



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

Commission for Public Health

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MARK T. BENTON • Assistant Secretary for Public Health

Division of Public Health

MEMORANDUM

DATE: September 1, 2020

TO: Rulemaking Interested Persons

FROM: Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health and Director of Regulatory and Legal Affairs, Division of Public Health

RE: Notification of Proposed Rule Actions: 10A NCAC 41C .0304, .0601, .0602, .0608

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the North Carolina Commission for Public Health (CPH) is proposing to readopt rules 10A NCAC .0601, .0602, and .0608 and repeal through readoption rule 10A NCAC 41C .0304, in accordance with G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules. Rules 10A NCAC 41C .0601, .0602, and .0608 are proposed for readoption with substantive changes to update the rules to reflect current requirements and processes. Rule 10A NCAC 41C .0304 is no longer necessary and, therefore, is proposed for repeal through readoption. CPH has submitted notice of its intent to make these rule changes to the NC Office of Administrative Hearings (OAH).

In accordance with G.S. 150B-21.4, proposed rules 10A NCAC 41C .0601, .0602, and .0608 were reviewed by the NC Office of State Budget and Management (OSBM), which determined that these proposed readoptions have little to no impact and a fiscal note is not needed. Pursuant to G.S. 150B-21.4(d), a fiscal note is not required for Rule 10A NCAC 41C .0304 because it is proposed for repeal through readoption.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/documents/nc-register>. The text of the proposed rules may be found on CPH's website at <https://cph.publichealth.nc.gov/>.

A public hearing on these rules is scheduled for Friday, September 25, 2020 at 10:00 am. In an abundance of caution and to address protective measures to help prevent the spread of COVID-19, the public hearing will be held by teleconference. You may participate in the public hearing by dialing 919-715-0769 to join the teleconference. No access code is required.

CPH is accepting public comments on the proposed rules from September 1, 2020 to November 2, 2020. You may submit comments by email to cphcomment@lists.ncmail.net or by mail to Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of these rules is January 1, 2021.

Should you have questions related to this memorandum or the proposed rules, please contact Ed Norman, Lead and Asbestos Branch Head, Environmental Health Section, Division of Public Health at 919-218-6511.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Attachment

cc:

Dr. Ronald May, Chair, Commission for Public Health

Mr. Mark Benton, Assistant Secretary for Public Health

Mr. Larry Michael, Environmental Health Section Chief

Mr. Ed Norman, Lead and Asbestos Branch Head, Environmental Health Section

Mr. Jeff Dellinger, Supervisor, Lead and Asbestos Branch, Environmental Health Section

Dr. Zack Moore, Epidemiology Section Chief

Dr. Virginia Guidry, Occupational and Environmental Epidemiology Branch Head, Epidemiology Section

Mr. Pierre Lauffer, Supervisor, Occupational and Environmental Epidemiology Branch, Epidemiology Section

Ms. Kirsten Leloudis, Program Manager, Regulatory and Legal Affairs

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to readopt with substantive changes the rules cited as 10A NCAC 41C .0601, .0602, .0608 and repeal through readoption the rule cited as 10A NCAC 41C .0304.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://cph.publichealth.nc.gov/>

Proposed Effective Date: January 1, 2021

Public Hearing:

Date: September 25, 2020

Time: 10:00 a.m.

Location: *In an abundance of caution and to address protective measures to help prevent the spread of COVID-19, this public hearing will be held by teleconference at 919-715-0769 (no access code).*

Reason for Proposed Action: *Pursuant to G.S. 150B-21.3A, periodic review and expiration of existing rules, the Commission for Public Health is proposing to readopt 10A NCAC 41C .0601, .0602, and .0608 with substantive changes to update these rules to reflect current requirements and processes and repeal through readoption 10A NCAC 41C .0304.*

Comments may be submitted to: *Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email cphcomment@lists.ncmail.net*

Comment period ends: November 2, 2020

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 41 - EPIDEMIOLOGY HEALTH

SUBCHAPTER 41C - OCCUPATIONAL HEALTH

SECTION .0300 - INDUSTRIAL HYGIENE CONSULTATION PROGRAM

10A NCAC 41C .0304 TRAINING AND TECHNICAL ASSISTANCE

*History Note: Authority G.S. 130A-5(3);
Eff. September 15, 1980.*

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 ~~directly~~ responsible for planning all phases of an asbestos abatement design from abatement site preparation through ~~complete~~ disassembly of all abatement area barriers and who meets the barriers. In addition to meeting the accreditation requirements of Rule .0602(e)(5) .0602(c) of this Section. Section,

- ~~the abatement designer may be subject to the licensure requirements for a Registered Architect as defined in G.S. 83A or a Professional Engineer as defined in G.S. 89C.~~
- (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 projects.~~ 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~~ specifying how an asbestos abatement project will be performed, performed, and includes, but is not limited to, scope of work and technical specifications. The An asbestos abatement design designer's signature and accreditation number shall be on all such abatement designs. ~~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 ~~complete~~ 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~~ samples, or conducts physical assessments of the asbestos containing ~~materials.~~ 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~~ materials, ~~or and~~ prepares written management ~~plans.~~ plans, and who meets the requirements of Rule .0602(c) of this Section.
 - (10) "Nonscheduled Asbestos Removal" means as defined in 40 CFR Part 61.141. ~~an asbestos removal required by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.~~
 - (11) "Program" means the Health Hazards Control ~~Branch Unit~~ Branch Unit within the Division of Public Health.
 - (12) "Public Area" means as defined in G.S. 130A-444(7). ~~Any area to which access by the general public is usually prohibited, or is usually limited to access by escort only, shall not constitute a "public area."~~
 - (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 a permitted an~~ begin on a permitted an asbestos removal project ~~that is permitted pursuant to Rule .0605 of this Section and that requires~~ requiring the use of ~~accredited~~ accredited workers and supervisors ~~begin, 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) "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.
 - (16) "Supervisor" means a person who is a "competent person" as defined in 29 CFR 1926.1101(b) and ~~adopted by 13 NCAC 07F .0201 and amendments or recodifications as adopted by the North Carolina Department of Labor, 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,~~ Section and who performs the duties specified therein.
 - (17) "Under the direct supervision" means working under ~~the immediate guidance of an accredited individual who is~~ accredited pursuant to Rule .0602 of this Section and who is responsible for all activities performed.
 - (18) "Worker" means a person who performs asbestos abatement under the direct supervision of an accredited supervisor.
 - (19) "Working day" means Monday through ~~Friday.~~ Friday, including any holidays. Holidays falling on any of these days are included in the definition.
 - (20) "Class II Asbestos Work" means as defined in 29 CFR ~~1926.1101(b)~~ 1926.1101(b), ~~which is incorporated by reference in Paragraph (c) of this Rule.~~
 - (21) "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.~~ material and who works under the direct supervision of a roofing supervisor.
 - (22) "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.

- (23) "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 and the Asbestos Hazard Emergency Response Act (AHERA) as defined at G.S. 130A-444(1), Asbestos asbestos management activities conducted pursuant to this Section shall comply with the following: "AHERA" as defined in G.S. 130A-444(1) and 40 CFR Part 763, Subpart E and Appendices, as applicable. 40 CFR Part 763, Subpart E is 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 from the Government Printing Office by writing to the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty six dollars (\$26.00).~~

- (1) ~~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/>.~~

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

~~(c) 29 CFR 1926.1101 is 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 from the Government Printing Office by writing to the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty six dollars (\$26.00).~~

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;
Authority G.S. 130A-5(3); 130A-451; P.L. 99-519;
Eff. March 1, 1989;
Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990.

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) 130A-447(b)~~ and (c).

(b) An applicant for accreditation shall meet the ~~provisions requirements~~ of the "EPA Model Contractor Accreditation Plan" contained in 40 CFR Part 763, Subpart E, Appendix C and shall successfully complete the applicable training courses approved by the Program pursuant to Rule .0603 of this Section. Section and as set forth in this Rule for each accreditation category. However, an An applicant applying for roofing worker or roofing supervisor accreditation shall only be required to successfully complete the applicable 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 ~~successfully~~ completed an approved initial training course for the ~~specific 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 ~~successfully~~ completed an approved refresher training course for the ~~specific 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 related experience as, or three months of experience working under the direct supervision ~~of, of an accredited inspector, or equivalent experience; inspector.~~
- (3) a management planner shall have a high school diploma or equivalent and shall be an accredited ~~inspector; 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 related experience as, or three months of experience working under the direct supervision ~~of, of an accredited supervisor, or equivalent experience; 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 related experience as, or three months of experience working under the direct supervision ~~of, of an accredited abatement designer, or equivalent experience; 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 ~~permanent~~ 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 monitoring experience as, or three months of experience working under the direct supervision of, of an accredited air monitor or equivalent within 12 months prior to applying for accreditation; monitor.
- (B) Training Requirements:
- (i) complete a Program approved NIOSH National Institute for Occupational Safety and Health (NIOSH) 582 or Program approved NIOSH 582 ~~equivalent~~ 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; course.~~
 - (iii) ~~air monitors with a valid accreditation on October 1, 1994 shall have until October 1, 1995 to meet the training requirements for air monitors set forth in this Paragraph;~~
- (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 monitoring experience as, monitor or three months of experience working under the direct supervision of, of an accredited air monitor monitor, or equivalent within 12 months prior to applying for accreditation;
- (B) Training Requirements:
- (i) complete a Program approved NIOSH 582 or Program approved NIOSH 582 ~~equivalent~~ 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; course.~~
 - (iii) ~~supervising air monitors with a valid accreditation on October 1, 1994 shall have until October 1, 1995 to meet the training requirements for supervising air monitors set forth in this Paragraph;~~
- (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; 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 submit, or cause to be submitted,~~ to the Program:
- (1) a completed application on a form provided by the ~~Program~~ Program, which is available at: <https://epi.dph.ncdhhs.gov/asbestos/healthaz.html>. A completed application form shall include ~~with~~ the following information:
- (A) ~~full name; name and social security number of applicant;~~
 - (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 two~~ current 1.25 43 inch x 1.25 43 inch color ~~photograph~~ photographs of the applicant per application with the applicant's full name and social security number printed on the back; back of each photograph;
 - (3) ~~confirmation~~ confirmation of completion of an approved initial or refresher training course from the training ~~agency;~~ 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 ~~seat; seal~~ or an original letter from the training agency on training agency letterhead that confirming completion of the course on training agency letterhead, or an original letter from the training agency listing names of persons who have successfully completed the training course, with the applicant's name included, on the training agency letterhead; 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~~, requirement in accordance with this Rule, a copy of the ~~diploma diploma; or other written documentation;~~
- (5) when work experience is a ~~requirement~~, requirement in accordance with this Rule, documentation of the applicant's asbestos related work experience that includes the following: work history documenting asbestos related experience, including employer name, address and phone number; positions held; and dates when the positions were held; and
- (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 ~~successfully~~ 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 ~~may~~ 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 finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue accreditation or reaccreditation. The Program shall ~~may~~ 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 significant 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 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;
~~Authority G.S. 130A-5(3); 130A-447; P.L. 99-519;~~
~~Eff. March 1, 1989;~~
~~Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990.~~

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 ~~submit, or cause to be submitted,~~ 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 with 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~~, requirement pursuant to Rule .0602 of this Section, confirmation of completion of an approved training course. ~~course; the~~ The confirmation shall be in the form of an original certificate of completion of the approved training course or the following information: ~~the course title, dates of instruction, names of instructors, name, address and telephone number of the training provider;~~
- (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 other written documentation; equivalent;
- (4) when work experience is a ~~requirement~~, requirement pursuant to Rule .0602 of this Section, documentation of the applicant's relevant work history, including the following: employer name, address and telephone number, positions

held, dates when positions were held, and copies of any licenses, registrations, certifications or accreditations that are relevant to the subject matter to be taught; and

(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~~, requirement pursuant to Rule .0602 of this Section, documentation of ~~relevant~~ instructional experience including the following: name of training courses taught, topics taught for each course, inclusive dates of each training course, and name, address and telephone number of each training organization for which experience is claimed:

(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) ~~Work practice topics for each Training courses shall include:~~ include instruction on specific topics as follows:

- (1) for the worker and roofing worker courses: ~~state-of-the-art work~~ current best practices;
- (2) for the supervisor and roofing supervisor courses: ~~state-of-the-art work~~ current best practices ~~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/documentation~~ sampling and documentation of asbestos in schools, recordkeeping and writing inspection reports;
- (4) for the management planner course: ~~evaluation/interpretation~~ 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/cost~~ 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 ~~work practice~~ topics, hands-on exercises, workshops, or field trips ~~where required for courses~~ 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 ~~successfully~~ 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 ~~Environmental Protection Agency state~~ 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 ~~Environmental Protection Agency state~~ Program approved asbestos worker or supervisor ~~course~~ course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. courses required to meet federal and state regulations.
 - (iii) If the applicant possesses at least an associate degree from a ~~regionally~~ 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 ~~Environmental Protection Agency state~~ Program approved asbestos worker or supervisor ~~course~~ course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. courses required to meet federal and state regulations.
- (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 ~~Environmental Protection Agency state Program~~ approved inspector ~~course~~ course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. ~~courses required to meet federal and state regulations.~~
 - (ii) If the applicant possesses at least an associate degree from a ~~regionally~~ 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 ~~Environmental Protection Agency state Program~~ approved inspector ~~course~~ course, or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. ~~courses required to meet federal and state regulations.~~
- (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 ~~Environmental Protection Agency state Program~~ approved management planner course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. ~~courses required to meet federal and state regulations.~~
 - (ii) If the applicant possesses at least an associate degree from a ~~regionally~~ 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 ~~Environmental Protection Agency state Program~~ approved management planner course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. ~~courses required to meet federal and state regulations.~~
- (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 ~~Environmental Protection Agency state Program~~ approved abatement project designer course or other courses that provide instruction on the occupational safety and health topics described in 29 CFR or environmental safety and health topics described in 40 CFR. ~~courses required to meet federal and state regulations.~~
 - (ii) If the applicant possesses at least an associate degree from a ~~regionally~~ 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 ~~Environmental Protection Agency state Program~~ approved abatement project designer course or other courses that provide instruction on the occupational safety and health topics

described in 29 CFR or environmental safety and health topics described in 40 CFR.
~~courses required to meet federal and state regulations.~~

- (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, course or Program approved NIOSH 582 Equivalency Course equivalent, or a Program approved project monitor course; and
 - (iii) have documented asbestos air monitoring experience on at least six asbestos removals.
- (6) ~~All instructors approved under Paragraph (d) of this Rule shall take a refresher training in at least one discipline from a training provider other than their employer every other year.~~
- (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 Section, other~~ than work practice topics, hands-on exercises, workshops, or field ~~trips~~) trips, shall meet the following requirements:
- (1) be ~~actively~~ 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 equivalent shall meet the following requirements:
- (1) have a high school diploma or equivalent;
 - (2) attend a ~~the National Institute for Occupational Safety and Health's~~ NIOSH 582 training course or a Program approved approved NIOSH 582 Equivalency Course equivalent 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 foreman~~ or asbestos supervisor.

*History Note: Authority G.S. 130A-447; P.L. 99-519;
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