

3745-22-04

Contractor application requirements, criteria, and standards of conduct.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, please see paragraph (Z) of rule 3745-22-01 of the Administrative Code, "referenced materials."]

(A) To apply for an asbestos hazard abatement contractor's license, a person shall submit a completed application to the director in accordance with rule 3745-22-03 of the Administrative Code. The application for an asbestos hazard abatement contractor's license shall include the following:

(1) Entity name and address.

(2) Name of chief executive officer.

(3) Number of employees.

(4) Number and names of certified asbestos hazard abatement specialists employed.

(5) A list of all other state asbestos licenses and certificates held presently or in the past.

(6) Description of any incomplete asbestos abatement projects, penalties, citations, administrative orders or actions, or any lawsuits pertaining to asbestos abatement filed against the contractor and how they were resolved.

(7) A description of the protective clothing and respirators that the contractor will use to comply with requirements of the United States occupational safety and health administration, 29 CFR section 1926.1101, for business entities or the "Asbestos Abatement Projects" regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities;

(8) A description of procedures for the selection, utilization, handling, removal, and disposal of clothing to prevent contamination or recontamination of the environment and to protect the public from the health hazards associated with exposure to asbestos.

(9) The name and address of each asbestos disposal site that may be used during the year.

(10) A description of site decontamination procedures that will be used.

(11) A description of asbestos hazard abatement procedures that will be used.

(12) A description of the procedures that will be used for handling waste-containing

asbestos.

(13) A description of the air monitoring procedures that will be used to prevent contamination or recontamination of the environment and to protect the public from the health hazards of exposure to asbestos.

(14) A description of the final cleanup procedures that will be used.

(15) A list of all partners, owners, and officers of the business entity and their social security numbers.

(16) The federal tax identification number of the business entity or the public entity.

(17) Information regarding any officer or employee of the applicant that has ever been convicted of a felony under any state or federal law designated to protect the environment.

(18) A person may elect to meet the requirements set forth in paragraphs (A)(8) and (A)(10) to (A)(14) of this rule by submitting a statement that includes a description of how the contractor plans to meet or exceed the requirements promulgated by the United States occupational safety and health administration in 29 C.F.R. 1926.1101.

(B) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the following criteria:

(1) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or who will be responsible for an asbestos hazard abatement project shall do the following:

(a) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects.

(b) Successfully complete the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the director pursuant to section 3710.10 of the Revised Code and rule 3745-22-07 of the Administrative Code and passed an examination approved by the director.

(c) Demonstrate to the director that employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, 40 CFR Part 61 Subpart M, and the United States occupational safety and health administration, 29 CFR section 1926.1101, for business entities or the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.

(2) A person applying for an asbestos hazard abatement contractor's license, in addition to the other requirements of Chapter 3710. of the Revised Code and this chapter, shall provide for each asbestos abatement project at least one asbestos hazard abatement specialist, certified pursuant to rule 3745-22-05 of the Administrative Code, to be on-site at all times to directly supervise the asbestos abatement activities. A person providing only project oversight, and not direct on-site supervision, does not satisfy the requirement that an asbestos hazard abatement specialist directly supervise asbestos abatement activities. A person applying for an asbestos hazard abatement contractor's license shall demonstrate to the satisfaction of the director that the contractor conforms to the following:

(a) Has access to at least one asbestos disposal site approved by the Ohio environmental protection agency that is sufficient for the deposit of all asbestos waste that will be generated during the term of the license.

(b) Is sufficiently qualified to remove asbestos safely as demonstrated by all of the following:

(i) Reliability as an asbestos hazard abatement contractor.

(ii) Work practices that prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos.

(iii) Evidence at each project site of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials.

(iv) Evidence of training of workers required by paragraph (B)(1)(b) of this rule.

(v) Prior successful experience in asbestos hazard abatement projects, or by equivalent qualifications as determined by the director.

(c) Possesses a worker protection program consistent with the requirements of the United States occupational safety and health administration, 29 CFR Section 1926.1101, for business entities or of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.

(d) Is registered with the secretary of the state as doing business in Ohio.

(3) No applicant for licensure as an asbestos hazard abatement contractor, in order to meet the requirements of this chapter, shall list an employee of another contractor.

(C) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall do the following:

- (1) Conduct each project in compliance with the decontamination procedures, project containment procedures, and asbestos fiber containment methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and the occupational safety and health administration, 29 CFR Section 1926.1101, for business entities, or by regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
- (2) Maintain at the project site a copy of the building inspection report that was prepared by an asbestos hazard evaluation specialist to comply with Chapter 3745-20 of the Administrative Code and the United States environmental protection agency requirement for a thorough inspection found in, 40 CFR Part 61, Subpart M.
- (3) Accurately, truthfully and competently perform and complete asbestos hazard abatement projects, reports, inspections and any other work performed as an asbestos abatement contractor.
- (4) Notify the director at least ten business days before beginning each asbestos hazard abatement project conducted during the term of his license. Prior notification of asbestos abatement projects shall be made on a form prescribed by the director, shall be accompanied by a fee of sixty-five dollars for each project, and shall contain the following information:
  - (a) Owner of entity's name and address.
  - (b) Location and street address of abatement project.
  - (c) Type of abatement and description of abatement project.
  - (d) Estimate of asbestos-containing material to be removed and type of asbestos material.
  - (e) Scheduled set-up, abatement and completion dates, hours of operation and days of the week.
  - (f) Name and certification number of asbestos hazard abatement specialist in charge of project.
  - (g) Names and addresses of disposal sites approved by the Ohio environmental protection agency or the United States environmental protection agency.

In the event that there is an emergency as defined in paragraph (H) of rule 3745-22-03 of the Administrative Code, the asbestos hazard abatement contractor shall notify the director before the project begins. If it is not possible to notify the director before the project begins, then the asbestos hazard abatement contractor shall notify the director as soon as possible, but no later than three working days after commencing the emergency asbestos hazard abatement activity.

- (5) Notify the director, in writing, on a form prescribed by the director, of any change in an asbestos hazard abatement project notification that would render the information in the notification no longer accurate.
- (6) Afford the director the opportunity to conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where a public health emergency may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this rule.
- (7) Maintain records of all asbestos hazard abatement projects performed, and make these records available to the director upon request. These records shall be maintained for at least thirty years and at minimum, shall include all of the following:
  - (a) The name, social security number, and address of the person who supervised the asbestos hazard abatement project.
  - (b) The names and social security numbers of all workers at the job site.
  - (c) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed.
  - (d) The starting and completion dates of each asbestos hazard abatement project.
  - (e) A summary of the procedures that were used to comply with all applicable federal, state, and local standards.
  - (f) The name and address of each asbestos disposal site where the waste containing asbestos was deposited.
- (8) Operate in strict accordance with the approved license, particularly those portions of the application pertaining to work practices and employee protection practices.
- (9) Notify the director, in writing, five business days prior to making any change which would render the information contained in the application for licensure

no longer accurate.

(10) Possess proof of valid asbestos hazard abatement project agreement, as required in rule 3745-22-11 of the Administrative Code, at all times while at the project site.