

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING

August 29, 2022  
1:00 p.m. Central Time  
Nebraska State Office Building – Lower Level A  
301 Centennial Mall South, Lincoln, Nebraska  
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on proposed changes to Title 178, Chapter 22 of the Nebraska Administrative Code (NAC) – *Asbestos Projects*. The proposed changes remove all duplicative statutory language from the regulations and remove any repetitive regulatory language that is found in 172 NAC 10. The proposed changes also update definitions; update terminology; correct spelling and punctuation; remove asbestos occupation course application form and three stage decontamination chamber diagram from the regulations; update section headings and formatting; and restructure the regulatory chapter.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments. Interested persons may provide verbal comments in person or by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

Interested persons may attend the hearing and provide verbal or written comments, or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or [dhhs.regulations@nebraska.gov](mailto:dhhs.regulations@nebraska.gov), respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals who are deaf or hard of hearing may call DHHS via the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

## FISCAL IMPACT STATEMENT

Agency: <b>Department of Health and Human Services</b>	
Title: 178	Prepared by: Doug Gillespie
Chapter: 22	Date prepared: September 9, 2021
Subject: Asbestos Projects	Telephone: 471-0548

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Increased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Increased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Indeterminable	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )

Provide an Estimated Cost & Description of Impact:

State Agency: N/A

Political Subdivision: N/A

Regulated Public: N/A

If indeterminable, explain why: N/A

~~TITLE 178 — ENVIRONMENTAL HEALTH~~

~~CHAPTER 22 — ASBESTOS PROJECTS~~

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~~Figure 1 — Decontamination Facility~~

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~~Form 6 — Application for Asbestos Occupation Course Approval~~

DRAFT  
09-09-2021

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

178 NAC 22

~~Contact the Agency for Forms at:~~

~~Nebraska Department of Health and Human Services  
Division of Public Health  
Environmental Health Unit  
Office of Environmental Health Hazards and Indoor Air  
Asbestos/Lead-Based Paint Program  
301 Centennial Mall South  
P.O. Box 95026  
Lincoln, NE 68509-5026~~

~~Phone (402)471-0386  
1-(888)242-1100 Ext. 1  
FAX (402)471-8833~~

~~Website: <http://www.dhhs.ne.gov/puh/enh/asbestos>~~

TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 22 ASBESTOS PROJECTS

~~22-001. SCOPE AND AUTHORITY. These regulations govern the professions and occupations, businesses, training courses, and standards for asbestos activities under the Asbestos Control Act, Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-6301 to 71-6317, and the Uniform Credentialing Act.~~

~~22-001.01~~ ~~These regulations apply to the following individuals or entities, even if licensure is waived or if an individual or entity is exempt from licensure:~~

~~22-001.01A~~ ~~Any private or public business entity as defined in these regulations undertaking an asbestos project in Nebraska;~~

~~22-001.01B~~ ~~Any person working on an asbestos project or in an asbestos occupation in Nebraska; and~~

~~22-001.01C~~ ~~Any person or entity offering a training course to qualify an individual in an asbestos occupation for license or renewal of a license in Nebraska.~~

~~22-001.01D~~ ~~As used in 178 NAC 22-001.01 and 22-001.02, an asbestos project includes the following activities which may only be performed by licensed individuals: Determining whether asbestos containing materials (ACM) exists, assessing the condition of ACM, preparing plans and specifications for an asbestos project, performing the asbestos project, and performing final clearance air sampling or soil sampling at the end of an asbestos project.~~

~~22-001.02~~ ~~These regulations, standards and fees implement the provisions of the Asbestos Control Act, Neb. Rev. Stat. §§71-6301 to 71-6317, and will apply to the licensing of firms involved in asbestos activities in Nebraska; the accreditation of training courses for workers, supervisors, inspectors, project designers, management planner and project monitors engaged in asbestos activities performed in Nebraska; and licensure of asbestos professions in Nebraska.~~

~~22-001.03~~ ~~Additional authority is found in the Uniform Credentialing Act, the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure.~~

~~22-002. DEFINITIONS. Definitions set out in the Asbestos Control Act, the Uniform Credentialing Act, Title 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.~~

~~Active addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.~~

~~Alcohol or substance abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:~~

- ~~1. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;~~
- ~~2. Recurrent alcohol or substance use in situations in which it is physically hazardous;~~
- ~~3. Recurrent legal problems related to alcohol or substance use; or~~
- ~~4. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.~~

~~002.01 Amended water~~ **AMENDED WATER.** means Aa water solution containing an effective low sudsing wetting agent.

~~002.02 Appropriate protective clothing~~ **APPROPRIATE PROTECTIVE CLOTHING.** means Protective outer clothing which is worn by an individual who is engaged in an asbestos project regardless of the concentration of asbestos fibers in the air within the asbestos project. Protective clothing consists of coveralls or similar whole body covering, head covers and foot covers.

~~002.03 Appropriate respirator~~ **APPROPRIATE RESPIRATOR.** means Aan appropriate air purifying respirator providing protection against radionuclides and against dust, fumes and mists in air, and which provide the following respiratory protection for airborne concentrations of asbestos fibers:

- ~~1.~~(A) Airborne concentration of asbestos not in excess of one fiber per cubic centimeter will require a half-mask air-purifying respirator, other than a disposable respirator, equipped with high-efficiency particulate filters.
- ~~2.~~(B) Airborne concentration of asbestos not in excess of five fibers per cubic centimeter will require a full facepiece air-purifying respirator equipped with high-efficiency particulate filters.
- ~~3.~~(C) Airborne concentration of asbestos not in excess of ten fibers per cubic centimeter will require a powered air purifying respirator equipped with high efficiency particulate filters or a supplied-air respirator operated in continuous flow mode.
- ~~4.~~(D) Airborne concentration of asbestos not in excess of 100 fibers per cubic centimeter will require a full facepiece supplied air respirator operated in pressure demand mode.
- ~~5.~~(E) Airborne concentration of asbestos greater than 100 fibers per cubic centimeter will require a full facepiece supplied air respirator operated in pressure demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus.

~~002.04 Appropriate warning sign~~ APPROPRIATE WARNING SIGN. means Aa sign not less than 11 inches wide which contains the equivalent of the following legend, printed in letters of sufficient size and contrast to be readily visible and legible:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY  
RESPIRATORS AND PROTECTIVE CLOTHING ARE  
REQUIRED IN THIS AREA

~~002.05 Approved asbestos waste disposal site~~ APPROVED ASBESTOS WASTE DISPOSAL SITE. means Aa solid waste disposal area that is operated under a permit issued by the Nebraska Department of Environmental and Energy Quality and is authorized to receive asbestos containing solid wastes.

~~002.06 APPROVED TRAINING PROGRAM.~~ A program that is accredited by the Department either as an initial training program or as a review training program for an asbestos occupation or meets the statutory requirements in Neb. Rev. Stat. § 71-6310(3).

~~Asbestos means asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.~~

~~002.07 Asbestos containing material or ACM~~ ASBESTOS CONTAINING MATERIALS. means Aa any material or product which contains more than 1% asbestos.

~~Asbestos control Act means §§ 71-6301 to 71-6317.~~

~~002.08 asbestos danger label~~ ASBESTOS DANGER LABEL. means Aa label which contains the following legend, printed in letters of sufficient size and contrast to be readily visible and legible:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD

~~Asbestos encapsulation project means activities which include the coating of asbestos-containing surface material with a bridging or penetrating type of sealing material for the intended purpose of preventing the continued release of asbestos fibers from the material into the air. Such project does not include the repainting of a previously painted non-friable asbestos-containing surface which is not damaged primarily for improving the appearance of such surface.~~

~~Asbestos enclosure project means activities which physically isolate friable asbestos, and which control and contain fibers released from asbestos-containing material by constructing a permanent airtight barrier between the asbestos-containing material and the occupied building space.~~

~~Asbestos occupation means an inspector, management planner, project designer, project monitor, supervisor, or worker.~~

~~Asbestos project means an asbestos encapsulation project, an asbestos removal project, an asbestos enclosure project, an asbestos related demolition project or an asbestos related dismantling project, but does not include (a) any activities which affect three square feet or less or three linear feet or less of asbestos-containing material on or in a structure or equipment or any appurtenances thereto, or (b) any activities physically performed by a homeowner, a member of the homeowner's family, or an unpaid volunteer on or in the homeowner's residential property of four units or less.~~

~~Asbestos related demolition project means activities which include the razing of all or a portion of a structure which contains friable asbestos-containing materials or other asbestos-containing materials which may become friable when such materials are cut, crushed, ground, abraded, or pulverized.~~

~~Asbestos related dismantling project means activities which include the disassembly, handling and moving of the components of any structure or equipment which has been coated with asbestos-containing materials without first removing this material from the structure or from the equipment.~~

~~Asbestos removal project means activities which include the physical removal of friable asbestos-containing material from the surface of a structure or from equipment which is intended to remain in place after the removal. Such project also includes the physical removal of asbestos from a structure or equipment after such structure or equipment has been removed as part of an asbestos-related dismantling project.~~

~~Attest or attestation means that the individual declares that all statements on the application are true and complete. Attestation to meeting continuing competency requirements satisfies the documentation requirement of Neb. Rev. Stat. § 38-142.~~

~~Business entity means a partnership, limited liability company, firm, association, corporation, sole proprietorship, public entity or other public or private business concern involved in an asbestos project except an entity solely involved as a management planner or project designer.~~

~~Certificate means an authorization issued by the Department that gives a person the right to use a protected title that only a person who has met specific requirements may use.~~

~~Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.~~

~~Confidential information means information protected as privileged under applicable law.~~

~~Consumer means a person receiving health or health-related services or environmental services and includes a patient, client, resident, customer, or person with a similar designation.~~



002.09 Containment area **CONTAINMENT AREA.** means Aa negative pressure asbestos project work area and decontamination facility configured so as to isolate asbestos project activities from areas which are to remain uncontaminated.

002.10 CONTROL CURTAIN. means Aa closure device constructed of plastic sheeting not less than 6 mil thick and installed in an entryway into an area contaminated or to be contaminated with ACM asbestos containing material. A control curtain is intended to restrict the movement of air into, and from, a contaminated area. This curtain consists of three constructed baffles that cover the entire area of the entryway and are fastened securely along the top of the entryway framework and along alternate sides in a manner that will require individuals to walk the entire width of the entryway between adjacent baffles as they pass around the three panels.

~~Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.~~

~~Course of study means a program of instruction necessary to obtain a credential meeting the requirements set out for each profession in the appropriate practice act and rules and regulations and includes a college, a professional school, a vocational school, hours of training, or a program of instruction with a similar designation.~~

~~Credential means a license, certificate, or registration.~~

002.11 Curriculum **CURRICULUM.** means Aa detailed course outline, description or syllabus submitted to the Department as part of the approval process by an association, educational institution, individual, governmental body or other entity or individual providing an asbestos occupation course.

002.12 Decontamination facility **DECONTAMINATION FACILITY.** means Is that the portion of the containment area containing an equipment room, shower facility and a clean change room (see Figure 1).

~~Demolition means the wrecking, razing, or removal of any structure or load-supporting structural item of any structure, including any related material handling operations, and includes the intentional burning of any structure.~~

~~Department means the Department of Health and Human Services.~~

~~Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:~~

- ~~1. ——— Tolerance as defined by either of the following:~~

- a. ~~A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or~~
- b. ~~A markedly diminished effect with continued use of the same amount of alcohol or the substance;~~
2. ~~Withdrawal as manifested by either of the following:~~
  - a. ~~The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or~~
  - b. ~~Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;~~
3. ~~Alcohol or the substance is often taken in larger amounts or over a longer period than was intended;~~
4. ~~A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;~~
5. ~~A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;~~
6. ~~Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or~~
7. ~~Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.~~

~~Director means the Director of Public Health of the Division of Public Health or his/her designee.~~

~~Enclosure means the construction of an airtight, impermeable permanent barrier around asbestos-containing material to control the release of asbestos fibers into the air.~~

~~EPA means the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.~~

~~Equipment or equipment item means an item that is designed or intended to perform an operation and includes any attached item, which assists in the operation.~~

~~Friable asbestos means asbestos in a form which can be crumbled, pulverized or reduced to powder by hand pressure. CAUTION: NONFRIABLE ASBESTOS WHICH BECOMES FRIABLE IS CLASSIFIED AS FRIABLE ASBESTOS.~~

~~Furnishings means removable furniture, draperies, floor coverings and decorative items.~~

~~002.13 ENGAGING IN AN ASBESTOS PROJECT. Activities that include determining whether asbestos containing materials exist, assessing the condition of asbestos containing materials, preparing plans and specifications for an asbestos project, performing an asbestos project, or performing final clearance air sampling or soil sampling at the end of an asbestos project may only be performed by licensed individuals.~~

~~Grade D breathing air means an air supply that contains 19 1/2–23 1/2% oxygen on a volumetric basis, not more than 10 volumes of carbon monoxide or 1,000 volumes of carbon dioxide per million volumes of air, not more than 5 milligrams of condensed hydrocarbons per cubic meter of air and no objectionable odors.~~

~~002.14 HEPA filter HIGH EFFICIENCY PARTICULATE AIR FILTER. means Aa high efficiency particulate air filter capable of trapping and retaining from an air stream 99.97% of asbestos fibers greater than 0.3 microns in size.~~

~~Inspector means an individual who is licensed by the Department to identify and assess the condition of ACM. Inspectors will perform their duties in accordance with the techniques, knowledge, training and responsibilities outlined in 178 NAC 22-008.04A, item 8.~~

~~Instructor means an individual who is approved by the department to teach an asbestos-related training course.~~

~~License means an authorization issued by the Department to an individual to engage in a profession or to a business to provide services which would otherwise be unlawful in this state in the absence of such authorization.~~

~~Management planner means an individual who is licensed by the Department to assess the hazard of materials containing asbestos, to determine the appropriate response actions, and to write management plans.~~

~~Military service means full time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007)~~

~~Pattern of incompetent or negligent conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.~~

~~Physician means a person authorized to practice medicine and surgery or osteopathic medicine and surgery in the jurisdiction where a physical examination required by 178 NAC 22-004.02A is given.~~

~~Profession means any profession or occupation named in subsection (1) or (2) of Neb. Rev. Stat. §38-121.~~

~~Project designer means an individual who is licensed by the Department to formulate plans and write specifications for conducting asbestos projects.~~

~~Project monitor means an individual who is licensed by the Department to observe abatement activities performed by contractors, to represent the building owner to ensure work is completed~~

~~according to specifications and in compliance with statutes and regulations, and to perform air monitoring to determine final clearance.~~

~~Project review means review of a licensed business entity's proposed asbestos project.~~

~~Public entity means a state agency, political or taxing subdivision, municipality or any other independent body created by law except a district as defined in Neb. Rev. Stat. §70-601 or a district subject to Neb. Rev. Stat. §§14-2101 to 14-2157.~~

002.15 ~~Removal encapsulant~~ REMOVAL ENCAPSULENT. means Aa penetrating encapsulant specifically designed for removal of ACM asbestos containing material rather than for encapsulation of ACM asbestos containing material in place.

~~Renovation means the altering of a structure, one or more structural items, or one or more equipment items in any way, including any asbestos project performed on a structure, structural item, or equipment item.~~

~~Served in the regular armed forces has the same meaning as "military service" in these regulations.~~

002.16 ~~Sealing material~~ SEALING MATERIAL. means Aa an asbestos-free material used to cover a surface to prevent any asbestos fibers remaining after ACM removal from being dispersed into the air. This term includes sprayed or brushed on decorative and fireproofing materials as well as penetrating or bridging encapsulants.

002.17 ~~Structure or structural item~~ STRUCTURE OR STRUCTURAL ITEM. means rRoofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

002.18 SUCCESSFULLY PASS. Answering correctly at least seventy percent of the questions on the end of course examination.

~~Supervisor means an individual who is licensed by the Department to supervise and direct an asbestos project in accordance with the Asbestos Control Act and the rules and regulations adopted and promulgated pursuant to this act.~~

~~Type C respirator system means an airline respirator designed for atmospheres not immediately dangerous to life or health. It consists of a source of respirable breathing air, an air hose with a detachable coupling, flow control fittings and a facepiece, helmet or hood.~~

002.19 ~~Wet cleaning~~ WET CLEANING. means Tthe process of using amended water or a removal encapsulant and a wet brush, mop, cloth, sponge or similar wet cleaning device to remove completely any visible ACM asbestos containing material residue from surfaces. This definition does not include the use of a non-HEPA high efficiency particulate air filter-equipped wet vacuum cleaner to pick up wet ACM asbestos containing material debris or contaminated wastewater.

~~002.20 Wetting agent WETTING AGENT. means A surfactant or chemical that is added to water to decrease its surface tension and allow it to spread more easily over or penetrate into a surface that is covered with ACM asbestos containing material.~~

~~002.21 Work area WORK AREA. means Is a specific room or physically isolated portion of a room in which ACM asbestos containing material is required to be handled in accordance with the requirements 178 NAC 22. These areas are designated as work areas from the time that the room, or portion of it, is being prepared in order to perform the asbestos project until the time the area has been cleaned free of all visible residue in accordance with applicable Department regulations.~~

~~Worker means an individual who is licensed by the Department to clean, handle, repair, remove, encapsulate, haul, dispose of or otherwise work with asbestos material in a nonsupervisory capacity.~~

~~22-003. BUSINESS ENTITY LICENSE. The following applies to business entities engaging in asbestos projects:~~

~~22-003.01 A business entity, before engaging in an asbestos project, must hold a license issued or renewed by the Department unless a waiver has been granted under 178 NAC 22-003.03.~~

~~22-003.01A LICENSE WAIVER. The Department may waive the requirement for a license for a business entity as provided in Neb. Rev. Stat. § 71-6309, temporarily in the event of an emergency in which, in the opinion of the Department Director, a situation of present and severe danger exists which poses an immediate threat to the public health, safety and welfare. An application for an emergency waiver of a license must be made. Such a waiver will be granted only for the specific time required to take protective measures. The emergency waiver of a license application may be on a form provided by the Department or constructed by the credential holder, which must include the following information:~~

- ~~1. The name of the business and mailing address;~~
- ~~2. Contact name and phone number;~~
- ~~3. Location of emergency;~~
- ~~4. Description of emergency situation;~~
- ~~5. What danger or threat to the public health, safety and welfare exists;~~
- ~~6. Anticipated length of time it will take to address the emergency situation;~~
- ~~7. Indicate if any owners or officers of the business entity have ever owned or managed any other asbestos business entity previously licensed in the state of Nebraska. If so, state name of the entity, the last date licensed and the relationship.~~
- ~~8. Indicate if the business entity is licensed in any other state and if so where.~~
- ~~9. Indicate if the business entity will use individuals on the emergency project who hold a current certification from an EPA accredited training course; licensed in Nebraska or hold a waiver of license from the Nebraska Department of Health and Human Services.;~~

- ~~10. Indicate if the project will be conducted in accordance with standard worker protection safety practices, methods and equipment as well as all Department regulations; and~~
- ~~11. Signature of the chief executive officer of the business entity authorized to bind the firm to legal agreements or his/her designee, verifying that the information included in the application and supplemental information attached is true to the best of their knowledge.~~

~~22-003.012B WORK PRACTICES. A business entity which is licensed or for whom licensure has been waived must follow work practices set out in this chapter or any alternative procedure approved by the Department. The Department may waive the requirement for a license for a business entity not primarily engaged in asbestos projects only when the health, safety and welfare of all classes of asbestos occupations, building occupants and the general public are protected adequately.~~

~~22-003.01C The requirement for a license does not apply to a business entity which performs only asbestos projects which are less than 260 linear feet or which are less than 160 square feet and linear feet in any combination.~~

~~22-003.01D The requirement for a license does not apply to a business entity which, for the purpose of renovating, maintaining or repairing its own facilities, contracts with a licensee or uses its own employees for an asbestos project.~~

~~22-003.01E A business entity as defined in 178 NAC 22-002 including a public entity as defined in 178 NAC 22-002, whether required to be licensed, waived from license or not required to be licensed in accordance with these regulations must nevertheless have employees obtain asbestos occupation licenses in accordance with 178 NAC 22-004, perform asbestos project notifications in accordance with applicable provisions of 178 NAC 22-005 and keep records in accordance with 178 NAC 22-006.01.~~

~~22-003.01F A business entity which is licensed or for whom licensure has been waived must follow work practices of 178 NAC 22-011 to 22-022.~~

~~22-003.023 BUSINESS ENTITY REQUIREMENTS. To have a license issued, renewed or remain in effect, the business entity must demonstrate that it meets the following requirements: To obtain or renew a license an applicant must submit a complete application and provide documentation demonstrating that the applicant meets licensing requirements set out in statute and this chapter. An applicant must:~~

- ~~(A) Be owned by or employ a licensed supervisor;~~
- ~~(B) Implement a written plan for a respiratory protection program and a medical surveillance program. The plan must include who is responsible for implementing the programs;~~
- ~~(C) Own or certify immediate and continuing access to the following equipment, in operable condition, for use in each asbestos project in which it proposes to engage:
  - ~~(i) Two high efficiency particulate air filter-equipped portable exhaust fans with a~~~~

- minimum rated capacity of 500 cubic feet per minute;
- (ii) Two high efficiency particulate air filter-equipped vacuuming devices equipped with hoses and attachments necessary for cleaning wet surfaces; and
- (iii) Appropriate respirators, with a continuing inventory of at least ten high efficiency particulate air filters specifically designated for use with each respirator, in sufficient quantities to meet all anticipated requirements; and
- (D) Require and have documentation onsite that shows all individuals at friable asbestos projects have a valid Nebraska asbestos license, training, physical, and respirator fit test.

~~22-003.02A— Be owned by, or employ, at least one supervisor licensed in accordance with 178 NAC 22-004, who will be required to be physically present at, and directly supervise, each asbestos project and who must be responsible for compliance with these regulations.~~

~~22-003.02B— Ensure that each employee or agent of the business entity who engages in an asbestos project or occupation is licensed in accordance with 178 NAC 22-004.~~

~~22-003.02C— Designate an individual who is responsible for establishing and maintaining a written respiratory protection program and a medical surveillance program.~~

~~22-003.02D— Demonstrate access to and use a Nebraska Department of Environmental Quality licensed and approved asbestos waste disposal site for deposit of all ACM waste that the business entity will generate during the term of the license.~~

~~22-003.02E— Own, or certify immediate and continuing access to, and maintain in operable condition, at least the following equipment for use in each asbestos project in which it proposes to engage:~~

- ~~1. Two HEPA filter equipped portable exhaust fan units with a minimum rated capacity of 500 cubic feet per minute;~~
- ~~2. Two HEPA filter equipped vacuuming devices equipped with hoses and attachments necessary for cleaning wet surfaces;~~
- ~~3. A type C pressure demand or continuous flow respirator system with:
  - ~~a. An air supply which provides sufficient volume and pressure of Grade D breathing air to accommodate the manufacturers' specifications for all respirators intended to be connected to it; and~~
  - ~~b. Appropriate respirators, hoses and regulators in sufficient quantities to meet all anticipated requirements; and~~~~

- ~~4. Appropriate respirators, with a continuing inventory of at least ten HEPA filters specifically designated for use with each, in sufficient quantities to meet all anticipated requirements.~~

~~22-003.02F~~ The Department may waive any of the individual requirements of 178 NAC 22-003.02E items 1 through 4 as follows:

- ~~1. A waiver may be requested by submitting a completed waiver application. The waiver application may be on a form provided by the Department or constructed by the credential holder, which must include the following information:
  - ~~a. Name of business, address, phone number and contact name;~~
  - ~~b. Type of waiver requested and describes the waiver and lists the specific regulation number(s) and subsection(s);~~
  - ~~c. Reason for waiver;~~
  - ~~d. Describe alternative equipment, work practice or worker protection measure;~~
  - ~~e. Describe how the alternative meets the requirements of the statutes and regulations to protect the health, safety and welfare of all classes of asbestos occupations, and the general public; and~~
  - ~~f. Signature of the chief executive officer of the business entity authorized to bind the firm to legal agreements or his/her designee, verifying that the information included in the application and supplemental information attached is true to the best of their knowledge.~~~~
- ~~2. The request for waiver must include a description of the waiver requested, the reason for requesting the waiver, any alternative equipment or procedure proposed and an explanation of how the alternative meets the requirements 178 NAC 22.~~
- ~~3. A waiver will be granted only when the health, safety and welfare of all classes of asbestos occupations, building occupants and the general public are protected adequately; and the proposed alternative equipment or procedures meet the requirements 178 NAC 22.~~
- ~~4. The Department will approve or deny waiver applications in the form of a written notice to the applicant.~~

003.04 RENEWAL. A licensed business applying for renewal of a license must submit a completed application to the Department at least 30, but not more than 60, days prior to the expiration date in order to avoid a lapse in its license.

~~22-003.03~~ If a license, renewal of a license or waiver from licensing is desired, the business entity must:



~~22-003.03A~~ To apply for a license a firm must submit to the Department the information listed below. The application may be on a form provided by the Department or constructed by the credential holder, which must include the following information:

- ~~1. The name, address, legal structure (e.g., partnership, corporation, individual proprietorship, etc.) and nature of the business entity;~~
- ~~2. The name(s) and current address(es) of the supervisor(s) and designated individual(s) required by 178 NAC 22-003.02A and 22-003.02C;~~
- ~~3. Evidence that the business entity is capable of complying with all applicable requirements, procedures and standards imposed by these regulations. Evidence of such capability must include, but is not limited to:
  - ~~a. A list demonstrating ownership of or immediate and continuing access to the equipment required by 178 NAC 22-003.02E;~~
  - ~~b. A copy of the business entity's written employee protection plan and written standard operating procedures, which includes, at a minimum, the following:
    - ~~(1) A description of the protective clothing and respirators the business entity intends to use;~~
    - ~~(2) A description of the respiratory protection program, the respirator training and fit testing programs, and the medical monitoring program;~~
    - ~~(3) A description of the asbestos related removal, enclosure, encapsulation, demolition, dismantling and maintenance methods that the business entity intends to use;~~
    - ~~(4) A description of the procedures that the business entity uses for handling ACM waste, and the name and address of at least one approved asbestos waste disposal site the business entity intends to use;~~
    - ~~(5) A description of the air monitoring procedures the business entity intends to use;~~
    - ~~(6) A description of the site decontamination procedures that the business entity will use; and~~
    - ~~(7) A description of the procedures that the business entity will use in cleaning up the asbestos project.~~~~~~
- ~~4. Copies of all citations levied against the business entity within the past ten years by any federal, state or local government agency for violations related to asbestos activities, including names and locations of the activities, the dates and a description of how the allegations were resolved.~~

~~22-003.03B~~ Have the chief executive officer of the business entity making application or his/her designee sign the application and forward the original to the Department.

~~22-003.03C Enclose a check or money order for the fee required by 178 NAC 22-009.01.~~

~~22-003.04 The Department has 60 days after receipt of an initial application for licensure to determine if a license will be issued.~~

~~22-003.04A If an application is deficient or incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of the additional information. The applicant has 15 days to provide the information necessary to complete the application. If the Department has not received the information within the 15 days, the application will be returned to the applicant.~~

~~22-003.04B The Department will approve or deny the application in the form of a written notice to the applicant.~~

~~22-003.05 A license will expire on the first anniversary of its effective date unless renewed according to the provisions of 178 NAC 22-003.07.~~

~~22-003.06 Prior to the expiration of a license, the Department will send to the licensed business entity at its last known address, a renewal notice which states the following:~~

- ~~1. The date on which the current license expires;~~
- ~~2. The date by which the renewal application must be received by the Department for the renewal to be issued and mailed before the license expires; and~~
- ~~3. The amount of the renewal fee, as provided by 178 NAC 22-009.01.~~

~~22-003.07 A licensed business entity applying for renewal of a license must submit a completed application to the Department in accordance with 178 NAC 22-003.03 at least 30, but not more than 60, days prior to the expiration date in order to avoid a lapse in coverage.~~

~~22-003.08 The Department will prepare and maintain a list of licensed asbestos business entities which will be available for public inspection at the Department during working hours.~~

~~22-003.09 A business entity must be validly licensed by the Department at the time it submits a bid for an asbestos project to any state agency, county, city, village, school district, or other political or taxing subdivision.~~

~~22-003.10 Denial, Refusal to Renew, Suspension or Revocation of Licenses: The Department may deny, refuse to renew, suspend or revoke a license, whether initial or renewed, for any of the following reasons:~~

- ~~1. Engaging or attempting to engage in an asbestos project without a license or waiver from licensure unless exempt from licensure;~~
- ~~2. Fraud or misrepresentation in an application;~~
- ~~3. Employing or permitting an unlicensed individual to work on an asbestos project or in an asbestos occupation;~~
- ~~4. Failure to provide notice to the Department of the commencement of an asbestos project as required by 178 NAC 22-005;~~
- ~~5. Failure to maintain or to permit inspection of the records required by 178 NAC 22-006;~~
- ~~6. Failure to permit an on-site inspection of an asbestos project by the Department, as required by 178 NAC 22-006.02 or 22-006.04;~~
- ~~7. Failure to pay any fee assessed under 178 NAC 22; or~~
- ~~8. Failure at any time to comply with requirements of the Asbestos Control Act or Department regulations implementing the Act.~~

~~22-003.11 In addition to the disciplinary action provided in 178 NAC 22-003.10 or the citation action provided in 178 NAC 22-003.13, the Department may assess a civil penalty of not less than \$1,000 nor more than \$25,000 for each offense committed by a business entity licensed under the Asbestos Control Act.~~

~~22-003.12 Procedure: Should the Department determine to deny, suspend, revoke or refuse to renew a license, it will send to applicant or licensee by mail, a notice setting forth the reasons for the determination. The denial, suspension, revocation or refusal to renew will become final 30 days after the mailing of the notice unless the applicant or licensee within such 30 day period gives written notice of a desire for a hearing. Hearings will be conducted in accordance with the Administrative Procedures Act and 184 NAC 1. If a hearing is requested, the applicant or licensee will be given a hearing before the Department and will have the right to present such evidence as may be proper. On the basis of such evidence, the determination will be affirmed, modified or set aside, and a copy of such decision setting forth the findings of fact and the particular reasons upon which such decision was based will be sent by certified mail to the applicant or licensee. The decision will become a final decision of the Department and may be appealed in accordance with the Administrative Procedure Act.~~

~~22-003.13 Citation in Lieu of Discipline When the Department determines that a licensee has violated the Asbestos Control Act or Department regulations, the Department may, rather than initially instituting disciplinary proceedings in accordance with 178 NAC 22-003.12, within seven working days after finding a violation is made, issue a citation to the licensee.~~

~~22-003.13A—The citation will be served upon the licensee personally or by certified mail. Each citation will describe specifically the nature of the violation, and identify the statute, rule or regulation violated.~~

~~22-003.13B—When the citation is served upon the licensee, the licensee will have seven working days to remedy the violation.~~

~~22-003.13C—If such violation has not been remedied at the end of such time, the Department may take such other action as is deemed appropriate pursuant to the Asbestos Control Act and the Administrative Procedure Act.~~

~~22-003.14—The Department will inform the Attorney General of any violation or impending violation of the Asbestos Control Act or Department regulations requiring an action in the name of the State for an injunction or other process against a business entity or individual to restrain or prevent such violation.~~

~~22-004. ASBESTOS LICENSURE FOR INDIVIDUALS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the requirements set out in statute, 172 NAC 10, and this chapter.~~

~~004.01 INITIAL LICENSE. All applicants must submit the following:~~

- ~~(A) The original of a certificate showing successful completion within the prior 12 months of an approved program for initial training in the discipline applied for or the original of a certificate showing successful completion of an approved program for initial training in the discipline applied for and the original of a certificate showing successful completion of approved program of review trainings in the discipline applied for that were taken annually since completion of the initial training;~~
- ~~(B) The original of a certificate showing successful completion of an approved Nebraska law training program if applying pursuant to Neb. Rev. Stat. § 71-6310(3); and~~
- ~~(C) Documentation of an examination by a physician within the preceding 12 months which includes a declaration by the physician that the applicant is physically capable of working while wearing a respirator for all disciplines except limited project designer and limited management planner.~~

~~22-004.01—An individual, before engaging in an asbestos occupation or an asbestos project, must hold a license issued or renewed by the Department unless a waiver has been granted under 178 NAC 22-004.01C. Asbestos occupations are: Asbestos Worker, Asbestos Supervisor, Asbestos Project Designer, Limited Asbestos Project Designer, Asbestos Inspector, Asbestos Management Planner, Limited Asbestos Management Planner, and Asbestos Project Monitor.~~

~~22-004.01A—In addition to holding a current license, in order to practice an occupation, a licensee must also have:~~

- ~~1. Department approved training in the appropriate occupation within the preceding 12 months. An individual, once licensed, must successfully complete approved annual review courses as required by 178 NAC 22-008.07 to remain current in training requirements throughout the term of his/her license; and~~
- ~~2. A physical examination and physician statement that the licensee is physically capable of working while wearing a respirator within the preceding 12 months other than a asbestos limited project designer or limited asbestos management planner. An individual, once licensed, must have an annual physical examination and physician statement as required by 178 NAC 004.02A, item 4 to remain current in medical requirements throughout the term of his/her license.~~

~~22-004.01B An individual who is working on an asbestos project must follow the work practices of 178 NAC 22-011 to 22-022 to the extent it is within such individual's control.~~

~~22-004.01C The Department may waive the requirement for a license temporarily in the event of an emergency in which, in the opinion of the Department, a situation of present and severe danger exists which poses an immediate threat to the public health, safety and welfare. Such a waiver will be granted only for the specific time required to take protective measures.~~

~~004.02 REQUIREMENTS FOR LICENSURE IN THE ASBESTOS PROFESSIONS. In order to practice an asbestos profession, the licensee is responsible for ensuring they have a valid Nebraska asbestos license and maintain current training, physical and respirator fit test.~~

~~22-004.02 Initial License~~

~~22-004.02A Qualifications: To receive a license to practice an asbestos occupation, an individual must meet the following qualifications:~~

- ~~1. Age and Good Character: Be at least 19 years old and of good character;~~
- ~~2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States.~~
- ~~3. Training: Must have completed an initial training course in the asbestos occupation applied for with proof of scoring at least 70% on the final written examination, and have completed appropriate review course. Such training must be either approved by:
  - ~~a. The Department,~~~~

- ~~b. The Federal Department of Environmental Protection Agency (EPA) under the Asbestos Hazard Emergency Response Act, or~~
- ~~c. A State Asbestos Program accredited per 40 CFR 763.~~

- ~~(1) An individual who has completed an initial training course must complete approved annual review courses as required by 78 NAC 22-008.07. An individual who fails to complete a review course for a period of one year or longer from the expiration date of any previous course must retake the initial training course.~~
- ~~(2) An individual who is fully accredited under an EPA Asbestos Hazard Emergency Response Act course or by an accredited state asbestos model accreditation plan adopted pursuant to 40 CFR 763 still must fulfill the requirement of state law for instruction on applicable Nebraska health and safety standards for asbestos activities. This requirement can be met for either an initial training course or an annual review course by successfully completing within 12 months from the date of the last training certificate a course approved by the Department of at least four hours duration on the applicable Nebraska law, rules and regulations, and by scoring at least 70% on the final written examination.~~

- ~~4. Physical Examination: Have been examined by a physician within the preceding 12 months and declared by the physician to be physically capable of working while wearing a respirator. An individual applying for a limited asbestos project design or limited management planner is exempt from this requirement but may not enter any active asbestos project worksite.~~

~~22-004.02B Application: To apply for a license to practice an asbestos occupation, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:~~

- ~~1. Written Application:~~

- ~~a. Personal Information:~~

- ~~(1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;~~
- ~~(2) Date of birth (month, day, and year);~~
- ~~(3) Place of birth (city and state or country if not born in the United States);~~
- ~~(4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);~~
- ~~(5) The applicant's:
  - ~~(a) Social Security Number (SSN); or~~~~

~~(b) Alien Registration Number ("A#"); or  
(c) Form I-94 (Arrival-Departure Record) number.  
Certain applicants may have both a SSN and an A# or I-94  
number, and if so, must report both.~~

~~(6) The applicant's telephone number including area code;~~

~~(7) The applicant's e-mail address (optional);~~

~~(8) The applicant's fax number (optional);~~

~~(9) Citizenship: The applicant must state that s/he is one of the  
following:~~

~~(a) A citizen of the United States;~~

~~(b) An alien lawfully admitted into the United States for  
permanent residence under the Immigration and  
Naturalization Act (INA) and who is eligible for a  
credential under the Uniform Credentialing Act; or~~

~~(c) A non-immigrant whose visa for entry, or application for  
visa for entry, is related to such employment in the United  
States;~~

~~b. Practice Before Application: The applicant must state:~~

~~(1) That s/he has not practiced an asbestos occupation in  
Nebraska before submitting the application; or~~

~~(2) If s/he has practiced an asbestos occupation in Nebraska  
before submitting the application, the actual number of days  
practiced in Nebraska before submitting the application for a  
credential and the name and location of practice; and~~

~~c. Attestation: The applicant must attest that:~~

~~(1) S/he has read the application or has had the application read  
to him/her;~~

~~(2) All statements on the application are true and complete; and~~

~~(3) S/he is of good character.~~

~~A complete application includes all required documentation, the  
required fee required by 178 NAC 22-009.02, and a written  
application.~~

~~2. Documentation: The applicant must submit the following documentation  
with the application:~~

~~(a) Evidence of age, such as:~~

~~(1) Driver's license;~~

~~(2) Birth certificate;~~

~~(3) Marriage license that provides date of birth;~~

~~(4) Transcript;~~

~~(5) U.S. State identification card;~~

~~(6) Military identification; or~~

~~(7) Other similar documentation;~~

- ~~(b) Evidence of good character, including:
  - ~~(1) Disciplinary Action: A list of any disciplinary actions taken against any of the asbestos related applicant's credential and a copy of the disciplinary action(s), including charges and disposition;~~
  - ~~(2) Denial: If the applicant was denied an asbestos related credential or denied the right to take an examination, an explanation of the basis for the denial;~~~~
- ~~(c) Evidence that the applicant is:
  - ~~(1) A citizen;~~
  - ~~(2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or~~
  - ~~(3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;~~~~
- ~~(d) Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
  - ~~(1) A U.S. Passport (unexpired or expired);~~
  - ~~(2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;~~
  - ~~(3) An American Indian Card (I-872);~~
  - ~~(4) A Certificate of Naturalization (N-550 or N-570);~~
  - ~~(5) A Certificate of Citizenship (N-560 or N-561);~~
  - ~~(6) Certification of Report of Birth (DS-1350);~~
  - ~~(7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);~~
  - ~~(8) Certification of Birth Abroad (FS-545 or DS-1350);~~
  - ~~(9) A United States Citizen Identification Card (I-197 or I-179);~~
  - ~~(10) A Northern Mariana Card (I-873);~~
  - ~~(11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");~~
  - ~~(12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;~~
  - ~~(13) A document showing an Alien Registration Number ("A#"); or~~
  - ~~(14) A Form I-94 (Arrival-Departure Record);~~~~
- ~~(e) Original certificate provided to an individual from a course approved by the Department. See 178 NAC 22-004.02A, item 3.~~
- ~~(f) Original physician certificate that includes the:
  - ~~(1) Individual's:
    - ~~(a) Name;~~
    - ~~(b) Social security number or other identification per 178 NAC 22-004.02B, item 1. (5), and~~
    - ~~(c) Home address;~~~~
  - ~~(2) Date of the physician examination of the individual;~~~~



- ~~(3) Physicians:~~
- ~~(a) Name;~~
  - ~~(b) License number and jurisdiction issuing the physician's license;~~
  - ~~(c) Business address and~~
  - ~~(d) Phone number; and~~
- ~~(4) The original signature of the physician that declares that the individual is capable of working while wearing a respirator; and~~
- ~~3. Fee: Enclose a check or money order for the appropriate fee required by 178 NAC 22-009.02 for the asbestos occupation applied for.~~
- ~~4. The Department has 150 days after receipt of an initial application for certification to determine if a license will be issued.~~
- ~~a. If an application is deficient or incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of the additional information. The applicant has 15 days to provide the information necessary to complete the application. If the Department has not received the information within 15 days, the application will be returned to the applicant.~~
  - ~~b. The Department will approve or deny the application in the form of a written notice to the applicant.~~

~~22-004.02C Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.~~

~~22-004.02D Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 178 NAC 22-004.08 or such other action as provided in the statutes and regulations governing the credential.~~

~~22-004.02E Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.~~

~~22-004.02F Address Information: Each credential holder must notify the Department of any change to the address of record.~~

~~22-004.02G Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English~~

~~language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.~~

~~22-004.03 CONTINUING COMPETENCY REQUIREMENTS: To renew a license an individual who has completed an initial training course must complete an approved annual review course within a year from the date of completion of the initial training course and each subsequent year. An individual who fails to complete a review course for a period of twelve months or longer from the expiration of the initial training must retake the initial training course.~~

- ~~1. An individual, once licensed, must successfully complete approved annual review courses as required by 178 NAC 22-008.07 to remain current in training requirements throughout the term of his/her license. Furnish proof of completion of an approved review course to the Department with renewal application. Proof of completion must be the original certificate provided to the individual from a course approved by the Department.~~
- ~~2. An individual, once licensed, must be reexamined within 12 months from the date of the last medical examination by a physician as required by 178 NAC 22-004.02A, item 4 to remain current in medical requirements throughout the terms of his/her license. Furnish proof of reexamination to the Department with renewal application.~~

~~22-004.04 RENEWAL: All asbestos occupation credentials issued by the Department will expire 24 months after the effective date of issuance. To renew a license to practice an asbestos occupation, the individual must submit a complete application to the Department, meet the continuing competency requirements set out in this chapter, the requirements set out in 172 NAC 10, and in statute. An individual who wants to renew his/her asbestos occupation credential must request renewal as specified in 178 NAC 22-004.04B. All asbestos occupation credentials issued by the Department will expire 24 months after the effective date of issuance.~~

~~22-004.04A Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder to the last known address of record. The renewal notice states the following:~~

- ~~1. The date on which the current license expires; and~~
- ~~2. The date by which renewal application must be received by the Department for the renewal to be issued and mailed before the license expires.~~

~~22-004.04B Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet when available, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application that must contain the following information:~~

- ~~1. Written Application:
    - ~~a. Personal Information:
      - ~~(1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;~~
      - ~~(2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);~~
      - ~~(3) The applicant's:
        - ~~(a) Social Security Number (SSN); or~~
        - ~~(b) Alien Registration Number (A#) or~~
        - ~~(c) Form I-94 (Arrival-Departure Record) number.~~

~~Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.~~~~
      - ~~(4) The applicant's telephone number including area code;~~
      - ~~(5) The applicant's e-mail address (optional); and~~
      - ~~(6) The applicant's fax number (optional);~~~~
    - ~~b. Continuing competency: The individual must attest to meeting the continuing competency requirements as specified in 178 NAC 22-004.03; and~~
    - ~~c. Attestation: The applicant must attest that:
      - ~~(1) S/he has read the application or has had the application read to him/her;~~
      - ~~(2) All statements on the application are true and complete; and~~
      - ~~(3) S/he is of good character.~~~~~~
- ~~2. Documentation: The applicant must submit the following documentation with the application:
  - ~~a. Disciplinary Action: A list of any disciplinary actions taken against any of the applicant's asbestos related credentials and a copy of the disciplinary action(s), including charges and disposition; other information as requested by the Department;~~
  - ~~b. Furnish proof of completion of an approved review course to the Department with renewal application. Proof of completion must be the original certificate provided to the individual from a course approved by the Department; and~~
  - ~~c. Submit physical examination by physician per 178 NAC 22-004.02A, item 4.~~~~
- ~~3. Fee: Enclose a check or money order for the appropriate fee required by 178 NAC 22-009.02 for the asbestos occupation applied for.~~
- ~~4. Term of licensure: A license is valid for two years from the date it is issued by the Department. The ability to practice is described in 180 NAC 22-004.01A.~~

~~22-004.04C Waiver of Fee for Military Service: A credential holder who has served in the regular armed forces of the United State during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service, as defined in 178 NAC 22-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:~~

- ~~1. Military identification proving that s/he is in active service;~~
- ~~2. Military orders; or~~
- ~~3. A letter from his/her Commanding Officer indicating that s/he is on active duty.~~

~~Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.~~

~~22-004.04D Department Review: The Department will act within 150 days upon all completed applications for renewal.~~

~~22-004.04E Address Information: Each credential holder must notify the Department of any change to the address of record.~~

~~22-004.04F Expiration of a Credential: A credential expires if a credential holder fails to:~~

- ~~1. Meet the requirements for renewal on or before the date of expiration of his/her credential; or~~
- ~~2. Otherwise fails to renew his/her credential.~~

~~22-004.04G Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:~~

- ~~1. Submit documentation of continuing competency; and/or~~
- ~~2. Submit physical examination by physician per 178 NAC 22-004.02A, item 4; or~~
- ~~3. Pay the required renewal fee.~~

~~22-004.04H Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.~~

~~22-004.04I Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice asbestos occupations expires.~~

~~22-004.04J Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 178 NAC 22-004.08 or such other action as provided in the statutes and regulations governing the credential.~~

~~22-004.04K Reinstatement of an Expired Credential: If a credential holder wants to resume the practice of an asbestos occupation after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 178 NAC 22-004.07.~~

#### ~~22-004.05 DISCIPLINARY ACTIONS:~~

~~22-004.05(A) Grounds for Action Against a License: A license to practice a profession may be denied, refused renewal or have disciplinary actions taken against it on any of the following grounds:~~

- ~~1. Violation of an order issued by the Department;~~
- ~~2. Fraud or misrepresentation of material facts in procuring or attempting to procure a credential;~~
- ~~3. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;~~
- ~~4. Practice of the profession:
  - ~~a. Fraudulently;~~
  - ~~b. Beyond its authorized scope;~~
  - ~~c. With gross incompetence or gross negligence, or~~
  - ~~d. In a pattern of incompetent or negligent conduct;~~~~
- ~~5. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;~~
- ~~6. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;~~
- ~~7. Illness, deterioration, or disability that impairs the ability to practice the profession;~~
- ~~8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;~~
- ~~9. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;~~
- ~~10. Violations of the Uniform Credentialing Act or the rules and regulations relating to the asbestos profession;~~

- ~~11. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;~~
- ~~12. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;~~
- ~~13. Failure to maintain the requirements necessary to obtain a credential;~~
- ~~14. Engaging or attempting to engage in an asbestos occupation without a license;~~
- ~~15. Failure to pay any fee required by these regulations for licensure or license renewal; or~~
- ~~16. Unprofessional conduct as defined in 178 NAC 22-004.05B.~~

~~If the individual was previously certified/licensed in an asbestos occupation, but that certificate/license has lapsed because it was not renewed in time, such fact will not be grounds for denial of a subsequent application for a license where initial training has been retaken and the applicant meets all other requirements 178 NAC 22;~~

~~22-004.05B Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including but not limited to:~~

- ~~1. Obtaining any fee for professional services by fraud, deceit, or misrepresentation;~~
- ~~2. Failure to keep and maintain adequate records;~~
- ~~3. In an investigation by the Department of any alleged violation, refusal to cooperate or furnish accurate evidentiary information legally requested;~~
- ~~4. Falsification of records that are required to be kept by 178 NAC 22; and~~
- ~~5. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession.~~

~~004.05 UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and includes the following:~~

- ~~(A) Failure to keep and maintain adequate records;~~
- ~~(B) In an investigation by the Department of any alleged violation, refusal to cooperate or furnish information requested;~~
- ~~(C) Falsification of records that are required to be kept by 178 NAC 22;~~
- ~~(D) Refusing to provide service to a consumer because of such consumer's race, creed, color, sex, national origin, disability, or familial status; or~~
- ~~(E) Disruptive behavior such as:~~
  - ~~(i) Outbursts of rage or violent behavior;~~
  - ~~(ii) Throwing of records or objects;~~
  - ~~(iii) Striking, assaulting, or using insulting comments to a consumer, consumer's family member, coworkers, or other individuals while working on an asbestos project; or~~
  - ~~(iv) Poor hygiene.~~

~~22-004.05C Temporary Suspension or Limitation~~

- ~~1. The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 178 NAC 22-004.05A for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.~~
- ~~2. A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.~~
- ~~3. A temporary suspension or temporary limitation of a credential under 178 NAC 22-004.05C will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.~~

~~22-004.05D Procedure:~~ ~~Should the Department determine to deny, suspend, revoke or refuse to renew a license or a limited license, it will send to the license holder, applicant or individual, a notice setting forth the reasons for the determination. The denial, suspension, revocation or refusal to renew will become final 30 days after the mailing of the notice unless the license holder, applicant or individual, within such 30-day period, gives written notice of a desire for a hearing. Hearings will be conducted in accordance with the Administrative Procedures Act and 184 NAC 1. If a hearing is requested, the license holder, applicant or individual will be given a hearing before the Department and will have the right to present such evidence as may be proper. On the basis of such evidence, the determination will be affirmed, modified or set aside, and a copy of such decision setting forth the findings of fact and the particular reasons upon which such decision was based will be sent by certified mail to the certificate holder, applicant or individual. The decision will become a final decision of the Department and may be appealed in accordance with the Administrative Procedure Act.~~

~~22-004.06 VOLUNTARY SURRENDER OR LIMITATION:~~ ~~A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder~~

~~must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:~~

- ~~1. Personal Information:
  - a. First, middle and last name;
  - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
  - c. Telephone number; and
  - d. Fax number.~~
- ~~2. Information Regarding the Credential Being Offered for Surrender or Limitation:
  - a. List credential(s) and credential number(s) that would be surrendered or limited;
  - b. Indicate the desired time frame for offered surrender or limitation:
    - (1) Permanently;
    - (2) Indefinitely; or
    - (3) Definite period of time (specify);
  - c. Specify reason for offered surrender or limit of credential; and
  - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.~~
- ~~3. Attestation: The credential holder must:
  - a. Attest that all the information on the offer is true and complete; and
  - b. Provide the credential holder's signature and date.~~

~~22-004.06A The Department may accept an offer of voluntary surrender or limitation of a credential based on:~~

- ~~1. An offer made by the credential holder on his/her own volition;~~
- ~~2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;~~
- ~~3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or~~
- ~~4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.~~

~~22-004.06B The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:~~

- ~~1. Is under investigation;~~
- ~~2. Has a disciplinary action pending but a disposition has not been rendered;~~  
~~or~~
- ~~3. Has had a disciplinary action taken against it.~~

~~22-004.06C When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:~~



- ~~1.—Whether the Department accepts or rejects the offer of voluntary surrender; and~~
- ~~2.—The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
  - ~~a.—Duration of the surrender;~~
  - ~~b.—Whether the credential holder may apply to have the credential reinstated; and~~
  - ~~c.—Any terms and conditions for reinstatement.~~~~

~~22-004.06D—A limitation may be placed on the right of the credential holder to practice a profession to the extent, for the time, and under the conditions as imposed by the Director.~~

~~22-004.06E—Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.~~

~~22-004.06F—Reinstatement following voluntary surrender is set out in 172 NAC 22-004.07.~~

~~22-004.07 REINSTATEMENT:—This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. To qualify for reinstatement the applicant must first meet the requirement for renewal. Individuals may apply for reinstatement as follows:~~

- ~~1.—An individual whose credential has expired, or been suspended or limited for disciplinary reasons, may apply for reinstatement at any time.~~
- ~~2.—An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.~~
- ~~3.—An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.~~
- ~~4.—An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.~~

~~The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.~~

~~22-004.07A—Application:~~

- ~~1.—The applicant must submit to the Department the written application for renewal as specified in 178 NAC 22-004.04B;~~
- ~~2.—Attest~~

- ~~a. That s/he has not practiced in Nebraska since s/he last held an active credential; or~~
- ~~b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential; and~~
- ~~3. Pay the renewal per 178 NAC 22-009.02 and reinstatement fees~~

~~22-004.07B Department Action:~~

- ~~1. If an applicant has practiced while his/her credential was expired, or voluntarily surrendered, the Department may take one or more of the following actions:
  - ~~a. Assess an administrative penalty pursuant to 178 NAC 22-004.08, in which case a separate notice of opportunity for hearing will be sent to the applicant;~~
  - ~~b. Deny the application to reinstate the credential;~~
  - ~~c. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or~~
  - ~~d. Reinstate the credential.~~~~
- ~~2. The Department will act within 150 days on all completed applications.~~
- ~~3. Procedure: Should the department determine to refuse to renew, procedures set out in 178 NAC 22-004.05D will be followed.~~
- ~~4. The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.~~

~~22-004.08 ADMINISTRATIVE PENALTY:~~ ~~The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession. Practice without a credential for the purpose of this regulation means practice:~~

- ~~1. Prior to the issuance of a credential;~~
- ~~2. Following the expiration of a credential; or~~
- ~~3. Prior to the reinstatement of a credential.~~

~~22-004.08A Evidence of Practice:~~ ~~The Department will consider any of the following conditions as prima facie evidence of practice without being credentialed:~~

- ~~1. The person admits to engaging in practice;~~
- ~~2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;~~
- ~~3. Billing or payment records document the provision of service;~~
- ~~4. Service records document the provision of service by the person;~~
- ~~5. Appointment records indicate that the person was engaged in practice; and~~

- ~~6. The person opens a business or practice site and announces or advertises that the business or site is open to provide service.~~

~~For purposes of this regulation, prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.~~

~~22-004.08B Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:~~

- ~~1. Provide written notice of the assessment to the person. The notice will specify:
  - ~~a. The total amount of the administrative penalty;~~
  - ~~b. The evidence on which the administrative penalty is based;~~
  - ~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;~~
  - ~~d. That the Department will within 30 days following receipt of payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska; and~~
  - ~~e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty.~~~~
- ~~2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.~~

~~22-004.08C Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.~~

005. ASBESTOS OCCUPATION TRAINING OR REVIEW COURSES. A training provider must not provide, offer, or claim to provide Nebraska approved asbestos training programs or review courses without applying for and receiving accreditation from the Department.

005.01 COURSE APPROVAL PROCESS. All asbestos occupation training or annual review courses, including a training course on Nebraska law asbestos occupation licensure or license renewal, including lectures, seminars, course materials and other instructional programs, must be reviewed and approved by the Department before they are offered. All applications for approval of an occupation training or annual review course must be submitted on a form

provided by the Department. A separate application for each course for which approval is sought is required. Correspondence courses will not be approved by the Department.

005.02 GENERAL REQUIREMENTS. All course providers must meet the following:

- (A) Include instruction on Nebraska Law in accordance with this chapter;
- (B) Only use approved instructors to teach training courses;
- (C) Ensure that participants completing an initial training course, annual review course or course on Nebraska Law demonstrate at least the minimum acceptable proficiency in tasks or duties connected with each unit of the components set forth in 178 NAC 22-006, and that participants completing the course are given a final written examination in that course including at least the following number of multiple choice questions:
  - (i) Asbestos Workers - 50 questions;
  - (ii) Asbestos Supervisors - 100 questions;
  - (iii) Asbestos Project Designers - 100 questions;
  - (iv) Asbestos Inspectors - 50 questions;
  - (v) Asbestos Management Planners - 50 questions;
  - (vi) Asbestos Project Monitor - 100 questions; and
  - (vii) Nebraska Law - 50 questions;
- (D) Ensure an individual attends all course presentations and passes the final written examination with a score of at least 70% for successful course completion;
- (E) Document an individual's successful completion of a course in a numbered certificate or letter, the original of which must be given to the individual no later than 15 days after the date of the final written examination, containing the following information:
  - (i) The student's name;
  - (ii) The date or dates that the course was attended;
  - (iii) The name, address, and telephone number of the course provider, and the location of the course, if different from that of the course provider;
  - (iv) Discipline of the training course completed;
  - (v) A statement that the student passed the final written examination with a score of at least 70% and has completed the requisite training for asbestos accreditation under Toxic Substances Control Act Title II, 40 CFR Part 763, and the State of Nebraska asbestos regulations and statutes;
  - (vi) A unique certificate number;
  - (vii) Date of examination; and
  - (viii) An expiration date of one year after the date upon which the person successfully completed the course and examination;
- (F) Submit a document to the Department signed by the administrator or operating officer of the course within 15 days after the date of the final written examination the information required in 178 NAC 22-005.02(E);
- (G) Maintain attendance information for asbestos occupation courses, as stipulated by 178 NAC 22-005.02(E), for a minimum of three years from the date of completion of each course. Attendance records are subject to review by the Department upon request. If a training provider ceases to conduct training, the training provider must notify the Department and give it the opportunity to take possession of that provider's asbestos training records;

- (H) Courses described in this chapter must be based on an eight hour day, including time allotted for breaks and one meal. Full day classes must have a minimum of 6.5 hours of contact time and half day classes must have a minimum of 3.75 hours of contact time in instructional, examination, or workshop activities. Activities must follow submitted and approved curriculum. Meal breaks must be offered at about the midpoint of the full day course;
- (I) Courses must meet or exceed the minimum number of hours and the training requirements set forth in this chapter; and
- (J) The training site must accommodate course participants comfortably and provide adequate sanitation and safety.

005.03 TRAINING PROVIDER APPLICATION. To apply for approval of an individual asbestos occupation course, the applicant must submit a completed application provided by the Department and provide documentation demonstrating that the applicant meets statutory requirements and the requirements of this chapter.

005.04 ACCREDITATION. Once accreditation for an asbestos occupation course has been granted, the Department need not approve a course for each occasion on which the course is administered, but will make an annual determination of whether or not to extend accreditation. If an accredited course has not been presented by a training provider in a two year period that training provider forfeits its Department accreditation for that particular course two years from the last active course date. Course providers that lose accreditation for particular courses may resubmit an application in accordance with 178 NAC 22-005.02 requirements.

005.05 COMPLIANCE. The course provider of an accredited course must comply with the following:

- (A) Notify the Department in writing at least five working days in advance of the dates, times, and location for each presentation of an approved course. Immediately notify the Department by phone or electronic means if any scheduled course is cancelled.
- (B) Submit the following information to the Department annually on the anniversary of course approval:
  - (i) A report to include the number of occasions the course was given and the numbers attending, negative reports are required; and
  - (ii) An updated course manual and updates to other course materials.

005.06 ON-SITE INSPECTION. All presentations of an accredited course are subject to on-site inspection by the Department at any reasonable time. When a course is reviewed, the Department will not be assessed an attendance fee.

005.07 COURSE CHANGES. Prior to a course provider making any change to an approved course on any of the items required to be in the original application as listed in 178 NAC 22-005.03, the course provider must inform the Department immediately, in writing, and reapply for course approval in accordance with this chapter.

005.08 SPECIAL ACCOMMODATIONS. If individuals taking the examination for worker licensure or renewal have difficulty reading the examination, for whatever reason, the course provider may make special provisions for that individual as follows:

- (A) The only occupation eligible for special examination procedures is an asbestos worker. All other asbestos occupations must be able to read project designs, specifications, and notifications proficiently;
- (B) If an individual desires special accommodations, the request must be made to the course provider in advance and be approved;
- (C) To accommodate the individual requesting special accommodations the course provider may allow the individual extra time in which to finish taking the examination; and
- (D) To accommodate the individual requesting special accommodations, the course provider may provide a reader to read the examination to the individual. Readers may not be provided by the individual taking the examination. In no event will such reader translate or interpret the examination, or indicate the correct answers to the examination questions by voice inflection or any other means. If this method is used, it must be done in a manner or in an area that will not be distracting to other individuals taking the examination.

005.09 RESTRICTIONS. In order to assure the integrity of training received by individuals, providers of approved training courses may not train or issue training certificates to the owners, officers, or stockholders of the training provider or any affiliated company.

005.10 VIOLATIONS. The Department may deny, suspend, or revoke accreditation of an asbestos occupation course, whether initial, renewal or course on Nebraska law, for any of the following reasons:

- (A) Fraud or misrepresentation in an application;
- (B) Failure to provide notification to the Department of the commencement or cancellation of a training course as required by this chapter;
- (C) Failure to maintain or submit to the Department course information as required by this chapter;
- (D) Failure to permit on-site inspections by Department employees or permit inspections of training records;
- (E) Fraud or misrepresentation in issuing or obtaining training certificates;
- (F) Failure to pay any fee assessed under these regulations, or
- (G) Failure at any time to comply with requirements of the Asbestos Control Act or this chapter.

006. ASBESTOS OCCUPATION TRAINING AND REVIEW COURSE CURRICULUM. A training program must meet the minimum training curriculum requirements contained in Neb. Rev. Stat. § 71-6310.01 through 71-6310.02, 40 CFR Part 763 Appendix C and this chapter.

006.01 ASBESTOS OCCUPATION ANNUAL REVIEW COURSES. Each asbestos occupation review course must be specific to each occupation and include, at a minimum, an examination and eight hours of instruction except that a review course for asbestos inspectors must include four hours of instruction.

006.02 CURRICULUM. The curriculum for an asbestos occupation review course must include the following components of classroom instruction:

- (A) Current federal, Nebraska, and local requirements, including changes;
- (B) Review of key elements of each respective asbestos occupation initial training courses as required in these regulations;
- (C) State-of-the-art developments in work practices and engineering controls related to asbestos activities; and
- (D) Review of the potential health effects related to asbestos exposure.

006.03 TRAINING COURSE ON NEBRASKA LAW. The training course on Nebraska law must include four hours of instruction, an examination, and the following components of classroom instruction:

- (A) Nebraska law relevant to asbestos projects and asbestos occupations including the Asbestos Control Act and the Environmental Protection Act; and
- (B) 178 NAC 22, 129 NAC 23, Nebraska Department of Environment and Energy Hazardous Air Pollutants: Emission Standards; and the Administrative Procedure Act.

~~22-0057.~~ ASBESTOS PROJECT NOTIFICATION REQUIREMENTS. Before initiating any asbestos project, a business entity or individual must submit to the Department a written project notification on a form provided by the Department with all requested information and any required fee. A separate project notification is required for each structure where an asbestos project is performed, except when projects will be performed on or in identical multiple structures, and all of the work will be performed in a continuous manner, then only one project notice will be required. If the project is not planned, but is an emergency which results from a sudden, unexpected event, written notice is not required prior to project start, but written asbestos project notification with all requested information and any required fee must be provided to the Department within 48 hours of project start. All renovation or demolition work must be inspected for the presence of asbestos containing material prior to the beginning of work. If an inspection for asbestos containing material prior to beginning renovation or demolition was not done, then the discovery of asbestos containing material after work begins does not meet the sudden, unexpected event criteria for an emergency, and abatement of the asbestos containing material cannot be performed as an emergency project.

~~22-005.01 A business entity proposing to engage in an asbestos project must notify the Department of this intent by submitting a written project notification.~~

~~22-005.01A Submit the notice as follows:~~

- ~~1. Submit to the Department an asbestos project notification. Complete an asbestos project notification on a form provided by the Department or constructed by the credential holder, which must include the information below. Submit it at least ten working days, including holidays, in advance of project start. Such asbestos project notice must include, but not be limited to:~~

- a. ~~The name, address, and telephone number of the business entity which will carry out the asbestos project;~~
  - b. ~~The name, address, and telephone number of the owner of the structure on which the asbestos project is to be carried out;~~
  - c. ~~The building number and street address of the project site, and if either is unavailable, directions to the project site;~~
  - d. ~~All locations (floor, room number, etc.) where the asbestos project will be carried out;~~
  - e. ~~The type of ACM in the project (i.e. floor tile, ceiling plaster, pipe wrap, etc);~~
  - f. ~~The date when the business entity will start the project and the date when the project will be finished;~~
  - g. ~~The work schedule for the project which must include the work shift hours and work days when active asbestos project work will be carried out by the business entity. If there will be any deviation from this schedule, other than for legal holidays, it should be shown on the project notification, and if changes are made in the work schedule after submitting the project notification, the Department should immediately be notified as provided in 178 NAC 22-005.01D;~~
  - h. ~~The amount of ACM to be abated.~~
2. ~~Have the person authorized to make binding legal agreements on behalf of the business entity or his or her designee sign the notification and send by certified mail, return receipt requested or hand deliver the original to the Department.~~
  3. ~~Enclose a check or money order for the fee required by 178 NAC 22-009.03 when applicable.~~

~~22-005.01B Submit a separate project notification to the Department in accordance with 178 NAC 22-005.01A for each asbestos project. A separate project notification will be required for each structure where an asbestos project is performed, except that where projects will be performed on or in identical multiple structures, and all of the work will be performed in a continuous manner, then only one project notice will be required.~~

~~22-005.01C If the project is not planned, but is an emergency which results from a sudden, unexpected event, written notice is not required by the Department prior to project start, provided that emergency notice is given to the Department as soon as possible; and provided further that notice first is made orally whenever possible. Deliver a completed asbestos project notification to the Department in accordance with 178 NAC 22-005.01A, within 48 hours of project start.~~

1. ~~For emergency notification, attach a cover letter and include information required for an asbestos project notification in 178 NAC 22-005.01A and state:~~



- ~~a. The date and hour that the emergency occurred;~~
- ~~b. A description of the sudden, unexpected event; and~~
- ~~c. An explanation of why the event required emergency response.~~

~~2. Renovation or demolition projects must be inspected for the presence of ACM prior to the beginning of work on the project. If the project is not inspected for ACM prior to beginning renovation or demolition, then ACM discovered after work begins does not meet the sudden, unexpected event criteria for an emergency, and abatement of the ACM cannot be performed as an emergency project.~~

22-0057.01D(A) NOTIFICATION UPDATES. The Department must be notified of changes to information contained in the project notification or in an update within 24 hours of knowledge of such change and 24 hours prior to work being done on the project. Notice may be given by telephone 402-471-0386, or electronically, facsimile (FAX) (402) 471 8833, or written letter. If the business entity wishes to have a verified record that such notice was given it must use certified mail, return receipt requested in submitting its written letter. An updated nNotice must be given for:

- ~~1.(i)~~ 1.(i) A new start date for a project (~~the Department must receive notification of the new starting date 24 hours before work on the project is begun~~);
- ~~2.(ii)~~ 2.(ii) A new work schedule for a project, either days, work shift, or both;
- ~~3.(iii)~~ 3.(iii) Typographical or clerical errors which would affect the Department's ability to perform an inspection of the project, ~~such as incorrect street address~~; or
- ~~4.(iv)~~ 4.(iv) Increasing the size of a project by adding a new location within a structure, such as adding work in a new room on the same floor as the original project or adding work on a different floor. Increasing the size of a project will not require a new project review fee unless the original project was too small to require a project review fee under 178 NAC 22-009.03 this chapter and the total of all work done at the project site will now meet or exceed the size requirements for a project review fee set forth in 178 NAC 22-009.03 this chapter.

22-0057.01E(B) WORK PRACTICE WAIVER. A licensee or exempt business entity may request a waiver of any of the individual requirements of this chapter for work practices or for approval of an alternative procedure for a work practice by submitting to the Department a complete waiver application form provided by the Department with the project notification. If a waiver of any of the work practices of 178 NAC 22-011 through 22-021 is requested by a licensee, include a waiver application in accordance with 178 NAC 22-003.02F, item 1, and with the information required in 178 NAC 22-005.01A for an asbestos project notification. A licensee or exempt business entity may request a waiver of the ten day notification period by submitting a written request which includes the reasons for the request with a project notification. No work can be done on a project until the Department has either approved the waiver or ten days has passed.

22-005.01F If a waiver of the ten working day requirement of 178 NAC 22-005.01A, item 1 is requested, include a cover letter explaining the reason for the request, with the information required in 178 NAC 22-005.01A for an Asbestos project notification.

~~No work will be done on a project until the Department has approved the waiver request. A project notification must be received and reviewed by the Department before a ten day waiver will be granted.~~

~~22-005.01G Include a description of any planned deviation from the licensee's written employee protection plan or written standard operating procedures as defined by 178 NAC 22-003.03A, item 3. b.~~

~~22-005.01H If a project designer or a project monitor is selected by a structure's owner or operator for an asbestos project, the project designer and project monitor must do the following:~~

- ~~1. Project designers must prepare plans and specifications for business entities conducting asbestos projects. The plans and specifications must be consistent with the criteria, requirements and best interest of the structure's owner or operator, and the requirements of the Asbestos Control Act. The project designer must represent the owner or operator and ensure that these objectives are achieved by the business entity conducting the project throughout the duration of the project;~~
- ~~2. Prior to preparing plans and specifications for an asbestos renovation project, a project designer must ensure that the parts of a structure where the asbestos project and the renovation will be performed were inspected and assessed by a licensed inspector. Prior to preparing plans and specifications for an asbestos related demolition projects, a project designer must ensure that the entire structure was inspected and assessed by a licensed inspector.~~
- ~~3. If a project designer or project monitor is selected by the owner or operator of the structure where the asbestos project is conducted, s/he must be independent of the business entity selected to perform the asbestos project.~~
- ~~4. A private or public business entity which uses its own trained and licensed employees to perform asbestos projects may also use its own trained and licensed employees to perform asbestos projects; may also use its own employees who are trained and licensed as project designers or project monitors to design and monitor projects conducted on or in its own structures, and~~
- ~~5. A project designer or project monitor must oversee the activities of a business entity conducting an asbestos project to ensure that the requirements of the Asbestos Control Act and the rules and regulations adopted and promulgated pursuant to the act are met. Prior to allowing an asbestos project site to be returned to normal occupancy or function, a project designer or a project monitor must ensure that all waste, debris, and residue have been removed from the site in compliance with the act and the rules and regulations adopted and promulgated pursuant to the act~~

~~23-0068. RECORDS AND INSPECTIONS. Business entities must comply with the requirements listed in this section.~~

~~22-0068.01 RECORDKEEPING. Any business entity performing an asbestos project must keep records as follows: a separate record for each project as set out in Neb. Rev. Stat. § 71-6307 and the following information:~~

~~22-006.01A Retain documents which show:~~

- ~~1. The name and address of the premises at which the ACM waste was generated and (A) ~~†~~The name and address of the owner of the structure in which the project occurred; and~~
- ~~2. A description of the asbestos project, including a summary of the procedures that were used to comply with applicable State regulations;~~
- ~~3. The start and completion dates of the asbestos project including the time period over which ACM waste was transported to the approved asbestos waste disposal site;~~
- ~~4. The name, address, and license number of each individual supervising the asbestos project and of each employee or agent who worked on the asbestos project, or who transported or escorted the ACM waste to an approved asbestos waste disposal site;~~
- ~~5. The type and amount of ACM waste generated from the asbestos project expressed in square or linear feet, number of bags, weight or cubic yards;~~
- ~~6. (B) The results of any clearance air sampling and analysis performed; and,~~
- ~~7. The name and address of each approved asbestos waste disposal site where ACM waste from the project was deposited and a copy of the receipt.~~

~~22-006.01B Keep a separate record for each asbestos project and make documents available in a form suitable for inspection by the Department.~~

~~22-006.01C Retain documents for at least 30 years.~~

~~22-006.02 At least once a year, the Department will inspect the records of each licensed business entity and, while an asbestos project is in progress, the procedures used for asbestos projects.~~

~~22-006.02A Inspections will be on-site and conducted at reasonable times during normal business hours, except that an inspection to investigate an alleged violation of the Asbestos Control Act or Department regulations may be conducted at any time.~~

~~22-006.02B Department inspector(s) will abide by all reasonable safety and security rules, regulations, practices and procedures governing the subject premises.~~

~~22-006.02C The Department may enter into agreements or contracts with public agencies to conduct these inspections.~~

~~22-006.03 The Department may conduct a reinspection of an asbestos project and the business entity must pay a reinspection fee in accordance with 178 NAC 22-009.04 if:~~

- ~~1. Any on-site inspection reveals the necessity for reinspection of an asbestos project for any violation of the Asbestos Control Act or these regulations; or~~
- ~~2. Any on-site inspection was unable to be accomplished because:
  - ~~a. Of an incorrect or inadequate address or failure to provide adequate directions to a project where a building number or street address is unavailable; or,~~
  - ~~b. The asbestos project was not underway during a time when the notification indicated work would be in progress;~~
  - ~~c. The actions of the licensed business entity conducting the asbestos project prevented the taking of photographs of the work area or taking bulk samples within the work area; or,~~
  - ~~d. The actions of the licensed business entity conducting the asbestos project prevented access to the work area.~~~~

~~22-0068.042~~ **INSPECTION.** Any business entity which has submitted a notification for an asbestos project may request the Department to conduct:

~~22-006.04(A)~~ A pre-project inspection of a proposed asbestos project by submitting a written request with the project notification; or

~~22-006.04(B)~~ A close-out inspection of an asbestos project prior to undertaking the cleaning procedures inside the work area required by 178 NAC 22-012.03 by submitting a written request no less than 48 hours before the requested close-out inspection; provided that any requested close-out inspections will not be considered a final inspection should the Department deem further inspections necessary; and

~~22-006.04(C)~~ The business entity will by such pre-project or close-out inspection requests be deemed to have agreed to pay the inspection fees **and costs** set out in **this chapter** ~~178 NAC 22-009.04 and the costs set out in 178 NAC 22-009.07~~ and to waive the application of the inspection limitations set out in **Neb. Rev. Stat. § 71-6303** ~~178 NAC 22-009.04~~ to such inspections as requested.

#### ~~22-007 ASBESTOS OCCUPATION TRAINING OR REVIEW COURSES~~

~~22-007.01~~ All asbestos occupation training or annual review courses, including a training course on Nebraska law, rules and regulations, for asbestos occupation licensure or license renewal, including lectures, seminars, course materials and other instructional programs, must be reviewed and approved by the Department before they are offered. All applications for approval of an occupation training or annual review course must be submitted on Form 6. Applicants must comply with the following:

~~22-007.01A~~ A separate application must be submitted for each course for which approval is sought.

~~22-007.01B~~ All courses must include instruction on Nebraska Law in accordance with ~~178 NAC 22-008.07A.~~

~~22-007.01C—Course providers will use only approved instructors to teach training courses. The Department will approve instructors of training courses. To qualify for approval an individual must meet the following requirements:~~

- ~~1.— Graduated from high school or obtained a general education development certificate or equivalent document as determined by the Department;~~
- ~~2.— Successfully completed an approved four-hour course on Nebraska law, rules, and regulations; and~~
- ~~3.— Work experience of at least one year in the asbestos industry.~~

~~22-007.01D—The course provider must ensure that participants completing an initial training course, annual review course or course on Nebraska Law demonstrate at least the minimum acceptable proficiency in tasks or duties connected with each unit of the components set forth in 178 NAC 22-008, and that participants completing the course are given a final written examination in that course including at least the following number of multiple choice questions:~~

- ~~1.— Asbestos Workers—50 questions;~~
- ~~2.— Asbestos Supervisors—100 questions;~~
- ~~3.— Asbestos Project Designers—100 questions;~~
- ~~4.— Asbestos Inspectors—50 questions;~~
- ~~5.— Asbestos Management Planners—50 questions;~~
- ~~6.— Asbestos Project Monitor—100 questions; and~~
- ~~7.— Nebraska Law—50 questions.~~

~~22-007.01E—The course provider must ensure an individual attends all course presentations and passes the final written examination with a score of at least 70% for successful course completion.~~

~~22-007.01F—The course provider must document an individual's successful completion of a course in a numbered certificate or letter, the original of which must be given to the individual no later than 15 days after the date of the final written examination, containing the following information:~~

- ~~1.— The student's name;~~
- ~~2.— The date or dates that the course was attended;~~
- ~~3.— The name, address and telephone number of the course provider, and the location of the course, if different from that of the course provider;~~
- ~~4.— Discipline of the training course completed;~~
- ~~5.— A statement that the student passed the final written examination with a score of at least 70% and has completed the requisite training for asbestos accreditation under TSCA Title II and the State of Nebraska asbestos regulations and statutes;~~
- ~~6.— A unique certificate number;~~
- ~~7.— Date of examination; and~~

- ~~8. An expiration date of one year after the date upon which the person successfully completed the course and examination.~~

~~22-007.01G The course provider must submit the information required by 178 NAC 22-007.01F to the Department in a form or letter signed by the administrator or operating officer of the course within 15 days after the date of the final written examination.~~

~~22-007.01H The course provider must maintain attendance information for asbestos occupation courses, as stipulated by 178 NAC 22-007.01F, for a minimum of three years from the date of completion of each course. Attendance records are subject to review by the Department upon request. If a training provider ceases to conduct training, the training provider must notify the Department and give it the opportunity to take possession of that provider's asbestos training records,~~

~~22-007.01I Courses described in 178 NAC 22-008 must be based on an eight hour day, including time allotted for breaks and one meal.~~

- ~~1. Full day classes must have a minimum of 6.5 hours of contact time and half day classes must have a minimum of 3.75 hours of contact time in instructional, examination, or workshop activities. Activities must follow submitted and approved curriculum.~~
- ~~2. Meal breaks must be offered at about the midpoint of the full day course.~~

~~22-007.01J Courses must meet or exceed the minimum number of hours and the training requirements set forth in 178 NAC 22-008.~~

~~22-007.01K The training site must accommodate course participants comfortably and provide adequate sanitation and safety.~~

~~22-007.01L No correspondence courses will be approved by the Department.~~

~~22-007.02 To apply for approval of an individual asbestos occupation course, the applicant must submit the original of a completed application on Form 6, incorporated in these regulations, and provide the following:~~

~~22-007.02A A copy of all course materials, including, but not limited to, student manuals, instructor notebooks, handouts and the following:~~

- ~~1. The course provider's name, address and phone number;~~
- ~~2. The title of the course;~~
- ~~3. The asbestos occupation for which the course is developed and whether it's for initial or review training;~~
- ~~4. The locations at which the course is intended to be presented;~~
- ~~5. A list of the individuals who will present the course, including their experience, education and other qualifications;~~

- ~~6. The maximum number of students to be enrolled in each presentation of the course;~~
- ~~7. The specific objectives for the course;~~
- ~~8. The curriculum to be covered for a particular asbestos-occupation course as determined by each unit of the components set forth in 178 NAC 22-008, including a general description of the nature of the information to be presented and a list of tasks and duties connected with each unit;~~
- ~~9. The method of instruction and training aids for each unit of 178 NAC 22-007.02A, item 8, e.g., lecture, demonstration, simulation, slide presentation, film strip, etc.;~~
- ~~10. The length of time to be spent on each unit of 178 NAC 22-007.02A, item 8;~~
- ~~11. The names and authors of any text or audiovisual material to be used, including the publisher and edition, or if no text is to be used, a list of any written materials to be used, including the source of such materials;~~
- ~~12. The reading assignment in the text or other materials, if any, for each unit of 178 NAC 22-007.02A, item 8;~~
- ~~13. When required, a description of the practical hands-on training to be provided for each unit of 178 NAC 22-007.02A, item 8 such as working with asbestos-substitute materials, fit testing and using respirators, use of glove bags, donning protective clothing, constructing a decontamination unit, conducting a simulated building walk-through inspection and other hands-on activities;~~
- ~~14. A description and an example of numbered certificates issued to students who attend and pass the course to include items listed in 178 NAC 22-007.01F, item 1 through 5;~~
- ~~15. An explanation of how students will be evaluated by a comprehensive examination at the end of the course, e.g., 50 multiple choice questions;~~
- ~~16. An explanation of the grading system to be used for proficiency evaluations and written examinations; and~~
- ~~17. Guidelines to be used for examinations which must include, at a minimum:
  - ~~a. Procedures to be followed in administering an examination;~~
  - ~~b. Procedures to be followed to ensure security of examinations, both during administration and otherwise, including, but not limited to, the number of times a particular examination will be used;~~
  - ~~c. Procedures to be followed to validate examinations for testing competency; and~~
  - ~~d. Procedures to be followed in reporting the grades to the individual and the Department.~~~~

~~22-007.02B The signature of the owner, officer or stockholder authorized to make binding legal agreements on behalf of the applicant of the entity making application; and 22-007.02C A check or money order for the fee required by 178 NAC 22-009.05 or 22-009.06 and 22-009.07.~~

~~22-007.03 The Department will process the application as follows:~~

~~22-007.03A~~ If an application is deficient or incomplete, the Department will notify the applicant of the information necessary to complete the application and retain the application submitted pending receipt of the additional information. The applicant will have 15 days to provide the information necessary to complete or correct the application. If the Department has not received the information within the 15 days, the application will be returned to the applicant.

~~22-007.03B~~ Within 30 days of the receipt of a completed course approval application form, the Department will approve or deny the application in the form of a written notice to the applicant.

~~22-007.04~~ Once approval for an asbestos occupation course has been granted, the Department need not approve a course for each occasion on which the course is administered, but will make an annual determination of whether or not to extend course approval. If an approved course has not been presented by a training provider in a two year period, that training provider forfeits its Department approval for that particular course two years from the last active course date. Course providers that lose accreditation for particular courses may resubmit an application in accordance with 178 NAC 22-007.02 requirements.

~~22-007.05~~ The course provider of an approved course must comply with the following:

~~22-007.05A~~ Notify the Department in writing at least five working days in advance of the dates, times and location for each presentation of an approved course. Immediately notify the Department by phone or fax if any scheduled course is cancelled.

~~22-007.05B~~ Submit the following information to the Department annually on the anniversary of course approval:

- ~~1.~~ A report to include the number of occasions the course was given and the numbers attending (negative reports are required); and
- ~~2.~~ An updated course manual and updates to other course materials.

~~22-007.06~~ All presentations of an approved course are subject to on-site inspection by the Department at any reasonable time. When a course is reviewed, the Department will not be assessed an attendance fee.

~~22-007.07~~ Prior to a course provider making any change to an approved course on any of the items required to be in the original application as listed in 178 NAC 22-007.02A, items 1 through 17, the course provider must inform the Department immediately, in writing, and reapply for course approval in accordance with 178 NAC 22-007.02.



~~22-007.08~~ If individuals taking the examination for worker licensure or renewal have difficulty reading the examination, for whatever reason, the course provider may make special provisions for that individual as follows:

~~22-007.08A~~ The only occupation eligible for special examination procedures is an asbestos worker. All other asbestos occupations must be able to read project designs, specifications and notifications proficiently.

~~22-007.08B~~ If an individual desires special accommodations, the request must be made to the course provider in advance and be approved.

~~22-007.08C~~ To accommodate the individual requesting special accommodations the course provider may allow the individual extra time in which to finish taking the examination.

~~22-007.08D~~ To accommodate the individual requesting special accommodations, the course provider may provide a reader to read the examination to the individual. Readers may not be provided by the individual taking the examination. In no event will such reader translate or interpret the examination, or indicate the correct answers to the examination questions by voice inflection or any other means. If this method is used, it must be done in a manner or in an area that will not be distracting to other individuals taking the examination.

~~22-007.09~~ In order to assure the integrity of training received by individuals, providers of approved training courses may not train or issue training certificates to the owners, officers, or stockholders of the training provider or any affiliated company;

~~22-007.10~~ The Department may deny, suspend or revoke approval of an asbestos occupation course, whether initial, renewal or course on Nebraska Law, rules and regulations, for any of the following reasons:

- ~~1. Fraud or misrepresentation in an application;~~
- ~~2. Failure to provide notification to the Department of the commencement or cancellation of a training course as required by 178 NAC 22-007;~~
- ~~3. Failure to maintain or submit to the Department course information as required by 178 NAC 22-007;~~
- ~~4. Failure to permit on-site inspections by Department employees or permit inspections of training records;~~
- ~~5. Fraud or misrepresentation in issuing or obtaining training certificates;~~
- ~~6. Failure to pay any fee assessed under these regulations, or~~

~~7. Failure at any time to comply with requirements of the Asbestos Control Act or Department regulations implementing the Act.~~

~~8. A denial does not preclude an applicant from submitting a new or additional application for approval of an asbestos occupation course.~~

~~22-007.11 Procedure: Should the Department determine to deny, suspend, revoke or refuse to renew a training course approval, unless the training course is automatically forfeited under 178 NAC 22-007.04 requirements, it will send to the training provider, applicant or individual by mail, a notice setting forth the reasons for the determination. The denial, suspension, revocation or refusal to renew will become final 30 days after the mailing of the notice unless the training provider, applicant or individual, within such 30 day period gives written notice of a desire for a hearing. Hearings will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1. If a hearing is requested, the training provider, applicant or individual will be given a hearing before the Department and will have the right to present such evidence as may be proper. On the basis of such evidence, the determination will be affirmed, modified or set aside, and a copy of such decision setting forth the findings of fact and the particular reasons upon which such decision was based will be sent by certified mail to the Training provider, applicant or individual. The decision will become a final decision of the Department and may be appealed in accordance with the Administrative Procedure Act.~~

## ~~22-008 ASBESTOS OCCUPATION TRAINING AND REVIEW COURSE CURRICULUM~~

~~22-008.01 Asbestos Worker Training Course: The asbestos worker training course must include, at a minimum, four days of instruction, including lectures, demonstrations, at least 14 hours of appropriate practical hands-on training, individual respirator fit testing, course review and an examination.~~

~~22-008.01A The curriculum for an asbestos worker training course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Physical characteristics of asbestos: Identification and recognition of asbestos, aerodynamic characteristics, typical uses, physical appearance, and a summary of abatement control options;~~
- ~~2. Potential health effects related to asbestos exposure: The nature of asbestos related diseases, routes of exposure, dose-response relationships and the lack of a safe exposure level, synergism between cigarette smoking and asbestos exposure, and the latency period for disease;~~
- ~~3. Employee personal protective equipment: Classes and characteristics of respirator types; limitations of respirators, and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece to face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a proper respiratory~~

- protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing; and regulations covering personal protective equipment;
- ~~4. State-of-the-art work practices: Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination facilities; positioning of warning signs; electrical and ventilation system lock out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper cleanup, disposal and waste handling procedures; work practices for removal, encapsulation, enclosure, demolition, dismantling, maintenance and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices;~~
  - ~~5. Personal hygiene: Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking and chewing (gum or tobacco) in the work area; necessity of good personal hygiene practices; and potential exposures, such as family exposure;~~
  - ~~6. Additional safety hazards: Hazards encountered during abatement activities and measures to take to avoid and respond to them, including electrical hazards; heat stress; air contaminants other than asbestos; fire and explosion hazards; scaffold and ladder hazards; slips, trips, and falls; and confined spaces;~~
  - ~~7. Medical monitoring: OSHA requirements for a pulmonary function test, chest x-rays, and a medical history for each employee;~~
  - ~~8. Air monitoring: Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;~~
  - ~~9. Relevant federal, Nebraska, and local regulatory requirements, procedures, and standards: Procedures and standards intended to provide protection to asbestos workers, including information on how agencies responsible for enforcement may be contacted; regulations governing the work practices given in 178 NAC 22-008.01A, item 4 and 178 NAC 22-011 to 22-021; and requirements for TSCA Title II; 40 CFR Part 61, EPA National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos); 29 CFR 1910.134, OSHA Standard for Respiratory Protection; 29 CFR 1926.1101, OSHA Asbestos Construction Standard; and 40 CFR Part 763, Subpart G, EPA Worker Protection Rule;~~
  - ~~10. Respiratory protection programs and medical surveillance programs: Components of and procedures to be followed for respiratory protection programs and medical surveillance programs; and~~
  - ~~11. Course review: A review of the key aspects of the training course.~~

~~22-008.02 Asbestos Supervisor Training Course: The asbestos supervisor training course must include, at a minimum, five days of instruction, including lectures, demonstrations, at~~

~~least 14 hours of appropriate practical hands-on training, individual respirator fit testing, course review and an examination.~~

~~22-008.02A The curriculum for an asbestos supervisor training course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Physical characteristics of asbestos and ACM asbestos containing material: Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options;~~
- ~~2. Potential health effects related to asbestos exposure: The nature of asbestos related diseases; routes of exposure; dose response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease;~~
- ~~3. Employee personal protective equipment: Classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece to face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing; and regulations covering personal protective equipment;~~
- ~~4. State of the art work practices: Proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination facilities; positioning of warning signs; electrical and ventilation system lock out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper cleanup, disposal and waste handling procedures; work practices for removal, encapsulation, enclosure, demolition, dismantling, maintenance and repair; emergency procedures for sudden releases; potential exposure situations; transport, disposal, and waste handling procedures, and recommended and prohibited work practices; and discussion of new abatement related techniques and methodologies;~~
- ~~5. Personal hygiene: Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure;~~
- ~~6. Additional safety hazards: Hazards encountered during abatement activities and how to deal with them, including electrical hazards; heat stress; air contaminants other than asbestos; fire and explosion hazards; scaffold and ladder hazards; slips, trips, and falls; and confined spaces;~~

- ~~7. Medical monitoring: OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee;~~
- ~~8. Air monitoring: Procedures to determine airborne concentrations of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results, specifically from analysis performed by polarized light, phase contrast, and electron microscopy analyses;~~
- ~~9. Relevant federal, Nebraska, and local regulatory requirements: Procedures and standards intended to provide protection to asbestos workers, including information on how agencies responsible for enforcement may be contacted; regulations governing the work practices given in 178 NAC 22-008.01A item 4 and 178 NAC 22-011 to 22-021; including requirements for TSCA Title II; 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos); OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134); OSHA Asbestos Construction Standard (29 CFR 1926.1101); and EPA Worker Protection Rule, 40 CFR Part 763, Subpart G;~~
- ~~10. Respiratory protection programs and medical surveillance programs: Components of and procedures to be followed for respiratory protection programs and medical surveillance programs;~~
- ~~11. Insurance and liability issues: Contractor issues; worker's compensation coverage and exclusions; third party liabilities and defenses; insurance coverage and exclusions;~~
- ~~12. Recordkeeping for asbestos abatement projects: Records required by federal, Nebraska, and local regulations; records recommended for legal and insurance purposes;~~
- ~~13. Supervisory techniques for asbestos abatement activities: Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices;~~
- ~~14. Contract specifications: Discussion of key elements that are included in contract specifications; and~~
- ~~15. Course review: A review of key aspects of the training course.~~

~~22-008.03 Asbestos Project Designer Training Course: The asbestos project designer training course must include, at a minimum, three days of instruction, including lectures, demonstrations, a field trip, course review and an examination.~~

~~22-008.03A The curriculum for an asbestos project designer training course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Background information on asbestos: Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;~~

- ~~2. Potential health effects related to asbestos exposure: Nature of asbestos related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs;~~
- ~~3. Overview of abatement construction projects: Abatement as a portion of a renovation project; OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.1101);~~
- ~~4. Safety system design specifications: Construction and maintenance of containment barriers and decontamination facilities; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; use of negative pressure exhaust ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper cleanup and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; use of glove bags and a demonstration of glove bag use;~~
- ~~5. Field trip: Visit an abatement site or other suitable building site, including on-site discussions of abatement design, building walk-through inspection, and discussion following the walk-through;~~
- ~~6. Employee personal protective equipment: To include the classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing; and regulations covering personal protective equipment;~~
- ~~7. Additional safety hazards: Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards;~~
- ~~8. Fiber aerodynamics and control: Aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative pressure exhaust ventilation as a cleanup method;~~
- ~~9. Designing abatement solutions: Discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal;~~
- ~~10. Budgeting/cost estimation: Development of cost estimates; present costs of abatement versus future operations and maintenance costs; setting priorities for abatement jobs to reduce cost;~~
- ~~11. Final Clearance Process: Discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete~~

~~visual inspection; and the relationship of the visual inspection to final air clearance. EPA and the State of Nebraska recommend that TEM analysis be used for final air clearance samples. These samples should be analyzed by laboratories accredited under NIST NVLAP.~~

- ~~12. Writing abatement specifications: Means and methods specifications versus performance specifications; design of abatement in occupied buildings; modification of guide specifications to a particular building; worker and building occupant health/medical considerations; replacement of ACM with non-asbestos substitutes; clearance of work area after abatement; air monitoring for clearance;~~
- ~~13. Preparing abatement drawings: Use of as-built drawings; use of inspection photographs and on-site reports; particular problems in abatement drawings;~~
- ~~14. Contract preparation and administration: Components of and procedures to prepare and administer a contract;~~
- ~~15. Legal/liabilities/defenses: Insurance considerations; bonding; hold harmless clauses; use of abatement contractor's liability insurance; claims made versus occurrence policies;~~
- ~~16. Replacement: Replacement of asbestos with asbestos-free substitutes;~~
- ~~17. Role of other consultants: Development of technical specification sections by industrial hygienists or engineers; the multi-disciplinary team approach to abatement design;~~
- ~~18. Occupied buildings: Special design procedures required in occupied buildings; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; scheduling of renovation to minimize exposure;~~
- ~~19. Relevant federal, Nebraska, and local regulatory requirements: procedures and standards: Procedures and standards including requirements of TSCA Title II; 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos); OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134); EPA Worker Protection Rule, found at 40 CFR Part 763, Subpart G; and OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; and~~
- ~~20. Course review: A review of key aspects of the training course.~~

~~22-008.04 Asbestos Inspector Training Course: The asbestos inspector training course must include, at a minimum, three days of instruction, including lectures, demonstrations, a field trip, at least four hours of appropriate practical hands-on training, individual respirator fit testing, course review and an examination.~~

~~22-008.04A The curriculum for an asbestos inspector training course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Background information on asbestos: Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings; physical appearance of asbestos;~~
- ~~2. Potential health effects related to asbestos exposure: The nature of asbestos related diseases; routes of exposure; dose response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos related diseases; a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancer of other organs;~~
- ~~3. Functions/qualifications and role of inspectors: Discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an accredited inspector as compared to those of an accredited management planner; discussion of inspection process including inventory of ACM and physical assessment;~~
- ~~4. Legal liabilities and defenses: Responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims made and occurrence policies, environmental and pollution liability policy clauses; State liability insurance requirements; bonding and the relationship of insurance availability to bond availability;~~
- ~~5. Understanding building systems: The interrelationship between building systems, including: An overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types, physical organization, and where asbestos is found on HVAC components; building mechanical systems, their types and organization, and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; reading blueprints and as-built drawings;~~
- ~~6. Public/employee/building occupant relations: Notifying employee organizations about the inspection; signs to warn building occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of building occupants about actions being taken;~~
- ~~7. Preinspection planning and review of previous inspection records: Scheduling the inspection and obtaining access; building record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or building personnel; review of previous inspection, sampling and abatement records of a building; the role of the inspector in exclusions for previously performed inspections;~~
- ~~8. Inspecting for friable and nonfriable ACM asbestos containing material and assessing the condition of friable ACM asbestos containing material: Procedures to follow in conducting visual inspections for friable and nonfriable ACM types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in HVAC systems; assessing damage, significant damage, potential damage, and potential significant damage; amount of suspected ACM both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage; and deterioration as assessment factors;~~



- ~~9. Bulk sampling/documentation of asbestos in schools: Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials (EPA-560/5-85-030a October 1985);" techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials; sampling of nonfriable materials; techniques for bulk sampling; sampling equipment the inspector should use; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures;~~
- ~~10. Inspector respiratory protection and personal protective equipment: Classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece to mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing;~~
- ~~11. Recordkeeping and writing the inspection report: Labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; information required for inclusion in the management plan by TSCA Title II Section 203(i)(1);~~
- ~~12. Regulatory review: EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G; TSCA Title II, OSHA Asbestos Construction Standard 29 CFR 1926.1101; OSHA respirator requirements found at 29 CFR 1910.134; the Friable ACM in Schools Rule found at 40 CFR Part 763, Subpart F; applicable State and local regulations, and differences in Federal/Nebraska requirements, where they apply and the effects, if any, on public and nonpublic schools;~~
- ~~13. Field trip: To include a field exercise including a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment; classroom discussion of field exercise; and~~
- ~~14. Course review: A review of key aspects of the training course.~~

~~22-008.05 Asbestos Management Planner Training Course: The asbestos management planner training course must include, at a minimum, a three day asbestos inspector training course as described in 178 NAC 22-008.04 and an additional two days of instruction, including lectures, demonstrations, course review and an examination.~~

~~22-008.05A The curriculum for an asbestos management planner training course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Course overview: The role of the management planner; operations and maintenance programs; setting work priorities; protection of building occupants;~~

- ~~2. Evaluation/interpretation of survey results: Review of TSCA Title II requirements for inspection and management plans as given in Section 203(i)(1) of TSCA Title II; summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey;~~
- ~~3. Hazard assessment: Amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description (or decision tree) code for assessment of ACM assessment of friable ACM relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment;~~
- ~~4. Legal implications: Liability; insurance issues specific to planners; liabilities associated with interim control measures; in-house maintenance, repair, and removal; use of results from previously performed inspections;~~
- ~~5. Evaluation and selection of control options: Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied buildings; the need for containment barriers and decontamination in response actions;~~
- ~~6. Role of other professionals: Use of industrial hygienists, engineers, and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; team approach to design of high quality job specifications;~~
- ~~7. Developing an operations and maintenance (O&M) plan: Purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures; steam cleaning and high efficiency particulate air (HEPA) vacuuming; reducing disturbance of ACM scheduling O&M for off hours; rescheduling or canceling renovation in areas with ACM boiler room maintenance; disposal of ACM in-house procedures for ACM bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an O&M plan (development, implementation process, and problems that have been experienced);~~
- ~~8. Regulatory review: Focusing on the OSHA Asbestos Construction Standard found at 29 CFR 1926.1101; the National Emission Standard for Hazardous Air Pollutants (NESHAPS) found at 40 CFR Part 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos); EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G; TSCA Title II; applicable Nebraska regulations;~~

- ~~9. Recordkeeping for the management planner: Use of field inspector's data sheet along with laboratory results; ongoing recordkeeping as a means to track asbestos disturbance; procedures for recordkeeping;~~
- ~~10. Assembling and submitting the management plan: Plan requirements in TSCA Title II Section 203(i)(1); the management plan as a planning tool;~~
- ~~11. Financing abatement actions: Economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operations and maintenance costs; Asbestos School Hazard Abatement Act grants and loans; and~~
- ~~12. Course review: A review of key aspects of the training course.~~

~~22-008.06 Asbestos Project Monitor Training Course: The asbestos project monitor training course must include, at a minimum, five days of instruction, including lectures, demonstrations, at least six hours of appropriate practical hands-on training, individual respirator fit testing, course review and an examination.~~

~~22.008.06A The curriculum for an asbestos project monitor training course must include at a minimum, the following components of classroom instruction:~~

- ~~1. Roles and responsibilities of the project monitor: Definition and responsibilities of the project monitor, including regulatory/ specification compliance monitoring, air monitoring, conducting visual inspections, and final clearance monitoring.~~
- ~~2. Characteristics of asbestos and asbestos-containing materials: Typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; presentation of the health effects of asbestos exposure, including routes of exposure, dose-response relationship, and latency periods for asbestos-related diseases.~~
- ~~3. Relevant Federal, Nebraska, and local asbestos regulations: Overview of pertinent Nebraska regulations and statutes and EPA regulations, including: This regulation and promulgating statutes §71-6301 through §71-6317; NESHAP, 40 CFR part 61, subparts A and M; AHERA, 40 CFR part 763, subpart G. Overview of Pertinent OSHA regulations, including: Construction Industry Standard for Asbestos, 29 CFR 1926.1101; Respirator Standard 29 CFR 1910.134; and the Hazard Communication Standard, 29 CFR 1926.59. Applicable State and local asbestos regulations; regulatory interrelationships.~~
- ~~4. Understanding building construction and building systems: Building construction basics, building physical plan layout; understanding building systems (HVAC, electrical, etc.); layout and organization, where asbestos is likely to be found on building systems; renovations and the effect of asbestos abatements on building systems.~~
- ~~5. Asbestos abatement contracts, specifications, and drawings: Basic provisions of the contract; relationships between principle parties, establishing chain of command; types of specifications, including means and methods, performance, and proprietary and nonproprietary; reading~~

~~and interpreting records and abatement drawings; discussion of change orders; common enforcement responsibilities and authority of project monitor.~~

- ~~6. Response actions and abatement practices: Pre-work inspections; pre-work considerations, precleaning of the work area, removal of furniture, fixtures, and equipment; shutdown/ modification of building systems; construction and maintenance of containment barriers, proper demarcation of work areas; work area entry/exit, hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release, wet methods, continuous cleaning; abatement methods other than removal; abatement area clean-up procedures; waste transport and disposal procedures; contingency planning for emergency response.~~
- ~~7. Asbestos abatement equipment: Typical equipment found on an abatement project; air filtration devices, vacuum systems, negative pressure differential monitoring; HEPA filtration units, theory of filtration, design/construction of HEPA filtration units, qualitative and quantitative performance of HEPA filtration units, sizing the ventilation requirements, location of HEPA filtration units, qualitative and quantitative tests of containment barrier integrity; best available technology.~~
- ~~8. Personal protective equipment: Proper selection of respiratory protection; classes and characteristics of respirator types, limitations of respirators; proper use of other safety equipment, protective clothing selection, use, and proper handling, hard/bump hats, safety shoes; breathing air systems, high pressure v. low pressure, testing for Grade D air, determining proper backup air volumes.~~
- ~~9. Air monitoring strategies: Sampling equipment, sampling pumps (low v. high volume), flow regulating devices (critical and limiting orifices), use of fibrous aerosol monitors on abatement projects; sampling media, types of filters, types of cassettes, filter orientation, storage and shipment of filters; calibration techniques, primary calibration standards, secondary calibration standards, temperature/ pressure effects, frequency of calibration, recordkeeping and field work documentation, calculations; air sample analysis, techniques available and limitations of AHERA on their use, transmission electron microscopy (background to sample preparation and analysis, air sample conditions which prohibit analysis, EPA's recommended technique for analysis of final air clearance samples), phase contrast microscopy (background to sample preparation, and AHERA's limits on the use of phase contrast microscopy), what each technique measures; analytical methodologies, AHERA TEM protocol, NIOSH 7400, OSHA reference method (non-clearance), EPA recommendation for clearance (TEM); sampling strategies for clearance monitoring, types of air samples (personal breathing zone v. fixed station area) sampling location and objectives (pre-abatement, during abatement, and clearance monitoring), number of samples to be collected, minimum~~

~~and maximum air volumes, clearance monitoring (post-visual inspection) (number of samples required, selection of sampling location, period of sampling, aggressive sampling, interpretations of sampling results, calculations), quality assurance; special sampling problems, crawl spaces, acceptable samples for laboratory analysis, sampling in occupied buildings (barrier monitoring).~~

- ~~10. Safety and health issues other than asbestos: Confined space entry, electrical hazards, fire and explosion concerns, ladders and scaffolding, heat stress, air contaminants other than asbestos, fall hazards, hazardous materials on abatement projects.~~
- ~~11. Conducting visual inspections: Inspections during abatement, visual inspections using the ASTM E1368 document; conducting inspections for completeness of removal; discussion of "how clean is clean."~~
- ~~12. Legal responsibilities and liabilities of project monitors: Specification enforcement capabilities; regulatory enforcement; licensing; powers delegated to project monitors through contract documents.~~
- ~~13. Recordkeeping and report writing: Developing project logs/daily logs (what should be included, who sees them); final report preparation; recordkeeping under Nebraska and Federal regulations.~~
- ~~14. Workshops (six hours spread over three days):~~

~~a. Contracts, specifications, and drawings: This workshop could consist of each participant being issued a set of contracts, specifications, and drawings and then being asked to answer questions and make recommendations to a project architect, engineer or to the building owner based on given conditions and these documents.~~

~~b. Air monitoring strategies/ asbestos abatement equipment: This workshop could consist of simulated abatement sites for which sampling strategies would have to be developed (i.e., occupied buildings, industrial situations). Through demonstration and exhibition, the project monitor may also be able to gain a better understanding of the function of various pieces of equipment used on abatement projects (air filtration units, water filtration units, negative pressure monitoring devices, sampling pump calibration devices, etc.).~~

~~c. Conducting visual inspections: This workshop could consist, ideally, of an interactive video in which a participant is "taken through" a work area and asked to make notes of what is seen. A series of questions will be asked which are designed to stimulate a person's recall of the area. This workshop could consist of a series of two or three videos with different site conditions and different degrees of cleanliness.~~

~~22-008.07 Asbestos Occupation Annual Review Courses: Each asbestos occupation review course must be specific to each occupation and must include, at a minimum, an~~

~~examination and eight hours of instruction except that a review course for asbestos inspectors must include four hours of instruction.~~

~~22-008.07A The curriculum for an asbestos occupation review course must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Current federal, Nebraska and local regulatory requirements, including changes;~~
- ~~2. Review of key elements of each respective asbestos occupation initial training courses as required in these regulations;~~
- ~~3. State of the art developments in work practices and engineering controls related to asbestos activities; and~~
- ~~4. Review of the potential health effects related to asbestos exposure.~~

~~22-008.08 Training Course on Nebraska Law, Rules and Regulations: The training course on Nebraska Law must include, at a minimum, four hours of instruction and an examination.~~

~~22-008.08A The curriculum for a course on Nebraska Law must include, at a minimum, the following components of classroom instruction:~~

- ~~1. Nebraska law relevant to asbestos projects and asbestos occupations including the Asbestos Control Act and the Environmental Protection Act; and~~
- ~~2. Nebraska rules and regulations including 178 NAC 22-001 through 22-023, 184 NAC 1 and 129 NAC 23, Nebraska Department of Environmental Quality (NDEQ) Hazardous Air Pollutants: Emission Standards.~~

~~22-008.09 All asbestos occupation initial, training or annual review courses, including a training course on Nebraska law, rules and regulations, for asbestos occupation licensure or license renewal, must be reviewed and approved by the Department in accordance with 178 NAC 22-007 before they are offered.~~

~~22-009. SCHEDULE OF FEES. Following are the fees for business licenses, individual licenses, and waivers:~~

~~The following fees have been set by the Department:~~

~~(A)22-009.01 Issuance of a Business Entity License: For issuance of a license, or renewal of a license to engage in an asbestos project, waiver of a license on an emergency basis or waiver of a license for a business entity not primarily engaged in asbestos projects, the fee is \$3,000, \$300 of which will be a nonrefundable application fee to be retained by the Department as an administrative fee. The fee covers a 12 month period beginning on the effective date of issuance or renewal or waiver thereof. No portion of the fee will be refunded if the license or waiver is suspended or revoked during the 12 month period or if the business entity otherwise discontinues activity within the State during any portion of the 12 month period.~~

~~22-009.02 Issuance and renewal of a individual license:~~

~~(B)22-009.02A The fee for an initial license, renewal of a license, or waiver of license on an emergency basis is listed below which includes a \$1.00 per year for the Licensee Assistance Program:~~

<del>1.(i)</del> Worker	\$110.00
<del>2.(ii)</del> Supervisor	\$200.00
<del>3.(iii)</del> Project Designer	\$200.00
<del>4.(iv)</del> Project Monitor	\$200.00
<del>5.(v)</del> Inspector	\$200.00
<del>6.(vi)</del> Management Planner or Limited Management Planner (Includes Inspector)	\$300.00

~~The fee covers a 24 month period beginning on the effective date of issuance or renewal thereof. No portion of the fee will be refunded if the license is suspended or revoked during the 24 month period or if the individual no longer engages in an asbestos occupation during any portion of the 24 month period.~~

~~(C)22-009.02B The fee for an initial limited license, renewal of limited license, or waiver of limited license on an emergency basis is listed below:~~

<del>1.(i)</del> Project Designer	\$200.00
<del>2.(ii)</del> Management Planner	\$200.00

~~The fee covers a 24 month period beginning on the effective date of issuance or renewal thereof. No portion of the fee will be refunded if the license is suspended or revoked during the 24 month period or if the individual no longer engages in an asbestos occupation during any portion of the 24 month period.~~

~~22-009.02C Certification of Credential Fee: For issuance of a certification of an asbestos credential, the fee of \$25. The certification includes information regarding:~~

- ~~1. The basis on which a asbestos credential was issued;~~
- ~~2. The date of issuance; and~~
- ~~3. Whether disciplinary action has been taken against the asbestos credential; and~~
- ~~4. The current status of the credential.~~

~~22-009.02D Verification of License Fee: For issuance of a verification of a credential, the fee of \$5. The verification includes written confirmation as to whether a credential was valid at the time the request was made.~~

~~22-009.02E Duplicate License Fee: For a duplicate of original license document or reissued license, the fee of \$10.~~

~~22-009.02F Administrative Fee: For a denied credential or a withdrawn application, the administrative fee of \$25 will be retained by the Department.~~

~~22-009.02G Reinstatement Fee After December 1, 2008: The Department will collect a reinstatement fee of \$35 in addition to the renewal fee to reinstate an expired credential.~~

~~(D)22-009.03 For project review of each asbestos project notification submitted by a licensed business entity for an asbestos project which is equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet, including one initial on-site inspection if performed by the Department, the fee is \$200. No portion of the fee will be refunded under any circumstance. Should an initial on-site inspection reveal the need for reinspection, an additional fee will be assessed in accordance with 178 NAC 22-009.04. Non-friable projects are not be subject to the notification fee.~~

~~(E)22-009.04 For on-site inspections or reinspections other than initial inspections, the fee is \$150. Such fee will not be assessed for more than three on-site inspections per asbestos project per year during the period an actual asbestos project is in progress. No portion of the fee will be refunded under any circumstance.~~

~~(F)22-009.05 For approval of a training course for any asbestos occupation, the fee is \$1,000; \$100 of which will be a nonrefundable application fee. No additional fee will be charged for an on-site inspection if such inspection is performed by the Department.~~

~~(G)22-009.06 For approval of a review course for any asbestos occupation or a four hour course on Nebraska law, rules and regulations, the fee is \$500. No additional fee will be charged for an on-site inspection if such inspection is performed by the Department.~~

~~22-009.07 In addition to all fees herein required, the Department may charge and receive the actual costs for board, room and travel by employees of the Department in excess of \$300, which costs will not exceed the amounts allowable for State employees in Neb. Rev. Stat. §§81-1174 to 81-1177.~~

## 22-010 UNLICENSED PRACTICE

~~22-010.01 The Department will inform the Attorney General of any violation or impending violation of the Asbestos Control Act or Department regulations requiring an action in the name of the State for an injunction or other process against a business entity or individual to restrain or prevent such violation.~~

~~22-010.02 Violations; penalties:~~

- ~~1. A individual or business entity which engages in an asbestos project without a valid license, except as otherwise provided in the Asbestos Control Act, will be assessed a civil penalty of not less than \$5,000 nor more than \$25,000 for the first offense and not less than \$25,000 nor more than \$100,000 for a second or subsequent offense. Each day a violation continues will constitute a separate offense.~~



- ~~2.—A individual who engages in an asbestos occupation without a valid license, except as otherwise provided in the act, will be assessed a civil penalty of not less than \$500 nor more than \$5,000 for the first offense and not less than \$1,000 nor more than \$15,000 for the second or subsequent offense. Each day a violation continues will constitute a separate offense.~~
- ~~3.—Any business entity which knowingly engages in an asbestos project but which uses employees who do not hold a license will be assessed a civil penalty of not less than \$500 nor more than \$5,000 for the first offense and not less than \$5,000 nor more than \$10,000 for a second or subsequent offense. Each day a violation continues will constitute a separate offense.~~
- ~~4.—The civil penalties prescribed in 178 NAC 22-010.02, items 1, 2, and 3 will be assessed in a civil action brought for such purpose by the Attorney General in the district court of the county in which the violation occurred.~~
- ~~5.—A individual or business entity which has been assessed a civil penalty under this section and subsequently engages in an asbestos project or an asbestos occupation without a valid license or using employees who do not hold a license, except as otherwise provided in the Asbestos Control Act:
  - ~~a.—For a first offense, will be guilty of a Class I misdemeanor; and~~
  - ~~b.—For a second or subsequent offense, will be guilty of a Class IV felony.~~~~

22-0140. WORK PRACTICES FOR GENERAL SECURITY AND MANAGEMENT OF ASBESTOS PROJECTS: The licensed or waived business entity or licensed individual must establish general security and management work practices for asbestos projects. ~~when specified by these regulations as follows:~~

22-0140.01 SITE PREPARATION. Prepare the site of the asbestos project as follows:

22-011.01(A) Demarcate the asbestos project perimeter clearly by roping it off 25 feet outside the work area perimeter;

~~1-(i)~~ If a 25 foot perimeter is not possible, demarcate as close to the 25 foot limit as possible; ~~and~~

~~2-(ii)~~ If a containment area is established and managed in accordance with the work practices of 178 NAC 22-0121, then use the containment perimeter as the project perimeter;

22-011.01(B) Post appropriate warning signs prominently at all possible points of entry into the project site; ~~and~~

22-011.01(C) For indoor asbestos projects other than demolition, isolate the ventilation system from the work area.

22-0140.02 PERSONNEL. ~~Ensure that the following requirements are met during~~ performance of asbestos project activity:

22-011.02(A) ~~Have~~ a licensed supervisor to manage the asbestos project on-site, ~~to~~ serve as point of contact and ~~to~~ control access ~~at all times when work is being performed on a project;~~

22-011.02(B) Limit project site access only to those individuals whose responsibilities directly require their presence. ~~Require A~~all individuals engaged in or supporting the asbestos project ~~are~~ to hold a license in an asbestos ~~occupation and in accordance~~

~~with 178 NAC 22-004. All individuals engaged in or supporting the asbestos project must~~ have copies of their initial and current training certificate on-site.

~~1.(i) Restrict a~~Access of other individuals to ~~the work site is limited to~~ those with an immediate need and ~~allow~~ only when under the direct control of a licensed supervisor.; ~~and~~

~~2.(ii) Require e~~Each individual who enters the project ~~is required~~ to sign in, by legibly writing or printing their name and license number ~~or the purpose for being in the work site along with the signature of the supervisor if the individual is not licensed.~~ Such sign-in sheets must be maintained at the work area daily for the duration of the project and must be available for inspection by the Department for the day on which the inspection is conducted.;

~~22-011.02(C) All individuals within the work site are to C~~comply with work safety requirements.;

~~22-011.02(D) Require all individuals who enter the work area to be qualified on, fit-tested and using an appropriate respirator and wearing appropriate protective clothing.;~~ ~~and~~

~~22-011.02(E) Require all individuals, before leaving the work area, to remove or to clean all outer clothing with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods.~~

~~22-0140.03~~ CLEANING REQUIREMENTS. Perform the following tasks prior to completing the project:

~~22-011.03(A) Clean all tools and equipment used in the work area free of all visible residue or seal them in six mil plastic before removal from the work area.;~~

~~22-011.03(B) Clean the surfaces of all structures, furnishings, equipment and fixtures located on the project site free of all visible debris and residue, including any which existed prior to the start of the project, with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods. Treat such debris and residue as ACM asbestos containing material; and In demolitions where the building will not be reoccupied, the Department may waive the cleaning requirements of this section as they pertain to non-ACM asbestos-containing material material in the work area.~~

~~22-011.03(C) Dispose of all removed ACM asbestos containing material, plastic sheeting, contaminated materials, waste and debris on the project site in accordance with 178 NAC 22-0240.~~

~~22-0121.~~ WORK PRACTICES TO ESTABLISH AND MANAGE CONTAINMENT AREAS.; The licensed or waived business entity or licensed individual must construct and manage a containment area for asbestos projects ~~when specified by these regulations~~ as set out in this chapter. follows:

~~22-0121.01~~ WORK AREA REQUIREMENTS. Construct and prepare a work area as follows:

~~22-012.01(A) Preclean all moveable furnishings, equipment, and fixtures in the work area with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods.;~~

~~1.(i) After cleaning, remove these items from the work area and store in an area which is not subject to contamination with ACM asbestos containing material until the~~

conclusion of the project. If the storage area contains ACM asbestos containing material, reclean items prior to returning items at the conclusion of the project-;

22-012.01(B) Isolate the work area completely as follows:

4-(i) Shut down and lock out heating and ventilation and electrical systems serving the work area. If these systems cannot be shut down, make special provisions to assure that:

a-(1) Airborne contamination from the work area cannot enter the ventilation system and be carried to other areas-; and

b-(2) Measures to minimize electrical hazards, such as use of ground fault interrupters, are provided-;

2-(ii) Install airtight temporary barriers to seal doorways, windows, ventilation system openings, and other openings in the work area. If plastic sheeting is not supported by the structure or structural items, such as walls or pipes, construct and install airtight temporary barriers around the work area, using plastic sheeting not less than 6 mil thick, face smooth surface of the barrier wall to the interior of the work area;

a-Use plastic sheeting not less than 6 mil thick.

b-Face smooth surface of barrier wall to interior of work area.

3-(iii) Install a control curtain in the doorway between the work area and the decontamination facility-;

22-012.01(C) Prepare the work area as follows:

4-(i) Preclean the surfaces of all structures, other than those from which ACM asbestos containing material is to be removed or those which are to be encapsulated, and all nonmoveable furnishings, equipment and fixtures remaining in the work area with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods-;

2-(ii) Cover and completely seal cleaned surface areas and nonmoveable items with one or more layers of plastic sheeting not less than 6 mil thick-, then:

a-(1) Seal all plastic sheeting seams and all openings around structures, equipment and fixtures penetrating into the perimeter of the work area-; and

b-(2) Use fire retardant sheeting if a fire hazard exists and in fire egress areas-;

3-(iii) Cover floors with at least two layers of plastic sheeting not less than 6 mil thick such that both layers extend up the wall at least 12 inches-;

4-(iv) Securely affix plastic sheeting not less than 6 mil thick on walls to ensure that it will remain in position throughout the length of the project- as follows:

a-(1) Place wall sheeting to the interior of the work area (i.e., over both layers of floor sheeting), so that moisture is shed to the interior of the work area-; and

b-(2) Ensure that wall sheeting overlaps the floor sheeting and seal wall sheeting to floor sheeting to provide a leak-proof barrier-;

5-(v) Walls or floors from which ACM asbestos containing material is to be abated need not be covered with plastic sheeting as otherwise required-; and

6-(vi) Repair any tears noted in the protective sheeting immediately-; and

22-012.01(D) Install HEPA high efficiency particulate air filter-equipped ventilation fans so that air will be continually removed from all locations within the work area- to:

- ~~1.(i)~~ Ensure that the fans have the capacity to replenish the entire volume of air contained in the work area every 15 minutes or less; ~~and unless a longer time period is permitted specifically by waiver by the Department.~~
- ~~2.(ii)~~ Discharge the air to be removed from the work area through a duct penetrating the airtight barrier; as follows:
  - ~~a.(1)~~ Provide an airtight seal between the duct and the barrier; and
  - ~~b.(2)~~ Discharge the air to be removed from the work area outside of the building in an area remote from the air intake and not into an area of the building that is occupied by individuals other than those directly engaged in the project unless such a discharge is permitted specifically by waiver by the Department; and
- ~~3.(iii)~~ Operate the fans in a manner that will establish and maintain a flow of air into the work area from all adjacent areas; by:
  - ~~a.(1)~~ Demonstrating proper air flow by use of smoke producing tubes, pressure differential readings or other appropriate means; and
  - ~~b.(2)~~ Make these determinations and record the results before starting an asbestos project and at the start of each day of operation; and
- ~~4.(iv)~~ Operate the ventilation fans continually throughout the duration of the project until the procedures of 178 NAC 22-0121.06 have been completed.

22-0121.02 DECONTAMINATION FACILITY. Provide a decontamination facility as follows (see Figure 4):

- 22-0121.02(A) Make all decontamination facility areas contiguous to each other and the work area unless connected to one another by enclosed passageways that are isolated effectively from areas intended to remain free from asbestos contamination; and
- 22-0121.02(B) Seal decontamination facility areas completely to ensure that the sole source of airflow through these areas originates from uncontaminated areas outside the facility area; and
- 22-0121.02(C) Install control curtains in all connecting doorways and at the entrance to the decontamination facility; and
- 22-0121.02(D) Construct and operate an equipment room as follows:
  - ~~1.(i)~~ Locate the equipment room so that it must be traversed before the shower room can be entered from the work area; and
  - ~~2.(ii)~~ Construct the equipment room using the same requirements as for the work area in 178 NAC 22-0121.01(A) through 22-0121.01(C); and
  - ~~3.(iii)~~ Require all individuals, before leaving the work area to enter the equipment room, to remove or to clean all outer clothing with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods; and
  - ~~4.(iv)~~ Provide facilities in the equipment room for temporary storage of tools and equipment used in the work area; and
- 22-0121.02(E) Construct and operate a shower room as follows:
  - ~~1.(i)~~ Locate the shower room so that it must be traversed before any individual can move into the clean room from the work area; and
  - ~~2.(ii)~~ Construct the shower enclosures to be leak-proof and use easily washable or disposable units; and

- ~~3.~~(iii) Provide the shower room with at least one showerhead that is supplied with hot and cold or warm water. Provide adequate quantities of soap, and towels to accommodate each individual who emerges from the work area-;
  - ~~4.~~(iv) Require all individuals to shower before entering the clean room-;
  - ~~5.~~(v) Drain, collect and filter shower water through a system with the capability to collect particles 5.0 microns in size, at a minimum, and discharge into a sanitary sewer or other State or federally approved waste disposal system. Assure that an air gap is present between the shower water discharge line and any sanitary sewer or approved disposal system-; and
  - ~~6.~~(vi) Remove filter cartridges from respirators before leaving the shower and dispose of in accordance with 178 NAC 22-0240-; and
- ~~22-012.02~~(F) Construct and operate a clean room as follows:
- ~~1.~~(i) Locate the clean room so that it will be the last room traversed by any individual exiting the work area-;
  - ~~2.~~(ii) Provide facilities in the clean room for removing or donning street clothing, donning respirators, performing positive and negative pressure checks of respirator fit, and donning clean disposable protective clothing or other protective equipment required to be worn in the work area-;
  - ~~3.~~(iii) Provide facilities in the clean room if it will be used as a rest and eating area for employees after they have passed through the decontamination process-; and
  - ~~4.~~(iv) Do not permit smoking in this room.

~~22-0121.03~~ FIRST CLEANING STEP. After ACM asbestos containing material removal or encapsulation is complete, perform the first cleaning step as follows:

- ~~1.~~(A) Clean all plastic sheeting and surfaces in the work area and decontamination facility, and clean equipment used on the asbestos project free of all visible residue with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods-;
- ~~2.~~(B) If more than one layer of plastic sheeting has been used on walls, this additional layer of sheeting and one layer of sheeting from the floors may be removed and disposed of instead of being cleaned-;
- ~~3.~~(C) Remove any liquid or material that has leaked through these additional layers of sheeting with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods-;
- ~~4.~~(D) Dispose of the removed plastic sheeting in accordance with 178 NAC 22-0240-;
- ~~5.~~(E) Examine the work area and check behind the airtight temporary barriers to determine whether ACM asbestos containing material, dust or debris has been removed. If any ACM asbestos containing material, dust or debris is found, the work area must be recleaned. If an airtight temporary barrier must be breached for cleaning or recleaning purposes, the area behind the breach must be cleaned and the barrier immediately repaired-; and
- ~~6.~~(F) For asbestos removal projects, coat cleaned surfaces from which ACM asbestos containing material has been removed with an effective color-tinted sealing material as follows:-
  - ~~a.~~(i) Before applying the sealing material, examine the cleaned surface from which ACM asbestos containing material has been removed to ensure that removal has

been complete. Reclean all surfaces where debris and residue are found and reexamine, and reclean if required;

~~b.~~(ii) After the color-tinted sealing material has been applied and dried on the cleaned surfaces from which ~~ACM~~ asbestos containing material has been removed, visually examine the coated surfaces to ensure complete coverage and effective sealing;

~~c.~~(iii) Color-tinted sealing material must be applied in sufficient quantity to effectively prevent residual fibers from becoming airborne as a result of future maintenance, renovation, demolition or functional uses of the building, and so that the sealed surface can be detected readily by building occupants and by visual examination;

~~d.~~and

~~d.~~(iv) After the sealant has dried completely, proceed to the second cleaning step.

~~22-0121.04~~ 22-0121.04 SECOND CLEANING STEP. After the first cleaning step required by 178 NAC 22-0121.03 is complete, perform the second cleaning step as follows:

~~1.~~(A) Remove plastic sheeting from everything except the control curtains, the airtight temporary barriers around the work area, and the airtight seals over doorways, windows, ventilation system openings and other openings; and

~~2.~~(B) Clean all previously covered surfaces free of all visible residue with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods.

~~22-0121.05~~ 22-0121.05 FINAL CLEARANCE AIR SAMPLING. For projects which are equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet, have a third party, in accord with this chapter 178 NAC 22-023, perform final clearance air sampling after the second cleaning step required by this chapter 178 NAC 22-012.04 is complete and the work area is dry.

~~22-0121.06~~ 22-0121.06 CLEARANCE LEVEL. Retain the airtight seals for the containment area in place and operate the associated HEPA high efficiency particulate air filter-equipped ventilation fans until the results of clearance air sampling under Phase Contrast Microscopy (PCM) show that the airborne contamination level within the work area is not greater than 0.01 fibers per cubic centimeter (0.01 f/cc) as determined by the NIOSH 7400 method or not greater than 70 structures per square millimeter (70 s/mm<sup>2</sup>) as determined by the EPA Transmission Electron Microscopy (TEM) method;

~~22-0121.07~~ 22-0121.07 TEAR DOWN. When the actions required by 178 NAC 22-0121.06 are complete, disassemble the remaining elements of the containment area and ensure that the surfaces of which existed prior to the start of the project; and,

~~22-0121.08~~ 22-0121.08 WASTE TREATMENT. Treat all removed plastic sheeting, all filters, waste and debris as ACM asbestos containing material and dispose of in accordance with this chapter 178 NAC 22-024.



22-0132. WORK PRACTICES TO KEEP ~~ACM ASBESTOS CONTAINING MATERIAL WET~~.

The licensed or waived business entity or licensed individual must use wet methods for asbestos projects, ~~when specified by these regulations as follows:~~

22-0132.01 KEEP MATERIAL WET. Saturate all exposed surfaces of the ~~ACM asbestos containing material~~ to be removed with a water solution that contains an effective wetting agent or with a removal encapsulant.

~~22-013.01(A)~~ Apply the wetting solution with a low pressure spraying system; ~~and~~

~~22-013.01(B)~~ Determine the effectiveness of the solution in penetrating the ~~ACM asbestos containing material~~ by applying it to a small representative sample of the material before the asbestos project is initiated.

22-0132.02 DO NOT ACCUMULATE MATERIAL. Maintain all ~~ACM asbestos containing material~~ removed, including any fallen residue, in an adequately wet condition to prevent the release of any fibers. Do not allow any visible debris or residue to accumulate.

22-0132.03 DRY MATERIAL. If ~~ACM asbestos containing material~~ does not absorb water or amended water or otherwise must be removed dry:

~~22-013.03(A)~~ Obtain approval for dry removal in writing from the Department; and ~~the EPA.~~

~~22-013.03(B)~~ Remove ~~ACM asbestos containing material~~ using a type-C respirator or a self-contained breathing apparatus.

22-0143. WORK PRACTICES TO BE FOLLOWED FOR ASBESTOS REMOVAL PROJECTS.

~~22-014.01 Work Practices to be Followed for Indoor Asbestos Removal Projects:~~ The licensed or waived business entity or licensed individual responsible for an asbestos project to remove ~~ACM asbestos containing material~~ in an area which can be expected to be reoccupied or in an area which is or will ~~only directly~~ be accessible from an occupied area must comply with the following unless other applicable work practices outlined in these regulations are followed:

~~1.(A)~~ Establish general security and management work practices in accordance with 178 NAC ~~22-0140~~;

~~2.(B)~~ Establish and manage a containment area in accordance with the work practices of 178 NAC ~~22-0121~~;

~~3.(C)~~ Remove ~~ACM asbestos containing material~~ wet in accordance with the work practices of 178 NAC ~~22-0132~~; ~~and~~

~~4.(D)~~ Coat cleaned surfaces from which ~~ACM asbestos containing material~~ has been removed with an effective color-tinted sealing material.

22-0143.021 OUTDOOR PROJECTS. ~~Work Practices to be Followed for Outdoor Asbestos Removal Projects:~~ In addition to ~~meeting~~ the requirements of 129 NAC 12 "Operating Permit Renewal and Expiration," Nebraska Department of Environmental ~~Quality and Energy~~, the licensed or waived business entity or licensed individual responsible for removing ~~ACM asbestos containing material~~ in outdoor areas must comply with the following unless other applicable work practices outlined in these regulations are followed:

~~4.(A)~~ Establish general security and management work practices in accordance with 178 NAC ~~22-0140~~;

- ~~2.~~(B) To preclude spread of contamination to nearby indoor areas, securely cover each door, window, ventilation duct or other opening into such areas within 25 feet of the work area with plastic sheeting not less than 6 mil thick~~;~~
- ~~3.~~(C) Remove ACM asbestos containing material wet in accordance with the work practices of 178 NAC 22-01~~32;~~ ~~and~~
- ~~4.~~(D) Coat cleaned surfaces from which ACM asbestos containing material has been removed with an effective color-tinted sealing material.

22-0143.032 GLOVE BAG. Work Practices to be Followed for Removal of ACM Using a Glove Bag: The licensed or waived business entity or licensed individual using a glove bag for removal of ACM asbestos containing material from the surface of pipes or other similar conduits must comply with the following:

- ~~1.~~(A) Establish general security and management work practices in accordance with 178 NAC 22-01~~40;~~
- ~~2.~~(B) Use plastic leak-proof glove bags not less than 6 mil thick in accordance with the manufacturer's instructions~~;~~
- ~~3.~~(C) Use glove bags only once. Do not "slide" glove bags. Do not reuse for any purpose~~;~~
- ~~4.~~(D) Avoid damaging or disturbing any other ACM asbestos containing material within the work area that is not intended to be removed using the glove bag~~;~~
- ~~5.~~(E) Install the glove bag so as to provide an airtight seal around the area from which the ACM asbestos containing material is to be removed. Maintain this seal continually until all ACM asbestos containing material has been removed and the surface of the item enclosed within the glove bag has been cleaned~~;~~
- ~~6.~~(F) Saturate ACM asbestos containing material to be removed with a water solution that contains an effective wetting agent or with a removal encapsulant. Maintain removed ACM asbestos containing material within the glove bag in a water-saturated condition~~;~~
- ~~7.~~(G) Discontinue activity in the work area immediately if there is any ACM asbestos containing material contamination of the general work area resulting from damage to or improper use of the glove bags, or damage to other ACM asbestos containing material located within the area~~;~~
  - ~~a.~~(i) Do not resume project activities until all surfaces in the work area that possibly have become contaminated with ACM asbestos containing material have been cleaned thoroughly with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods~~;~~ ~~and~~
  - ~~b.~~(ii) Notify the Department as specified in 178 NAC 22-00~~57~~.01C of the date and nature of such occurrence and of the cleanup measures that were used~~;~~
- ~~8.~~(H) After the necessary ACM asbestos containing material has been removed, clean surfaces from which ACM asbestos containing material has been removed~~;~~
- ~~9.~~(I) Coat cleaned surfaces from which ACM asbestos containing material has been removed with an effective color-tinted sealing material~~;~~
- ~~10.~~(J) Remove the glove bag, seal tightly and dispose of in accordance with 178 NAC 22-02~~40;~~ ~~and~~
- ~~11.~~(K) Recover or restore cleaned surfaces or securely enclose rough edges of ACM asbestos containing material which remain after glove bag removal. Such action ~~will~~ cannot be done satisfied with ~~the use of~~ duct tape.



~~22-0154.~~ WORK PRACTICES TO BE FOLLOWED FOR ASBESTOS ENCLOSURE PROJECTS. To use enclosure as a method of controlling asbestos fiber release from ACM asbestos containing material, the licensed or waived business entity or licensed individual must comply with the following:

- ~~1.(A)~~ Establish general security and management work practices in accordance with 178 NAC 22-0140.
- ~~2.(B)~~ Preclean the area to be enclosed with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods.
- ~~3.(C)~~ Ensure that the area containing the ACM asbestos containing material to be enclosed can be sealed airtight within the enclosure and that the underlying structure can support the weight of the enclosure.
- ~~4.(D)~~ Install the enclosure in such a manner as to minimize disturbance of ACM asbestos containing material; and
- ~~5.(E)~~ Designate enclosed ACM asbestos containing material by labels, signs, charts or color codes in order to warn building maintenance personnel in the event the enclosure must be disturbed.

~~22-0165.~~ WORK PRACTICES TO BE FOLLOWED FOR ASBESTOS ENCAPSULATION PROJECTS. To use encapsulation as a method of controlling asbestos fiber release from ACM asbestos containing material, the licensed or waived business entity or licensed individual must comply with the following:

- ~~1.(A)~~ Establish general security and management work practices in accordance with 178 NAC 22-0140. Require use of respirators that provide protection against any potentially hazardous chemicals contained in the encapsulant as well as protection required by the set out in definition given in 178 NAC 22-002.
- ~~2.(B)~~ Establish and manage a containment area in accordance with the work practices of 178 NAC 22-0121.
- ~~3.(C)~~ Use of encapsulation is subject to the following:
  - ~~a.(i)~~ Do not apply encapsulant to fibrous sprayed-on ACM asbestos containing material or to cementitious ACM asbestos containing material that evidences poor adhesion to the surface to which it is to be applied; and
  - ~~b.(ii)~~ Do not apply encapsulant to ACM asbestos containing material installed on surfaces subject to frequent abrasion or other physical damage.
- ~~4.(D)~~ Use an encapsulant with flame retardant characteristics.
- ~~5.(E)~~ Prior to starting the project, demonstrate adhesive and penetrating characteristics of a penetrating encapsulant or adhesive characteristics of a bridging encapsulant as follows:
  - ~~a.(i)~~ Conduct testing at one or more randomly selected locations within the structure.
  - ~~b.(ii)~~ Apply the encapsulant to the surface of the material in the prescribed manner.
  - ~~c.(iii)~~ Remove a core sample and examine for adequate penetration and ~~or~~ adhesion.
  - ~~d.(iv)~~ Repair test core holes immediately after the inspection; and
  - ~~e.(v)~~ Document results of the testing.
- ~~6.(F)~~ Repair damaged portions of a surface to which the encapsulant is to be applied with asbestos-free patching material. Ensure the patching material adheres to existing surfaces and provides a base for application of the encapsulant.
- ~~7.(G)~~ Apply encapsulant in accordance with the manufacturers' instructions and in such a manner as to minimize release of ACM asbestos containing material;
- ~~8.(H)~~ Repair immediately any damage to the encapsulant that occurs when fixtures or other

items are reinstalled. Clean any ACM asbestos containing material that is released by this damage immediately with a HEPA high efficiency particulate air filter equipped vacuuming device or by wet cleaning methods; and

- ~~9-(I)~~ Designate encapsulated ACM asbestos containing material by labels, signs, charts or color codes in order to warn building maintenance personnel in the event the encapsulated material must be disturbed.

~~22-0176.~~ WORK PRACTICES TO BE FOLLOWED FOR ASBESTOS RELATED DISMANTLING PROJECTS: If structural or equipment items covered with ACM asbestos containing material are intended to be moved without first removing the ACM material, the licensed or waived business entity or licensed individual must comply with the following:

- ~~1-(A)~~ Do not remove ACM asbestos containing material or dismantle items containing ACM asbestos until a work area is established;
- ~~2-(B)~~ Establish general security and management work practices in accordance with 178 NAC 22-0140;
- ~~3-(C)~~ Remove ACM asbestos containing material to expose the surface to be cut using wet methods in accordance with the work practices of 178 NAC 22-0132;
- ~~4-(D)~~ Securely enclose in two layers of plastic sheeting not less than 6 mil thick any exposed ACM asbestos containing material remaining on structural items or equipment items before removing from the work area as follows:
  - ~~a-(i)~~ Remove material as intact sections or components whenever possible; and
  - ~~b-(ii)~~ Lower the enclosed items carefully to ground level and do not drop, throw or slide while handling;
- ~~5-(E)~~ Remove all ACM asbestos containing material from dismantled structural items or equipment items in accordance with 178 NAC 22-0143 unless item is to be disposed of with ACM asbestos containing material left in place in accordance with 178 NAC 22-0240; and
- ~~6-(F)~~ Before reuse or sale of structural items or equipment items for any purpose, clean all surfaces from which ACM asbestos containing material has been removed free of all visible residue and coat with an effective color-tinted sealing material.

~~22-0187.~~ WORK PRACTICES TO BE FOLLOWED FOR ASBESTOS RELATED DEMOLITION PROJECTS: A licensed or waived business entity or licensed individual must not demolish a structure containing friable ACM asbestos containing material or other ACM asbestos which may become friable when cut, crushed, ground, abraded, pulverized, or burned until such material has been removed from the structure. To remove ACM asbestos containing material from a structure scheduled to be demolished, the licensed or waived business entity or licensed individual must comply with the following unless other applicable work practices set out in this chapter outlined in these regulations are followed:

- ~~1-(A)~~ Establish general security and management work practices in accordance with 178 NAC 22-0140;
- ~~2-(B)~~ Seal airtight each window, door and other direct opening between the work area from which ACM asbestos containing material is to be removed and other areas of the structure which are not to be demolished. Use and securely fasten plastic sheeting not less than 6 mil thick;
- ~~3-(C)~~ Install a control curtain in the entryway designated for access;

- ~~4.(D)~~ Install and operate HEPA high efficiency particulate air filter-equipped ventilation fans so that air will be discharged continually from all locations within the work area in accordance with 178 NAC 22-01~~21~~.01(D) for all projects equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet-;
- ~~5.(E)~~ Construct and operate the following:
- ~~a.(i)~~ A change room where clothing can be removed before showering in accord with 178 NAC 22-01~~21~~.02(D);
  - ~~b.(ii)~~ A shower room in accord with 178 NAC 22-01~~21~~.02(E);
  - ~~c.(iii)~~ A clean room in accord with 178 NAC 22-01~~21~~.02(F)-; and
  - ~~d.(iv)~~ Tools will not be required to be kept in the change room, but tools must be cleaned and free of all visible residue or sealed in 6 mil plastic before removal from the work area in accord with 178 NAC 22-01~~40~~.03(A)-;
- ~~6.(F)~~ Remove ACM asbestos containing material wet in accordance with the work practices of 178 NAC 22-01~~32~~-;
- ~~7.(G)~~ If any non-essential structural item, equipment, or furnishing which is not a part of the ACM asbestos containing material project is to be salvaged, reused or sold in any manner, clean all surfaces with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods and remove from the building prior to ACM asbestos containing material removal-;
- ~~8.(H)~~ If any non-essential structural item or equipment which is a part of the ACM asbestos containing material project is to be salvaged, reused or sold in any manner, clean all surfaces from which ACM asbestos has been removed free of all visible residue and coat with an effective color-tinted sealing material before removing from the work area-;
- ~~9.(I)~~ If any essential structural items, such as windows, doors, support columns, etc. are to be removed in order to be salvaged, reused or sold in any manner, remove the item only after final inspection in 178 NAC 22-01~~87~~.11 has been performed-;
- ~~10.(J)~~ While the control curtains and airtight seals over windows, doors, and other openings are still in place, clean all visible ACM asbestos containing material debris and residue with a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods-; and
- ~~11.(K)~~ At the conclusion of the project, the licensed or waived business entity or licensed individual responsible for the project must have a third party who is licensed by the Department as a supervisor, inspector, management planner, project monitor, or project designer, and who is independent of the contractor and selected by the owner or operator of the structure on or in which the asbestos project is conducted examine the work area to determine whether ACM asbestos containing material debris has been removed. The individual who examined the work area must provide, prior to demolition of the building, a written report to both the contractor and the Department setting forth their findings along with their name, address and license number.

22-0198. WORK PRACTICES TO BE FOLLOWED FOR PROJECTS IN TUNNELS AND CRAWL SPACES- The licensed or waived business entity or licensed individual responsible for an asbestos abatement project in a tunnel or crawl space which is or will be directly accessible from an occupied area must comply with the following:

- ~~1.(A)~~ Establish general security and management work practices in accordance with 178 NAC 22-01~~40~~-;

- ~~2.(B)~~ Establish and manage a containment area in accordance with the work practices of 178 NAC 22-0121. Such work practices ~~need not include the use of plastic sheeting for walls or floors within the containment area as required by 178 NAC 22-012.01(B) and 22-012.01(C) but will~~ require the use of plastic sheeting drop cloths on the floor immediately beneath the location where ACM asbestos containing material is being actively removed. Such work practices will not include the requirement for performing final clearance air sampling as required by 178 NAC 22-0121.05. Preclean all gross contamination and ACM asbestos containing material debris on the floor of the tunnel or crawl space by wet cleaning methods and place directly into 6 mil thick ACM asbestos containing material waste disposal bags in accordance with 178 NAC 22-0240 before starting removal.;
- ~~3.(C)~~ Remove ACM asbestos containing material wet in accordance with 178 NAC 22-0132. Place all ACM asbestos containing material and visible debris and residue removed from surfaces during the project directly into 6 mil thick ACM asbestos containing material waste disposal bags in accordance with 178 NAC 22-0240.;
- ~~4.(D)~~ At the conclusion of the project, the licensed or waived business entity or licensed individual responsible for the project must have a third party who is licensed by the Department as a supervisor, inspector, management planner, project monitor, or project designer, and who is independent of the contractor and selected by the owner or operator of the structure on or in which the asbestos project is conducted examine the work area to determine whether ACM asbestos containing material debris has been removed.
- ~~a.(i)~~ The individual who examined the tunnel must provide within seven days, a written report to both the contractor and the Department setting forth their findings along with their name, address and license number.

~~22-02019.~~ WORK PRACTICES TO BE FOLLOWED FOR PROJECTS INVOLVING ACM ASBESTOS CONTAINING MATERIAL FLOOR TILE, SHEET FLOORING, SHINGLES, OR SIDING.

~~22-02019.01 FLOORING, SIDING, ROOFING.~~ Asbestos projects, other than Asbestos Related Demolition Projects regulated under 178 NAC 22-0187, that involve only ACM asbestos containing material floor tile, sheet flooring, shingles, or siding, may be performed using the ~~lesser~~ work practice requirements set out in 178 NAC 22-02019. ~~178 NAC 22-020 does apply to any individual other than a homeowner performing the work on or in the homeowner's residential property.~~ Projects involving ACM asbestos containing material floor tile, sheet flooring, shingles, or siding, require notification in accordance with 178 NAC 22-0057 whether performed in a friable or non-friable manner. ~~Non-friable projects will not be subject to the notification fee set in 178 NAC 22-009.04.~~

~~22-02019.01(A) Projects performed in a non-friable manner PROJECTS PERFORMED IN A NON-FRIABLE MANNER.~~ For a project to not be regulated other than notification to the Department under 178 NAC 22-007, it must be performed in a manner to ensure the material does not become friable. Any process that cuts, crushes, grinds, abrades, pulverizes, or burns, including dropping from a height, will make non-friable asbestos material friable and regulated. If an amount of non-friable asbestos containing material that equals three square feet becomes friable, discontinue removal activity immediately until all surfaces in the work area that possibly have become contaminated with asbestos

containing material have been cleaned thoroughly with a high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods. An amendment to any notification previously submitted to the Department must be made, any applicable fee paid, and the project must be performed in accordance with this chapter.

- ~~1. Non friable vinyl asbestos floor tile, asbestos sheet flooring, asbestos adhesive (mastic), asbestos shingles, and asbestos siding can be removed by anyone and is not subject to the work practice regulations, providing the materials remain non friable during the removal process. Any process that cuts, crushes, grinds, abrades, pulverizes, or burns, including dropping from a height, will make the non friable asbestos material friable and regulated.~~
- ~~2. It is recommended that non friable asbestos material be placed in boxes and then in 6 mil thick plastic bags or other type of container that can be sealed so that it is air tight, and asbestos fibers can not escape into the atmosphere. Asbestos floor tile, mastic, shingles, and siding removed by non friable methods do not have to be disposed of in licensed asbestos landfills. Contact the landfill operator to find out if they accept the material and how they would require it to be packaged.~~
- ~~3. If an amount of non friable ACM that equals three square feet has become friable, discontinue removal activity immediately.
  - ~~a. Do not resume removal activity until all surfaces in the work area that possibly have become contaminated with ACM have been cleaned thoroughly with a HEPA filter equipped vacuuming device or by wet cleaning methods.~~
  - ~~b. The Department will accept an amendment to the notification previously submitted indicating the ACM has become friable and the project will be performed in accordance with 178 NAC 22-020.04.~~
  - ~~c. If the project is equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet, it will be subject to the fee requirements set out in 178 NAC 22-009.03. Such project may also be subject to the notification requirements of the NESHAP regulations of the Nebraska Department of Environmental Quality.~~~~

22-02019.01(B) Projects performed in a friable manner: PROJECTS PERFORMED IN A FRIABLE MANNER. If a project will be performed in a friable manner, only the following requirements will apply to the licensed or waived business entity or licensed individual:

4.(i) For indoor projects:

- ~~a.(1) Security:~~ Establish general security and management work practices in accordance with 178 NAC 22-0140.;
- ~~b.(2) Containment:~~

- ~~(1)(a)~~ Seal airtight each window, door and other direct opening between the work area from which ACM asbestos containing material is to be removed and other areas of the structure which are not to be impacted-;
- ~~(2)(b)~~ Use and securely fasten plastic sheeting not less than 6 mil thick extending up the wall no less than four feet around the perimeter of the work area as a splashguard-; and
- ~~(3)(c)~~ Install and operate HEPA high efficiency particulate air filter-equipped ventilation fans so that air will be discharged continually from all locations within the work area for all projects equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet-;
- ~~e-(3)~~ Decontamination:
  - ~~(1)(a)~~ For worker protection use a double suit and air-lock decontamination method-; and
  - ~~(2)(b)~~ Tools are not required to be kept in the work area but must be cleaned and free of all visible residue or sealed in 6 mil plastic before removal from the work area-;
- ~~d-(4)~~ Removal: Remove and maintain ACM asbestos containing material in an adequately wet condition to prevent the release of any fibers-;
- ~~e-(5)~~ Disposal: After removal of the ACM asbestos containing material, and clearance if required under 178 NAC 22-02019.01(B)(6), ~~item 1.f.~~, is complete, disassemble the containment area and ensure that the surfaces of all structures, furnishings, equipment and fixtures are free of all visible residue, including any which existed prior to the start of the project; except mastic which is to remain and be covered with material. Treat all removed plastic sheeting, all filters, waste and debris as ACM asbestos containing material and dispose of in accordance with 178 NAC 22-0240-; and
- ~~f-(6)~~ Clearance: For projects which are equal to or greater than 260 linear feet or any combination which is equal to or greater than 160 square feet and linear feet, have a third party, in accord with 178 NAC 22-0232, perform final clearance air sampling after the work area is dry. Retain the airtight seals for the containment area in place and operate the associated HEPA high efficiency particulate air filter-equipped ventilation fans until the results of clearance air sampling under Phase Contrast Microscopy (PCM) show that the airborne contamination level within the work area is not greater than 0.01 fibers per cubic centimeter (~~0.01 f/cc~~) as determined by the NIOSH 7400 method or not greater than 70 structures per square millimeter (~~70 s/mm<sup>2</sup>~~) as determined by the EPA Environmental Protection Agency Transmission Electron Microscopy (TEM) method-; and
- ~~2-(ii)~~ For outdoor projects:
  - ~~a-(1)~~ Security: Establish general security and management work practices in accordance with 178 NAC 22-0140-;
  - ~~b-(2)~~ Containment: To preclude spread of contamination to nearby indoor areas, securely cover each door, window, ventilation duct or other opening into such areas within 25 feet of the work area with plastic sheeting not less than six mil thick-;



~~e.~~(3) Decontamination:

~~(1)~~(a) For worker protection use a disposable coveralls and half-face respirator; and

~~(2)~~(b) Tools must be cleaned and free of all visible residue or sealed in 6 mil plastic before removal from the work area;

~~d.~~(4) Removal: Remove and maintain ACM asbestos containing material in an adequately wet condition to prevent the release of any fibers; and

~~e.~~(5) Disposal: After removal of the ACM asbestos containing material is complete, ensure that the surfaces of all structures, furnishings, equipment and fixtures are free of all visible residue, including any which existed prior to the start of the project. Treat all removed plastic sheeting, all filters, waste and debris as ACM asbestos containing material and dispose of in accordance with 178 NAC 22-0240.

~~22-0240.~~ ASBESTOS WASTE DISPOSAL: The licensed or waived business entity or licensed individual will handle all ACM asbestos containing material waste in accordance with the requirements of 129 NAC 23, Nebraska Department of Environmental Quality and Energy (NDEQ) Hazardous Air Pollutants: Emission Standards, and the following:

~~22-0240.01~~ PROCEDURES. The business entity or individual performing an asbestos project must:

~~1.~~(A) Maintain all ACM asbestos containing material solid waste in a wet condition and immediately place in tightly sealed containers;

~~a.~~(i) Use clear plastic bags not less than 6 mil thick for waste containers unless the waste contains rigid or heavy objects likely to tear the bags. Use clear plastic bags only once;

~~b.~~(ii) If bag damage is likely to occur, place the waste in fiber or metal containers lined with plastic bags not less than 6 mil thick and having tight-fitting lids which can be fastened firmly in position;

~~e.~~(iii) For large sections of structural materials, such as pipe or duct work, that have been removed with ACM asbestos containing material left in place and that cannot be placed in containers, tightly wrap the sections in two layers of clean plastic sheeting not less than 6 mil thick for disposal.

~~2.~~(B) Dispose of wastewater and other liquid waste that contains ACM asbestos containing material as follows:

~~a.~~(i) Mix with solid waste materials and place the mixture in tightly sealed containers that comply with the requirements of 178 NAC 22-020.01, items ~~1.a.~~(A)(i) or ~~1.b.~~(B)(i); or

~~b.~~(ii) Filter through a system with the capability to collect particles 5.0 microns in size or larger and discharge into a sanitary sewer or other State or federally approved waste disposal system;

~~e.~~(iii) Use any other method of disposal of contaminated wastewater or liquid waste only at a location and in a manner specifically approved in writing by the Nebraska Departments of Health and Human Services and Environmental Quality and Energy;

- ~~3.(C)~~ Clean the exterior surface of each container or individually wrapped object free of all visible residue by wet cleaning methods before removing from the work area.
  - ~~a.(i)~~ Attach an asbestos danger label securely to each container or wrapping before removing from the work area.;
- ~~4.(D)~~ Handle each waste container carefully to prevent damage, breakage or opening.;
- ~~a.(i)~~ If a waste container breaks or becomes unable to completely contain the waste:
  - ~~(1)(a)~~ Transfer the waste immediately into another container that complies with the requirements of 178 NAC 22-020.01, items ~~s 4.a (A)~~, ~~b.(B)~~, or ~~e.(C)~~;
  - ~~(2)(b)~~ Immediately saturate with water any ACM asbestos containing material waste that escapes from the original container and place in the replacement container; and
  - ~~(3)(c)~~ Clean contaminated areas free of all visible residue.;
- ~~5.(E)~~ Store any ACM asbestos containing material removed from the work area but not yet delivered to an approved asbestos waste disposal site in a secure holding facility or location accessible only to persons licensed in an asbestos occupation in accordance with 178 NAC 22-004.;
- ~~6.(F)~~ Transport waste in vehicles operated by or escorted by a licensed asbestos worker or supervisor.;
- ~~a.(i)~~ Use vehicles with completely enclosed cargo areas or completely enclose the cargo area with two layers of plastic sheeting not less than 6 mil thick while the waste is being transported.;
- ~~and~~
- ~~b.(ii)~~ Immediately clean the vehicle cargo area free of all visible residue using a HEPA high efficiency particulate air filter-equipped vacuuming device or by wet cleaning methods after the waste has been deposited at an approved asbestos waste disposal site.;
- ~~c.(iii)~~ Alternatively, if the cargo area has been lined with a disposable plastic liner not less than 6 mil thick, cleaning is not required if the vehicle cargo area is free of all visible residue after the plastic liner is removed.;
- ~~d.(iv)~~ Treat all removed plastic sheeting, waste and debris as ACM asbestos containing material and dispose of in accordance with these regulations.;
- ~~7.(G)~~ Retain handling responsibility for ACM asbestos containing material waste until the waste is delivered to and accepted by the operator of a Nebraska Department of Environmental Quality and Energy licensed and approved asbestos waste disposal site and a written receipt is received and made a part of the project file.

22-0240.02 RECORDKEEPING. The business entity performing an asbestos project will maintain in their records, required under Neb. Rev. Stat. § 71-6307, 178 NAC 22-0068, and the following information:

- ~~1.(A)~~ The name and address of the following:
  - ~~a.(i)~~ Premises at which the ACM asbestos containing material waste was generated;
  - ~~b.(ii)~~ Building owner;
  - ~~c.(iii)~~ Business entity performing the asbestos project;
  - ~~d.(iv)~~ Each employee or agent who transported or escorted the ACM asbestos containing material waste to an approved asbestos waste disposal site; and
  - ~~e.(v)~~ Each approved asbestos waste disposal site to which the ACM asbestos containing material was transported.



- ~~2.(B)~~The type and amount of ~~ACM asbestos containing material~~ waste designated for disposal, expressed in square or linear feet, number of bags, weight or cubic yards.
- ~~3.(C)~~The time period over which ~~ACM asbestos containing material~~ waste was transported to the approved asbestos waste disposal site.

~~22-0221.~~ WAIVER OF PRESCRIBED WORK PRACTICES AND APPROVAL OF ALTERNATIVE WORK PRACTICES: The Department may waive any of the specific requirements established by 178 NAC 22-0140 through 22-0240 and 22-0232 and approve an alternative work practice.

~~22-0221.01~~ General requirements WAIVER REQUIREMENTS. Waivers must meet the following requirements:

~~22-022.01A~~ Waivers will be considered only when the health, safety and welfare of all classes of asbestos occupations, building occupants and the general public are protected adequately by the alternative work practice.

~~22-022.01B(A)~~ A waiver may be requested for an individual asbestos project by attaching a completed waiver application according to 178 NAC 22- 003.02(F), item 1 007.01(B) and the information required in 178 NAC 22-0057.021D(A) for an asbestos project notification.

~~22-022.01C(B)~~ A waiver may be requested for an individual asbestos project by the project designer or by the owner or operator of the structure in which the asbestos project is planned prior to the selection of a licensed business entity to conduct the asbestos project by completion of waiver including the requirements of 178 NAC 22- 003.02(F), item 1 007.01(B) and submission of that form with such other information as the Department deems necessary to evaluate the request. A copy of all waivers granted under 178 NAC 22-0221 must be submitted with the project notification for the project to which it applies.

~~22-022.01D(C)~~ A waiver may be requested for approval of an alternative work practice on a continuing basis for a business entity or individual, or for a particular facility belonging to that business entity or individual, by submitting a completed waiver according to 178 NAC 22- 003.02(F), item 1 007.01(B).

~~22-022.01E(D)~~ A waiver may be requested for approval of an exception to a specific worker protection requirement on a case-by-case basis if a business entity submits a written description of the alternative procedure and demonstrates to the Department's satisfaction that the proposed alternative procedure provides equivalent protection to the health, safety, and welfare of all classes of asbestos occupations and the general public. Any such request must be submitted by completing a waiver according to 178 NAC 22- 003.02(F), item 1 007.01(B).

~~22-0221.02~~ WAIVER SUBMISSION. The business entity or individual requesting a waiver must provide:

- ~~1.(A)~~A reference to the requirement by section number for which waiver is requested;
- ~~2.(B)~~A narrative explanation of rationale for requesting the waiver; and
- ~~3.(C)~~A description of the procedure proposed as an alternative work practice.
- ~~4.(D)~~The Department will approve or deny waivers in the form of a written notice to the applicant.

22-0232. FINAL CLEARANCE AIR SAMPLING. The licensed individual performing final clearance air sampling must do the following:

22-023.01(A)All persons performing final clearance air sampling must wear protective clothing and be licensed by the Department as a supervisor, inspector, management planner, project monitor or project designer. All persons performing final clearance air sampling must be independent of the contractor and selected by the owner or operator of the structure on or in which the asbestos project is conducted.

22-023.02(B)Final clearance air sampling must not be performed until after the contractor has completed the second cleaning step required by 178 NAC-22-0121.04 and until the work area is dry.

22-023.03(C)When final clearance air sampling is performed, the following procedures must be used:

22-023.03A(i)With only airtight temporary barriers in place, the person conducting final clearance air sampling must visually observe the work area and must observe behind the airtight temporary barriers to verify that the business entity has removed all ACM asbestos containing material, dust and debris in the work area as required by 178 NAC 22-0121.03(E). If any ACM asbestos containing material, dust or debris is found by the person conducting final clearance air sampling, the work area must be recleaned by the licensed or waived business entity or licensed individual conducting the project. If an airtight temporary barrier must be breached for cleaning or recleaning purposes, the area behind the breach must be cleaned and the barrier immediately repaired.

22-023.03B(ii)Once the work area has passed a visual observation, the person performing final clearance air sampling must sweep an air stream from a high speed leaf blower or equivalent device across all surfaces.

22-023.03C(iii)Immediately following the activity in 178 NAC 22-022-~~03~~(B), final clearance air sampling must be performed in the work area.

(1-) Air samples must be collected by a pump capable of drawing a volume which is equal to or greater than 1,199 liters of air through each 25 millimeter filter at a rate equal to or greater than one liter and less than ten liters per minute if using the Transmission Electron Microscopy (~~TEM~~) Method or the NIOSH 7400 method may be utilized if using the Phase Contrast Microscopy (~~PCM~~) method. The flow rate for the pump must be calibrated by a primary or secondary source at the beginning and end of the sampling period.

(2-) A minimum of five air samples must be taken inside the containment area.

(3-) In order to collect the samples, cassettes must be placed 5 to 6 feet above the floor at a 45-degree angle down. Cassettes must be uniformly distributed throughout the work area. If the work area contains more than one room, place at least one cassette in each room, if the work area contains more than five rooms, select a representative sample of rooms. Each cassette will be subject to normal air circulation, avoiding room corners, obstructed locations, and sites near windows, doors, or vents.

22-023.03D(iv)Air samples will be analyzed for Transmission Electron Microscopy (~~TEM~~) using the EPA Environmental Protection Agency method set forth in Appendix A to 40 CFR 763 or an equivalent method, or will be analyzed for Phase Contrast Microscopy (~~PCM~~) using the NIOSH 7400 method or an equivalent method. The

analyst doing an PCM Phase Contrast Microscopy analysis must be NIOSH 582 or 582E trained.

22-023.03E(v) Final clearance air sampling results must be provided within 30 days to the Department by the person who performed the sampling. When the results are submitted, the person who performed the sampling must, in addition, certify the following to the Department:

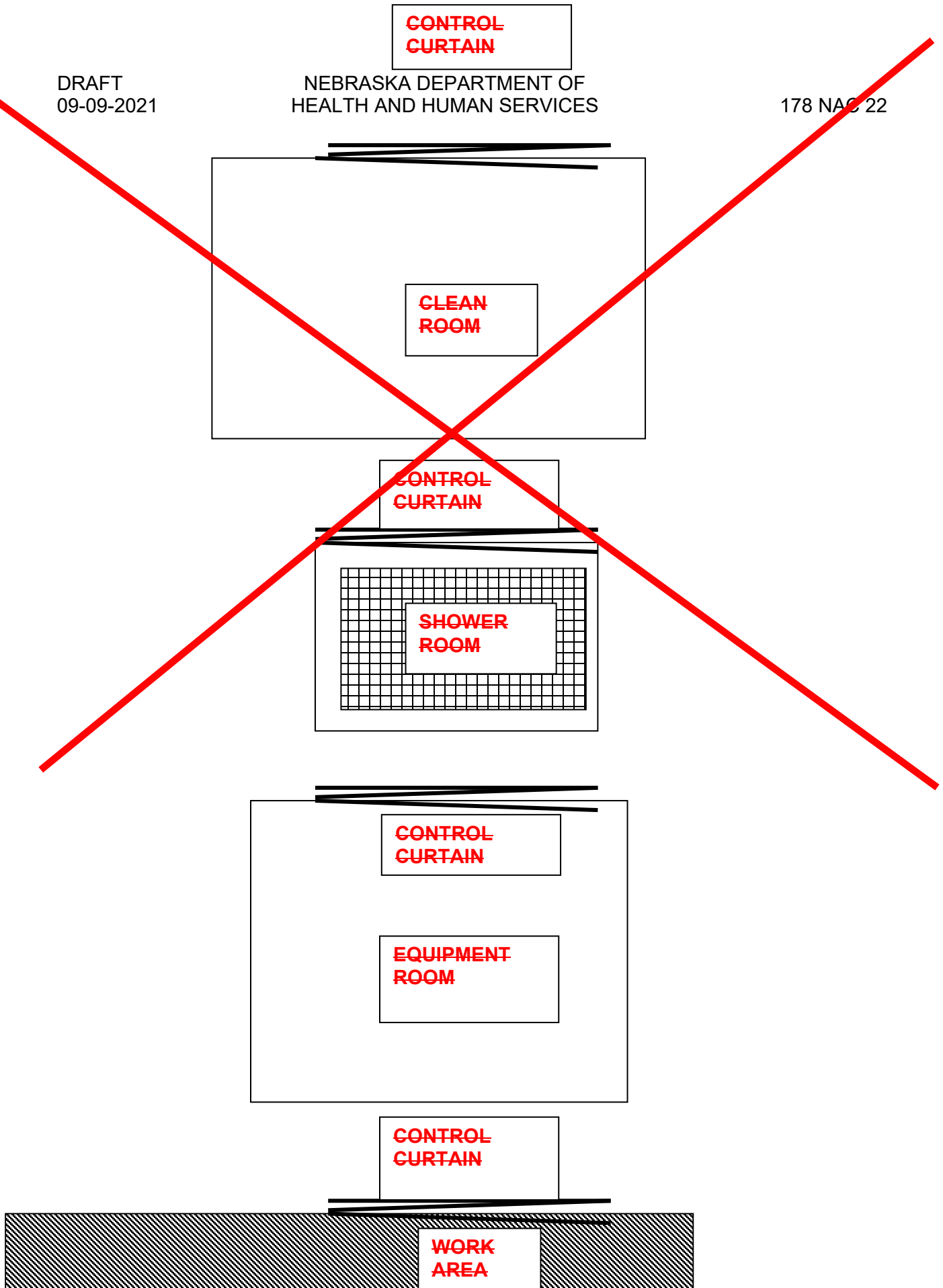
- (1-) A visual inspection of the work area was performed prior to final clearance air sampling and the work area was free of ACM asbestos containing material, dust and debris from the material intended to be removed before the samples were taken;
- (2-) The sampling was performed according to the regulations; and
- (3-) The PCM Phase Contrast Microscopy air samples were analyzed by a person who has been NIOSH 582 or 582E trained. In order that this information may be verified, the name and address of the person, or laboratory, performing the analysis must also be included.

~~THESE AMENDED RULES AND REGULATIONS Replace Title 178 Chapter 22, Asbestos Projects, effective April 10, 2005.~~

DRAFT  
09-09-2021

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

178 NAC 22



**Figure 1: Decontamination Facility Facility**

NEBRASKA DEPARTMENT OF HEALTH & HUMAN SERVICES  
-ASBESTOS CONTROL PROGRAM

APPLICATION FOR INITIAL LICENSE OR RENEWAL OF LICENSE  
NEBRASKA DEPARTMENT OF HEALTH & HUMAN SERVICES  
-ASBESTOS CONTROL PROGRAM

APPLICATION FOR  
ASBESTOS OCCUPATION COURSE APPROVAL

General Instructions: Use this form to apply for Department approval to provide training courses for each classification of asbestos occupation licensure in Nebraska. Use a separate form for each course for which approval is sought.

Where the application requests information on a separate page, attach the separate page to the application, indicate the part and item number in the upper right hand corner and number the pages consecutively in the bottom right hand corner.

Applications will not be considered which are incomplete, unsigned, or fail to enclose the appropriate fee required by 178 NAC 22-009 payable by check or money order to the Nebraska Department of Health & Human Services.

Applicants are advised that the Department will audit at least one presentation of a course for which approval has been granted. Course approval may be revoked if an on-site audit discovers any deficiencies.

Prior to applying for training course approval, applicants should review the requirements of 178 NAC 22-007 and 22-008.

Complete applications will be processed within 30 days of receipt. Courses should not be scheduled until Department approval has been received.

Mail the completed application and the fee to the following address:

Asbestos Control Program Manager  
Nebraska Department of Health & Human Services  
Division of Public Health  
Asbestos Control Program  
301 Centennial Mall South  
P.O. Box 95026  
Lincoln, NE 68509-5026

**NEBRASKA DEPARTMENT OF HEALTH & HUMAN SERVICES**  
**ASBESTOS CONTROL PROGRAM**

**P #2832**

**APPLICATION FOR**  
**ASBESTOS OCCUPATION COURSE APPROVAL**  
**PART A**  
**GENERAL INFORMATION**

1. Name of Applicant: \_\_\_\_\_  
\_\_\_\_\_

Address Street: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_  
\_\_\_\_\_

State/Zip: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_ Fax: \_\_\_\_\_

**PART B**  
**COURSE ADMINISTRATION**

1. Title of Course: \_\_\_\_\_  
\_\_\_\_\_

2. The asbestos occupation for which the course is developed and whether initial or review training:

<u>Occupation</u>	<u>Initial</u>	<u>Review</u>
<u>Worker</u>	_____	_____
<u>Supervisor</u>	_____	_____
<u>Project Designer</u>	_____	_____
<u>Project Monitor</u>	_____	_____
<u>Inspector</u>	_____	_____
<u>Management Planner</u>	_____	_____
<u>Nebraska Law, Rules, and Regulations</u>	_____	_____

3. Indicate the location(s) at which this course is intended to be presented.

4. Individuals who will present the course, including their experience, education and other qualifications.

5. Maximum number of students allowed to attend each scheduled course.

**PART C – CURRICULUM**

Provide a copy of all course materials, including, but not limited to, student manuals, instructor notebooks, handouts and the following items required by 178 NAC 22-007.02A7 through 007.02A, item 17.d. of Department regulations;

22-007.02A A copy of all course materials, including, but not limited to, student manuals, instructor notebooks, handouts and the following:

1. The course provider's name, address and phone number;
2. The title of the course;
3. The asbestos occupation for which the course is developed and whether initial or review training;
4. The locations at which the course is intended to be presented;
5. A list of the individuals who will present the course, including their experience, education and other qualifications;
6. The maximum number of students to be enrolled in each presentation of the course;
7. The specific objectives for the course;
8. The curriculum to be covered for a particular asbestos occupation course as determined by each unit of the components set forth in 178 NAC 22-008, including a general description of the nature of the information to be presented and a list of tasks and duties connected with each unit;
9. The method of instruction and training aids for each unit of 178 NAC 22-007.02A, item 8, for example, lecture, demonstration, simulation, slide presentation, film strip, etc.;
10. The length of time to be spent on each unit of 178 NAC 22-007.02A, item 8;
11. The names and authors of any text or audiovisual material to be used, including the publisher and edition, or if no text is to be used, a list of any written materials to be used, including the source of such materials;
12. The reading assignment in the text or other materials, if any, for each unit of 178 NAC 22-007.02A, item 8;
13. When required, a description of the practical hands-on training to be provided for each unit of 178 NAC 22-007.02A, item 8 such as working with asbestos substitute materials, fit testing and using respirators, use of glove bags, donning protective clothing, constructing a decontamination unit, conducting a simulated building walk-through inspection and other hands-on activities;
14. A description and an example of numbered licenses issued to students who attend and pass the course to include items listed in 178 NAC 22-007.01F, item 1 through 5;
15. An explanation of how students will be evaluated by a comprehensive examination at the end of the course, for example, 50 multiple choice questions;
16. An explanation of the grading system to be used for proficiency evaluations and written examinations; and
17. Guidelines to be used for examinations which must include, at a minimum:
  - a. Procedures to be followed in administering an examination;
  - b. Procedures to be followed to ensure security of examinations, both during administration and otherwise, including, but not limited to, the number of times a particular examination will be used;
  - c. Procedures to be followed to validate examinations for testing competency; and
  - d. Procedures to be followed in reporting the grades to the individual and the Department.

**PART D - VERIFICATION**

Note: The chief executive officer of the business entity must sign the following statement.

I hereby verify that the information included in this application and any supplemental information attached to it is true and accurate to the best of my knowledge.

\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_ Signature of Chief Executive Officer

\_\_\_\_\_  
\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
\_\_\_\_\_  
Title