

1 10A NCAC 41C .0601 is proposed for readoption with substantive changes as follows:

2  
3 **10A NCAC 41C .0601 GENERAL**

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

- 5 (1) "Abatement Designer" means a person who is ~~directly~~ responsible for planning all phases of an  
6 asbestos abatement design from abatement site preparation through ~~complete~~ disassembly of all  
7 abatement area ~~barriers and who meets the barriers.~~ In addition to meeting the accreditation  
8 requirements of Rule .0602(c)(5) .0602(c) of this Section. ~~Section, the abatement designer may be~~  
9 ~~subject to the licensure requirements for a Registered Architect as defined in G.S. 83A or a~~  
10 ~~Professional Engineer as defined in G.S. 89C.~~
- 11 (2) "Abatement Project Monitoring Plan" means a written project-specific plan for conducting visual  
12 inspections and ambient and clearance air sampling.
- 13 (3) "Air Monitor" means a person who implements the abatement project monitoring plan, collects  
14 ambient and clearance air samples, performs visual inspections, or monitors and evaluates asbestos  
15 ~~abatement projects.~~ abatement, and who meets the requirements of Rule .0602(c) of this Section.
- 16 (4) "Asbestos Abatement Design" means a written or graphic plan that is prepared by an accredited  
17 abatement designer as defined in Subparagraph (a)(1) of this Rule and that specifies ~~specifying~~ how  
18 an asbestos abatement project will be performed. ~~performed, and includes, but is not limited to,~~  
19 ~~scope of work and technical specifications.~~ The An asbestos abatement design designer's signature  
20 ~~and accreditation number shall be on all such abatement designs.~~ include, at minimum, the  
21 following:
- 22 (A) a scope of work and technical specifications;  
23 (B) the asbestos abatement designer's signature; and  
24 (C) the accreditation number.
- 25 (5) "Completion Date" means the date on which all activities on a permitted asbestos removal requiring  
26 the use of accredited workers and supervisors are complete, including the ~~complete~~ disassembly of  
27 all removal area barriers.
- 28 (6) "Emergency Renovation Operation" means the same as defined in 40 CFR Part 61.141 and as  
29 adopted in Rule .0609 of this Section.
- 30 (7) "Inspector" means a person who examines buildings or structures for the presence of asbestos  
31 containing materials, collects bulk ~~samples~~ samples, or conducts physical assessments of the  
32 asbestos containing ~~materials.~~ materials, and who meets the requirements of Rule .0602(c) of this  
33 Section. A person whose asbestos inspection activities are limited to roofing products is not  
34 considered an inspector under this definition if the person is accredited as a roofing supervisor under  
35 this Section.
- 36 (8) "Installation" means any building or structure or group of buildings or structures at a single site  
37 under the control of the same owner or operator.

- 1 (9) "Management Planner" means a person who interprets inspection reports, conducts hazard  
2 assessments of asbestos containing ~~materials materials, or and~~ prepares written management ~~plans.~~  
3 plans, and who meets the requirements of Rule .0602(c) of this Section.
- 4 (10) "Nonscheduled Asbestos Removal" means ~~as defined in 40 CFR Part 61.141. an asbestos removal~~  
5 ~~required by the routine failure of equipment, which is expected to occur within a given period based~~  
6 ~~on past operating experience, but for which an exact date cannot be predicted.~~
- 7 (11) "Program" means the Health Hazards Control ~~Branch Unit~~ within the Division of Public Health.
- 8 (12) "Public Area" means as defined in G.S. 130A-444(7). ~~Any area to which access by the general~~  
9 ~~public is usually prohibited, or is usually limited to access by escort only, shall not constitute a~~  
10 ~~"public area."~~
- 11 (13) "Regulated Asbestos Containing Material" means the same as defined in 40 CFR Part 61.141 and  
12 as adopted in Rule .0609 of this Section.
- 13 (14) "Start Date" means the date on which activities begin on a permitted an asbestos removal project  
14 that is permitted pursuant to Rule .0605 of this Section and that requires requiring the use of  
15 ~~accredited~~ workers and supervisors ~~begin,~~ who are accredited pursuant to Rule .0602 of this Section,  
16 including removal area isolation and preparation or any other activity which may disturb asbestos  
17 containing materials.
- 18 (15) "Supervising Air Monitor" means a person who meets the requirements of Rule .0602(c) of this  
19 Section and who prepares a written abatement project monitoring plan and implements the plan or  
20 ensures that the plan is implemented by an air monitor working under his or her supervision. The  
21 supervising air monitor directs, coordinates and approves all activities of air monitors working under  
22 his or her supervision. The supervising air monitor may also perform the duties of an air monitor.
- 23 (16) "Supervisor" means a person who is a "competent person" as defined in 29 CFR 1926.1101(b) and  
24 ~~adopted by 13 NCAC 07F .0201 and amendments or recodifications as adopted by the North~~  
25 ~~Carolina Department of Labor, and~~ who is an "on-site representative" as defined in 40 CFR Part  
26 61.145(c)(8) as adopted in Rule .0609 of this ~~Section,~~ Section and who performs the duties specified  
27 therein.
- 28 (17) "Under the direct supervision" means working under ~~the immediate guidance of an accredited~~  
29 individual who is accredited pursuant to Rule .0602 of this Section and who is responsible for all  
30 activities performed.
- 31 (18) "Worker" means a person who performs asbestos abatement under the direct supervision of an  
32 accredited supervisor.
- 33 (19) "Working day" means Monday through ~~Friday.~~ Friday, including any holidays. ~~Holidays falling on~~  
34 ~~any of these days are included in the definition.~~
- 35 (20) "Class II Asbestos Work" means as defined in 29 CFR ~~1926.1101(b)~~ 1926.1101(b), which is  
36 ~~incorporated by reference in Paragraph (c) of this Rule.~~

1 (21) "Roofing Worker" means a person whose duties regarding asbestos are limited to Class II asbestos  
2 work involving the removal of roofing products that are classified as regulated asbestos containing  
3 ~~material.~~ material and who works under the direct supervision of a roofing supervisor.

4 (22) "Roofing Supervisor" means a supervisor as defined in Subparagraph (a)(16) of this Rule, whose  
5 duties regarding asbestos are limited to Class II asbestos work involving only roofing products that  
6 are classified as regulated asbestos containing material. This person may also perform asbestos  
7 roofing inspection activities which are limited to roofing products, including the collection of bulk  
8 samples.

9 (23) "Roofing Products" means bituminous built-up roofing systems, roofing membranes, asphalt  
10 shingles, cement shingles, roofing cements, mastics, coatings, panels, light weight roofing concrete,  
11 and flashings.

12 (b) ~~In addition to the Rules of this Section and the Asbestos Hazard Emergency Response Act (AHERA) as defined~~  
13 ~~at G.S. 130A-444(1), Asbestos asbestos management activities conducted pursuant to this Section shall comply with~~  
14 ~~the following: "AHERA" as defined in G.S. 130A 444(1) and 40 CFR Part 763, Subpart E and Appendices, as~~  
15 ~~applicable. 40 CFR Part 763, Subpart E is hereby incorporated by reference, including any subsequent amendments~~  
16 ~~and editions. This document is available for inspection at the Division of Public Health, 1915 Mail Service Center,~~  
17 ~~Raleigh, North Carolina 27699 1915. Copies may be obtained from the Government Printing Office by writing to the~~  
18 ~~Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250 7954, at a cost of~~  
19 ~~twenty six dollars (\$26.00).~~

20 (1) 40 CFR Part 763, Subpart E and Appendices, which are hereby incorporated by reference, including any  
21 subsequent amendments and editions, and available free of charge at: <https://www.ecfr.gov/>.

22 (2) 29 CFR 1926.1101, which is hereby incorporated by reference, including and subsequent amendments  
23 and editions, and available free of charge at <https://www.ecfr.gov/>.

24 ~~(c) 29 CFR 1926.1101 is hereby incorporated by reference, including any subsequent amendments and editions. This~~  
25 ~~document is available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North~~  
26 ~~Carolina 27699 1915. Copies may be obtained from the Government Printing Office by writing to the Superintendent~~  
27 ~~of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250 7954, at a cost of twenty six~~  
28 ~~dollars (\$26.00).~~

29  
30 *History Note: Authority G.S. 130A 5(3); 130A 451;*

31 *Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule*  
32 *becomes effective, whichever is sooner;*

33 *Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;*

34 *Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on April 26, 1989;*

35 *~~Authority G.S. 130A 5(3); 130A 451; P.L. 99 519;~~*

36 *~~Eff. March 1, 1989;~~*

37 *~~Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990.~~*