation for the purpose of complying with the regulatory requirements. Training courses shall be approved in writing, and the approval shall remain in effect until withdrawn in accordance with the provisions of subsection (f) of this regulation.

(b) Application for approval of a training course, as provided for in subsection (a) of this regulation, shall be made on forms provided by the department. The application shall include the following information:

(1) A listing of the persons who will present the training course, and their experience, education, and other qualifications;

(2) a description of the course, including the title and length of each lecture to be presented, the general nature of the information to be included in the lecture, the training aids and handouts intended to be used in its presentation, and the written examination to be given;

(3) the maximum number of students to be enrolled in each course presentation;

(4) the dates or time period over which individual courses are intended to be presented;

(5) the proposed charge for each course; and

(6) other information that the department considers necessary to evaluate the probable effectiveness and acceptability of the training course, including copies of the course manual and other handouts that are to be provided to the students and a copy of the written examination that is intended to be given.

Approval of a course may be denied by the department if the applicant fails to provide information required by this subsection within 60 days of receipt of written notice that an application is deficient.

(c) The applicant shall immediately inform the department, in writing, whenever there is any change in the information provided under subsection (b) of this regulation.

(d) Provisions shall be made to allow a representative of the department to attend one or more presentations of any course for which approval is required, at no cost to the department, and this course shall be given at a location within the state or at a border city as defined in K.A.R. 1-16-18. This attendance shall be for the purpose of determining compliance with this regulation and the correctness of the information being presented and shall be completed before a course is approved and any time thereafter that the department deems necessary. The applicant shall give the department at least 30-day notice before presenting the course, to allow time for scheduling departmental attendance. Approval of any course may be denied, withdrawn, or suspended by the department on the basis of findings resulting from this attendance.

(e) Training courses approved in accordance with these regulations shall meet the following criteria:

(1) Lectures shall be presented by persons who have education and experience that are appropriate for the subject matter presented.

(2) Training courses for class I asbestos workers may include respirator fit-testing of each student and shall provide a total of at least four training days of instruction consisting of the following:

(A) A discussion concerning the identification of asbestos, including its physical characteristics and a summary of its uses and the abatement procedures used for its control;

(B) a general discussion concerning the health hazards associated with exposure to asbestos, including special problems associated with smoking and a general description of common diagnostic procedures used to detect asbestos-related disease;

(C) a general description of state-of-the-art work practices used to reduce asbestos exposures to workers and the public during asbestos-removal and asbestos-encapsulation operations and emergency clean-up operations and maintenance

operations, including use of wet removal methods, control of spraying operations, use of ventilation equipment, use of barriers and decontamination enclosures, use of glove bags, use of HEPA filtered vacuum-cleaning devices, and proper cleanup and waste disposal procedures;

(D) a general description of the use of personal protective clothing and the need for good personal hygiene practices, including a discussion of proper procedures for entering and exiting asbestos work areas and the need to abstain from eating, drinking, or smoking in these areas;

(E) a detailed description of the level of protection afforded by different types of respirators, the procedures for proper use and care of respirators, including donning, seal testing, cleaning, and storage, and the components of a proper respirator protection program;

(F) a general description of other hazards commonly encountered in asbestos control work, including electrical shock, falls, cuts, fires, heat exhaustion or heat stroke, confined spaces, air contaminants other than asbestos, and measures that need to be taken to avoid and respond to them;

(G) a general description of state and federal regulations intended to provide protection to asbestos workers, including information on federal requirements pertaining to medical examinations and air monitoring and how people responsible for their enforcement may be contacted;

(H) no fewer than 14 hours of hands-on training in the proper use of work procedures identified in paragraph (e)(2) (C); and

(I) a separate final review session to discuss key information that is presented during the remainder of the course.

(3) Training courses for class II asbestos workers may include respirator fit-testing of each student and shall provide a total of at least five training days of instruction. The instruction shall include discussion of the following topics, in addition to the instruction required by paragraph (e)(2) of this regulation:

(A) A detailed discussion of asbestos-related notification and record-keeping requirements included in state and federal regulations and records recommended to be kept for legal and insurance purposes;

(B) a detailed discussion of Kansas and federal requirements concerning work procedures to be followed in asbestos-removal and asbestos-encapsulation projects, including the following requirements:

- (i) Requirements of Title II of the federal toxics substance control act;
- (ii) requirements of Kansas and federal air pollution control regulations that pertain to asbestos removal associated with the renovation and demolition of structures;
- (iii) requirements of OSHA pertaining to respiratory protection practices and programs that are applicable to asbestos-control activities;
- (iv) requirements of the OSHA construction and general industry standard pertaining to asbestos;
- (v) requirements of the OSHA construction industry standards applicable to safe work practices at temporary work sites, including requirements concerning fire safety and hazard communication; the use of scaffolds, ladders, and electrical equipment; and working in confined spaces;
- (vi) requirements of the EPA worker protection rule that applies to public employees who engage in asbestos-control activities; and
- (vii) work practice requirements defined in K.A.R. 28-50-9 through 28-50-14;

(C) a general discussion of the principles and procedures involved in assessing the hazards associated with exposures to asbestos-containing building materials before undertaking abatement actions;

(D) a general discussion of the principles and procedures involved in collecting, analyzing, and interpreting the results of clearance-type airborne asbestos samples collected under federal EPA regulatory requirements after response actions have been completed in schools;

(E) a general discussion of insurance and liability issues that are encountered in relation to asbestos-control activities, including the type of coverage and exclusions associated with worker's compensation and other types of insurance and third party liabilities and defenses;

(F) a general discussion about the purpose, development, and use of contract specifications in asbestos-control work; and

(G) a general discussion about supervisory practices that are effective in the establishment and maintenance of proper and safe work practices at asbestos-control work sites.

(4) Training courses intended to provide annual review training required by state statute for class I and class II asbestos workers shall consist of at least one full training day and shall provide information on one or more topics listed in paragraphs (2) and (3) of this subsection, including a general presentation concerning new state and federal asbestos control-related regulatory requirements that are in effect or pending at the time that the training is presented and any other subject matter that may be prescribed by the department before the presentation of the training. The annual review training courses for class I and class II asbestos workers shall be conducted as separate and distinct courses and shall not be combined with any other training throughout the course.

(5) Training courses for initial certification of class I and class II asbestos workers shall include the administering and grading of a written, closed book examination for all persons who attend the course. The examinations shall adequately cover the subject matter prescribed by paragraphs (2) and (3) of this subsection and shall consist of 50 multiple-choice questions for class I worker training courses and 100 multiple-choice questions for class II worker training courses. Only persons who correctly answer 70 percent or more of the questions included in the examination shall be considered to have successfully completed the training course for the purpose of certification under the provisions of K.A.R. 28-50-5(b)(1).

(f) Approval of any training course that fails to comply with the requirements of this regulation or is otherwise deemed unacceptable may be withdrawn by the department. The person responsible for presentation of the training course shall be notified by the department of the basis for the proposed withdrawal in writing, and a 30-day time period shall be allowed for the identified deficiencies to be corrected before a final written notice is issued to indicate that the approval is withdrawn.

(g) Each person who has attended any asbestos control-related training course that is required for asbestos worker certification or accreditation in any other state where the person is certified or accredited or any other asbestos training course that has been

approved by the federal EPA may be considered to have met the requirements of K.A.R. 28-50-5(b)(1) for initial certification or certification renewal if the department determines that the training course essentially complies with the requirements of subsection (e) of this regulation. Each person requesting that the determination be made shall submit the following information to the department:

- (1) The date or dates that the course was attended and the location;
- (2) the name and address of the business, organization, institution, or agency that presented the course;
- (3) a schedule or outline of the course that indicates the subject matter that was presented and the amount of time devoted to each subject; and
- (4) a written, personal certification that the person attended all course presentations in their entirety on the dates specified.

(h) Each person who applies for initial certification or certification renewal under the provisions of subsection (g) of this regulation may be required to complete additional training on topics included in subsection (e) before issuance or renewal of a certificate if the department determines that the credited course did not substantially comply with the requirements of subsection (e) of this regulation.

(Authorized by K.S.A. 1998 Supp. 65-5303; implementing K.S.A. 1998 Supp. 65-5303, 65-5308; effective, T-87-1, Jan. 6, 1986; effective May 1, 1987; amended, T-88-54, Dec. 16, 1987; amended May 1, 1988; amended Feb. 4, 1991; amended Oct. 1, 1999.)

***** Authenticated Kansas Administrative Regulation *****