

WAC 296-65-050 Denial, suspension, and revocation of certificates. (1) The department may deny, suspend, or revoke a certificate for failure of the holder to comply with any requirement of this chapter or any applicable health and safety standards and regulations.

(2) The department must suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:

(a) The certificate was obtained through error or fraud; or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

(3) The criteria for denying, suspending, or revoking a certificate for asbestos workers, supervisors and contractors must include at least one of the following:

(a) Performing work requiring accreditation at a job site without being in possession of initial and current accreditation certificates;

(b) Permitting the duplication or use of one's own accreditation certificate by another;

(c) Performing work for which accreditation has not been received;

(d) Obtaining accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state that has a contractor accreditation plan at least as stringent as the EPA MAP;

(e) Obtaining accreditation through fraudulent representation of training or examination documents;

(f) Obtaining training documentation through fraudulent means;

(g) Gaining admission to and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or

(h) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.

(4) Before any certificate may be denied, suspended, or revoked, the holder thereof must be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice must enumerate the allegations against such holders and must give them the opportunity to request a hearing per RCW 49.26.110 before the department. At such hearing, the department and the holder must have the opportunity to produce witnesses and give testimony. Following such hearing, the department will issue an order.

(5) A denial, suspension, or revocation order may be appealed to the board of industrial insurance appeals within fifteen working days after the denial, suspension, or revocation order is entered. The notice of appeal must be filed with the board of industrial insurance appeals and a copy of the appeal must be sent to the department. The board of industrial insurance appeals must hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-050, filed 1/21/20, effective 3/2/20. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-65-050, filed 9/5/17, effective 10/6/17. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-050, filed 2/16/96, effective

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