

**NORTH CAROLINA ADMINISTRATIVE CODE**  
**CHAPTER 10-A**  
**SUBCHAPTER 41C .0601-.0611 – Asbestos Hazard Management Program**  
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**SECTION .0600 - ASBESTOS HAZARD MANAGEMENT PROGRAM**

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

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

- (1) "Abatement Designer" means a person who is responsible for planning all phases of an asbestos abatement design from abatement site preparation through disassembly of all abatement area barriers and who meets the requirements of Rule .0602(c) of this Section.
- (2) "Abatement Project Monitoring Plan" means a written project-specific plan for conducting visual inspections and ambient and clearance air sampling.
- (3) "Air Monitor" means a person who implements the abatement project monitoring plan, collects ambient and clearance air samples, performs visual inspections, or monitors and evaluates asbestos abatement, and who meets the requirements of Rule .0602(c) of this Section.
- (4) "Asbestos Abatement Design" means a written or graphic plan that is prepared by an accredited abatement designer as defined in Subparagraph (a)(1) of this Rule and that specifies how an asbestos abatement project will be performed. An asbestos abatement design shall include, at minimum, the following:
  - (A) a scope of work and technical specifications;
  - (B) the asbestos abatement designer's signature; and
  - (C) the accreditation number.
- (5) "Completion Date" means the date on which all activities on a permitted asbestos removal requiring the use of accredited workers and supervisors are complete, including the disassembly of all removal area barriers.
- (6) "Emergency Renovation Operation" means the same as defined in 40 CFR Part 61.141 and as adopted in Rule .0609 of this Section.
- (7) "Inspector" means a person who examines buildings or structures for the presence of asbestos containing materials, collects bulk samples, or conducts physical assessments of the asbestos containing materials, and who meets the requirements of Rule .0602(c) of this Section. A person whose asbestos inspection activities are limited to roofing products is not considered an inspector under this definition if the person is accredited as a roofing supervisor under this Section.
- (8) "Installation" means any building or structure or group of buildings or structures at a single site under the control of the same owner or operator.
- (9) "Management Planner" means a person who interprets inspection reports, conducts hazard assessments of asbestos containing materials, and prepares written management plans, and who meets the requirements of Rule .0602(c) of this Section.
- (10) "Nonscheduled Asbestos Removal" means the same as nonscheduled renovation operation, as defined in 40 CFR Part 61.141, of asbestos containing material.
- (11) "Program" means the Health Hazards Control Unit within the Division of Public Health.
- (12) "Public Area" means as defined in G.S. 130A-444(7).
- (13) "Regulated Asbestos Containing Material" means the same as defined in 40 CFR Part 61.141 and as adopted in Rule .0609 of this Section.
- (14) "Start Date" means the date on which activities begin on an asbestos removal project that is permitted pursuant to Rule .0605 of this Section and that requires the use of workers and supervisors who are accredited pursuant to Rule .0602 of this Section, including removal area isolation and preparation or any other activity which may disturb asbestos containing materials.
- (15) "Successfully complete" means that an individual has attended the initial or refresher training course and passed the course exam with a score of 70 percent or higher in accordance with Rules .0603 and .0611 of this Section and 40 C.F.R. Part 763, Subpart E, Appendix C(I)(C)(2).
- (16) "Supervising Air Monitor" means a person who meets the requirements of Rule .0602(c) of this Section and who prepares a written abatement project monitoring plan and implements the plan or

ensures that the plan is implemented by an air monitor working under his or her supervision. The supervising air monitor directs, coordinates, and approves all activities of air monitors working under his or her supervision. The supervising air monitor may also perform the duties of an air monitor.

- (17) "Supervisor" means a person who is a "competent person" as defined in 29 CFR 1926.1101(b) and who is an "on-site representative" as defined in 40 CFR Part 61.145(c)(8) as adopted in Rule .0609 of this Section and who performs the duties specified therein.
- (18) "Under the direct supervision" means working under the guidance of an individual who is accredited pursuant to Rule .0602 of this Section and who is responsible for all activities performed.
- (19) "Worker" means a person who performs asbestos abatement under the direct supervision of an accredited supervisor.
- (20) "Working day" means Monday through Friday, including any holidays.
- (21) "Class II Asbestos Work" means as defined in 29 CFR 1926.1101(b).
- (22) "Roofing Worker" means a person whose duties regarding asbestos are limited to Class II asbestos work involving the removal of roofing products that are classified as regulated asbestos containing material and who works under the direct supervision of a roofing supervisor.
- (23) "Roofing Supervisor" means a supervisor as defined in Subparagraph (a)(16) of this Rule, whose duties regarding asbestos are limited to Class II asbestos work involving only roofing products that are classified as regulated asbestos containing material. This person may also perform asbestos roofing inspection activities which are limited to roofing products, including the collection of bulk samples.
- (24) "Roofing Products" means bituminous built-up roofing systems, roofing membranes, asphalt shingles, cement shingles, roofing cements, mastics, coatings, panels, light weight roofing concrete, and flashings.

(b) In addition to the rules of this Section, asbestos management activities shall comply with the Asbestos Hazard Emergency Response Act (AHERA) as defined at G.S. 130A-444(1) and 40 CFR Part 763, Subpart E and Appendices, which are hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: <https://www.ecfr.gov/>.

(c) For the purposes of this Section, 29 CFR 1926.1101 is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at <https://www.ecfr.gov/>.

*History Note: Authority G.S. 130A 5(3); 130A 451;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;  
Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on April 26, 1989;  
Eff. March 1, 1989;  
Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990;  
Readopted Eff. January 1, 2021.*

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

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

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

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

- (1) an applicant for initial accreditation shall have completed an approved initial training course for the discipline in which the applicant seeks accreditation within the 12 months immediately preceding application. If initial training was completed more than 12 months prior to application, the applicant shall have completed an approved refresher training course for the discipline in which he or she seeks accreditation at least every 24 months from the date of completion of initial training to the date of application;
- (2) an inspector shall have:
  - (A) a high school diploma or equivalent; and
  - (B) at least three months of experience working as an accredited asbestos inspector or three months of experience working under the direct supervision of an accredited inspector.
- (3) a management planner shall have a high school diploma or equivalent and shall be an accredited inspector, as defined in Subparagraph (c)(2) of this Rule.
- (4) a supervisor or roofing supervisor shall have:
  - (A) a high school diploma or equivalent; except that this requirement shall not apply to supervisors that were accredited on November 1, 1989, or roofing supervisors that were accredited prior to April 1, 1997; and
  - (B) at least three months of experience working as an accredited asbestos supervisor or three months of experience working under the direct supervision of an accredited supervisor.
- (5) an abatement designer shall have:
  - (A) a high school diploma or equivalent; and
  - (B) at least three months of experience working as an accredited asbestos designer or three months of experience working under the direct supervision of an accredited abatement designer.
- (6) an air monitor shall work only under an accredited supervising air monitor or meet the provisions of Part (c)(7)(C) of this Rule. However, this requirement shall not apply to the owner or operator of a building and his employees when performing air monitoring in non-public areas. In addition, all air monitors shall meet the following requirements:
  - (A) Education and Work Experience:
    - (i) a high school diploma or equivalent; and
    - (ii) at least three months of experience working as an asbestos air monitor or three months of experience working under the direct supervision of an accredited air monitor.
  - (B) Training Requirements:
    - (i) complete a Program approved National Institute for Occupational Safety and Health (NIOSH) 582 or Program approved NIOSH 582 Equivalency Course and meet the initial and refresher training requirements of this Rule for supervisors; Program approved project monitor refresher course may be substituted for the supervisor refresher course; or
    - (ii) meet the initial and refresher training requirements of this Rule for a Program approved five-day project monitor course and a Program approved annual refresher course.
- (7) a supervising air monitor shall meet the following requirements:
  - (A) Education and Work Experience:
    - (i) a high school diploma or equivalent;

- (ii) at least three months of experience working as an asbestos air monitor or three months of experience working under the direct supervision of an accredited air monitor.
  - (B) Training Requirements:
    - (i) complete a Program approved NIOSH 582 or Program approved NIOSH 582 Equivalency Course and meet the initial and refresher training requirements of this Rule for supervisors; a Program approved project monitor refresher course may be substituted for the supervisor refresher course; or
    - (ii) meet the initial and refresher training requirements of this Rule for a Program approved five-day project monitor course and a Program approved annual refresher course.
  - (C) Professional Status:
    - (i) a supervising air monitor who was accredited as an air monitor on or after February 1, 1991, or an air monitor accredited prior to that date who has not continuously maintained accreditation, shall be a Certified Industrial Hygienist;
    - (ii) a supervising air monitor who was accredited as an air monitor prior to February 1, 1991, who has continuously maintained accreditation shall be a Certified Industrial Hygienist, Professional Engineer, or Registered Architect.
  - (D) Air monitors with a valid accreditation on January 1, 1995 supervising other accredited air monitors shall be deemed to be accredited supervising air monitors for the duration of their existing air monitor accreditation.
- (d) To obtain accreditation, the applicant shall submit to the Program:
  - (1) a completed application on a form provided by the Program, which is available at: <https://epi.dph.ncdhhs.gov/asbestos/healthaz.html>. A completed application form shall include the following information:
    - (A) full name;
    - (B) address, including city, state, zip code, and telephone number;
    - (C) date of birth, sex, height, and weight;
    - (D) discipline applied for;
    - (E) name, address, and telephone number of employer;
    - (F) training agency attended;
    - (G) name of training course completed; and
    - (H) dates of course attended;
  - (2) one 1.25 inch x 1.25 inch color photograph of the applicant taken within the preceding six months per application with the applicant's full name printed on the back of each photograph;
  - (3) confirmation of completion of an approved initial or refresher training course from the training agency. The confirmation shall be in the form of an original certificate of completion of the approved training course bearing the training agency's official seal or an original letter from the training agency on training agency letterhead that includes the following information:
    - (A) the name of the course completed;
    - (B) the date of course completion;
    - (C) the unique certificate number; and
    - (D) a list of names for the individuals who successfully completed the training course, with the applicant's name included in that list;
  - (4) when education is a requirement in accordance with this Rule, a copy of the diploma;
  - (5) when work experience is a requirement in accordance with this Rule, documentation of the applicant's asbestos related work experience that includes the following:
    - (A) employer name;
    - (B) employer address and phone number;
    - (C) position(s) held by applicant; and
    - (D) dates when the applicant held each position;
  - (6) when applicants for initial air monitor accreditation are working under an accredited supervising air monitor pursuant to Subparagraph (c)(6) of this Rule, the accredited supervising air monitor shall submit an original, signed letter acknowledging responsibility for the applicant's air monitoring activities. The applicant shall ensure that a new letter is submitted to the Program any time the information in the letter currently on file is no longer accurate.

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

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

(g) In accordance with G.S. 130A-23, the Program may revoke accreditation or reaccreditation for any violation of G.S. 130A, Article 19 or the rules in this Section, or upon determining that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue accreditation or reaccreditation. The Program shall also revoke accreditation or reaccreditation upon a finding that the accredited person has violated any requirement referenced in Rule .0605(e) of this Section. A person whose accreditation is revoked because of fraudulent misrepresentations or because of violations that create a public health hazard shall not reapply for accreditation before six months after the revocation and shall repeat the initial training course and other requirements as set out in Paragraphs (b), (c), and (d) of this Rule.

*History Note: Authority G.S. 130A-5(3); 130A-23; 130A-447;  
Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on April 26, 1989;  
Eff. March 1, 1989;  
Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;  
Amended Eff. October 1, 1994; August 1, 1991; February 1, 1990;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. July 1, 1996; January 1, 1995;  
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### **10A NCAC 41C .0603 APPROVAL OF TRAINING COURSES**

(a) Pursuant to Rule .0602 of this Section, applicants for accreditation and reaccreditation are required to successfully complete training courses approved by the Program. Training courses:

- (1) Required or recommended by 40 CFR Part 763, Subpart E, Appendix C and approved for a specific training provider by the Environmental Protection Agency or by a state with an Environmental Protection Agency-approved accreditation program, or by a state that has a written reciprocating agreement with the Program and meeting the requirements under Paragraph (g) of this Rule shall be deemed approved by the Program unless approval is suspended or revoked in accordance with Paragraph (I) of this Rule;
- (2) Required or recommended under 40 CFR Part 763, Subpart E, Appendix C and having no prior Program approval as specified in Subparagraph (a)(1) of this Rule shall meet the requirements of 40 CFR Part 763, Subpart E, Appendix C, I and III, and this Rule; or
- (3) Other than those covered in Subparagraphs (1) and (2) of this Paragraph which are required for North Carolina accreditation purposes shall meet the requirements of this Rule. Roofing worker or roofing supervisor courses taught prior to the effective date of these Rules and after August 10, 1994, that met the requirements of Rule .0611 of this Section shall be considered acceptable for accreditation purposes.

(b) Refresher training courses shall review and discuss changes in the Federal and State regulations, developments in the state-of-the-art procedures, and key aspects of the initial courses outlined under 40 CFR Part 763, Subpart E, Appendix C or Rule .0611 of this Section, as applicable.

(c) At the completion of the refresher training courses in all disciplines, the training provider shall administer a written closed book examination, approved by the Program. The requirements for the examination shall consist of a minimum of 25 multiple choice questions. For successful completion of the course the applicant shall pass the exam with a minimum score of 70 percent.

(d) Training courses shall be evaluated to maintain approval by the Program for course administration, course length, curriculum, training methods, instructors' qualifications, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 763, Subpart E, Appendix C, Rules .0608 and .0611 of this Section, or NIOSH 582 curriculum, as applicable, which are hereby incorporated by reference, including any subsequent amendments and editions. These documents are available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915. Copies of 40 CFR Part 763, Subpart E, Appendix C may be obtained by writing to the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty-six dollars (\$26.00). Copies of the NIOSH 582 curriculum may be obtained by writing the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915 at a cost of thirty-five dollars (\$35.00).

(e) Training course providers shall submit the following for evaluation and approval by the Program:

- (1) a completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
  - (A) name, address, and telephone number of the training provider, and name and signature of the contact person;
  - (B) course title, location and the language in which the course is to be taught;
  - (C) a student manual and an instructor manual for each course and a content checklist that identifies and locates sections of the manual where required topics are covered;
  - (D) course agenda;
  - (E) a copy or description of all audio/visual materials used;
  - (F) a description of each hands-on training activity;
  - (G) a copy of a sample exam;
  - (H) a sample certificate with the following information; and
    - (i) Name and social security number of student;
    - (ii) Training course title specifying initial or refresher;
    - (iii) Inclusive dates of course and applicable examination;
    - (iv) Statement that the student completed the course and passed any examination required;
    - (v) Unique certificate number as required;

- (vi) For courses covered under 40 CFR Part 763, Subpart E, Appendix C, certificate expiration date that is one year after the date the course was completed and the applicable examination passed;
  - (vii) Printed name and signature of the training course administrator and printed name of the principal instructor;
  - (viii) Name, address, and phone number of the training provider;
  - (ix) Training course location;
  - (x) For courses required under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act; and
  - (xi) For training courses taught in languages other than English, the certificate shall indicate the language of the course.
- (I) a list of training currently being provided.
  - (2) A list of instructors and their qualifications in accordance with Rule .0608 of this Section.
- (f) An application for course approval shall be processed as follows:
- (1) The Program shall review the application and supporting documentation submitted pursuant to Paragraph (e) of this Rule and advise the applicant of any deficiencies;
  - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit; of a training course taught in North Carolina; approval of submitted documentation does not constitute course approval;
  - (3) If the Program determines, as a result of the audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet these requirements, the Program shall notify the applicant of the deficiencies and advise that applicant that it may request one additional audit, which shall be held no more than six months from the date of the first audit; a request for audit after that time shall require a new application and fee;
  - (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may not reapply for course approval for the audited course for a period of six months from the date of the last audit;
  - (5) The Program shall not accept certificates pursuant to Rule .0602 of this Section for a training course that is not approved or deemed approved pursuant to this Rule.
- (g) Training course providers shall perform the following in order to maintain approval of all initial and refresher courses:
- (1) Issue a certificate of training meeting the requirements of Part (e)(1)(H) of this Rule to any student who completes the required training and passes the applicable examination.
  - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina asbestos accreditation purposes if the course is to be taught in North Carolina or if requested by the Program. Notices for training courses, except asbestos worker, shall be postmarked or received 10 working days before the training course begins. Notices for asbestos worker training courses shall be postmarked or received five working days before the training course begins. If the training course is canceled, the training course provider shall notify the Program at least one working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
    - (A) Training provider name, address, phone number and contact person;
    - (B) Training course title;
    - (C) Inclusive dates of course and applicable exam;
    - (D) Start and completion times;
    - (E) Identify whether the course is public offering, contract training, or for the training provider's employees;
    - (F) Location and directions to course facility;
    - (G) Language in which the course is taught; and
    - (H) Principal instructor.

- (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, training course administrator or contact person. The changes must be approved by the Program in order for the course to be acceptable for accreditation purposes.
  - (4) Submit to the Program information and documentation for any course approved under Subparagraph (a) of this Rule if requested by the Program.
  - (5) Ensure that all instructors meet the requirements of Rule .0608 of this Section and are approved by the Program.
  - (6) Ensure that all training courses covered under this Rule meet the following requirements:
    - (A) All initial training courses shall have a maximum of 40 students;
    - (B) A day of training shall include at least six and one-half hours of direct instruction, including classroom, hands-on training or field trips;
    - (C) Regular employment and instruction time shall not exceed 12 hours in a 24 hour period;
    - (D) A training course shall be completed within a two-week period;
    - (E) All instructors and students shall be fluent in the language in which the course is being taught;
    - (F) An interpreter shall not be used;
    - (G) Upgrading worker accreditation to that of supervisor by completing only one day of initial training is not permitted. Separate initial training as a supervisor is required;
    - (H) A single instructor is allowed only for a worker course. Other initial disciplines shall have a minimum of two instructors;
    - (I) Instructor ratio for hands-on shall be no more than 10 students per instructor;
    - (J) All course materials shall be in the language in which the course is being taught;
    - (K) Each training course required by 40 CFR Part 763, Subpart E, Appendix C, shall be discipline specific;
    - (L) Students shall be allowed to take an examination no more than twice for each course. After two failures, the student shall retake the full course before being allowed to retest; and
    - (M) Training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.
  - (7) Verify, by photo identification, the identity of any student requesting training.
  - (8) For each course approved or deemed approved by the Program under Paragraph (a) of this Rule and taught in North Carolina, the training provider shall submit a completed renewal application on a form provided by the Program. Effective January 1, 1995, a renewal application shall be submitted prior to the next course offering and annually thereafter. If an annual training course renewal lapses, the provider shall submit a renewal application prior to offering the course again in North Carolina. Training courses approved by the Program under Paragraph (f) of this Rule shall be taught at least once every three years in North Carolina.
  - (9) Training courses required or recommended under 40 CFR Part 763, Subpart E, Appendix C, shall meet the requirements therein.
  - (10) Work practice and worker protection demonstrations and hands-on exercises, including, but not limited to respirator fit testing, presented in all training courses covered under this Rule shall be conducted following the procedures provided in 29 CFR 1926.1101 which is incorporated by reference in Rule .0601(c) of this Section.
- (h) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with 40 CFR Part 763, Subpart E, Appendix C and these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.
- (i) In accordance with G.S. 130A-23, the Program may revoke approval for a training course for violation of this Rule and shall revoke approval upon revocation of approval by the Environmental Protection Agency or by any state with an Environmental Protection Agency-approved accreditation program. A training provider whose approval has been revoked by the Program shall not be eligible for reapproval for a period of one year from the date of revocation. The Program shall also revoke course approval for all courses taught by a training provider upon a

finding that the training course provider has issued one or more certificates to an individual who did not actually attend the course, either initial or refresher, and pass the examination. When course approval is revoked for improper issuance of certificates, the training course provider shall not be eligible for reapproval for a period of three years from the date of revocation.

*History Note:* Authority G.S. 130A-5(3); 130A-447; P.L. 99-519;  
Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1989;  
Eff. February 1, 1990;  
Amended Eff. October 1, 1994; August 1, 1991;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.

**10A NCAC 41C .0604 ASBESTOS MANAGEMENT PLANS**

(a) All Local Education Agencies as defined in 40 CFR Part 763, Subpart E shall submit Asbestos Management Plans for school buildings to the Program on forms provided by the Program. Asbestos Management Plans shall meet the requirements contained in 40 CFR Part 763, Subpart E.

(b) In addition to the requirements in Paragraph (a) of this Rule, the management plan shall identify, locate, classify, quantify, and assess asbestos containing building materials.

(c) All Local Education Agencies shall submit to the Program, within 120 days of the actual on-site reinspection, the Asbestos Hazard Emergency Response Act reinspection reports as required under 40 CFR Part 763, Subpart E. These reports shall be submitted on forms provided by the Program.

(d) All inspectors and management planners developing management plans and reinspection reports under the Asbestos Hazard Emergency Response Act shall comply with all requirements of 40 CFR Part 763, Subpart E and the rules of this Section.

*History Note: Authority G.S. 130A-5(3); 130A-445; P.L. 99-519;  
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February  
16, 2019.*

#### **10A NCAC 41C .0605 ASBESTOS CONTAINING MATERIALS REMOVAL PERMITS**

(a) No person shall remove more than 35 cubic feet (1 cubic meter), 160 square feet (15 square meters) or 260 linear feet (80 linear meters) of regulated asbestos containing material, without a permit issued by the Program. This permitting requirement is applicable to:

- (1) individual removals that exceed the threshold amounts addressed in this Paragraph;
- (2) nonscheduled asbestos removals conducted at an installation that exceed the threshold amounts addressed in this Paragraph in a calendar year of January 1 through December 31. Other asbestos abatement activities are exempt from the permit requirements of G.S. 130A-449.

(b) All applications shall be made on a form provided or approved by the Program. The application submittal shall include at least all of the information specified under the notification requirements of 40 CFR Part 61.145(b), Subpart M as adopted in Rule .0609 of this Section. Applications for asbestos containing material removal permits shall adhere to the following schedule.

- (1) Applications for individual asbestos removals shall be postmarked or received by the Program at least 10 working days prior to the scheduled removal start date. For emergency renovation operations involving asbestos removal, the 10 working days notice shall be waived. An application for a permit for the emergency renovation operation shall be postmarked or received by the Program as early as possible before, but not later than, the following working day. Permit applications for emergency renovation operations shall be accompanied by a letter from the owner or his representative explaining the cause of the emergency;
- (2) Applications for nonscheduled asbestos removals shall be postmarked or received by the Program at least 10 working days before the start of the calendar year and shall expire on or before the last day of the same calendar year. Reports of the amount of regulated asbestos containing material removed shall be made at least quarterly to the Program.

(c) Application for revision to an issued asbestos removal permit shall be made by the applicant in writing on a form provided by the Program and shall be received by the Program in accordance with the following:

- (1) Revision to a start date for a project that will begin after the start date stated in the approved permit shall be received on or before the previously stated start date or previously revised start date;
- (2) Revision to a start date for a project that will begin before the start date stated in the approved permit shall be received at least 10 working days before the new start date;
- (3) Revision to a completion date that will be extended beyond the completion date stated in the approved permit shall be received by the original or previously revised completion date;
- (4) Revision to a completion date that will be earlier than the completion date stated in the approved permit shall be received by the new completion date; and
- (5) Revisions to permits other than start or completion dates shall be submitted to the Program prior to initiating the activity which the revision addresses.

(d) The following shall be maintained on site during removal activities and be immediately available for review by the Program:

- (1) a copy of the removal permit issued by the Program and all revisions with the Program's confirmation of receipt;
- (2) a copy of applicable asbestos abatement design and project monitoring plan; and
- (3) photo identification cards issued by the Program for all accredited personnel performing asbestos management activities.

(e) All permitted removal activities shall be conducted in accordance with 40 CFR Parts 61 and 763, Subpart E, where applicable.

(f) All permitted removals shall be conducted under the direct supervision of an accredited supervisor, except that permitted removals of roofing products may be conducted under the direct supervision of an accredited roofing supervisor. The supervisor or roofing supervisor, as applicable, shall be on-site at all times when removal activities are being performed. For the purpose of this Rule, removal activities for roofing products, means the tear off and disposal activities associated with these products, and does not include the roof replacement.

(g) An asbestos abatement design shall be prepared by an accredited abatement designer for each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters) or 656 cubic feet (18 cubic meters), of regulated asbestos containing materials conducted in public areas.

(h) In accordance with G.S. 130A-23, the Program may suspend or revoke the permit for any violation of G.S. 130A, Article 19 or any of the rules of this Section. The Program may also revoke the permit upon a finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue the

permit. Notwithstanding permit suspension or revocation for violation of the rules of this Section, an asbestos removal permit shall also be subject to suspension or revocation if the removal activities are in violation of the following provisions with regard to asbestos abatement, as determined by the agencies which administer these Rules:

- (1) Department of Labor rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;
  - (2) Department of Transportation rules found at Title 19A, of the North Carolina Administrative Code;
  - (3) Solid Waste Management rules found at Chapter 13, Title 15A of the North Carolina Administrative Code.
- (i) All waste shipment records shall be submitted to the Program by the building owner or a representative of the owner for all asbestos removal projects permitted under this Rule. This submittal shall be made on a form provided or approved by the Program. This form shall include at least all of the information specified under the waste shipment record requirements of 40 CFR Part 61, Subpart M, Section 61.150(d) as adopted in Rule .0609 of this Section.
- (j) The following schedule shall be adhered to in the submittal of waste shipment records:
- (1) For individually permitted asbestos removals, the waste shipment records shall be postmarked or received by the Program within 45 days from the completion date provided on the permit; and
  - (2) For nonscheduled asbestos removals, the waste shipment records shall be postmarked or received by the Program within 30 days after the end of each quarter.

*History Note: Authority G.S. 130A-5(3); 130A-449; P.L. 99-519;  
Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;  
Eff. February 1, 1990;  
Amended Eff. October 1, 1994; August 1, 1991;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. July 1, 1996; January 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*

### 10A NCAC 41C .0606 FEES

(a) The fee required by G.S. 130A-450 shall be submitted with an application for the asbestos containing material removal permit. The fees shall be as follows:

- (1) Fees for the removal of floor tiles, cementitious asbestos containing wallboard or panels and asbestos containing roofing material shall be one percent of the contract price or ten cents (\$0.10) per square foot, whichever is greater;
- (2) Fees for the removal of ceiling tiles shall be one percent of the contract price or ten cents (\$0.10) per square foot, whichever is greater;
- (3) Fees for the removal of surfacing material, thermal system insulation and other asbestos containing materials shall be one percent of the contract price or twenty cents (\$0.20) per square or linear foot, whichever is greater;
- (4) Fees for demolition shall be a maximum of three hundred dollars (\$300.00). Demolition, for the purposes of this Rule only, means the act of razing a building or structure, or portion thereof, to the ground. Removal of regulated asbestos containing material from any undemolished portion of a building or structure shall be permitted as an individual asbestos removal; and
- (5) An owner of any single family dwelling in which the owner resides or will reside after the asbestos removal is complete is exempt from permit fees. A permit shall not be issued until the required fee is paid.

(b) The fee required by G.S. 130A-448(a) shall be submitted with an application for accreditation or reaccreditation. The amount of the fee shall be one hundred dollars (\$100.00) for each category, except that the fee for persons applying for accreditation or reaccreditation as workers or roofing workers shall be twenty-five dollars (\$25.00). However, if a person applies for accreditation or reaccreditation in more than one category per calendar year, the amount of the fee shall be one hundred dollars (\$100.00) for accreditation or reaccreditation in the first category and seventy-five (\$75.00) for accreditation or reaccreditation in each remaining category, except for workers. A person shall not be accredited or reaccredited until the required fee is paid.

(c) The fees required by G.S. 130A-448(b) shall be submitted with the application for each initial course approval and each renewal course approval. The amount of the fee shall be one thousand five hundred dollars (\$1,500.00) for each initial course approval and two hundred dollars (\$200.00) for each renewal course approval.

*History Note: Authority G.S. 130A-5(3); 130A-448(a); 130A-448(b); 130A-450; P.L. 99-519; Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990; Eff. February 1, 1990; Amended Eff. October 1, 1994; August 1, 1991; Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Amended Eff. July 1, 1996; January 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*

**10A NCAC 41C .0607 ASBESTOS EXPOSURE STANDARD FOR PUBLIC AREAS**

- (a) The maximum allowable ambient asbestos level in the air for public areas shall be:
- (1) 0.01 fibers per cubic centimeter as analyzed by phase contrast microscopy, or
  - (2) arithmetic mean of less than or equal to 70 structures per millimeter square as analyzed by transmission electron microscopy, or
  - (3) a Z-Test result that is less than or equal to 1.65 as analyzed by transmission electron microscopy.
- (b) For individually permitted asbestos removals, ambient air sampling shall be conducted in public areas adjacent to the work area. Initial sampling shall be conducted on the day that regulated asbestos containing material removal begins. The sampling shall continue on a daily basis unless, or until, the supervising air monitor specifies differently. Potential public asbestos exposure shall be considered when determining the frequency and location of the sampling.
- (c) Clearance air sampling shall be conducted in accordance with Paragraphs (d) and (e) of this Rule for all individually permitted asbestos removal projects conducted in public areas. Clearance air samples shall be analyzed by:
- (1) transmission electron microscopy and comply with the levels specified under Subparagraph (a)(2) or (a)(3) of this Rule for each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters), or 656 cubic feet (18 cubic meters) of regulated asbestos containing material; or
  - (2) transmission electron microscopy or phase contrast microscopy and comply with the levels specified in Paragraph (a) of this Rule for all other permitted asbestos removals, including asbestos removals exceeding threshold amounts stipulated in Subparagraph (c)(1) of this Rule in buildings scheduled for demolition. Demolition, for the purposes of this Rule, means as defined in Rule .0606(a)(4) of this Section.
- (d) Phase contrast microscopy and transmission electron microscopy sampling and analysis methods shall be conducted in accordance with 40 CFR Part 763, Subpart E.
- (e) Sample analysis for phase contrast microscopy or transmission electron microscopy samples shall be performed by a laboratory meeting the requirements of P.L. 99-519 and 40 CFR 763 and accompanying appendices. Laboratories performing phase contrast microscopy analysis pursuant to this Rule shall have a rating of proficient by the American Industrial Hygiene Association's Proficiency Analytical Testing Program. Individuals performing phase contrast microscopy analysis at the asbestos removal location shall be rated proficient in the American Industrial Hygiene Association's Asbestos Analysts Registry Program. If all microscopists in a particular laboratory performing phase contrast microscopy analysis are rated as proficient by the Asbestos Analysts Registry Program, enrollment and proficiency in the Proficiency Analytical Testing Program is not required.
- (f) A final visual inspection shall be conducted by an accredited air monitor or an accredited supervising air monitor for all permitted asbestos removals conducted in public areas. This visual inspection shall be conducted prior to clearance air sampling. The final visual inspection shall assure that all asbestos containing residue, dust, and debris and asbestos contaminated equipment has been removed.
- (g) Any person performing ambient or clearance air sampling or visual inspection during an asbestos removal as specified under Paragraphs (b), (c), and (f) of this Rule shall be retained by the building owner. Neither the accredited supervising air monitor nor accredited air monitor shall be employed by the contractor hired to conduct the asbestos removal except that:
- (1) this restriction in no way applies to personal samples taken to evaluate worker exposure as required by Occupational Safety and Health Act; and
  - (2) this restriction shall not apply when the contractor and air monitor have disclosed their association to the building owner and the building owner approves this association in writing.
- (h) For air sampling and visual inspections conducted under Paragraphs (b), (c), and (f) of this Rule, the supervising air monitor shall:
- (1) Prepare, prior to the removal start date, an abatement project monitoring plan which takes into consideration at least the abatement project scope of work, building use, occupant locations and their potential for exposure to airborne asbestos fibers, type of asbestos containing material, and the asbestos abatement design, including work practices and engineering controls. The plan shall include air sampling procedures, air sample locations and air sampling frequency. This sampling plan may be amended by the supervising air monitor as needed. This requirement shall apply to each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters), or 656 cubic feet (18 cubic meters) of regulated asbestos containing materials;
  - (2) Ensure that ambient air sampling results shall be available on-site:

- (A) within 24 hours of sample collection and analysis by phase contrast microscopy;
- (B) within 48 hours of sample collection and analysis by transmission electron microscopy;
- (3) Personally inspect any individually permitted asbestos removal project:
  - (A) that exceeds 10 working days in length, but does not exceed 30 working days, at least once; or
  - (B) that exceeds 30 working days in length, at least once in the first 30 working days and at least once every 30 working days thereafter;
- (4) Prepare a written, signed and dated report documenting all site visits made to the removal, final visual inspection, and all ambient and clearance air sampling conducted. This report shall be supplied by the supervising air monitor to the building owner. The building owner shall supply a copy of the report to the Program upon request.

*History Note: Authority G.S. 130A-5(3); 130A-446; P.L. 99-519;  
Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;  
Eff. February 1, 1990;  
Amended Eff. October 1, 1994; August 1, 1991;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
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### **10A NCAC 41C .0608 TRAINING COURSE INSTRUCTOR QUALIFICATIONS**

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

(b) All training course providers shall submit to the Program the following:

- (1) a completed application on a form provided by the Program and available at <https://epi.dph.ncdhhs.gov/asbestos/healthaz.html>. A completed application form shall include the following information:
  - (A) name, address, and telephone number of the applicant;
  - (B) name, address and telephone number of the training provider that is employing the applicant;
- (2) when training course completion is a requirement pursuant to Rule .0602 of this Section, confirmation of completion of an approved training course. The confirmation shall be in the form of an original certificate of completion of the approved training course or the following information:
  - (A) the course title;
  - (B) dates of the course instruction;
  - (C) name(s) of instructor(s); and
  - (D) name, address and telephone number of the training provider;
- (3) when education is a requirement, a copy of the high school diploma or equivalent;
- (4) when work experience is a requirement pursuant to Rule .0602 of this Section, documentation of the applicant's work history, including the following:
  - (A) employer name;
  - (B) employer address and phone number;
  - (C) position(s) held by applicant;
  - (D) dates when the applicant held each position; and
  - (E) copies of any licenses, registrations, certifications, or accreditations related to the subject matter to be taught; and
- (5) when experience as an instructor is a requirement pursuant to Rule .0602 of this Section, documentation of instructional experience including the following:
  - (A) name(s) of the course(s) taught;
  - (B) the topic that the applicant taught for each course;
  - (C) the dates of the courses that the applicant taught; and
  - (D) the name, address, and phone number of each training organization for which experience is claimed.

(c) Training courses shall include instruction on specific topics as follows:

- (1) for the worker and roofing worker courses: current best practices;
- (2) for the supervisor and roofing supervisor courses: current best practices and techniques for asbestos abatement activities;
- (3) for the inspector course: pre-inspection planning and review of previous inspection records, inspecting for friable and nonfriable asbestos containing materials and assessing the condition of friable asbestos containing materials, bulk sampling and documentation of asbestos in schools, recordkeeping and writing inspection reports;
- (4) for the management planner course: evaluation and interpretation of survey results, hazard assessment, developing an operations and maintenance plan, recordkeeping for the management planner, and assembling and submitting the management plan;
- (5) for the abatement designer course: safety system design specifications, designing abatement solutions, budgeting and cost estimation, writing abatement specifications, preparing abatement drawings and occupied buildings; and
- (6) for the project monitor course: asbestos abatement contracts, specifications and drawings, response actions and abatement practices, air monitoring strategies, conducting visual inspections, and recordkeeping and report writing.

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

- (1) For the worker initial and refresher and the supervisor initial and refresher courses:
  - (A) the applicant shall have completed the initial and subsequent refresher training course requirements for supervisor; and

- (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
  - (i) If the applicant does not possess either a high school diploma or equivalent, the applicant shall:
    - (I) have at least 1440 hours experience in a worker or supervisory capacity in a contained work area; and
    - (II) have at least 360 hours as an instructor in an Environmental Protection Agency-approved or Program approved worker course.
  - (ii) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
    - (I) have at least 960 hours experience in a worker, supervisory, or consulting capacity in a contained work area; or
    - (II) have at least 240 hours as an instructor in an Environmental Protection Agency-approved or Program approved asbestos worker or supervisor course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
  - (iii) If the applicant possesses at least an associate degree from an accredited college or university, the applicant shall:
    - (I) have at least 480 hours experience in a worker, supervisory, or consulting capacity in a contained area; or
    - (II) have at least 120 hours as an instructor in an Environmental Protection Agency-approved or Program approved asbestos worker or supervisor course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
- (2) For the inspector initial and refresher courses:
  - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for inspector; and
  - (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
    - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
      - (I) have documented experience, including asbestos inspections in at least 1,000,000 square feet of building space in the past three years; or
      - (II) have at least 60 hours as an instructor in an Environmental Protection Agency-approved or Program approved inspector course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
    - (ii) If the applicant possesses at least an associate degree from an accredited college or university, the applicant shall:
      - (I) have documented experience, including asbestos inspections in at least 500,000 square feet of building space in the past three years; or
      - (II) have at least 40 hours as an instructor in an Environmental Protection Agency-approved or Program approved inspector course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
- (3) For the management planner initial and refresher courses:
  - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for management planner; and

- (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
  - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
    - (I) have documented management planning experience showing at least 25 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 25 asbestos projects in the past three years, or a combination of management plans and projects managed; or
    - (II) have at least 48 hours as an instructor in an Environmental Protection Agency-approved or Program approved management planner course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
  - (ii) If the applicant possesses at least an associate degree from an accredited college or university, the applicant shall:
    - (I) have documented management planning experience showing at least 12 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 12 asbestos projects in the past three years, or a combination of management plans and projects managed; or
    - (II) have at least 32 hours as an instructor in an Environmental Protection Agency-approved or Program approved management planner course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
- (4) For the project designer initial and refresher courses:
  - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for abatement project designer; and
  - (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
    - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
      - (I) have documented asbestos abatement project design experience including the design of at least 12 asbestos projects in the past three years; or
      - (II) have at least 30 hours as an instructor in an Environmental Protection Agency-approved or Program approved abatement project designer course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
    - (ii) If the applicant possesses at least an associate degree from an accredited college or university, the applicant shall:
      - (I) have documented asbestos abatement project design experience, including the design of at least six asbestos projects in the past three years; or
      - (II) have at least 20 hours as an instructor in an Environmental Protection Agency-approved or Program approved abatement project designer course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR Parts 1910 and 1926 or environmental safety and health topics described in 40 CFR Parts 50 through 503, Parts 700 through 799, and Parts 1000 through 1099.
- (5) For the project monitor initial and refresher courses:

- (A) the applicant shall meet the qualifications for project designer instructor under Subparagraph (d)(4) of this Rule or the qualifications for supervisor instructor under Subparagraph (d)(1) of this Rule to teach the work practice topics of asbestos abatement contracts, specifications and drawings or response action and abatement practices;
- (B) the applicant for work practice topics of air monitoring strategies, conducting visual inspections, and recordkeeping and report writing shall:
  - (i) possess either a high school diploma or equivalent;
  - (ii) successfully complete a Program approved NIOSH 582 course, Program approved NIOSH 582 Equivalency Course or a Program approved project monitor course; and
  - (iii) have documented asbestos air monitoring experience on at least six asbestos removals.

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

- (1) be currently working in the field of expertise in which training is conducted; and
- (2) have a minimum of a high school diploma or equivalent.

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

- (1) have a high school diploma or equivalent;
- (2) attend a NIOSH 582 training course or a Program approved NIOSH 582 Equivalency Course; and
- (3) for teaching the NIOSH 7400 Method, have at least three months work experience as a microscopist performing analysis using the NIOSH 7400 Method.

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

- (1) have a high school diploma or equivalent;
- (2) successfully complete either an initial asbestos supervisor or initial asbestos roofing supervisor course, and subsequent annual refreshers courses;
- (3) successfully complete an initial asbestos inspector course; and
- (4) have at least three months' experience as a roofing supervisor or asbestos supervisor.

*History Note: Authority G.S. 130A-447;  
Eff. October 1, 1994;  
Amended Eff. July 1, 1996;  
Readopted Eff. January 1, 2021.*

**10A NCAC 41C .0609 ASBESTOS NESHAP FOR RENOVATIONS AND DEMOLITIONS**

(a) Each owner or operator of a renovation or demolition activity, as defined in 40 CFR 61.141, shall comply with all applicable requirements of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) for renovations and demolitions as found in 40 CFR Part 61, Subparts A and M. 40 CFR Part 61, Subparts A and M are hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915. Copies may be obtained free of charge by writing the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915.

(b) All reports, applications, submittals, and other communications required to be submitted under Paragraph (a) of this Rule shall be submitted to the Director, Division of Epidemiology, rather than to the Environmental Protection Agency, except that such asbestos NESHAP documents pertaining to renovations and demolitions within local air pollution program jurisdictions shall be submitted to the local program.

*History Note: Authority G.S. 130A-451;  
Temporary Adoption Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. January 1, 1995;  
Amended Eff. July 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*

### **10A NCAC 41C .0610 LOCAL AIR POLLUTION PROGRAMS**

The Department shall authorize local air pollution programs certified as of October 1, 1994, pursuant to G.S. 143-215.112 to enforce the asbestos NESHAP for renovations and demolitions so long as the local program maintains its certification pursuant to G.S. 143-215.112.

*History Note: Authority G.S. 130A-452;  
Temporary Adoption Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*

### **10A NCAC 41C .0611 REQUIREMENTS FOR ASBESTOS ROOFING TRAINING COURSES**

(a) Pursuant to Rule .0602 of this Section, applicants for accreditation and reaccreditation as a roofing worker or roofing supervisor are required to successfully complete a training course approved by the Program under this Rule. Initial and refresher training courses for roofing workers and roofing supervisors shall meet requirements of this Rule and Rule .0603 of this Section.

(b) Initial training courses for roofing workers shall be at least one day in length and cover the following topics:

- (1) Physical characteristics of asbestos, including the identification of asbestos, the aerodynamic characteristics, and the typical uses of asbestos in roofing materials;
- (2) Health effects related to asbestos exposure, including the nature of asbestos related diseases, the routes of exposures, the dose-response relationship, the lack of a safe exposure level, the latency period, cigarette smoking and asbestos exposure, medical surveillance programs, and information on smoking cessation programs;
- (3) State-of-the art work practices, including proper work techniques to minimize fiber release, removal procedures for cement roofing products versus built-up roofing products, discussion of prohibited work practices, wetting, hand tools, power tools, HEPA vacuumed tools, waste disposal procedures, and controlling access to work areas;
- (4) Personal protection equipment, including the classes and characteristics of respirator types, limitations, proper selection, inspection, donning, use and storage procedures for respirators, fit testing, components of a proper respiratory protection program, selection and use and storage of non-disposable clothing, hard hats, safety glasses, and non-slip shoes;
- (5) Personal hygiene, including entry and exit procedure for the work area, avoidance of eating, smoking, and chewing in the work area, and potential exposures, such as family exposures;
- (6) Safety practices and hazard prevention during removal of roofing materials and emergency procedures, including hazards posed by wet working conditions, electrical hazards, slips, trips, heat/cold stress, falls, and scaffold and ladder hazards; and
- (7) Review of state, federal, and local rules and regulations, including, an overview of the asbestos regulations under the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61, Subpart M), Occupational Safety and Health Act (29 CFR 1926.1101), these Rules, and other pertinent rules and regulations.

(c) Initial training courses for roofing supervisors shall be at least two days in length and cover the topics under Paragraph (b) of this Rule. The following additional topics shall be covered in roofing supervisor courses:

- (1) Discussion of the competent person duties required by the Occupational Safety and Health Act, Asbestos Construction Standard, 29 CFR 1926.1101(o), as adopted by 13 NCAC 7F .0201 and amendment or recodification as adopted by the North Carolina Department of Labor;
- (2) Pre-work activities and considerations, including the determination of asbestos containing roofing products, bulk sampling procedures, analytical methods, inspection reports, and air monitoring procedures;
- (3) Assessment of the work area, including isolation of the work area, considerations if the work area is adjacent to an occupied area, and items requiring special protection;
- (4) Site considerations and preparations, designating the regulated areas, setting up the barricade, and warning signs; and
- (5) Supervisory techniques, including worker training, housekeeping, recordkeeping, and documentation requirements.

(d) The state-of-the-art work practice topics shall include a segment of hands-on activities, which allows the students an opportunity to use and handle equipment found on asbestos roofing projects. The hands-on activities shall be a minimum of two hours for the roofing worker course and four hours for roofing supervisor course.

(e) The refresher training course for roofing workers shall be at least one-half day and for the roofing supervisor course shall be at least one day in length. These courses shall review and discuss changes in the Federal and State regulations, developments in the state-of-the-art work procedures, and key aspects of the initial courses as provided in Paragraphs (b) and (c) this Rule.

(f) At the completion of the initial roofing worker and roofing supervisor course the training provider shall administer a written closed book examination, approved by the Program. The examination shall be in multiple choice format, with a minimum of 50 questions for the roofing supervisor course and 25 questions for the roofing worker course. For successful completion of the course, the student shall pass the examination with a minimum score of 70 percent. The refresher training course examination for these disciplines shall meet the requirements of Rule .0603(c) of this Section.

*History Note: Authority G.S. 130A-447;  
Eff. July 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.*