

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NONRULE POLICY DOCUMENT**

Title: Asbestos Accreditation/ Licensing Review Policy

Identification Number: Air-0004-NPD

Date Originally Adopted: December 4, 1996

Dates Revised: None

Other Policies Repealed or Amended: None

Brief Description of Subject Matter: Circumstances under which IDEM considers revoking, suspending, or failing to renew a contractor's asbestos license or a person's asbestos accreditation.

Citations Affected: IC 13-17-6, 326 IAC 14-10, 326 IAC 18-1, 326 IAC 18-3

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Pursuant to Indiana Code 13-17-6-1, the Commissioner is required to establish a program for the accreditation of persons engaged in the inspection, management, or abatement of asbestos containing material and for the licensing of asbestos contractors. The Air Pollution Control Board has adopted rules at 326 IAC 18-1 and 18-3 which establish the program for licensing asbestos contractors and for accrediting the following individuals: asbestos inspectors; asbestos management planners; asbestos project designers; asbestos project supervisors; asbestos workers; and asbestos waste disposal managers. In conjunction with establishing an accreditation and licensing program, the Commissioner also has the responsibility of maintaining the integrity of the program so that only competent persons are accredited or licensed. In fulfilling this responsibility, the Commissioner may revoke an accreditation or license under the authority of Indiana Code 13-17-6-11 and rules 326 IAC 18-1 and 18-3. The above-named statute and rules are broad and contemplate revocation of a license or an accreditation for failing to comply with the requirements of air pollution control laws or rules adopted under air pollution control laws as well as failing to meet an applicable federal or state standard for the abatement, removal, or encapsulation of asbestos. Because of this broad authority, IDEM recognizes the need for a policy to assist in determining when the agency should take action to review the status of an accreditation or license.

A. The "triggers" for review of a contractor's license are the following:

1. Occurrence of any one (1) of the following:

a. Falsification of records.

- b. Use of worker(s) who has (have) never been accredited.
- c. Failure to use water during an asbestos project.
- d. Burning of asbestos containing material.
- e. Conducting an asbestos project, or related asbestos handling activity, in any other manner which is hazardous to public health.

2. Repeated/pattern of violations consisting of either:

- a. Work practice (326 IAC 14-10-4) violations which were accumulated on at least three (3) separate inspection dates within a twelve month period; or
- b. An accumulation of five (5) violations of any federal, state, or local laws governing asbestos within any twelve (12) month period. If the violations include work practice violations (violations of 326 IAC 14-10-4), the work practice violations must have been accumulated on separate inspection dates.

B. The "triggers" for review of an individual's accreditation are the following:

1. Occurrence of any one (1) of the following:

- a. Falsification of records.
- b. Use of worker(s) who has (have) never been accredited.
- c. Failure to use water during an asbestos project.
- d. Burning of asbestos containing material.
- e. In reference to accredited Inspectors only: an accumulation of three (3) inspections for which the inspector failed to identify friable asbestos containing material.
- f. Conducting an asbestos project, or related asbestos handling activity, in any other manner which is hazardous to public health.

2. Repeated/pattern of violations consisting of :

an accumulation of any three (3) violations of federal, state, or local law governing asbestos within any twelve (12) month period, for which the accredited person was responsible. If the violations include work practice violations (violations of 326 IAC 14-10-4), the work practice violations must have been accumulated on separate inspection dates. Supervisors are responsible for violations occurring on projects they supervise.