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ASBESTOS PROGRAMS BRANCH UPDATE

Volume 3, No. 1 January - April 1996

Government Publications
Texas State Documents

FROM THE CHIEF ASBESTOS PROGRAMS BRANCH

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One year ago we were looking forward to many changes. I had mentioned that House Bill 2436 would expand the scope of our state asbestos law to include commercial buildings. It didn't happen. The legislature ran out of time and we are looking to try a run at it next year. I had also spoken of our new requirements for our Asbestos Advisory Committee. We received nominees and now have a committee. In fact by the time you read this, the new committee will have met and discussed proposed changes to the rule. Many issues have arisen since the rule was amended in September 1994 and are being addressed in these proposed changes. Look for this proposal to be published in the June or July Texas Register. Although the committee is meeting to discuss this issue and others, the committee still lacks the general public members. We received some nominations, but not enough. If you know of someone who is not licensed, but has an interest in quality of services and health aspects of the asbestos industry, please let them know that we need them as representatives of the public.

We have been issuing many Notices of Violation because of late or incorrect demolition or renovation notifications. Also, many of the required fees for notifications have not been paid. Soon, NOV's will be issued on those late payees. Although it may not seem like paperwork should affect the health of the workers or public citizens

surrounding these asbestos abatement projects, it does. For our programs to operate efficiently, we cannot waste resources hunting for the projects. This is why we need proper and timely notifications. We also are a fee-funded program, like many in Texas, and require fees in order to perform our duty of insuring that the Texas asbestos industry is one that provides asbestos abatement services that people can trust with their health. Fees are also used to put the burden on the affected industry and avoid a state income tax. So it's a really good deal when you think about it. Therefore, everyone involved must adhere to the requirements to notify promptly and pay the fees or it is only logical to expect retribution. We do occasionally run into some problems with billing because of the address listed on the notification and we have been working those problems as they occur and find ways to permanently fix those problems. All suggestions are appreciated.

We would also like to welcome aboard our new Licensing Program Administrator, Jim Vass, P.E. He will be leading our licensing and training sections and lending a fresh approach to meeting our customer needs.

Todd Wingler, P.E.
Chief, Asbestos Programs Branch

ENFORCEMENT PROGRAM CONSULTANTS

Education:

There has been a rumor floating around that the Texas Department of Health (TDH) was going to relax the

education requirements for individual consultants **This is not true.** The requirements as listed in the rules will continue to be in effect.

Responsibilities: Some consultants have complained that they can't force abatement contractors to follow their specifications. This is handled in two ways. First, the consultant is supposed to be the official representative of the building owner, if allowed by the contract between the building owner and the consultant. If the abatement contractor is not following the specifications and the applicable regulations, then they don't get paid if they violate the terms of the contract. This needs to be a part of the specifications. Second, if the contractor is not following the specifications, they are performing consulting work and may face the issuance of a Notice of Violation (NOV) for \$10,000 for doing consulting work without a license or accreditation, and in violation of the conflict of interest provision for public buildings. Consultants are also required to design the containment and other engineering controls (including negative air). This means the consultant shall produce drawings which show the work to be performed and where it is to be performed. The consultant is also the only one who may declare a project clear and complete and authorize the tearing down of the containment.

We consistently are finding plans and specifications not signed by the consultant. Both are required by §295.47(a)(1) of the Texas Asbestos Health Protection Rules (TAHPR). This is being enforced and will receive additional attention. Consultants are the primary persons who can ensure abatement projects are properly performed and that the public health is protected. You have a tremendous responsibility to fulfill.

Future Consideration: One proposal we've received is to require a licensed asbestos consultant to obtain a stamp (a seal similar to what is used by Professional Engineers and other professions) and that the specifications which are required to be signed by the consultant, also are stamped with the seal. Some consultants already do this. It is another way to ensure the

rules requirements have been fulfilled and that the consultants approved specifications are in use. The building owner/operator is the person who should have the one original copy with the original signature and stamp. Your comments on the idea for the stamp may be sent anytime before we propose a rule change so that we take into account the thoughts of the regulated community.

Phone Consultation: We are experiencing a dramatic rise in phone calls asking for our policy or interpretation of the rules. It is very difficult for us in the central office to answer all your calls in a quick and responsive manner. The regional inspectors and industrial hygienists are aware of the policies and interpretations. While we in Austin can only provide a general answer, the regional people can get more specific in most cases because they are either more familiar with your situation or they can visit to be better able to provide an answer. They have always been good about calling the central office whenever they have something new or there is a question in their mind about how to rule on the specific question. TDH employees cannot act as a consultant for how to perform a specific job. They can, however, tell you if you will be in compliance with the law. A licensed consultant is trained and licensed to make those professional judgements which must be made to ensure the public health.

Personnel: Ms. Elizabeth Grimsley has joined the enforcement section as of March 1, 1996. She has several years experience working in the industry in other states and graduate work in environmental health. Ms Grimsley will be reviewing the reports from the regional inspectors and preparing the NOV's. She will also be performing specialized inspections with other members of the enforcement and licensing programs and regional inspectors.

NOTIFICATION AND INFORMATION SECTION

NEW POLICY FOR THE NOTIFICATION OF PHASED PROJECTS

The phasing of projects is a reality that exists in all areas of the construction industry, including renovations and the abatement of asbestos-containing materials. The endeavors made by building owners, consultants and contractors to notify about these projects have been confusing and haphazard. The improper notifications have resulted in wasted inspection efforts, noncompliance with the notification provisions and a notification fee invoicing fiasco. Due to all of the notification problems, the Asbestos Programs Branch has determined that there is a need to issue some guidance on the notification of phased projects.

A copy of the new policy has been enclosed with this bulletin. There are a few aspects of the policy that need to be emphasized and explained. The first qualification of a phased project is that all of the abatement must be performed by the same contractor. This should not be a problem because of the contract arrangements that are made between the owner and a contractor. A new contractor would have to sign and be a party to a new contract, so, by policy, it is a new project and would require a separate notification. This will prevent all of the duplicate notifications that have been submitted and all of the scheduling problems, around which the Department's inspectors have been trying to perform inspections.

A key part of this new policy is the verbal communication that is required to be made with the Department's inspector. At no time should an inspector attempt to perform an inspection during a time when abatement work is not being done. To ensure that an inspector will not attempt a futile inspection, it will be the responsibility of the building owner or contractor to call the inspector. It is a waste of time and money for the inspector and the State to attempt to perform an inspection on an inactive abatement project.

The purpose of this policy is to allow some flexibility to the rules. The policy is an attempt to assist the regulated community in adapting the notification procedures to meet a special set of circumstances, without making changes to the rules. The Asbestos Programs Branch hopes that the regulated community will follow the guidelines of the policy.

ASBESTOS PROGRAMS OUTREACH

The Outreach Program of the Asbestos Programs Branch would like to offer another service to the asbestos licensees. For your convenience, the Public Information Officer will copy the latest Demolition/Renovation Notification Form, dated 02/09/96, and any future updates (if requested), to a computer diskette. Anyone interested need only submit a formatted 3.5" diskette to the Texas Department of Health, Division of Occupational Health, Asbestos Programs Branch, Carole Williams, Public Information Officer. You can get the notification in either WordPerfect 5.1 or WordPerfect for Windows, 6.1. Please specify which format you need and include a self-addressed, stamped return mailer for the diskette. Please allow 1 to 2 weeks for completion.

ENFORCEMENT SECTION

Following are Agreed Violation Orders Signed by the Commissioner of Health

AM Management

Location: San Antonio
Violations: Failure to submit a course schedule.
Failure to submit documentation for students receiving training for the asbestos Abatement worker Training course.
Fine: \$200
Rule Violated: TAHPA

Goetting Construction

Location: El Paso
Violation: Failure to survey.
Fine: \$2,000
Rule Violated: TAHPA

Rockport Harborfront Limited Partnership

Location: Rockport
Violations: Failure to survey.
Failure to provide notification.
Fine: \$2,000
Rule Violated: TAHPA

Mobile One Auto Sound

Location: Houston
Violations: Failure to survey.
Failure to provide notification.
Fine: \$2,000
Rule Violated: NESHAP

LICENSING PROGRAM

Personnel: Mr. James Vass, PE, is the new Administrator, Asbestos Licensing Program. He has several years of experience in the oil and gas industry. His expertise will help us evaluate the needs in the industrial and manufacturing operations.

Project Manager License: We are considering renaming this license to Project Monitor. This will better describe the position and remove some of the confusion of terminology as used in the general industry. This licensee is the eyes and ears of the consultant on an abatement project. He or she may keep notes of the activities of the abatement contractor and report findings to the consultant. Only the consultant may make changes to the plans and specifications or interpret what those documents mean. The consultant may appoint the project manager (monitor) to conduct the visual inspection upon completion of the project. This delegation must be in writing. Only the consultant may declare the project to be clear and authorize the demolition of the containment.

ASBESTOS TRAINER LICENSING SECTION

The Asbestos Trainer Licensing Section of the Texas Department of Health, Division of Occupational Health is planning a seminar to be held in Austin, Texas on **June 24 & 25th, 1996** for licensed Asbestos Training Providers and applicants for licensure. This is a request for agenda topics that you feel should be included in the seminar, especially with regards to the Accreditation Examination. We will attempt to include any topics that are submitted by the majority of Asbestos Training Providers, however, we

cannot guarantee that your topics will be addressed or discussed. Please return your suggested agenda topics to the following address no later than May 13, 1996. Mail to the attention of: Athan U. Ogoh, Coordinator, Texas Department of Health, Division of Occupational Health, Asbestos Trainer Licensing Section, 1100 West 49th Street, Austin, Texas 78756. Janie Dykes has left the department for other opportunities. Dani Bleier is our new training secretary. She joined the department on February 12, 1996.

Reminder: No walk-ins are allowed at the scheduled sites for the State Accreditation exam. Individuals may contact Lola Meinardus directly to take the exam in our office as a walk-in. A date and time will be agreed upon beforehand.

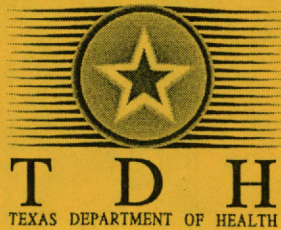
THE FOLLOWING LIST ARE THE APPROVED ASBESTOS TRAINING PROVIDERS IN TEXAS*

Abateco, Inc., 1438 Campbell Road, Suite 214, Houston, Texas 77055, Edward H. Zansle
(713) 461-0692 FAX (713) 461-0695

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Texas Law and Regulations

Acme Environmental, Inc., 2238 Wyoming, NE, Albuquerque, NM 87112, David Charlesworth
(505) 294-5565 FAX (505) 294-0878

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher Management Planner and Refresher, Air Monitoring and Refresher, Project Designer and Refresher Texas Law and Regulations



Texas Department of Health

David R. Smith, M.D.
Commissioner

1100 West 49th Street
Austin, Texas 78756-3199
(512) 458-7111

Carol S. Daniels
Deputy Commissioner for Programs

Randy P. Washington
Deputy Commissioner for Health Care Financing

Roy L. Hogan
Deputy Commissioner for Administration

Correction of Licensed Trainer Providers

Educational Construction Consultants, Inc. is listed in the Asbestos Programs Branch Update as a Trainer Provider no longer licensed in the State of Texas. This is an error, Educational Construction Consultants, Inc. is an approved trainer provider licensed to train in the State of Texas.

If you any questions, please do not hesitate to contact Cheryl A. Thompson, Compliance Audit Specialist at 512/834-6610 or 800/572-5548, extension 2424.

All Service Environmental, 332 North Hwy 146, P.O. Box 1158, La Porte, Texas 77572, Dale Torrans
(713) 470-7374

Courses: Abatement Worker and Refresher, Inspector Refresher, Management Planner Refresher

AM Management, P.O. Box 12081, San Antonio, Texas 78212-0081, Arturo Ramirez
(210)5 341-1951 FAX (210) 530-0656

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Texas Law and Regulations

American Specialty Contractors, Inc., 15981 Airline Highway, Baton Rouge, Louisiana 70817, Daniel L. Anderson
(504) 926-9624

Courses: Abatement worker and Refresher, Contractor/Supervisor and Refresher

Analytical Labs, H.C. 86 Box 41, Baird, Texas 79504, Bob Dye, (817) 725-6221 FAX (817) 725-7519

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher

Asbestos Training Center of Texas, 1120 Luke Street, Irving, Texas 75061, Alfredo Avila, President
(214) 986-1340 FAX (214) 986-1534

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Texas Law and Regulations

Ashley Environmental Services: 712 Spencer Highway, Suite 200, Houston, Texas 77587, Jesse D. Ashley, President
(713) 944-2988 FAX (713) 944-3324

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Project Designer and Refresher, Texas law and Regulations

ECU Environmental Services, 1402 Corinth Street, Suite 143, Dallas, Texas 75215, George Njoku, President
(214) 426-4904 FAX (214)565-5857

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Educational Construction Consultants, Inc., 2107 A Old West Place, Round Rock, Texas 78681, Carol Nelson
(512)310-1334 FAX (512)310-1438

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Texas Law and Regulations

Enviro/Con Services, Inc, 4916 Highway 6 North, Houston, Texas 77084, Douglas S. Shotwell
(713) 855-9677 FAX (713)855-0287

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Environmental Career Development, Inc, 509 Ellen Powell, Prairie View, Texas 77446, Donald Sowell, President
(409) 857-9557

Courses: Abatement Worker and Refresher, contractor/Supervisor and refresher, Inspector and Refresher, Management Planner and Refresher, Air Monitoring Technician and Refresher, Project Designer and Refresher, Texas law and Regulations

Environmental Compliance Group, Inc., 206 Elm Street, Suite 103, Lewisville, Texas 75057, James Scales
(214)436-8797 FAX (214) 219-1654

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Environmental Continuing Education & Training Institute, Inc., 3555 Timmons Lane, Suite 880, Houston, Texas 77027, Willard L. Jackson, Jr., President, (713) 840-7494

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Air Monitoring Technician, Project Designer and Refresher, Texas Law and Regulations

Environmental/Occupational Solutions Corp., 16845 Blanco Road, Suite 102B, San Antonio, Texas 78232, Jon D. Jackson
(210) 493-3688 FAX (210) 493-6008

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Envirotest, Inc., 3902 Braxton Drive, Houston, Texas 77063, Daniel J. Gerhardt
(713) 782-4101 FAX (713) 782-3428

Courses: Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher

Fugro Environmental, Inc., 6100 Hillcroft, Suite 300, Houston, Texas 77081, Ron Holt, Vice President
(713) 773-5656, (713) 778-5505 FAX (713) 773-5600

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

GEBCO Associates, Inc., 669 Airport Freeway, Suite 210, Hurst, Texas 76053, Eugene Witkowski
(817) 268-4006 FAX (817) 282-9886

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Institute for Environmental Assessment, 7101 Northland Circle, Brooklyn Park, MN 55428, John R. Bissen
(800) 233-9513

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher

Institute of Environmental Training, P.O. Box 6865, Abilene, Texas 79608, Gene Walker
(915) 691-0172 FAX (915) 692-2927

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector, Management Planner, Texas Law and Regulations

International Association Of Heat & Frost Insulators & Asbestos Workers - Local Union No. 22,
3219 Pasadena Blvd., Pasadena, Texas 77503, Robert Chadwick
(713) 473-0888 FAX (713) 473-1787

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Texas Law and Regulations

Louisiana Laborers -AGC Training Fund, P.O. Box 376, Livonia, Louisiana 70755-0376, Jamie Peers
(504) 637-2311 FAX (504) 637-2368

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Texas Law and Regulations

Mayhew Environmental Training Assn, Inc., P.O. Box 786, Lawrence, Kansas 66044, Thomas Bradford Mayhew
(800) 444-6382 FAX (913)842-1349

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

NATEC of Texas, Inc., 8981 Interchange Drive, Houston, Texas 77054, David Roberts
(800) 446-2382 FAX (713) 666-9675

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector Refresher, Management Planner Refresher, Project Designer Refresher, Texas Law Regulations

NSC Corporation, 1201 Childers Road, Orange, Texas 77630, Kendra Schexnider, (409) 886-0603 FAX (409) 886-0187

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher

Occupational Health & Safety Training Institute, 7035 Westgate, Beaumont, Texas 77706, Marion Foster
(409) 866-6175 FAX (409) 860-3123

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Omni Environmental, 13740 Research Boulevard, Suite H-5, Austin, Texas 78750, Ron Adams
(512) 258-9114 FAX (512) 258-9115

Courses: Abatement Worker and Refresher, Contractor/Supervisor Refresher, Inspector and Refresher, Management Planner and refresher, Air Monitoring Technician and Refresher, Project Designer and Refresher

Pioneer Environmental Training, 4414 Centerview, Suite 173, San Antonio, Texas 78228, David Coffield

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Air Monitoring Technician and Refresher, Texas Law and Regulations

Safety Systems, 8300 San Pedro NE, Albuquerque, NM 87113, David Alexander
(505)822-1222

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Scientific Investigation & Instruction Institute, 9015 Mountain Ridge Drive, Suite H-110, Austin, Texas 78759

John M. Barrett, Jr., President

(512)338-5379 FAX (512) 338-9192

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner Refresher, Project Designer and Refresher, Texas Law and Regulations

Texas Engineering Extension Service (TEEX), Texas A&M University System, College Station, Texas 77843-8000, Tom Garney

(409) 845-6682 (800)252-2420

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

Texas State Technical College, East Texas Center at Marshall, P.O. Box 1269, Marshall, Texas 75671, Walter Garasic
(903) 935-1010

Courses: Contractor/Supervisor and Refresher

UBC Health & Safety Fund of North America, 101 Constitution Ave. NW, Washington, D.C., 20001, Edward Gorman III
(202) 546-6202

Courses: Abatement Worker and Refresher, Contractor/Supervisor and Refresher

University of Texas at Arlington, Center for Environmental Research & Training, Box 19021, Arlington, Texas 76019-0021, Vic Argento

(800) 817-2378 FAX (817) 272-2734

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

University of Texas Health Center at Tyler, P.O. Box 2003, Tyler, Texas 75710, Robert N. Crossman, Jr., Mary Ann Hopkins, Adm. Coordinator

(800)225-0751 FAX (713)944-6250

Courses: Abatement Worker and Refresher, Air Monitoring Technician and Refresher, Contractor/Supervisor and Refresher, Inspector and Refresher, Management Planner and Refresher, Project Designer and Refresher, Texas Law and Regulations

*Please keep in mind that this list is subject to change at any time. For the most current information, please contact Athan Ogoh, Coordinator, Asbestos Trainer Licensing Section, (512)834-6600 or 800-572-5548.

**THE FOLLOWING TRAINERS ARE NO LONGER LICENSED TO TRAIN IN
THE STATE OF TEXAS:**

1. **BCM ENGINEERS, INC.**
2. **CAREER ADVANCEMENT & TRAINING**
3. **CAM ENVIRONMENTAL SERVICES**
4. **DIVERSIFIED TRAINING GROUP**
5. **EL PASO COMMUNITY COLLEGE**
6. **EMS, INC**
7. **EDUCATIONAL CONSTRUCTION CONSULTANTS, INC.**
8. **ENVIRONMENTAL TRAINING & CERTIFICATION**
9. **LAMAR UNIVERSITY**
10. **LAW ENVIRONMENTAL**
11. **LEE & SIMS ENVIRONMENTAL SERVICES, INC.**
12. **MAXIM ENGINEERS, INC.**
13. **OCCUPATIONAL SAFETY TRAINING INSTITUTE**
14. **POLLUTION CONTROL MANAGEMENT CORP.**
15. **PROFESSIONAL SERVICE INDUSTRIES**
16. **SEAGULL, INC.**
17. **SPECIALIZED ENVIRONMENTAL SERVICES, INC.**

**TO CHECK IF A TRAINING PROVIDER IS LICENSED OR NOT, CALL ATHAN OGOH,
COORDINATOR, ASBESTOS TRAINER LICENSING SECTION, 512-834-6600 or 800-572-5548**

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