

1 10A NCAC 41C .0304 is readopted as a repeal as published in 35:05 NCR 562-571 as follows:

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3 **10A NCAC 41C .0304 TRAINING AND TECHNICAL ASSISTANCE**

4

5 *History Note:* Authority G.S. 130A-5(3);

6 *Eff. September 15, 1980; ~~1980~~.*

7 *Repealed Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41C .0601

DEADLINE FOR RECEIPT: Wednesday, December 9, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In Item (4), please add "shall" in between "design" and "include"

In Item (10), I don't see "nonscheduled asbestos removal" defined in 40 CFR 61.141. I see "nonscheduled renovation operation." So, here, do you mean "Nonscheduled asbestos removal means the same as nonscheduled renovation operation as defined in 40 CFR 61.141"?

Do you need Item (12)? You have already included this definition when you have said "the definitions contained in G.S. 130A-444" in (a).

In Item (15), please add a comma after "coordinates" on line 21.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: November 23, 2020

1 10A NCAC 41C .0601 is readopted with changes as published in 35:05 NCR 562-571 as follows:

2
3 **10A NCAC 41C .0601 GENERAL**

4 (a) The definitions contained in G.S. 130A-444 and the following definitions shall apply throughout this Section:

- 5 (1) "Abatement Designer" means a person who is ~~directly~~ responsible for planning all phases of an
6 asbestos abatement design from abatement site preparation through ~~complete~~ disassembly of all
7 abatement area ~~barriers and who meets the barriers.~~ ~~In addition to meeting the accreditation~~
8 requirements of Rule ~~.0602(e)(5)~~ .0602(c) of this ~~Section.~~ ~~Section, the abatement designer may be~~
9 ~~subject to the licensure requirements for a Registered Architect as defined in G.S. 83A or a~~
10 ~~Professional Engineer as defined in G.S. 89C.~~
- 11 (2) "Abatement Project Monitoring Plan" means a written project-specific plan for conducting visual
12 inspections and ambient and clearance air sampling.
- 13 (3) "Air Monitor" means a person who implements the abatement project monitoring plan, collects
14 ambient and clearance air samples, performs visual inspections, or monitors and evaluates asbestos
15 ~~abatement projects.~~ abatement, and who meets the requirements of Rule .0602(c) of this Section.
- 16 (4) "Asbestos Abatement Design" means a written or graphic plan that is prepared by an accredited
17 abatement designer as defined in Subparagraph (a)(1) of this Rule and that specifies ~~specifying~~ how
18 an asbestos abatement project will be performed. ~~performed, and includes, but is not limited to,~~
19 ~~scope of work and technical specifications.~~ The An asbestos abatement design designer's signature
20 ~~and accreditation number shall be on all such abatement designs.~~ include, at minimum, the
21 following:
- 22 (A) a scope of work and technical specifications;
23 (B) the asbestos abatement designer's signature; and
24 (C) the accreditation number.
- 25 (5) "Completion Date" means the date on which all activities on a permitted asbestos removal requiring
26 the use of accredited workers and supervisors are complete, including the ~~complete~~ disassembly of
27 all removal area barriers.
- 28 (6) "Emergency Renovation Operation" means the same as defined in 40 CFR Part 61.141 and as
29 adopted in Rule .0609 of this Section.
- 30 (7) "Inspector" means a person who examines buildings or structures for the presence of asbestos
31 containing materials, collects bulk ~~samples~~ samples, or conducts physical assessments of the
32 asbestos containing ~~materials.~~ materials, and who meets the requirements of Rule .0602(c) of this
33 Section. A person whose asbestos inspection activities are limited to roofing products is not
34 considered an inspector under this definition if the person is accredited as a roofing supervisor under
35 this Section.
- 36 (8) "Installation" means any building or structure or group of buildings or structures at a single site
37 under the control of the same owner or operator.

- 1 (9) "Management Planner" means a person who interprets inspection reports, conducts hazard
2 assessments of asbestos containing ~~materials materials, or and~~ prepares written management ~~plans.~~
3 plans, and who meets the requirements of Rule .0602(c) of this Section.
- 4 (10) "Nonscheduled Asbestos Removal" means ~~as defined in 40 CFR Part 61.141, an asbestos removal~~
5 ~~required by the routine failure of equipment, which is expected to occur within a given period based~~
6 ~~on past operating experience, but for which an exact date cannot be predicted.~~
- 7 (11) "Program" means the Health Hazards Control ~~Branch Unit~~ within the Division of Public Health.
- 8 (12) "Public Area" means as defined in G.S. 130A-444(7). ~~Any area to which access by the general~~
9 ~~public is usually prohibited, or is usually limited to access by escort only, shall not constitute a~~
10 ~~"public area."~~
- 11 (13) "Regulated Asbestos Containing Material" means the same as defined in 40 CFR Part 61.141 and
12 as adopted in Rule .0609 of this Section.
- 13 (14) "Start Date" means the date on which activities begin on a permitted an asbestos removal project
14 that is permitted pursuant to Rule .0605 of this Section and that requires requiring the use of
15 ~~accredited~~ workers and supervisors begin, who are accredited pursuant to Rule .0602 of this Section,
16 including removal area isolation and preparation or any other activity which may disturb asbestos
17 containing materials.
- 18 (15) "Supervising Air Monitor" means a person who meets the requirements of Rule .0602(c) of this
19 Section and who prepares a written abatement project monitoring plan and implements the plan or
20 ensures that the plan is implemented by an air monitor working under his or her supervision. The
21 supervising air monitor directs, coordinates and approves all activities of air monitors working under
22 his or her supervision. The supervising air monitor may also perform the duties of an air monitor.
- 23 (16) "Supervisor" means a person who is a "competent person" as defined in 29 CFR 1926.1101(b) and
24 ~~adopted by 13 NCAC 07F .0201 and amendments or recodifications as adopted by the North~~
25 ~~Carolina Department of Labor, and~~ who is an "on-site representative" as defined in 40 CFR Part
26 61.145(c)(8) as adopted in Rule .0609 of this ~~Section, Section~~ and who performs the duties specified
27 therein.
- 28 (17) "Under the direct supervision" means working under the immediate guidance of an ~~accredited~~
29 individual who is accredited pursuant to Rule .0602 of this Section and who is responsible for all
30 activities performed.
- 31 (18) "Worker" means a person who performs asbestos abatement under the direct supervision of an
32 accredited supervisor.
- 33 (19) "Working day" means Monday through ~~Friday, Friday, including any holidays. Holidays falling on~~
34 ~~any of these days are included in the definition.~~
- 35 (20) "Class II Asbestos Work" means as defined in 29 CFR ~~1926.1101(b) 1926.1101(b), which is~~
36 ~~incorporated by reference in Paragraph (c) of this Rule.~~

1 (21) "Roofing Worker" means a person whose duties regarding asbestos are limited to Class II asbestos
2 work involving the removal of roofing products that are classified as regulated asbestos containing
3 ~~material.~~ material and who works under the direct supervision of a roofing supervisor.

4 (22) "Roofing Supervisor" means a supervisor as defined in Subparagraph (a)(16) of this Rule, whose
5 duties regarding asbestos are limited to Class II asbestos work involving only roofing products that
6 are classified as regulated asbestos containing material. This person may also perform asbestos
7 roofing inspection activities which are limited to roofing products, including the collection of bulk
8 samples.

9 (23) "Roofing Products" means bituminous built-up roofing systems, roofing membranes, asphalt
10 shingles, cement shingles, roofing cements, mastics, coatings, panels, light weight roofing concrete,
11 and flashings.

12 (b) In addition to the Rules of this Section, ~~[Section and the Asbestos Hazard Emergency Response Act (AHERA) as~~
13 ~~defined at G.S. 130A-444(1),]~~ Asbestos ~~asbestos~~ management activities ~~conducted pursuant to this Section~~ shall
14 comply with ~~[the following:]~~ "AHERA" as defined in G.S. 130A-444(1) and 40 CFR Part 763, Subpart E and
15 Appendices, as applicable. ~~40 CFR Part 763, Subpart E is hereby incorporated by reference, including any subsequent~~
16 ~~amendments and editions. This document is available for inspection at the Division of Public Health, 1915 Mail~~
17 ~~Service Center, Raleigh, North Carolina 27699-1915. Copies may be obtained from the Government Printing Office~~
18 ~~by writing to the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA~~
19 ~~15250-7954, at a cost of twenty six dollars (\$26.00).~~ the Asbestos Hazard Emergency Response Act (AHERA) as
20 defined at G.S. 130A-444(1) and [(4)] 40 CFR Part 763, Subpart E and Appendices, which are hereby incorporated
21 by reference, including any subsequent amendments and editions, and available free of charge at:
22 <https://www.ecfr.gov/>.

23 ~~[(2) 29 CFR 1926.1101, which is hereby incorporated by reference, including and subsequent amendments~~
24 ~~and editions, and available free of charge at https://www.ecfr.gov/.~~]

25 (c) For the purposes of this Section, 29 CFR 1926.1101 is hereby incorporated by reference, including any subsequent
26 amendments and editions, and available free of charge at https://www.ecfr.gov/. ~~editions. This document is available~~
27 ~~for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915.~~
28 ~~Copies may be obtained from the Government Printing Office by writing to the Superintendent of Documents,~~
29 ~~Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty six dollars (\$26.00).~~

30 *History Note:* Authority G.S. 130A-5(3); 130A-451;

31 Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule
32 becomes effective, whichever is sooner;

33 Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;

34 Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on April 26, 1989;

35 Authority G.S. 130A-5(3); 130A-451; P.L. 99-519;

36 Eff. March 1, 1989;

1 *Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1999;*
2 *~~1990.~~*
3 *Readopted Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41C .0602

DEADLINE FOR RECEIPT: Wednesday, December 9, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (c)(4)(A), do you still need the date? I note that the references to the high school diploma elsewhere in this Rule do not have similar dates.

Do you still need the date in (c)(4)(D)? It appears as though similar language elsewhere in the Rule has been deleted.

In (d)(2), what is considered to be "current"?

In (g), line 37, what is considered to be "a significant public health hazard"? Is this a term or art? If not, please delete or define "significant"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: November 23, 2020

1 10A NCAC 41C .0602 is readopted with changes as published in 35:05 NCR 562-571 as follows:

2
3 **10A NCAC 41C .0602 ACCREDITATION**

4 (a) No person shall perform asbestos management activities until that person has been accredited by the Program in
5 the appropriate accreditation category, as set forth in Paragraphs (b) and (c) of this Rule, except as provided for in
6 G.S. ~~130A-447, (b) 130A-447(b)~~ and (c).

7 (b) An applicant for accreditation shall meet the ~~provisions~~ requirements of the "EPA Model Contractor Accreditation
8 Plan" contained in 40 CFR Part 763, Subpart E, Appendix C and shall successfully complete the applicable training
9 courses approved by the Program pursuant to Rule .0603 of this ~~Section~~. Section and as set forth in this Rule for each
10 accreditation category. ~~However, an An~~ applicant applying for roofing worker or roofing supervisor accreditation
11 shall only be required to ~~successfully~~ complete the ~~applicable~~ training courses as described under Rule .0611 of this
12 Section.

13 (c) In addition to the requirements in Paragraph (b) of this Rule, an applicant, other than for the worker or roofing
14 worker categories, shall meet the following:

15 (1) an applicant for initial accreditation shall have ~~successfully~~ completed an approved initial training
16 course for the ~~specific~~ discipline in which the applicant seeks accreditation within the 12 months
17 immediately preceding application. If initial training was completed more than 12 months prior to
18 application, the applicant shall have ~~successfully~~ completed an approved refresher training course
19 for the ~~specific~~ discipline in which he or she seeks accreditation at least every 24 months from the
20 date of completion of initial training to the date of application;

21 (2) an inspector shall have:

22 (A) a high school diploma or equivalent; and

23 (B) at least three months of experience working as an accredited asbestos inspector ~~related~~
24 ~~experience as,~~ or three months of experience working under the direct supervision ~~of,~~ of
25 an accredited ~~inspector,~~ or equivalent ~~experience;~~ inspector.

26 (3) a management planner shall have a high school diploma or equivalent and shall be an accredited
27 ~~inspector;~~ inspector, as defined in Subparagraph (c)(2) of this Rule.

28 (4) a supervisor or roofing supervisor shall have:

29 (A) a high school diploma or equivalent; except that this requirement shall not apply to
30 supervisors that were accredited on November 1, 1989, or roofing supervisors that were
31 accredited prior to April 1, 1997; and

32 (B) at least three months of experience working as an accredited asbestos supervisor ~~related~~
33 ~~experience as,~~ or three months of experience working under the direct supervision ~~of,~~ of
34 an accredited ~~supervisor,~~ or equivalent ~~experience;~~ supervisor.

35 (5) an abatement designer shall have:

36 (A) a high school diploma or equivalent; and

1 (B) at least three months of experience working as an accredited asbestos designer related
2 ~~experience as,~~ or three months of experience working under the direct supervision ~~of,~~ of
3 an accredited abatement ~~designer, or equivalent experience;~~ designer.

4 (6) an air monitor shall work only under an accredited supervising air monitor or meet the provisions
5 of Part (c)(7)(C) of this Rule. However, this requirement shall not apply to the owner or operator of
6 a building and his permanent **or her** employees when performing air monitoring in non-public areas.
7 In addition, all air monitors shall meet the following requirements:

8 (A) Education and Work Experience:

9 (i) a high school diploma or equivalent; and

10 (ii) at least three months of experience working as an asbestos air monitor monitoring
11 ~~experience as,~~ or three months of experience working under the direct supervision
12 ~~of,~~ of an accredited air ~~monitor or equivalent within 12 months prior to applying~~
13 ~~for accreditation;~~ monitor.

14 (B) Training Requirements:

15 (i) complete a Program approved NIOSH National Institute for Occupational Safety
16 and Health (NIOSH) 582 or Program approved NIOSH 582 ~~equivalent~~
17 Equivalency Course and meet the initial and refresher training requirements of
18 this Rule for supervisors; Program approved project monitor refresher course may
19 be substituted for the supervisor refresher course; or

20 (ii) meet the initial and refresher training requirements of this Rule for a Program
21 approved five-day project monitor course and a Program approved annual
22 refresher ~~course;~~ course.

23 ~~(iii) air monitors with a valid accreditation on October 1, 1994 shall have until October~~
24 ~~1, 1995 to meet the training requirements for air monitors set forth in this~~
25 ~~Paragraph;~~

26 (7) a supervising air monitor shall meet the following requirements:

27 (A) Education and Work Experience:

28 (i) a high school diploma or equivalent;

29 (ii) at least three months of experience working as an asbestos air monitoring
30 ~~experience as,~~ monitor or three months of experience working under the direct
31 supervision ~~of,~~ of an accredited air ~~monitor~~ monitor. ~~or equivalent within 12~~
32 ~~months prior to applying for accreditation;~~

33 (B) Training Requirements:

34 (i) complete a Program approved NIOSH 582 or Program approved NIOSH 582
35 ~~equivalent~~ Equivalency Course and meet the initial and refresher training
36 requirements of this Rule for supervisors; a Program approved project monitor
37 refresher course may be substituted for the supervisor refresher course; or

1 (ii) meet the initial and refresher training requirements of this Rule for a Program
2 approved five-day project monitor course and a Program approved annual
3 refresher ~~course;~~ course.

4 ~~(iii) supervising air monitors with a valid accreditation on October 1, 1994 shall have~~
5 ~~until October 1, 1995 to meet the training requirements for supervising air~~
6 ~~monitors set forth in this Paragraph;~~

7 (C) Professional Status:

8 (i) a supervising air monitor who was accredited as an air monitor on or after
9 February 1, 1991, or an air monitor accredited prior to that date who has not
10 continuously maintained accreditation, shall be a Certified Industrial Hygienist;

11 (ii) a supervising air monitor who was accredited as an air monitor prior to February
12 1, 1991, who has continuously maintained accreditation shall be a Certified
13 Industrial Hygienist, Professional Engineer, or Registered ~~Architect;~~ Architect.

14 (D) Air monitors with a valid accreditation on January 1, 1995 supervising other accredited air
15 monitors shall be deemed to be accredited supervising air monitors for the duration of their
16 existing air monitor accreditation.

17 (d) To obtain accreditation, the applicant shall ~~submit~~ submit, or cause to be submitted, to the Program:

18 (1) a completed application on a form provided by the ~~Program~~ Program, which is available at:
19 <https://epi.dph.ncdhhs.gov/asbestos/healthaz.html>. A completed application form shall include with
20 the following information:

21 (A) ~~full name; name and social security number of applicant;~~

22 (B) address, including city, state, zip code, and telephone number;

23 (C) date of birth, sex, height, and weight;

24 (D) discipline applied for;

25 (E) name, address, and telephone number of employer;

26 (F) training agency attended;

27 (G) name of training course completed; and

28 (H) dates of course attended;

29 (2) ~~one two~~ current 1.25 43 inch x 1.25 43 inch color ~~photograph~~ photographs of the applicant per
30 application with the applicant's full name and social security number printed on the back; back of
31 each photograph;

32 (3) ~~confirmation~~ confirmation of completion of an approved initial or refresher training course from the
33 training ~~agency;~~ agency. ~~The~~ the confirmation shall be in the form of an original certificate of
34 completion of the approved training course bearing the training agency's official ~~seal;~~ seal or an
35 original letter from the training agency on training agency letterhead that confirming completion of
36 the course on training agency letterhead, or an original letter from the training agency listing names

1 of persons who have successfully completed the training course, with the applicant's name included,
2 on the training agency letterhead; includes the following information:

3 (A) the name of the course completed;

4 (B) the date of course completion;

5 (C) the unique certificate number; and

6 (D) a list of names for the individuals who successfully completed the training course, with the
7 applicant's name included in that list;

8 (4) when education is a ~~requirement~~, requirement in accordance with this Rule, a copy of the ~~diploma~~
9 diploma; or other written documentation;

10 (5) when work experience is a ~~requirement~~, requirement in accordance with this Rule, documentation
11 of the applicant's asbestos related work experience that includes the following: work history
12 documenting asbestos related experience, including employer name, address and phone number;
13 positions held; and dates when the positions were held; and

14 (A) employer name;

15 (B) employer address and phone number;

16 (C) position(s) held by applicant; and

17 (D) dates when the applicant held each position;

18 (6) when applicants for initial air monitor accreditation are working under an accredited supervising air
19 monitor pursuant to Subparagraph (c)(6) of this Rule, the accredited supervising air monitor shall
20 submit an original, signed letter acknowledging responsibility for the applicant's air monitoring
21 activities. The applicant shall ensure that a new letter is submitted to the Program any time the
22 information in the letter currently on file is no longer accurate.

23 (e) All accreditations shall expire at the end of the 12th month following completion of required initial or refresher
24 training. Work performed after the 12th month and prior to reaccreditation shall constitute a violation of this Rule.
25 To be reaccredited, an applicant shall have ~~successfully~~ completed the required refresher training course within 24
26 months after the initial or refresher training course. An applicant for reaccreditation shall also submit information
27 specified in Subparagraphs (d)(1)-(d)(6) of this Rule. If a person fails to obtain the required training within 12 calendar
28 months after the expiration date of accreditation, that person ~~may~~ shall be accredited only by meeting the requirements
29 of Paragraphs (b), (c), and (d) of this Rule.

30 (f) All accredited persons shall be assigned an accreditation number and issued a photo-identification card by the
31 Program.

32 (g) In accordance with G.S. 130A-23, the Program may revoke accreditation or reaccreditation for any violation of
33 G.S. 130A, Article 19 or the rules in this Section, or upon determining finding that its issuance was based upon
34 incorrect or inadequate information that materially affected the decision to issue accreditation or reaccreditation. The
35 Program ~~shall may~~ also revoke accreditation or reaccreditation upon a finding that the accredited person has violated
36 any requirement referenced in Rule .0605(e) of this Section. A person whose accreditation is revoked because of
37 fraudulent misrepresentations or because of violations that create a significant public health hazard shall not reapply

1 for accreditation before six months after the revocation and shall repeat the initial training course and other
2 requirements as set out in Paragraphs (b), (c), and (d) of this Rule.

3
4 *History Note:* Authority G.S. 130A-5(3); 130A-23; 130A-447;

5 *Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule*
6 *becomes effective, whichever is sooner;*

7 *Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;*

8 *Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on*
9 *April 26, 1989;*

10 ~~*Authority G.S. 130A-5(3); 130A-447; P.L. 99-519;*~~

11 ~~*Eff. March 1, 1989;*~~

12 ~~*Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990;*~~
13 ~~*1990.*~~

14 *Readopted Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 10A NCAC 41C .0608

DEADLINE FOR RECEIPT: Wednesday, December 9, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d)(2)(A), (d)(3)(A), (d)(4)(A), (d)(5)(B)(ii), (g)(2) and (g)(3) delete or define "successfully"

In (d)(2)(B)(i)(II) and (ii)(II) and (d)(3)(B)(i)(II) and (ii)(II), are you missing a part to the referenced CFRs?

Please add the semi-colon back after "Course" in (f)(2).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: November 23, 2020

1 10A NCAC 41C .0608 is readopted as published in 35:05 NCR 562-571 as follows:

2
3 **10A NCAC 41C .0608 TRAINING COURSE INSTRUCTOR QUALIFICATIONS**

4 (a) Any person seeking approval as an instructor for courses covered under 40 CFR Part 763, Subpart E, Appendix
5 C, Rule .0603(a)(3) and .0611 of this Section shall meet the applicable requirements listed in this Rule.

6 (b) All training course providers shall ~~submit~~ submit, or cause to be submitted, to the Program the following:

7 (1) a completed application on a form provided by the Program and available at
8 <https://epi.dph.ncdhhs.gov/asbestos/healthaz.html>. A completed application form shall include with
9 the following information:

10 (A) name, address, and telephone number of the applicant;

11 (B) name, address and telephone number of the training provider that is employing the
12 applicant;

13 (2) when training course completion is a ~~requirement~~, requirement pursuant to Rule .0602 of this
14 Section, confirmation of completion of an approved training ~~course~~. course. ~~the~~ The confirmation
15 shall be in the form of an original certificate of completion of the approved training course or the
16 following information: ~~the course title, dates of instruction, names of instructors, name, address and~~
17 ~~telephone number of the training provider;~~

18 (A) the course title;

19 (B) dates of the course instruction;

20 (C) name(s) of instructor(s); and

21 (D) name, address and telephone number of the training provider;

22 (3) when education is a requirement, a copy of the high school diploma or ~~other written documentation;~~
23 equivalent;

24 (4) when work experience is a ~~requirement~~, requirement pursuant to Rule .0602 of this Section,
25 documentation of the applicant's relevant work history, including the following: ~~employer name,~~
26 ~~address and telephone number, positions held, dates when positions were held, and copies of any~~
27 ~~licenses, registrations, certifications or accreditations that are relevant to the subject matter to be~~
28 ~~taught; and~~

29 (A) employer name;

30 (B) employer address and phone number;

31 (C) position(s) held by applicant;

32 (D) dates when the applicant held each position; and

33 (E) copies of any licenses, registrations, certifications, or accreditations related to the
34 subject matter to be taught; and

35 (5) when experience as an instructor is a ~~requirement~~, requirement pursuant to Rule .0602 of this
36 Section, documentation of ~~relevant~~ instructional experience including the following: ~~name of~~

1 ~~training courses taught, topics taught for each course, inclusive dates of each training course, and~~
2 ~~name, address and telephone number of each training organization for which experience is claimed.~~

3 (A) name(s) of the course(s) taught;

4 (B) the topic that the applicant taught for each course;

5 (C) the dates of the courses that the applicant taught; and

6 (D) the name, address, and phone number of each training organization for which experience
7 is claimed.

8 (c) ~~Work practice topics for each Training courses shall include:~~ include instruction on specific topics as follows:

9 (1) for the worker and roofing worker courses: ~~state of the art work~~ current best practices;

10 (2) for the supervisor and roofing supervisor courses: ~~state of the art work~~ current best practices
11 ~~practices,~~ and techniques for asbestos abatement activities;

12 (3) for the inspector course: pre-inspection planning and review of previous inspection records,
13 inspecting for friable and nonfriable asbestos containing materials and assessing the condition of
14 friable asbestos containing materials, ~~bulk sampling/documentation~~ sampling and documentation of
15 asbestos in schools, recordkeeping and writing inspection reports;

16 (4) for the management planner course: ~~evaluation/interpretation~~ evaluation and interpretation of survey
17 results, hazard assessment, developing an operations and maintenance plan, recordkeeping for the
18 management planner, and assembling and submitting the management plan;

19 (5) for the abatement designer course: safety system design specifications, designing abatement
20 solutions, ~~budgeting/cost~~ budgeting and cost estimation, writing abatement specifications, preparing
21 abatement drawings and occupied buildings; and

22 (6) for the project monitor course: asbestos abatement contracts, specifications and drawings, response
23 actions and abatement practices, air monitoring strategies, conducting visual inspections, and
24 recordkeeping and report writing.

25 (d) Instructors for ~~work practice~~ topics, hands-on exercises, workshops, or field trips ~~where required for courses~~
26 covered under 40 CFR Part 763, Subpart E, Appendix C shall meet the following requirements as applicable:

27 (1) For the worker initial and refresher and the supervisor initial and refresher courses:

28 (A) the applicant shall have ~~successfully~~ completed the initial and subsequent refresher training
29 course requirements for supervisor; and

30 (B) the applicant shall meet at least one of the following education and asbestos work
31 experience combinations:

32 (i) If the applicant does not possess either a high school diploma or equivalent, the
33 applicant shall:

34 (I) have at least 1440 hours experience in a worker or supervisory capacity
35 in a contained work area; and

- 1 (II) have at least 360 hours as an instructor in an Environmental Protection
2 Agency-approved or ~~Environmental Protection Agency state Program~~
3 approved worker course.
- 4 (ii) If the applicant possesses either a high school diploma or equivalent, the applicant
5 shall:
- 6 (I) have at least 960 hours experience in a worker, supervisory, or consulting
7 capacity in a contained work area; or
- 8 (II) have at least 240 hours as an instructor in an Environmental Protection
9 Agency-approved or ~~Environmental Protection Agency state Program~~
10 approved asbestos worker or supervisor ~~course course~~, or other courses
11 that provide instruction on the occupational safety and health topics
12 described in 29 CFR or environmental safety and health topics described
13 in 40 CFR. courses required to meet federal and state regulations.
- 14 (iii) If the applicant possesses at least an associate degree from a ~~regionally an~~
15 accredited college or university, the applicant shall:
- 16 (I) have at least 480 hours experience in a worker, supervisory, or consulting
17 capacity in a contained area; or
- 18 (II) have at least 120 hours as an instructor in an Environmental Protection
19 Agency-approved or ~~Environmental Protection Agency state Program~~
20 approved asbestos worker or supervisor ~~course course~~, or other courses
21 that provide instruction on the occupational safety and health topics
22 described in 29 CFR or environmental safety and health topics described
23 in 40 CFR. courses required to meet federal and state regulations.
- 24 (2) For the inspector initial and refresher courses:
- 25 (A) the applicant shall have successfully completed the initial and subsequent refresher training
26 course requirements for inspector; and
- 27 (B) the applicant shall meet at least one of the following education and asbestos work
28 experience combinations:
- 29 (i) If the applicant possesses either a high school diploma or equivalent, the applicant
30 shall:
- 31 (I) have documented experience, including asbestos inspections in at least
32 1,000,000 square feet of building space in the past three years; or
- 33 (II) have at least 60 hours as an instructor in an Environmental Protection
34 Agency-approved or ~~Environmental Protection Agency state Program~~
35 approved inspector ~~course course~~, or other courses that provide
36 instruction on the occupational safety and health topics described in 29

1 CFR or environmental safety and health topics described in 40 CFR.
2 ~~courses required to meet federal and state regulations.~~

3 (ii) If the applicant possesses at least an associate degree from a ~~regionally~~ an
4 accredited college or university, the applicant shall:

5 (I) have documented experience, including asbestos inspections in at least
6 500,000 square feet of building space in the past three years; or

7 (II) have at least 40 hours as an instructor in an Environmental Protection
8 Agency-approved or ~~Environmental Protection Agency state~~ Program
9 approved inspector ~~course~~ course, or other courses that provide
10 instruction on the occupational safety and health topics described in 29
11 CFR or environmental safety and health topics described in 40 CFR.
12 ~~courses required to meet federal and state regulations.~~

13 (3) For the management planner initial and refresher courses:

14 (A) the applicant shall have successfully completed the initial and subsequent refresher training
15 course requirements for management planner; and

16 (B) the applicant shall meet at least one of the following education and asbestos work
17 experience combinations:

18 (i) If the applicant possesses either a high school diploma or equivalent, the applicant
19 shall:

20 (I) have documented management planning experience showing at least 25
21 management plans or reinspection reports written in the past three years,
22 or documented experience as the management consultant for at least 25
23 asbestos projects in the past three years, or a combination of management
24 plans and projects managed; or

25 (II) have at least 48 hours as an instructor in an Environmental Protection
26 Agency-approved or ~~Environmental Protection Agency state~~ Program
27 approved management planner course or other courses that provide
28 instruction on the occupational safety and health topics described in 29
29 CFR or environmental safety and health topics described in 40 CFR.
30 ~~courses required to meet federal and state regulations.~~

31 (ii) If the applicant possesses at least an associate degree from a ~~regionally~~ an
32 accredited college or university, the applicant shall:

33 (I) have documented management planning experience showing at least 12
34 management plans or reinspection reports written in the past three years,
35 or documented experience as the management consultant for at least 12
36 asbestos projects in the past three years, or a combination of management
37 plans and projects managed; or

- 1 (II) have at least 32 hours as an instructor in an Environmental Protection
2 Agency-approved or ~~Environmental Protection Agency state Program~~
3 approved management planner course or other courses that provide
4 instruction on the occupational safety and health topics described in 29
5 CFR or environmental safety and health topics described in 40 CFR.
6 ~~courses required to meet federal and state regulations.~~
- 7 (4) For the project designer initial and refresher courses:
- 8 (A) the applicant shall have successfully completed the initial and subsequent refresher training
9 course requirements for abatement project designer; and
- 10 (B) the applicant shall meet at least one of the following education and asbestos work
11 experience combinations:
- 12 (i) If the applicant possesses either a high school diploma or equivalent, the applicant
13 shall:
- 14 (I) have documented asbestos abatement project design experience
15 including the design of at least 12 asbestos projects in the past three
16 years; or
- 17 (II) have at least 30 hours as an instructor in an Environmental Protection
18 Agency-approved or ~~Environmental Protection Agency state Program~~
19 approved abatement project designer course or other courses that provide
20 instruction on the occupational safety and health topics described in 29
21 CFR or environmental safety and health topics described in 40 CFR.
22 ~~courses required to meet federal and state regulations.~~
- 23 (ii) If the applicant possesses at least an associate degree from a ~~regionally an~~
24 accredited college or university, the applicant shall:
- 25 (I) have documented asbestos abatement project design experience,
26 including the design of at least six asbestos projects in the past three
27 years; or
- 28 (II) have at least 20 hours as an instructor in an Environmental Protection
29 Agency-approved or ~~Environmental Protection Agency state Program~~
30 approved abatement project designer course or other courses that provide
31 instruction on the occupational safety and health topics described in 29
32 CFR or environmental safety and health topics described in 40 CFR.
33 ~~courses required to meet federal and state regulations.~~
- 34 (5) For the project monitor initial and refresher courses:
- 35 (A) the applicant shall meet the qualifications for project designer instructor under
36 Subparagraph (d)(4) of this Rule or the qualifications for supervisor instructor under

1 Subparagraph (d)(1) of this Rule to teach the work practice topics of asbestos abatement
2 contracts, specifications and drawings or response action and abatement practices;

3 (B) the applicant for work practice topics of air monitoring strategies, conducting visual
4 inspections, and recordkeeping and report writing shall:

5 (i) possess either a high school diploma or equivalent;

6 (ii) successfully complete a Program approved NIOSH 582 course, ~~course or~~ Program
7 approved NIOSH 582 Equivalency Course equivalent, or a Program approved
8 project monitor course; and

9 (iii) have documented asbestos air monitoring experience on at least six asbestos
10 removals.

11 ~~(6) All instructors approved under Paragraph (d) of this Rule shall take a refresher training in at least
12 one discipline from a training provider other than their employer every other year.~~

13 (e) Instructors who teach one or more segments of a training course covered under 40 CFR Part 763, Subpart E,
14 Appendix C, Rule .0603(a) or Rule .0611 of this ~~Section (other~~ Section, other than work practice topics, hands-on
15 exercises, workshops, or field ~~trips) trips~~, shall meet the following requirements:

16 (1) be ~~actively~~ currently working in the field of expertise in which training is conducted; and

17 (2) have a minimum of a high school diploma or equivalent.

18 (f) Instructors for a Program approved NIOSH 582 or Program approved NIOSH 582 Equivalency Course equivalent
19 shall meet the following requirements:

20 (1) have a high school diploma or equivalent;

21 (2) attend ~~a the National Institute for Occupational Safety and Health's~~ NIOSH 582 training course or
22 a Program ~~approved approved~~ NIOSH 582 Equivalency Course equivalent course; and

23 (3) for teaching the NIOSH 7400 Method, have at least three months work experience as a microscopist
24 performing analysis using the NIOSH 7400 Method.

25 (g) Instructors who teach work practice or hands-on topics in Program approved roofing worker or roofing supervisor
26 initial or refresher courses shall meet the following requirements:

27 (1) have a high school diploma or equivalent;

28 (2) successfully complete either an initial asbestos supervisor or initial asbestos roofing supervisor
29 course, and subsequent annual refreshers courses;

30 (3) successfully complete an initial asbestos inspector course; and

31 (4) have at least three months' experience as a roofing supervisor ~~or foreman~~ or asbestos supervisor.

32
33 *History Note: Authority G.S. 130A-447; P.L. 99-519;*

34 *Eff. October 1, 1994;*

35 *Amended Eff. July 1, 1996; 1996.*

36 *Readopted Eff. January 1, 2021.*