



GUIDE TO DHS 159 ASBESTOS RULE REVISIONS: Rule Revisions for Certified Asbestos Supervisors and Workers

The newly revised asbestos rule, DHS 159, will affect Wisconsin-certified Asbestos Supervisors and Workers. To download a copy of the new rule, visit our website at www.dhs.wisconsin.gov/asbestos. The rule becomes effective on May 1, 2009.

New Training and Certification Provisions

- Your initial training and your current certification remain valid. However, you must take your next refresher training in Wisconsin. Out-of-state refreshers will no longer be acceptable.
- *Provisional Certification*: The new rule includes 'provisional certification' that allows you to perform regulated asbestos work before you receive your certification card as long as you have completed the required training and have submitted your application with fee. Provisional certification is good for up to 30 calendar days from the date you complete training and requires you to carry your training certificate with you when performing regulated work.
- *Company Certification Required*: Under the new rule all asbestos supervisors and workers must work for a Certified Asbestos Company, including one-person operations. Company certification will be required beginning August 1, 2009 and has a 2-year fee of \$400. Satellite offices will be \$200 for 2-years.
- *Individual Certification Fees: Annual fees beginning May 1, 2009*:
 - Asbestos Supervisor: \$125
 - Asbestos Worker: \$75

New Abatement Notification Provisions

Notification to DHS is required before asbestos abatement in:

- Residential structures with fewer than 5 dwelling units when you are:
 - Removing any amount of *friable or non-friable* ACM that is more than 1 glove bag or disposal bag no larger than 60" by 60" properly filled and sealed.
 - Enclosing, encapsulating or repairing more than 3 sq. ft. or 3 lr. ft. of *friable* ACM.
- Any other facility (other than residential with fewer than 5 units) when you are:
 - Removing any amount more than 1 glove bag or disposal bag of *non-friable* ACM.
 - Removing more than 1 glove bag but less than 160 sq. ft., 260 lr. ft., 35 cu. ft. of *friable* ACM or less than 5,580 sq. ft. of asbestos-containing roofing using mechanical methods.
 - Enclosing, encapsulating or repairing more than 3 sq. ft. or 3 lr. ft. of *friable* ACM.
- Exceptions to notification to DHS:
 - Any removal before a fire burn requires notification to DNR, but not DHS.
 - Any removal before a DNR-regulated demolition requires notification to DNR, but not DHS.

DHS notification fees – Beginning May 1, 2009, fees shall accompany notifications and are as follows:

- Original
 - \$50 when submitted 2 working days or more before project start date.
 - \$100 when submitted less than 2 working days before the project start date.
- Revision
 - \$50 when revising to an earlier start date less than 2 working days before the new start date.
 - No fee required for any other revision.
- Original planned renovation project or sub-project
 - \$100 for original planned renovation notification
 - \$50 for a sub-project when submitted less than 2 working days before sub-project start date
 - No fee for a sub-project when submitted 2 working days or more before sub-project start date

How to submit notification to DHS

- Submittal may be by fax, email, personal delivery, delivery service, DNR online form entry, or by U.S. postal service if postmarked at least 4 working days before the project start date.
- Submit completed form provided or approved by DHS with appropriate fee before the start date.
- *Planned renovation projects.* Submit when multiple smaller abatement projects are anticipated as part of a larger renovation project for a period not to exceed 12 months. Each sub-project that individually would require notification to DHS must be separately notified but would not require a fee unless notified less than 2 days before the sub-project start date.

How to submit payment

- Submittal by fax or email: only credit/debit card payment is accepted – VISA/MasterCard
- Submittal by personal delivery, delivery service, U.S. postal service: pay by check or money order payable to 'DHS' or by VISA/MasterCard credit/debit card.
- Submittal Online: payment must be postmarked the same day, include a printed copy of the online notification, pay by check or money order payable to 'DHS,' or by VISA/MasterCard credit/debit card.

New company responsibilities when conducting asbestos abatement

In addition to the requirement that a certified supervisor be onsite during all abatement work and the responsibility to protect public health during all projects, including preventing the release of asbestos fibers into the air and following work practice standards as established by other state or federal agencies, two new requirements are added with the revised rule:

1. *Project Logs.* The company must maintain a project log for each workday that includes
 - the date
 - project number as identified in the notification
 - project address
 - printed name and certification number of the site supervisor
 - printed name, signature, reason for entry, certification number and in and out times for each person who enters the regulated area.
2. *Occupant Protection Plan.* A plan posted outside each regulated area when working in an occupied or furnished building. The plan must be on a DHS form and describe how occupants and furnishings will be protected from exposure to asbestos fibers, including:
 - name, address and phone number of the asbestos company
 - address where the project is being conducted, name and phone number of property contact person
 - project starting and ending dates and work shifts
 - statement that only authorized persons using appropriate PPE may enter regulated areas
 - description of engineering controls that will be used to prevent contamination
 - description of any clearance activities that will be conducted
3. *Recordkeeping.* All records related to your asbestos abatement activities must be kept for at least 3 years. Records to be retained include:
 - Any written contracts for asbestos work
 - Asbestos project notifications, project logs and occupant protection plans
 - Any bulk sampling lab results

New Definitions

- “Asbestos-containing material” or “ACM” means a material or product that contains more than 1% of asbestos, as determined using the method specified in 40 CFR Part 763, Appendix E to Subpart E, Section I, “Polarized Light Microscopy,” and a material meeting the definition of suspect asbestos-containing material.
- “Suspect asbestos containing material” means vermiculite insulation, and any untested material used in or on a building component, except for metal, glass, wood, or fiberglass. Vermiculite insulation must be treated as ACM unless a recommended EPA sampling and analysis protocol specific to vermiculite insulation proves that it does not contain asbestos. (No recommended protocol has been established)

More Information

Visit our asbestos website at www.dhs.wisconsin.gov/asbestos; U.S. EPA, www.epa.gov/opptintr/asbestos; U.S. OSHA, www.osha.gov/SLTC/asbestos; Wisconsin DNR, www.dnr.wi.gov/air/compenf/asbestos.