

Chapter 296-65 WAC
ASBESTOS REMOVAL AND ENCAPSULATION

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WAC

296-65-001	Purpose and scope.
296-65-003	Definitions.
296-65-005	Asbestos worker training course content.
296-65-007	Asbestos supervisor training course content.
296-65-010	Asbestos worker certification.
296-65-012	Asbestos supervisor certification.
296-65-015	Training course approval.
296-65-017	Contractor certification.
296-65-020	Notification requirements.
296-65-025	Fees.
296-65-030	Methods of compliance.
296-65-035	Reciprocity.
296-65-050	Denial, suspension, and revocation of certificates.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-65-040	Appeals—Notice and filing. [Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-65-040, filed 4/27/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-040, filed 10/22/85.] Repealed by WSR 87-24-051 (Order 87-24), filed 11/30/87. Statutory Authority: Chapter 49.17 RCW.
296-65-045	Appeals—Procedure. [Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-045, filed 10/22/85.] Repealed by WSR 87-24-051 (Order 87-24), filed 11/30/87. Statutory Authority: Chapter 49.17 RCW.

WAC 296-65-001 Purpose and scope. This standard regulates asbestos removal and encapsulation, requires contractor certification, specifies minimum training for supervisors and workers on asbestos projects, requires notification of asbestos projects, and establishes a training course approval program. This standard applies to the removal or encapsulation of any materials containing more than one percent asbestos.

[Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 97-19-014, § 296-65-001, filed 9/5/97, effective 11/5/97. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-001, filed 10/10/89, effective 11/24/89. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-001, filed 10/22/85.]

WAC 296-65-003 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

Affidavit. A declaration in writing made under oath before a person authorized to administer oaths, especially for use as evidence in court.

Approved. Approved by the department.

Asbestos. Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

Asbestos abatement project. An asbestos project involving three square feet or three linear feet, or more, of asbestos containing material.

Asbestos-containing material (ACM). Any material containing more than one percent asbestos.

Asbestos fiber. A particulate form of asbestos, five micrometers or longer, with a length-to-diameter ratio of at least three to one.

Asbestos project. Any activity that releases or is likely to release asbestos fibers into the air, includes:

- Construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system;
- Demolition, removal, encapsulation, salvage, or disposal of material; or
- Outdoor activities.

Note: Refer to WAC 296-62-07722(3) for clarification of asbestos projects activities to determine if this rule applies to you.

Certificate. A certificate issued by the department to a person who has completed the training for asbestos accreditation under the Toxic Substances Control Act (TSCA) Title II. The certificate must include:

- Name of person awarded the certificate;
- Certificate number;
- Discipline for which certification was conferred;
- Expiration date; and
- A statement that the person receiving the certificate has completed the training.

Certified asbestos contractor. Any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that is certified by the department to remove or encapsulate asbestos and submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

Certified asbestos supervisor. An individual who is certified by the department under WAC 296-65-012.

Certified asbestos worker. An individual certified by the department under WAC 296-65-010.

Demolition. Dismantling, razing, destroying, or wrecking any building or structure or any part thereof, including any related handling operations.

Department. The department of labor and industries.

Director. The director of the department of labor and industries or the director's designee.

Emergency project. A project that was not planned due to a sudden, unexpected event. An emergency project does not include operations that are necessitated by failures of equipment or systems due to normal wear and tear.

Encapsulation. The application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

EPA MAP. The environmental protection agency model accreditation plan for asbestos requirements in 40 C.F.R. Part 763.

HEPA filtration. High-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

Intact. That the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix.

NESHAP. The National Emission Standards for Hazardous Air Pollutants.

Owner. The person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the

agent of such person, but does not include individuals who work on asbestos projects in their own single-family residences, no part of which is used for commercial purposes.

Person. Any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

Revocation. A permanent withdrawal of a certification issued by the department.

Suspension. A temporary withdrawal of a certification issued by the department. No suspension must be less than six months or longer than one year.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-003, 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, § 296-65-003, filed 9/5/17, effective 10/6/17. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and 49.26.130. WSR 00-06-075, § 296-65-003, filed 3/1/00, effective 4/10/00. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. WSR 99-17-026, § 296-65-003, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-003, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-003, filed 10/10/89, effective 11/24/89; WSR 87-24-051 (Order 87-24), § 296-65-003, filed 11/30/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-003, filed 10/22/85.]

WAC 296-65-005 Asbestos worker training course content. An approved asbestos worker training course must consist of four days of training with a minimum of thirty-two hours. This initial training course must provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.

(2) Examples of different types of asbestos and asbestos-containing materials. Real asbestos can only be used for observation by trainees and must be enclosed in sealed unbreakable containers.

(3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.

(4) Employee personal protective equipment to include:

- Classes and characteristics of respirator types;
- Limitations of respirators;
- Proper selection, inspection, donning, use, maintenance and storage procedures;
- Methods for field checking of the facepiece-to-face seal;
- Variability between field and laboratory protection factors;
- Factors that alter respirator fit (e.g., eye glasses and facial hair);
- Components of a proper respiratory protection program;
- Respirator program administrator;

• Qualitative or quantitative respirator fit testing procedures, which must be performed on at least one student for demonstration purposes and in accordance with WAC 296-62-07715 and 296-842-15005.

(5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.

(6) Medical monitoring procedures and requirements, including the provisions of chapter 296-842 WAC, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.

(7) Air monitoring procedures and requirements specified in WAC 296-62-07709, including:

- A description of equipment;
- Sampling methods and strategies;
- Reasons for air monitoring;
- Types of samples, including area, personal and clearance samples;
- Current standards with proposed changes if any;
- Employee observation and notification;
- Recordkeeping and employee access to records;
- Interpretation of air monitoring results; and
- Analytical methods for bulk and air samples.

(8) State-of-the-art work practices for asbestos removal and encapsulation activities including:

- Purpose, proper construction and maintenance of barriers and decontamination enclosure systems;
- Posting of warning signs;
- Electrical and ventilation system lock-out;
- Proper working techniques and tools with vacuum attachments for minimizing fiber release;
- Use of wet methods and surfactants;
- Use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention;
- Scoring and breaking techniques for rigid asbestos products;
- Glove bag techniques;
- Recommended and prohibited work practices;
- Potential exposure situations;
- Emergency procedures for sudden releases;
- Use of HEPA vacuums and proper clean-up and disposal procedures;
- Appropriate work practices for both indoor and outdoor asbestos projects; and
- Individually discuss work practice requirements for removal, encapsulation, enclosure, repair, and waste transportation.

(9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure must also be included.

(10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement, including:

- Air contaminants, other than asbestos, such as silica and carbon monoxide;
- Electrical hazards;
- Scaffold and ladder hazards;
- Slips, trips and falls;
- Fire and explosion hazards;
- Confined spaces;

- Noise; and
- Heat stress.

(11) The requirements, procedures and standards established by:

(a) The Environmental Protection Agency, 40 C.F.R. Part 61, Subparts A and M, and 40 C.F.R. Part 763.

(b) Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of occupational safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(12) Actual worksite considerations.

(13) The instruction required by this section must include, at a minimum fourteen hours of hands-on training for the following:

(a) Glove bag techniques;

(b) The opportunity to don and doff respirators including half facepiece and full facepiece air purifying respirators, powered air purifying respirators (PAPR), and full facepiece supplied-air respirators;

(c) Removal of sprayed-on or troweled-on material, and pipe lagging;

(d) Basic construction of a negative pressure enclosure decontamination unit, and proper entry and exit;

(e) Suit-up in protective clothing consisting of coveralls, foot coverings and head coverings.

(14) Course review of the key aspects of the training course.

(15) Asbestos-containing materials must not be used for hands-on training.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into the training course, a detailed outline of subject matter developed by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-005, 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, § 296-65-005, filed 9/5/17, effective 10/6/17; WSR 07-03-163, § 296-65-005, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-005, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-005, filed 10/10/89, effective 11/24/89; WSR 87-24-051 (Order 87-24), § 296-65-005, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-65-005, filed 4/27/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-005, filed 10/22/85.]

WAC 296-65-007 Asbestos supervisor training course content. An approved asbestos supervisor training course must consist of at least five days of training. This initial training course must include lectures, demonstrations, at least fourteen hours of hands-on training, course review and a written examination. Audio-visual materials, where

appropriate, are recommended to complement lectures. The training course must provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos and asbestos-containing materials including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, hazard assessment considerations, and a summary of abatement control options.

(2) Health effects related to asbestos exposure including the nature of asbestos related diseases, routes of exposure, dose-response relationships and the lack of a safe level of exposure, synergism between asbestos exposure and cigarette smoking, latency period, hazards to the immediate family and the health basis for the standard.

(3) Employee personal protective equipment including:

- Classes and characteristics of respirator types;
- Limitations of respirators;
- Proper selection, inspection, donning, use, maintenance, and storage procedures;
- Methods for field checking of the facepiece-to-face seal (positive and negative pressure checks);
- Variability between field and laboratory protection factors;
- Quantitative and qualitative fit test requirements;
- Factors that alter respirator fit (facial hair, scars, etc.);
- Components of a proper respirator program;
- Requirements for oil lubricated reciprocating compressors;
- Use and maintenance of full facepiece supplied-air respirator systems;
- Standards for breathing air;
- Selection and use of personal protective clothing;
- Use, storage, and handling of nondisposable clothing; and
- Regulations covering personal protective equipment.

(4) State-of-the-art work practices for asbestos removal and encapsulation activities including:

- Purpose, proper construction and maintenance of barriers and decontamination enclosure systems;
- Posting of warning signs;
- Electrical and ventilation system lock-out;
- Proper working techniques and tools with vacuum attachments for minimizing fiber release;
- Use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention;
- Scoring and breaking techniques for rigid asbestos products;
- Glove bag techniques;
- Use of glove bags, critical barriers and mini-enclosures;
- Recommended and prohibited work practices;
- Potential exposure situations;
- Emergency procedures for sudden releases;
- Use of HEPA vacuums and proper clean-up and disposal procedures;
- Appropriate work practices for both indoor and outdoor asbestos projects; and
- Individually discuss work practices requirements for removal, encapsulation, enclosure, repair and waste transportation.

(5) Personal hygiene including:

- Entry and exit procedures for the work area;
- Use of showers;

- Prohibition of eating, drinking, smoking, and chewing (gum and tobacco) in the work area; and
- Potential exposures, such as family exposure.

(6) Additional safety hazards that may be encountered during asbestos abatement activities and how to deal with them, including:

- Air contaminants, other than asbestos, such as silica and carbon monoxide;
- Electrical hazards;
- Scaffold and ladder hazards;
- Slips, trips and falls;
- Fire and explosion hazards;
- Confined spaces;
- Noise; and
- Heat stress.

(7) Medical monitoring procedures and requirements, including the provisions of chapter 296-842 WAC, any additional recommended procedures and tests, benefits of medical monitoring and recordkeeping requirements.

(8) Air monitoring procedures and requirements specified in WAC 296-62-07709, including:

- Description of equipment;
- Sampling methods and strategies;
- Reasons for air monitoring;
- Types of samples, including area, personal and clearance sample;
- Description of aggressive sampling;
- Current standards with proposed changes if any;
- Employee observation and notification;
- Recordkeeping; and
- Interpretation of air monitoring results, specifically from analyses performed by polarized light, phase contrast, and electron microscopy.

(9) The requirements, procedures, and standards established by:

- (a) The Environmental Protection Agency, 40 C.F.R. Part 61, Subparts A and M, and 40 C.F.R. Part 763.
- (b) The Washington state department of ecology.
- (c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of occupational safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(10) Actual worksite considerations.

(11) Insurance and liability issues including contractor issues, industrial insurance coverage and exclusions, third party liabilities and defenses, private insurance coverage and exclusions, recordkeeping recommended for legal and insurance purposes.

(12) Supervisory techniques for asbestos abatement projects including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(13) Contract specifications including a discussion of the key elements to be included in contract specifications.

(14) A minimum of fourteen hours of hands-on training for the following topics. Asbestos containing materials must not be used for hands-on training:

- (a) Calibration of air-sampling equipment;

(b) Routine maintenance of air-purifying and air-supplied respirators, including calibration of a carbon monoxide alarm used for air-supplied respirators;

(c) Setup of a negative pressure enclosure unit including calculating the number of negative air machines needed as well as proper placement of the machines within the enclosure; and

(d) Setup of a decontamination area, which consists of an equipment room, shower area and a clean room;

(e) Quantitative and qualitative fit-testing protocols; and

(f) Glove bag techniques.

(15) Course review, a review of the key aspects of the training course.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-007, 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, § 296-65-007, filed 9/5/17, effective 10/6/17; WSR 07-03-163, § 296-65-007, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-007, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-007, filed 10/10/89, effective 11/24/89.]

WAC 296-65-010 Asbestos worker certification. (1) To qualify for an asbestos worker certificate, an individual must:

(a) Successfully complete an approved thirty-two-hour asbestos worker training course;

(b) Achieve a score of at least seventy percent on a fifty question multiple choice closed book examination approved by the department but administered by the training course sponsor.

(i) If an individual does not pass the asbestos initial examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations;

(ii) If an individual does not pass the second exam, they will be required to retake the worker initial course.

(c) Complete an initial application notarized by an approved training course sponsor;

(d) Pay the fee prescribed in WAC 296-65-025.

(2) Certificates will be issued and mailed to the individual applicants and will be valid for one year from the date of course completion.

(3) Certified asbestos workers must do the following to renew and continue certification prior to certificate expiration date:

(a) Attend and successfully complete an approved eight-hour asbestos worker refresher course;

(b) Complete a renewal application notarized by an approved training sponsor; and

(c) Pay the fee prescribed in WAC 296-65-025.

(4) Individuals whose certificates have been expired for less than twelve months will be required to achieve a score of at least seventy percent on a fifty question multiple choice closed book examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(a) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations.

(b) If an individual does not pass the second exam, then they will be required to take an approved asbestos worker initial course.

(5) Individuals whose certificates have expired for more than twelve months will be required to take an approved asbestos worker initial course.

(6) Individuals must not perform any asbestos project work prior to issuance of the certificate.

(7) A temporary certification will be issued at the successful completion of an approved asbestos worker training course. Temporary certification is valid for six weeks from the completion of the course.

(8) The initial TSCA Title II worker accreditation certificate and the current worker certificate must be available for inspection. The current worker certificate issued by the department must be available either electronically or physically, at all times at the location of the asbestos project.

(9) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-010, 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, § 296-65-010, filed 9/5/17, effective 10/6/17; WSR 07-03-163, § 296-65-010, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. WSR 99-17-026, § 296-65-010, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-010, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-010, filed 10/10/89, effective 11/24/89. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-010, filed 10/22/85.]

WAC 296-65-012 Asbestos supervisor certification. (1) To qualify for an asbestos supervisor certificate, an individual must:

(a) Have at least 1600 hours of experience in one or more of the following disciplines:

(i) Asbestos abatement;

(ii) Asbestos project design;

(iii) Consultation on asbestos abatement projects;

(iv) Asbestos operations and maintenance program supervision;

(v) Asbestos construction project supervision;

(b) Successfully complete an approved forty hour asbestos supervisor training course;

(c) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor:

(i) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations;

(ii) If an individual does not pass the second examination, they will be required to take an approved asbestos supervisor initial course.

(d) Complete an initial application notarized by an approved training course sponsor.

(e) Submit an approved affidavit of experience to the department from past and current employers verifying hours of experience as outlined in this subsection.

(f) Pay the fee prescribed in WAC 296-65-025.

(2) Certificates will be issued and emailed to the individual applicants and will be valid one year from the date of course completion.

(3) Certified asbestos supervisors must do the following to renew and continue certification prior to certificate expiration date:

(a) Attend and successfully complete an approved eight-hour asbestos supervisor refresher course;

(b) Complete a renewal application notarized by an approved training course sponsor; and

(c) Pay the fee prescribed in WAC 296-65-025.

(4) Individuals whose certificates have been expired for less than twelve months will be required to achieve a score of at least seventy percent on a fifty question multiple choice closed book examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(a) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations.

(b) If an individual does not pass the second exam, then they will be required to take an approved asbestos supervisor initial course.

(5) Individuals whose certificates have been expired for more than twelve months will be required to take an approved asbestos supervisor initial course.

(6) An individual must not supervise any asbestos abatement project prior to issuance of the certificate.

(7) Temporary certification will be issued at the successful completion of an approved asbestos supervisor refresher course. Temporary certification is valid for six weeks from the completion of the course.

(8) The initial TSCA Title II supervisor accreditation certificate and the current supervisor certificate must be available for inspection at all times, either electronically or physically, at the location of the asbestos project.

(9) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and chapter 49.26 RCW. WSR 20-24-103, § 296-65-012, filed 12/1/20, effective 1/4/21; WSR 20-03-153, § 296-65-012, filed 1/21/20, effective

3/2/20. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-65-012, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. WSR 99-17-026, § 296-65-012, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-012, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-012, filed 10/10/89, effective 11/24/89.]

WAC 296-65-015 Training course approval. (1) Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. Refresher courses must be conducted as separate and distinct courses and cannot be combined with any other training.

(2) Prior to receiving department approval, each course must be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content must be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:

- (a) Background information about course sponsors;
- (b) Course locations and fees;
- (c) Copies of course handouts;
- (d) A detailed description of course content and the amount of time allotted to each major topic;
- (e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;
- (f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors must have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;
- (g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;
- (h) A description of course evaluation methods;
- (i) Any restrictions on attendance (language, class size, affiliation, etc.);
- (j) A list of any other states that currently approve the training course;
- (k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and
- (l) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials must be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program
Department of Labor and Industries
P.O. Box 44614

Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course must be in the sole discretion of the department.

(a) Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval that is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

(b) Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor must provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after course completion and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington must reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement must be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor must limit each class to a maximum of thirty participants.

(13) The instructor to student ratio must not exceed one-to-ten for any of the training required by WAC 296-65-005(13) and 296-65-007(14).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval must include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Revocation of applications will be done in accordance with WAC 296-65-050.

(17) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) Training records. The training providers must maintain records that document the names of all persons who have completed training, the disciplines for which training was provided, training dates, and the training location.

(e) Verification of certificate information. Training providers of refresher training courses must confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access. The training provider must maintain the records in manner that allows verification via telephone of the required information.

(i) The training provider must maintain all required records for a minimum of three years. The training provider may find it advantageous to retain these records for a longer period.

(ii) The training provider must allow reasonable access to all of the records required by the EPA MAP, and to any other records which may be required by the department for the approval of asbestos training providers or the accreditation of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider must notify the department and give it the opportunity to take possession of that provider's asbestos training records.

(18) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination re-

placement will be used to verify that the training course is conducted in accordance with the program approved by the department.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-015, 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, § 296-65-015, filed 9/5/17, effective 10/6/17. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 97-01-079, § 296-65-015, filed 12/17/96, effective 3/1/97; WSR 96-05-056, § 296-65-015, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-015, filed 10/10/89, effective 11/24/89; WSR 87-24-051 (Order 87-24), § 296-65-015, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-65-015, filed 4/27/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-015, filed 10/22/85.]

WAC 296-65-017 Contractor certification. (1) In order to obtain certification, an asbestos contractor must submit an application to the department. The application must provide the following information:

(a) A list of asbestos supervisors (include certification number) working for the company;

(b) A statement certifying that the contractor has read and understands all applicable Washington state rules and regulations regarding asbestos abatement and will comply with them; and

(c) A statement certifying that the applicant contractors asbestos license or accreditation issued by any other state or jurisdiction has not been revoked, suspended, or denied by that state or jurisdiction.

(2) Contractors that have previously held an asbestos contractor certification including out-of-state or country, must provide a list of asbestos projects conducted by the contractor during the previous twelve months. Such list must include for each project:

(a) Project name;

(b) Location;

(c) Brief description;

(d) Identity of any citations or enforcement actions issued for violations of asbestos regulations by any local, state, or federal jurisdiction relative to each individual project; and

(e) Name of the on-site project manager or supervisor.

(3) Upon approval, the department will issue the contractor a certificate. Denial of approval must be in writing.

(4) Certificates will be coordinated with the expiration date of the contractor registration issued under chapter 18.27 RCW. Certificates may be valid for less than one year, in which circumstance the fee in WAC 296-65-025 must be prorated accordingly.

(5) The application for certificate renewal must contain the information specified in subsection (1) of this section.

(6) Certificate renewal applications must be received by the department to allow sufficient time for processing. Applications will not be processed sooner than fifteen days before expiration.

(7) The department may suspend or revoke the certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-017, 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, § 296-65-017, filed 9/5/17, effective 10/6/17; WSR 07-03-163, § 296-65-017, filed 1/24/07, effective 4/1/07. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-017, filed 10/10/89, effective 11/24/89.]

WAC 296-65-020 Notification requirements. (1) Before any person or individual begins an asbestos project as defined in WAC 296-62-07722 and 296-65-003 involving more than forty-eight square feet or ten linear feet, unless the surface area of the pipe is greater than forty-eight square feet, of asbestos containing material, notification must be provided to the department. Notices must be submitted electronically using the online project notification system or via submitting the project notification form via email to the asbestos certification program. All applicable information must be provided and at a minimum must include the following:

(a) Notice type.

(i) Initial notification is used if the project begins in five days or more.

(ii) Short-term notification is used if the project begins within five days period, see subsection (2) of this section for short-term notification requirements.

(iii) Emergency notification is used if the project is defined as an emergency project in WAC 296-65-65003. See subsection (5) of this section for emergency notification requirements.

(b) Name, address, and contact information of the property owner.

(c) Name, address, and contact information of the certified asbestos contractor.

(d) Asbestos supervisor name, certification number, and contact information.

(e) Description of the facility including size, age and prior use of the facility.

(f) Scope of work, remodel, repair, maintenance, and demolition.

(g) Identify asbestos-containing material to be removed or encapsulated.

(h) Quantity of each identified material to be removed.

(i) methods used to remove or encapsulate the material.

(j) Location of the facility. Information must be specific enough to allow the department to locate the project period.

(k) Exact starting and completion dates of the asbestos project, including shifts during which abatement work will be accomplished. These dates must correspond to the dates specified for asbestos removal in the contract. Any change in these dates or work shifts must be communicated to the department by an amended notice filed online or an email submitted to the asbestos certification program.

(l) When the starting date or time changes, the amended notice must be filed no later than 5:00 p.m. on the business day prior to the starting date in the original notice and prior to the new starting date.

(m) When the completion date or time changes, the amended notice must be filed before completion of the project, and within eight hours from when the person learns that the change will occur.

(n) Notice must be filed electronically using the online project notification system or by completing the project notification form and submitting it via email to the asbestos certification program.

(2) The department may allow a short-term prenotification where there is a work requirement or waiting the five days would cause an unnecessary hardship. The following must be completed when requesting a short-term notification.

(a) The notice type selected must be short term.

(b) Notify appropriate regional labor and industries staff of the short-term request and allow sufficient time (one business day) for staff to respond prior to start of work.

(c) Provide justification for the request in the "reason" comment box.

(3) The director may waive the prenotification requirement upon written request of an owner for large-scale, on-going projects. In granting such a waiver, the director will require the owner to provide prenotification if significant changes in personnel, methodologies, equipment, work site, or work procedures occur or are likely to occur. The director will further require annual resubmittal of such notification.

(4) The director, upon review of an owner's reports, work practices, or other data available as a result of inspections, audits, or other authorized activities, may reduce the size threshold for prenotification required by this section. Such a change will be based on the director's determination that significant problems in personnel, methodologies, equipment, work site, or work procedures are creating the potential for violations of this chapter.

(5) Emergency projects which disturb or release asbestos into the air must be reported to the department within three working days after commencement of the project in the manner otherwise required under this chapter. The employees, the employees' collective bargaining representative or employee representative, if any, and other persons at the project area must be notified of the emergency as soon as possible by the person undertaking the emergency project. A notice describing the nature of the emergency project must be clearly posted adjacent to the work area.

(6) Incremental phasing in the conduct or design of asbestos projects or otherwise conducting or designing asbestos projects of a size less than the threshold exemption specified in subsection (1) of this section, with the intent of avoiding the notification requirements, is a violation of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-020, 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, § 296-65-020, filed 9/5/17, effective 10/6/17. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. WSR 99-17-026, § 296-65-020, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 96-05-056, § 296-65-020, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-020, filed 10/10/89, effective 11/24/89; WSR 87-24-051 (Order 87-24), § 296-65-020, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-65-020, filed 4/27/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-020, filed 10/22/85.]

WAC 296-65-025 Fees. (1) A nonrefundable administrative fee of forty-five dollars will be assessed for each initial, replacement, or renewal asbestos worker certificate application. The fee must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(2) A nonrefundable administrative fee of sixty-five dollars will be assessed for each initial, replacement, or renewal asbestos supervisor certificate application. The fee must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(3) A nonrefundable administrative fee of one thousand fifty dollars will be assessed for each initial or renewal contractor certificate application. The fee must accompany the certificate application and be made payable to the department. An application form may be obtained from the department.

Note: In circumstances where it is necessary to coordinate an expiration date with the date of expiration of a contractor registration issued under chapter 18.27 RCW, certificates may be valid for less than one year. In such circumstances, the certificate fee prescribed in WAC 296-65-025 will be prorated accordingly for the initial application only.

(4) A nonrefundable administrative fee of one thousand two hundred fifty dollars will be assessed for each initial and renewal application for training course approval. Payment of the fee must accompany any application made under the provisions of WAC 296-65-015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-025, filed 1/21/20, effective 3/2/20. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.26.130. WSR 10-01-188, § 296-65-025, filed 12/22/09, effective 1/25/10. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040, and 49.26.130. WSR 99-17-026, § 296-65-025, filed 8/10/99, effective 11/10/99. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-025, filed 10/10/89, effective 11/24/89; WSR 87-24-051 (Order 87-24), § 296-65-025, filed 11/30/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-025, filed 10/22/85.]

WAC 296-65-030 Methods of compliance. (1) Certified asbestos abatement contractors:

(a) Only certified asbestos abatement contractors may submit bids, or work on asbestos abatement projects.

(b) Certified asbestos contractors must employ at least one certified asbestos supervisor.

(2) Only certified asbestos supervisors may supervise asbestos abatement projects as required in WAC 296-62-07722.

(3) Only certified asbestos workers may work on asbestos projects as required in WAC 296-62-07722.

(4) A certified asbestos supervisor must provide direct, on-site supervision for asbestos abatement projects.

(5) Asbestos workers must have access to, and be under the control of certified asbestos supervisors throughout the duration of asbestos abatement projects.

(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section must be halted immediately and cannot be resumed before meeting such requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and chapter 49.26 RCW. WSR 20-24-103, § 296-65-030, filed 12/1/20, effective 1/4/21; WSR 20-03-153, § 296-65-030, 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, § 296-65-030, filed 9/5/17, effective 10/6/17. Statutory Authority: RCW 49.17.040, 49.17.050, 49.26.040 and 49.26.130. WSR 99-17-026, § 296-65-030, filed 8/10/99, effective 11/10/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. WSR 97-19-014, § 296-65-030, filed 9/5/97, effective 11/5/97; WSR 96-05-056, § 296-65-030, filed 2/16/96, effective 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-030, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.050(2) and 49.17.040. WSR 87-10-008 (Order 87-06), § 296-65-030, filed 4/27/87. Statutory Authority: SSB 4209, 1985 c 387. WSR 85-21-080 (Order 85-30), § 296-65-030, filed 10/22/85.]

WAC 296-65-035 Reciprocity. (1) The department may recognize certifications issued by another state for asbestos workers or supervisors provided that:

(a) The worker is in possession of a currently valid certification from the other state; and

(b) The department evaluates the other state's qualification procedures and determines the certification to be equivalent to the minimum requirements of this chapter.

(2) When the department's evaluation of another state's qualification procedures identifies that equivalent requirements are met, the department is authorized to issue a Washington state certification upon receipt of a completed application and a completed approved refresher course.

(3) When the department's evaluation of another state's qualification procedures identifies deficiencies, the department may require specific supplemental training and/or examination before issuing a Washington state certification.

(4) Temporary certification can be issued if requirements of subsection (2) of this section are met.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and chapter 49.26 RCW. WSR 20-03-153, § 296-65-035, filed 1/21/20, effective 3/2/20. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-035, filed 10/10/89, effective 11/24/89.]

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 4/1/96. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-65-050, filed 10/10/89, effective 11/24/89.]