



## **GUIDE TO DHS 159 ASBESTOS RULE REVISIONS: Rule Revisions for Currently Certified Roofing Supervisors and Workers**

The newly revised asbestos rule, DHS 159, will affect Wisconsin roofing contractors currently certified as Asbestos Roofing Workers and Asbestos Roofing Supervisors. To download a copy of the rule, visit [www.dhs.wisconsin.gov/asbestos](http://www.dhs.wisconsin.gov/asbestos). The rule becomes effective on May 1, 2009.

Beginning May 1, 2009, Exterior Asbestos Worker and Exterior Asbestos Supervisor replace the Asbestos Roofing disciplines.

### **What happens to my Asbestos Roofing certification card?**

If you currently have an Asbestos Roofing certification card that expires after May 1, 2009, you may continue to conduct regulated roofing work under that card until it expires. However, you may only use your roofing card to conduct roofing work. It is not valid for use to conduct other exterior work.

### **What do I need to do to become certified in an Exterior Asbestos discipline?**

*Roofing Supervisors.* Current Roofing Supervisors will need to complete a 2-hour Exterior Asbestos Supervisor refresher course and submit an application with fee to the Department of Health Services for processing.

*Roofing Workers.* Current Roofing Workers will need to complete a 1-day Exterior Asbestos Worker course and submit an application with fee to the Department of Health Services for processing.

### **What do I need to do to maintain my certification in an Exterior Asbestos discipline?**

*Exterior Supervisors.* Annually, take a 2-hour Exterior Asbestos Supervisor refresher class from an accredited training provider and apply to DHS for re-certification.

*Exterior Workers.* Exterior Worker certification does not expire. However, Exterior Workers are required to attend annual asbestos refresher training provided by their employer. Employers must maintain documentation of annual refresher training completion for all Workers. An Exterior Worker who can not show proof of completing annual refresher training must retake the initial course and re-apply to DHS for Exterior Worker certification.

### **What work may I conduct with an exterior certification?**

An Exterior Asbestos Supervisor may perform or oversee the performance of asbestos abatement activities involving only non-friable asbestos-containing material that remains non-friable, on the exterior or building envelope, of a facility. An Exterior Asbestos Worker may perform asbestos abatement activities involving only non-friable asbestos-containing material that remains non-friable, on the exterior or building envelope, of a facility.

Exterior work performed by Exterior Workers and Supervisors must meet the following requirements:

- The material is non-friable and will remain non-friable throughout the project
- The asbestos work is performed only from the outside of the building and on the outside of the building
- No air exchange may occur between interior and exterior building spaces where work is occurring.
- For window work to be considered exterior work, an impenetrable barrier needs to be placed behind the window opening on the interior of the building before work starts to maintain complete separation of interior and exterior spaces.

If asbestos work conducted from the exterior of a building penetrates the building envelope then it is no longer considered exterior work and may not be performed by an exterior asbestos company, exterior asbestos supervisor or exterior asbestos worker.

An Exterior Asbestos Company and exterior certified crews may work only on intact non-friable asbestos-containing materials (ACM) that do not easily break or crumble when handled. Friable ACM

(material that can be easily crumbled or crushed by hand pressure alone) may only be disturbed or removed by persons certified as Asbestos Workers and Supervisors, which requires further training.

### **New Training and Certification Provisions**

- Your next training course must be held in Wisconsin. Out-of-state courses 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 you must work for a Certified Asbestos Company or Certified Exterior Company, including one-person operations. Company certification will be required beginning August 1, 2009.
- *Company Certification Fees:* Bi-annual fees beginning August 1, 2009:
  - Asbestos Company: \$400 (Satellite office: \$200), renewable every 2 years
  - Exterior Company: \$200 (Satellite office: \$100), renewable every 2 years
- *Individual Certification Fees:* beginning May 1, 2009:
  - Exterior Asbestos Supervisor: \$75, renewable annually
  - Exterior Asbestos Worker: \$125, non-expiring

### **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 *non-friable* ACM that is more than 1 glove bag or disposal bag no larger than 60" by 60" properly filled and sealed.
- 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.
- 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

- Submit by fax, email, personal delivery, delivery service, DNR online entry, or by U.S. postal service if postmarked at least 4 working days before the project start date.
- Submit completed form with appropriate fee before the project starts.
- *Planned renovation projects.* Submit for an extended renovation project not to exceed 12 months when multiple smaller abatement projects are anticipated. Sub-projects that individually would require notification to DHS must be separately notified but no fee is required unless notification is made 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 made the same day, either by mailing a check or money order made out to 'DHS,' or by VISA/MasterCard credit/debit card submitted by fax.
- DHS does not accept cash payment.

### **New company responsibilities when conducting asbestos abatement**

In addition to the requirement that a certified supervisor or exterior 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 all.
2. *Occupant Protection Plan.* A plan posted outside each regulated area when working on 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 conducting the project
  - property address and name and phone number of the 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 website at [www.dhs.wisconsin.gov/asbestos](http://www.dhs.wisconsin.gov/asbestos) for more information. For information on other agencies' asbestos regulations visit these websites: U.S. EPA, [www.epa.gov/opptintr/asbestos](http://www.epa.gov/opptintr/asbestos); U.S. OSHA, [www.osha.gov/SLTC/asbestos](http://www.osha.gov/SLTC/asbestos); Wisconsin DNR, [www.dnr.wi.gov/air/compenf/asbestos](http://www.dnr.wi.gov/air/compenf/asbestos).