

# State of Alaska Occupational Safety and Health



## Asbestos Abatement Statutes and Regulations



ALASKA DEPARTMENT OF LABOR  
& WORKFORCE DEVELOPMENT

**Article 8**  
**Asbestos Abatement Certification**

**Section**

- 600. Certification required.
- 610. Training.
- 620. Training program and contractor plan approval required.
- 630. Application for training program approval.
- 635. Application for renewal course approval.
- 640. Changes to an approved training program or contractor plan.
- 650. (Repealed).
- 660. Action on applications.
- 670. Duration of training program approval.
- 680. Minimum instructor qualifications.
- 690. (Repealed).
- 700. Initial Course Requirements.
- 710. Examination.
- 720. Issuance and duration of certificate.
- 730. Certificate fees.
- 735. (Repealed).
- 740. Renewal course requirements and renewal of certificate.
- 745. Notification of department.
- 750. Suspension or revocation of certificate.
- 760. Withdrawal of training program approval.
- 765. Citation and penalties.
- 770. Appeals.
- 780. Department monitoring of training programs.
- 785. Course provider recordkeeping.
- 790. Definitions.

**8 AAC 61.600. Certification required**

A person performing, directly supervising, or monitoring asbestos abatement work must have a certificate issued under 8 AAC 61.720. The certificate must be in the

person's possession when performing work subject to AS 18.31.200, and must be shown to a representative of the department upon request. (Eff. 10/1/85, Register 96)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.610. Training**

An employer must assure that an employee who performs, designs, directly supervises, or monitors asbestos abatement work has a current certification, as specified in 8 AAC 61.600, through a department-approved asbestos abatement training program.

(Eff. 10/1/85, Register 96; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.620. Training program and contractor plan approval required**

(a) Before a person, association, union, corporation, contractor, or other entity may undertake a program to train and certify persons under AS 18.31.200, the person, association, union, corporation, contractor, or other entity must submit to the department an application, as described in 8 AAC 61.630, and obtain approval of the program from the department.

(b) Before a contractor may undertake work to abate an asbestos health hazard, the contractor must submit to the department, and receive approval of, a plan that assures that its employees are certified as required under 8 AAC 61.600. The plan must include

(1) the names and certificate numbers of the employees who will be employed to abate the asbestos health hazard;

(2) the starting and ending dates of the abatement project; and

(3) the location of the abatement project.

(c) The plan required under (b) of this section, as approved by the department, must be available at the asbestos abatement worksite. (Eff. 10/1/85, Register 96; am 1/4/90, Register 113)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.630. Application for training program approval**

(a) An application for approval of an asbestos abatement training program submitted to the department must include

(1) the applicant's name, address, telephone number, and social security number;

(2) a detailed description of the topics, including the amount and type of hands-on training, used in the training course, which verifies inclusion of the subjects and procedures described in 8 AAC 61.700;

(3) a description of all audio-visual materials to be used in the training course;

(4) a copy of the written examination and a detailed description of the practical examination to be administered to trainees to test their skills and knowledge; information must be provided to describe the length, format, and passing score of the written and practical examinations used to test the trainees' skill and knowledge;

(5) a detailed description of the scoring methodology to be used in grading the written and practical examinations described in 8 AAC 61.710, and a detailed statement about the development of the examination used in the course;

(6) the names of the course instructors and a description of the instructors' qualifications, which verifies that the instructors meet the minimum qualifications in 8 AAC 61.680;

(7) an application fee of \$1,000;

(8) a list of any other states that currently approve the training course;

(9) a copy of all course materials, including student manuals, instructor notebooks, and handouts; and

(10) a copy of the instructions provided to students that specify the procedures that students must follow under 8 AAC 61.720 and 8 AAC 61.730 to obtain an asbestos certification after successful completion of the initial training course.

(b) The department will, in its discretion, request copies of the audio-visual materials described in (a)(3) of this section. After its review, the department will return the materials to the applicant. (Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.635. Application for renewal course approval**

(a) The training provider must have an approved training course under 8 AAC 61.630 in order to receive approval to instruct an asbestos renewal course.

(b) The renewal course specified in (a) of this section must be conducted as a separate and distinct course and may not be combined with any other training during the period of the renewal course.

(c) An application for approval of an asbestos abatement training program submitted to the department must include

(1) the applicant's name, address, telephone number, and social security number;

(2) a detailed description of the

(A) topics, including the amount and type of hands-on training as appropriate;

(B) audio-visuals used in the training course, which verifies inclusion of the subjects; and

(C) procedures described in 8 AAC 61.740;

(3) a copy of all course materials, including student manuals, instructor notebooks, and handouts;

(4) the names of the course instructors and a description of the ins' qualifications, which verifies that the instructors meet the minimum qualifications in 8 AAC 61.680;

(5) a list of any other states that currently approve the training course; and

(6) a copy of the instructions provided to students that specify the procedures that students must follow under 8 AAC 61.720, 8 AAC 61.730, and 8 AAC 61.740 to obtain an asbestos certification after successful completion of the renewal training course.

(d) The department will, in its discretion, request copies of the audio-visual materials described in (c)(2) of this section. After its review, the department will return the materials to the applicant. (Eff. 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.640. Changes to an approved training program or contractor plan**

(a) A change to an approved asbestos abatement training program or contractor plan must be approved by the department before any implementation of the proposed change. A filing fee of \$250 must be submitted with any proposed content change.

(b) If a change in state or federal asbestos regulations occurs, the department will notify approved training programs of the change. The training program then must incorporate the change into its next scheduled training course.

(c) The department must be notified in writing of a proposed change of course instructors demonstrating that the proposed instructors meet the requirement of 8 AAC 61.880. The proposed instructors may not begin to provide instruction until the department has, in writing, approved the instructors. (Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.650. Contractor's plan**

Repealed 1/4/90.

**8 AAC 61.660. Action on applications**

(a) The department will, within 90 days after receipt,

(1) review an application filed under 8 AAC 61.620(a) that meets the requirements

of 8 AAC 61.630, or 8 AAC 61.635, as appropriate; and

(2) review a contractor's plan that meets the requirements of 8 AAC 61.620(b).

(b) If an application for a training program or contractor plan does not meet the requirements of 8 AAC 61.630, 8 AAC 61.635, or 8 AAC 61.620(b), as applicable, the department will assist the applicant in meeting the requirements by outlining the deficiencies and suggesting solutions. (Eff. 10/1/85, Register 96; am 1/4/90, Register 113; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.670. Duration of training program approval**

(a) The department's approval of a training program is valid for one year after the date of approval unless the department withdraws approval of the program under 8 AAC 61.760.

(b) The department will renew its approval of an initial training program for a period of one year, if

(1) the department has not withdrawn approval of the training program;

(2) the applicant submits an application that meets the requirements of 8 AAC 61.630 or an affidavit stating that no changes in the program have occurred; and

(3) the applicant submits a nonrefundable filing fee of \$250.

(c) The department will renew its approval of a renewal training program for a period of one year, if

(1) the department has not already withdrawn approval of the renewal training program;

(2) the applicant submits an application that meets the requirements of 8 AAC 61.635 or an affidavit stating that no changes in the program have occurred;

(3) the applicant has met the requirements of 8 AAC 61.670(b); and

(4) the initial course has not been withdrawn or revoked under 8 AAC 61.760. (Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151)  
Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.680. Minimum instructor qualifications**

(a) An instructor of a training program that certifies persons under 8 AAC 61.720 must

(1) be an industrial hygienist who

(A) is certified by the American Board of Industrial Hygiene; or

(B) has asbestos field experience doing air and bulk asbestos sampling and has made written recommendations to an employer or organization on at least three occasions, regarding the abatement of asbestos health hazards; or

(2) have education and experience that includes

(A) at least

(i) five days of Asbestos Hazard Emergency Response Act (AHERA) Supervisor/Contractor training at an asbestos training course recognized by the U.S.

Environmental Protection Agency, that includes training on the subjects and procedures described in 8 AAC 61.700; and

(ii) two years of experience in asbestos abatement work, asbestos abatement training, or a combination of the two; or

(B) at least five years of experience as a safety professional.

(b) Repealed 9/27/2008.

(c) Nothing in this section prevents a person who does not meet the requirements of this section from assisting a qualified instructor in conducting a training course, except that the qualified instructor must be present at all times during the training course. The initial training course must have a minimum of two qualified instructors that meet the qualifications under (a)(1) or (a)(2) of this section. The renewal training course may have only one instructor qualified under (a)(1) or (a)(2) of this section.

(d) The department will, in its discretion, require proof that an instructor meets the minimum qualifications described in (a) of this section.

(e) In this section

(1) "industrial hygienist" means a person who has a bachelor of science degree in an environmental or health-related science, with training in chemistry and toxicology, and at least two years of experience in industrial health;

(2) "safety professional" means an individual who, by virtue of specialized knowledge and skill, has achieved professional status in the safety field.

(Eff. 10/1/85, Register 96; am 2/7/86, Register 97; am 9/10/99, Register 151; am 9/27/2008, Register 187)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.690. Consideration of previous training**

Repealed 1/4/90.

### **8 AAC 61.700. Initial Course Requirements**

(a) An initial training course must

(1) be conducted in the state;

(2) provide two department-approved instructors that meet the requirements of 8 AAC 61.680;

(3) provide at least 40 hours of instruction given in a five-day period, with 14 hours of hands-on training that includes subject matter instruction on

(A) topics and definitions specified in 40 C.F.R. Part 763, Appendix C to Subpart E, (D)(B)(2), revised as of July 1, 1998, of the course requirements for contractors/supervisors in the AHERA;

(B) notification requirements specified for demolition and renovation in 40 C.F.R. Part 61, Subpart M (National Emission Standard Hazardous Air Pollutants (NESHAP) for asbestos), revised as of July 1, 1998;

(C) proper disposal of asbestos-containing materials and clothing, including the requirements of 40 C.F.R. Part 61, Subpart M (NESHAP), revised as of July 1, 1998, and the Alaska Department of Environmental Conservation (ADEC) under

18 AAC 61.450 pertaining to disposal of asbestos;

(D) proper emission and disposal controls and regulations in 40 C.F.R. Part 61, Subpart M (NESHAP), revised as of July 1, 1998;

(E) all of 29 C.F.R. 1926.1101, revised as of July 1, 1998, asbestos standard, including all appendices;

(F) all of 29 C.F.R. 1910.134, revised as of July 1, 1998, pertaining to respiratory protection when working with asbestos;

(G) the additional respiratory protection standards under 8 AAC 61.1030;

(H) proper asbestos spill response, including

(i) evacuation and isolation of the spill area;

(ii) the need for exposed persons who were inadequately protected to shower and change clothes;

(iii) selection of personal protective equipment and clothing for cleaning up a spill; and

(iv) techniques for cleaning up minor versus major asbestos fiber release after a spill;

(I) proper use and application of surfactants and encapsulants.

(b) The 14 hours of hands-on training described in (a)(3) of this section must include, in addition to any audio-visual instruction provided;

(1) the use of barrier and decontamination systems, airlocks, and hepa-filtered negative pressure ventilation;

(2) proper tool selection, including selection of tools with HEPA vacuum attachments;

(3) proper contamination prevention and decontamination procedures;

(4) proper work area preparation, including

(A) assembly and maintenance of airlock, barrier, and decontamination systems; and

(B) recognition of flaws in a decontamination setup which could cause inhalation of asbestos fibers, or contamination of clothing or the environment;

(5) proper working techniques for minimizing fiber release as specified for various classes of work in 29 C.F.R. 1926.1101, revised as of July 1, 1998, including

(A) wet methods and use of surfactants, including water injection and airless spray techniques;

(B) scoring and breaking techniques for rigid asbestos products; and

(C) glove bag techniques to meet specifications in 29 C.F.R. 1926.1101, revised as of July 1, 1998, including

(i) selection and maintenance of personal protective equipment and clothing;

(ii) pipe lagging preparation;

(iii) sequence of glove bag operations;

(iv) proper clean up, disposal, and tool decontamination procedures; and

(v) proper cleaning and disposal of personal protective equipment and clothing;

(6) proper takedown and disposal techniques and procedures;

(7) qualitative or quantitative fit testing of each trainee in accordance with fit test protocols found in Appendix A, 29 C.F.R. 1910.134, revised as of July 1, 1998, and

(8) proper methods of respirator inspection, maintenance, cleaning, and storage.

(c) Only mock asbestos materials, such as plaster, may be used for the hands-on training required under (b) of this section or other practical training the instructor may provide. Asbestos may be used only for observation by trainees and must be enclosed in glass or plastic.

(d) Each trainee must be provided with a copy of the Alaska Occupational Safety and Health regulations, 29 C.F.R. 1926.1101, EPA asbestos regulations (40 C.F.R. Part 61, Subpart M, and 40 C.F.R. Part 763) revised as of July 1, 1998, and the training manual used during the course. (Eff. 10/1/85, Register 96; am 2/7/86, Register 97; am 1/4/90, Register 113; am 11/7/93, Register 128; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.710. Examination**

(a) An examination must be given to each trainee to test the trainee's knowledge and skill in the subjects and procedures covered by the initial training course. The examination must include

(1) a closed-book written examination that tests the trainee's knowledge of the material covered in 8 AAC 61.700(a); and

(2) a practical examination that tests the trainee's

(A) skills in the techniques and procedures covered in the course under 8 AAC 61.700(b); and

(B) ability to wear a respirator for at least one hour during activities similar to asbestos abatement work.

(b) The examination will consist of a written test of 100 multiple-choice questions, and a practical examination. The passing grade for both the written and the practical examination is 70 percent.

(c) An oral examination by the course instructor may be substituted for the written test with the department's approval.

(d) Trainees may not be provided with copies of the written and practical tests before or after the test is administered to the trainees. Test materials must be returned to the instructor. Examination papers must be numbered and the trainee's name must be on each examination paper. Only the instructor may grade the tests. The instructor may verbally review the test questions after all tests have been returned. (Eff. 10/1/85,



Register 96; am 1/4/90, Register 113; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.720. Issuance and duration of certificate**

(a) A training provider must provide notification to the department in accordance with 8 AAC 61.745.

(b) A person may submit an application for certification after successfully completing a department-approved training course in accordance with 8 AAC 61.700 and 8 AAC 61.710, and must include with the application

(1) payment of a fee in accordance with 8 AAC 61.730(a);

(2) a head and shoulders photograph that is at least two inches by two inches in size or have a photograph taken at the Department of Labor and Workforce Development, Division of Labor Standards and Safety;

(3) the person's name, height, weight, social security number, date of birth, current address, telephone number, and name of employer if applicable;

(4) the dates of the course attended;

(5) whether initial or renewal course; and

(6) name of the training provider.

(c) The department will issue an initial certificate that is valid for one year from the date of successful completion of the initial course or, in the case of renewal, one year from completion of the renewal training

course. The certificate will contain the following information:

(1) the certificate holder's name, height, weight, social security number, date of birth, and current address; and

(2) the date that the certificate is issued, the date that the certificate expires, and the unique certificate number.

(d) For each certificate holder, the department shall maintain the following information:

(1) the name of the certificate holder;

(2) whether the certificate holder has a supervisor/contractor designation;

(3) the date that the certificate holder took the initial training course;

(4) the date that the certificate holder took the renewal training course, if applicable;

(5) the date that the certificate holder took the initial training course examination;

(6) the name, address and telephone number of the training provider that provided the certificate holder with the required training;

(7) that the person receiving the certificate has completed the requisite asbestos training for certification under TSCA Title II; and

(8) the expiration date of the certificate.

(e) A person who has successfully completed the initial or renewal course must

submit an application to the department for certification to perform asbestos work.

(f) Repealed 9/27/2008.

(g) The department will require a person, who fails to renew a certificate in accordance with 8 AAC 61.740 within one year of the certification expiration date, to repeat the initial course in accordance with 8 AAC 61.700 and 8 AAC 61.710.

(h) A person may not perform asbestos work as defined under 8 AAC 61.600 without a current certificate issued under this chapter. (Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151; am 9/27/2008, Register 187)  
Authority: AS 18.31.020 AS 18.31.200

**Editor's note:** A photograph required under 8 AAC 61.720(b) may be taken at the Department of Labor and Workforce Development, Division of Labor Standards and Safety, 3301 Eagle Street, Anchorage, Alaska, Monday through Friday, from 8:00 a.m. to 3:30 p.m.

### **8 AAC 61.730. Certificate fees**

(a) An applicant shall pay a fee of \$100 to the department for a certificate and \$25 for a duplicate certificate issued under 8 AAC 61.720.

(b) Repealed 9/10/99. (Eff. 10/1/85, Register 96; am 1/4/90, Register 113; am 11/7/93, Register 128; am 9/10/99, Register 151; am 6/14/2006, Register 178; am 9/27/2008, Register 187)  
Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.735. Special requirements for persons performing abatement work**

### **under the Asbestos Hazard Emergency Response Act**

Repealed.

(Eff. 1/4/90, Register 113; repealed 9/10/99, Register 151)

### **8 AAC 61.740. Renewal course requirements and renewal of certificate**

(a) A renewal course must

(1) be conducted in the state;

(2) provide an instructor that meets the requirements of 8 AAC 61.680; and

(3) must provide at least eight hours of instruction.

(b) A certificate issued under 8 AAC 61.720 may be renewed if

(1) the certificate holder pays the required fee under (c) of this section;

(2) an instructor of a training program approved under 8 AAC 61.660(a) certifies that the certificate holder has completed at least eight hours of instruction in an approved renewal course under (a) of this section that includes instruction in

(A) changes in state or federal regulations pertaining to asbestos abatement, if any;

(B) changes in the state-of-the-art of asbestos abatement practices and procedures, if any;

(C) the personal protective, decontamination, and disposal procedures set out in 8 AAC 61.700(a) (4) - (6); and

(D) a review of the key aspects of the initial training course that includes appropriate work practices, potential health effects related to asbestos exposure, respiratory protection programs and medical surveillance programs, additional safety hazards and medical monitoring; and

(3) the course is completed within one year of expiration of the previously issued certificate.

(c) A certificate renewed under this section is valid until the expiration date indicated on the issued certificate. The fee for a certificate renewal is the same as for an initial certificate under 8 AAC 61.730.

(d) Renewal of a certificate under this section may be accomplished by attending a department-approved renewal course in accordance with this section.

(e) The qualified instructor of a training provider shall submit a class roster to the department listing the names of those attendants that have successfully completed the renewal training specified under this section. The roster shall be submitted in accordance with 8 AAC 61.745.

(Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151; am 9/27/2008; Register 187)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.745. Notification of department**

(a) Training providers must notify the department at least 10 days before conducting an approved course. The notification must contain the

(1) name of the training course;

(2) name of training provider and approval number;

(3) dates of the course;

(4) location of the course, and;

(5) names of the course instructors.

(b) The training provider must notify the department at least 10 days after the completion of the initial training course of all persons who have successfully completed the requirements of 8 AAC 61.700 and 8 AAC 61.710 in accordance with 8 AAC 61.785(c).

(c) The training provider must notify the department at least 10 days after the completion of the renewal training course of all persons who have successfully completed the requirements of 8 AAC 61.740 in accordance with 8 AAC 61.785(c).

(d) The department must be notified of any changes to the training programs before conducting those courses in accordance with 8 AAC 61.640.

(e) If a training provider cancels a training class, the training provider shall notify the department no later than two working days before the date of the scheduled class. (Eff. 10/1/85, Register 96; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.750. Suspension or revocation of certificate**

(a) The department will, in its discretion, suspend or revoke a certificate issued under 8 AAC 61.720 if a certificate holder

(1) provides false information to the employer or the department;

(2) shows evidence of a mental or physical impairment, which the department determines may interfere with the certificate holder's safe performance of asbestos abatement work;

(3) knowingly or recklessly disregards safe work practices while performing asbestos abatement work;

(4) permits the duplication or use of one's own certificate by another;

(5) performs work for which certification has not been received;

(6) obtains certification from a training provider that does not have approval to offer training for the particular discipline from either the EPA or AKOSH, provided AKOSH has a contractor certification plan at least as stringent as the EPA MAP;

(7) performs work requiring certification required under 8 AAC 61.600 at a job site without being in physical possession of a valid certificate; or

(8) is civilly fined or criminally convicted under Section 16 of TSCA, 15 U.S.C. 2615 or 2647, for violations of 40 C.F.R. Part 763, or Section 113 of the Clean Air Act, 42 U.S.C. 7413, for violations of 40 C.F.R. Part 61, Subpart M.

(b) If the department suspends or revokes a certificate, the department will promptly notify the certificate holder in writing of the reason for the suspension or revocation, and that the suspension or revocation may be appealed to the commissioner within 30

days after receipt of notice of the suspension or revocation.

(c) A person whose certificate is suspended or revoked under this section shall surrender the certificate to the department. A person is ineligible to obtain a new certificate for a period of at least 90 days, but not exceeding one year, after the date of suspension or revocation, as determined by the department. A certificate obtained by a person during a period of ineligibility is not valid.

(d) In determining the period of ineligibility under (c) of this section, the department will consider the circumstances upon which the suspension or revocation is based. (Eff. 10/1/85, Register 96; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.760. Withdrawal of training program approval**

(a) The department will, in its discretion, withdraw its approval under 8 AAC 61.660(a) of a training program if the training program applicant

(1) falsifies certification records, instructor qualifications, or other certification information

(2) fails to provide training as specified in the training program's approved plan;

(3) fails to adequately test the trainee's skill as required by 8 AAC 61.710;

(4) violates any other provision of 8 AAC 61.600 - 8 AAC 61.790;

(5) misrepresents the extent of the training course's approval by the state or EPA;

(6) fails to submit required information or notification as specified in 8 AAC 61.640, 8 AAC 61.745 and 8 AAC 61.780; or

(7) fails to maintain requisite records required in 8 AAC 61.785.

(b) If the department withdraws approval of a training program, the department will promptly notify the administrator of the program in writing of the reason for the withdrawal of approval and that the withdrawal may be appealed to the commissioner within 30 days after receipt of the notice of withdrawal.

(c) A training program for which approval has been withdrawn under this section is ineligible for approval for a period of at least 90 days but not exceeding one year after the date of withdrawal, as determined by the department. A training program may not issue a certificate under 8 AAC 61.720 during a period of ineligibility.

(d) In determining a period of ineligibility under (c) of this section, the department will consider the severity of the infraction upon which the withdrawal of program approval is based.

(e) After the period of ineligibility specified by the department under (c) of this section has expired, a training program may apply to the department for re-approval. The application must meet the requirements of 8 AAC 61.630.

(f) The training course provider must permit a representative of the department to attend,

evaluate, monitor any course, and review any records without charge. The department is not required to give advance notice of an inspection. (Eff. 10/1/85, Register 96; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.765. Citation and penalties**

(a) As provided in AS 18.31.200 (d), the department will issue a citation to, and assess a civil penalty on, a contractor who employs a person to perform, directly supervise, or monitor asbestos abatement work if the person does not have the certificate required by 8 AAC 61.600. The department will also issue a citation to, and assess a civil penalty on, a contractor who fails to submit a contractor plan as required by 8 AAC 61.620. The department will consider the severity of the violations in determining the amount of the penalty.

(b) For purposes of (a) of this section, a separate citation will be issued for each person who is not certified as required by AS 18.31.200 (c) and 8 AAC 61.600. Each citation will, in the department's discretion, include a separate penalty. (Eff. 8/8/90, Register 115)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.770. Appeals**

(a) A suspension or revocation under 8 AAC 61.750, a withdrawal under 8 AAC 61.760, or a citation and penalty under 8 AAC 61.765 is final unless the person affected files an appeal with the commissioner within 30 calendar days after receipt of the notice of suspension or revocation, notice of withdrawal, or citation and penalty. The appeal must be in writing and must include

(1) a specification of objections to the department's findings, and a concise summary of facts in support of each objection; and

(2) a description of the relief sought.

(b) The commissioner's decision will be based upon the departmental record and will state the facts relied upon by the commissioner in deciding the matter.

(c) The commissioner will, in his or her discretion, hold a hearing on the appeal to supplement the departmental record if clarification or additional facts are necessary for a proper resolution of the appeal.

(d) A copy of the commissioner's decision will be sent to the appellant by certified mail. The decision will include a statement of the appellant's right to further appeal. (Eff. 10/1/85, Register 96; am 8/8/90, Register 115; am 9/10/99, Register 151)  
Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.780. Department monitoring of training programs**

(a) Repealed 9/10/99.

(b) A representative of the department will, in the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved under 8 AAC 61.660.

(c) The department shall maintain records that document the names of all persons who have been awarded certification, the disciplines for which certification was conferred, training and expiration dates, and the training location. The department shall maintain the records in a manner that allows

verification by telephone of the required information. (Eff. 10/1/85, Register 96; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**8 AAC 61.785. Course provider record-keeping**

(a) All approved providers of accredited asbestos training courses must comply with the following minimum recordkeeping requirements. The training provider

(1) must retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks, and handouts;

(2) must retain copies of all instructors' resumes and the documents approving each instructor issued by the department or EPA; instructors must be approved by the department or EPA before teaching courses for certification purposes; training provider must notify the department in advance whenever it changes course instructors; records must accurately identify the instructors that taught each particular course for each date that a course is offered;

(3) must keep a record of each person who attends an initial training course and achieves a passing score on the examination for the initial course; these records must clearly indicate the date upon which the examination was administered, the training course and discipline for which the examination was given, the name of the person who proctored the examination, a copy of the examination, and the name and test score of each person taking the examination; the topic and dates of the training course must correspond to those listed on that person's certification certificate;

(4) shall validate whether students have successfully completed the initial or renewal course within the past 24 calendar months before allowing admission of the student into a new renewal course; and

(5) must retain records for 30 years.

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

(c) The training provider must submit to the department within 10 calendar days following the completion of an approved course, all of the following items:

(1) dates of the training course taught;

(2) names of approved instructors providing the course;

(3) name of course students and their addresses;

(4) whether initial or renewal course;

(5) dates and results of examination taken;

(6) the expiration date upon when the student completed the course and examination, if applicable;

(7) proof of completion of the initial course for renewal students;

(8) the name, address, and telephone number of the training provider approved by the department;

(9) a statement that the person successfully completing the course meets

the requisite training for asbestos certification under TSCA Title II; and

(10) a signed statement certifying that the training records specified in (1) - (9) of this subsection, are accurate for each training course provided by the department-approved instructor. (Eff. 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

### **8 AAC 61.790. Definitions**

In 8 AAC 61.600 - 8 AAC 61.790

(1) "asbestos abatement work" means all activities involved in

(A) Class I or Class II asbestos work under 29 C.F.R. 1915.1001 or 29 C.F.R. 1926.1101 revised as of July 1, 1998; and

(B) responding to a major fiber release episode;

(2) "asbestos-containing material" means any material containing more than one percent asbestos that has been applied on ceilings, walls, structural members, piping, duct work, or any other part of a building, as determined using the method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, Section 1 (Polarized Light Microscopy), revised as of July 1, 1998;

(3) "commissioner" means the commissioner of the Department of Labor and Workforce Development or the commissioner's designee;

(4) "department" means the Department of Labor and Workforce Development;

(5) "HEPA" means a high efficiency particulate air filter, with an efficiency of

not less than 99.97 percent when challenged with 0.3 micron diameter particles;

(6) "maintenance work" as applied to small-scale, short-duration maintenance work means any activity which disturbs asbestos in which the disturbance is incidental to the work being performed;

(7) "major fiber release episode" means any uncontrolled or unintentional disturbance of asbestos-containing building material (ACBM), resulting in a visible emission, which involves the falling or dislodging of more than three square or linear feet of ACBM;

(8) "qualitative fit testing" means a method of assessing the adequacy of respirator fit by determining whether the individual wearing the respirator can detect the odor, taste, or irritation of a gas, vapor, or aerosol introduced into the vicinity of the wearer's head;

(9) "quantitative fit testing" means a method for numerically measuring any leakage of the seal between the respirator face-piece and the wearer's face;

(10) "surfactant" means a chemical wetting agent added to water to improve penetration. (Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151)

Authority: AS 18.31.020 AS 18.31.200

**Editor's note:** As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.