

1.1 **Department of Health**

1.2 **Proposed Permanent Rules Relating to Asbestos Abatement**

1.3 **4620.3100 DEFINITIONS.**

1.4 [For text of subps 1 to 2a, see M.R.]

1.5 Subp. 2b. **Air quality monitoring.**"Air quality monitoring" is limited to the
1.6 activities associated with the set up, calibration, collection, and documentation of the
1.7 air samples that determine fiber concentrations as required under parts 4620.3570 and
1.8 4620.3592 to 4620.3598.

1.9 Subp. ~~2b.~~ 2c. **Alternative clearance standard.**"Alternative clearance standard"
1.10 means the asbestos concentration of 70 structures per square millimeter (70 s/mm^2)
1.11 of filter surface when the clearance air samples are analyzed by transmission electron
1.12 microscopy according to part 4620.3598.

1.13 Subp. ~~2c.~~ 2d. **Alternative indoor air standard.**"Alternative indoor air standard"
1.14 means the maximum permissible fiber concentration in the air established according
1.15 to part 4620.3597.

1.16 Subp. ~~2d.~~ 2e. **Area preparation.**"Area preparation" means:

1.17 A. the construction of a decontamination unit under parts 4620.3569; 4720.3580,
1.18 subpart 2; and 4620.3581, subpart 3;

1.19 B. the installation of a HEPA-filtered negative pressure system under part
1.20 4620.3570; and

1.21 C. the performance of any activities required by parts 4620.3580, subpart 4,
1.22 items A, B, D, E, G, and H; 4620.3581, subpart 4, item A; 4620.3582, subpart 3, item
1.23 A; 4620.3566; 4620.3567; and 4620.3568.

1.24 [For text of subps 3 to 33, see M.R.]

2.1 **4620.3200 CONTRACTOR LICENSURE.**

2.2 Subpart. 1. [Repealed, 20 SR 2765]

2.3 Subp. 2. **Application for license.** An applicant for an asbestos contractor license
2.4 must submit to the commissioner:

2.5 [For text of items A and B, see M.R.]

2.6 C. the name, address, Social Security number, and signature of the responsible
2.7 individual as defined in part 4620.3100, subpart 29; and

2.8 ~~D. a copy of the responsible individual's current site supervisor certificate issued~~
2.9 ~~by the Minnesota Department of Health;~~

2.10 ~~E. a list of the other states in which the asbestos contractor is licensed or certified~~
2.11 ~~for asbestos-related work and for each state, the license or certificate number and the~~
2.12 ~~expiration date of each license or certificate;~~

2.13 ~~F. copies of any asbestos-related citations or notices of violation issued by the~~
2.14 ~~Minnesota Department of Labor and Industry, Occupational Safety and Health Division,~~
2.15 ~~the Minnesota Pollution Control Agency, the federal Occupational Safety and Health~~
2.16 ~~Administration, or the federal Environmental Protection Agency, within two years before~~
2.17 ~~the date of application; or similar citations received by the asbestos contractor for work~~
2.18 ~~performed in other states, and a description of corrective actions taken; and~~

2.19 ~~G. D. the asbestos contractor's Minnesota business identification number.~~

2.20 Subp. 2a. **Workers' compensation.** As part of the contractor license application
2.21 ~~process in subpart 2,~~ the applicant must provide:

2.22 A. evidence of workers' compensation insurance as required by Minnesota
2.23 Statutes, section 176.182, ~~unless the applicant is not liable to pay compensation under~~
2.24 ~~Minnesota Statutes, chapter 176; or~~

3.1 ~~A.~~ B. if the applicant is not liable to pay compensation under Minnesota
3.2 Statutes, chapter 176, the applicant must submit a letter to the commissioner, signed and
3.3 dated, stating why the applicant is not liable.

3.4 ~~B. The Minnesota Department of Health must be listed on the certificate of~~
3.5 ~~insurance as a certificate holder. A 30-day written notice to the Minnesota Department~~
3.6 ~~of Health, asbestos unit, is required if the policy is canceled before the expiration date~~
3.7 ~~of the policy.~~

3.8 [For text of subps 3 to 9, see M.R.]

3.9 **4620.3250 USE OF QUALIFIED INDIVIDUALS.**

3.10 Subpart 1. Qualified individuals. Qualified individuals must be used to perform
3.11 asbestos-related work.

3.12 A. An asbestos contractor must employ only asbestos workers and
3.13 site supervisors with current certificates issued by the commissioner to conduct
3.14 asbestos-related work.

3.15 B. An asbestos contractor must ensure that a current asbestos worker certificate
3.16 or asbestos site supervisor certificate for each individual engaged in asbestos-related work
3.17 is readily available at the work site for review by the commissioner, except as provided in
3.18 parts 4620.3300, subpart 5, item A, and 4620.3310, subpart 6, item A.

3.19 ~~C.~~ Subp. 2. Required work site personnel.

3.20 A. An asbestos contractor must ensure that a certified asbestos site supervisor is
3.21 present at the work site during all times when asbestos-related work is performed.

3.22 B. If the asbestos contractor is only performing air quality monitoring, then
3.23 that asbestos contractor must ensure that:

3.24 (1) a certified site supervisor is present at the work site during all times that
3.25 air quality monitoring is being performed; or

4.1 (2) a certified asbestos worker is present at the work site during all times
 4.2 that air quality monitoring is being performed.

4.3 C. The asbestos worker under item B, subitem (2), must be able to immediately
 4.4 contact a certified site supervisor of the asbestos contractor performing the air quality
 4.5 monitoring.

4.6 D. If requested, the certified site supervisor must be present at the work site
 4.7 within two hours after being contacted.

4.8 **4620.3300 CERTIFICATION OF ASBESTOS WORKER.**

4.9 [For text of subpart 1, see M.R.]

4.10 Subp. 2. **Qualifications or experience requirements.** To be eligible for certification
 4.11 as an asbestos worker, an individual must have completed either:

4.12 [For text of item A, see M.R.]

4.13 B. two years of postsecondary education with an emphasis in construction
 4.14 management, industrial hygiene, industrial technology safety, or physical or life science,
 4.15 and completed an Occupational Safety and Health Administration's (OSHA) 510
 4.16 Occupational Safety and Health Standards for the construction industry course;

4.17 ~~B.~~ C. a vocational training program in a construction-related discipline of not
 4.18 less than 18 months; or

4.19 ~~C.~~ D. work experience of at least 1,000 hours of work experience in general
 4.20 commercial construction trades.

4.21 [For text of subps 3 and 3a, see M.R.]

4.22 Subp. 4. **Application for initial asbestos worker certification.** An applicant for
 4.23 initial certification as an asbestos worker must submit to the commissioner:

4.24 [For text of item A, see M.R.]

5.1 B. a nonrefundable application fee of \$50, which is not in the form of a personal
5.2 check, payable to the Minnesota Department of Health; and

5.3 ~~C. evidence of qualifications or experience described in subpart 2 as shown by:~~

5.4 ~~(1) a document showing completion of the apprenticeship attendance~~
5.5 ~~requirement in subpart 2, item A;~~

5.6 ~~(2) certified transcripts of coursework completed in the vocational training~~
5.7 ~~program described in subpart 2, item B; or~~

5.8 ~~(3) an affidavit by each of the applicant's employers, contracting parties, or~~
5.9 ~~labor organizations detailing the dates of employment, hours worked, and job duties for~~
5.10 ~~the work experience described in subpart 2, item C; and~~

5.11 ~~D. C. a copy verifiable evidence~~ of the applicant's original diploma for the initial
5.12 asbestos worker training course completed and, if applicable, ~~copies~~ verifiable evidence
5.13 of each of the applicant's original diplomas for the asbestos worker refresher training
5.14 courses completed.

5.15 Subp. 5. **Renewal.**

5.16 [For text of item A, see M.R.]

5.17 B. The renewal application must include:

5.18 [For text of subitems (1) and (2), see M.R.]

5.19 (3) ~~a copy~~ verifiable evidence of the training course diploma from the most
5.20 recent asbestos worker refresher training course required by subpart 3a.

5.21 [For text of subps 6 to 8, see M.R.]

5.22 **4620.3310 CERTIFICATION OF ASBESTOS SITE SUPERVISOR.**

5.23 [For text of subps 1 to 4, see M.R.]

6.1 Subp. 5. **Initial certification application.** An applicant for initial certification as an
 6.2 asbestos site supervisor must submit to the commissioner:

6.3 [For text of item A, see M.R.]

6.4 B. a nonrefundable application fee of \$50, which is not in the form of a personal
 6.5 check, payable to the Minnesota Department of Health; and

6.6 ~~C. the evidence of qualifications or experience described in subpart 2 as shown~~
 6.7 ~~by:~~

6.8 ~~(1) an affidavit by each of the applicant's employers, contracting parties,~~
 6.9 ~~or labor organizations detailing the dates of employment, hours worked, and job duties~~
 6.10 ~~for the work experience described in subpart 2, item A;~~

6.11 ~~(2) both a certified transcript of the coursework completed for the degree~~
 6.12 ~~described in subpart 2, item B, and affidavits by each of the applicant's employers,~~
 6.13 ~~contracting parties, or labor organizations detailing the dates of employment, hours~~
 6.14 ~~worked, and job duties for the work experience described in subpart 2, item B;~~

6.15 ~~(3) certified transcripts of the coursework completed for the degree~~
 6.16 ~~described in subpart 2, item C; or~~

6.17 ~~(4) a certified copy of the document that verifies completion of the~~
 6.18 ~~apprenticeship requirement in subpart 2, item D; and~~

6.19 ~~D. C.~~ a copy verifiable evidence of the applicant's original diploma for the initial
 6.20 asbestos site supervisor training course completed and, if applicable, copies verifiable
 6.21 evidence of each of the applicant's original diplomas for the asbestos site supervisor
 6.22 refresher training courses.

6.23 Subp. 6. **Renewal.**

6.24 [For text of item A, see M.R.]

7.1 B. The renewal application must include:

7.2 [For text of subitems (1) and (2), see M.R.]

7.3 (3) ~~a copy~~ verifiable evidence of the training course diploma from the most
7.4 recent asbestos site supervisor refresher training course required by subpart 4.

7.5 [For text of subps 7 to 9, see M.R.]

7.6 **4620.3330 CERTIFICATION OF ASBESTOS INSPECTOR.**

7.7 [For text of subps 1 to 4, see M.R.]

7.8 Subp. 5. **Application for initial certification.** An applicant for initial certification
7.9 as an asbestos inspector must submit to the commissioner:

7.10 [For text of item A, see M.R.]

7.11 B. a nonrefundable application fee of \$100, which is not in the form of a
7.12 personal check, payable to the Minnesota Department of Health; and

7.13 ~~C. the evidence of qualification or experience required by subpart 2 as shown by:~~

7.14 (1) ~~an affidavit by each of the applicant's employers, contracting parties,~~
7.15 ~~or labor organizations detailing the dates of employment, hours worked, and job duties~~
7.16 ~~for the work experience described in subpart 2, item A;~~

7.17 (2) ~~a certified copy of the document that verifies completion of the~~
7.18 ~~apprenticeship requirement described in subpart 2, item B;~~

7.19 (3) ~~a certified copy of the applicant's current license by Minnesota as a~~
7.20 ~~building official described in subpart 2, item C;~~

7.21 (4) ~~both the certified transcript of coursework completed for the degree~~
7.22 ~~described in subpart 2, item D, and affidavits by each of the applicant's employers,~~
7.23 ~~contracting parties, or labor organizations describing the dates of employment, hours~~
7.24 ~~worked, and job duties for the work experience described in subpart 2, item D; or~~

8.1 ~~(5) a copy of the applicant's current registration or certification as described~~
8.2 ~~in subpart 2, item E; and~~

8.3 ~~D. C. a copy~~ verifiable evidence of the applicant's original diploma for the initial
8.4 asbestos inspector training course, and, if applicable, ~~copies~~ verifiable evidence of each of
8.5 the applicant's original diplomas from the asbestos inspector refresher training courses.

8.6 Subp. 6. **Renewal.**

8.7 [For text of item A, see M.R.]

8.8 B. The renewal application must include:

8.9 [For text of subitems (1) and (2), see M.R.]

8.10 (3) ~~a copy~~ verifiable evidence of the training course diploma from the most
8.11 recent asbestos inspector refresher training course required by subpart 4.

8.12 [For text of subps 7 to 9, see M.R.]

8.13 **4620.3340 ASBESTOS MANAGEMENT PLANNER CERTIFICATION.**

8.14 [For text of subps 1 to 4, see M.R.]

8.15 Subp. 5. **Application for initial certification.** An applicant for initial certification
8.16 as an asbestos management planner must submit to the commissioner:

8.17 [For text of items A and B, see M.R.]

8.18 ~~C. the evidence of qualification or experience required by subpart 2 which is:~~

8.19 ~~(1) an affidavit by each of the applicant's employers, contracting parties,~~
8.20 ~~or labor organizations detailing the dates of employment, hours worked, and job duties~~
8.21 ~~for the work experience described in subpart 2, item A;~~

8.22 ~~(2) a copy of the applicant's current license by Minnesota as a building~~
8.23 ~~official described in subpart 2, item B;~~

9.1 (3) ~~both the certified transcript of the coursework completed for the degree~~
 9.2 ~~described in subpart 2, item C, and affidavits by each of the applicant's employers,~~
 9.3 ~~contracting parties, or labor organizations describing the dates of employment, hours~~
 9.4 ~~worked, and job duties for the work experience described in subpart 2, item C;~~

9.5 (4) a copy of the applicant's current registration or certification as described
 9.6 in subpart 2, item D; or

9.7 (5) ~~both the certified transcript of the coursework completed for the degree~~
 9.8 ~~described in subpart 2, item E, and affidavits by each of the applicant's employers,~~
 9.9 ~~contracting parties, or labor organizations describing the dates of employment, hours~~
 9.10 ~~worked, and job duties for the work experience described in subpart 2, item E; and~~

9.11 ~~D. C.~~ a copy verifiable evidence of the applicant's original diploma for the
 9.12 initial asbestos management planner training course and, if applicable, ~~copies~~ verifiable
 9.13 evidence of each of the applicant's original diplomas for the asbestos management planner
 9.14 refresher training courses.

9.15 Subp. 6. **Renewal.**

9.16 [For text of item A, see M.R.]

9.17 B. The renewal application must include:

9.18 [For text of subitems (1) and (2), see M.R.]

9.19 (3) a copy verifiable evidence of the training course diploma from the most
 9.20 recent asbestos management planner refresher training course required by subpart 4.

9.21 [For text of subps 7 to 9, see M.R.]

9.22 **4620.3350 ASBESTOS PROJECT DESIGNER CERTIFICATION.**

9.23 [For text of subps 1 to 4, see M.R.]

10.1 Subp. 5. **Application for initial certification.**An applicant for initial certification
10.2 as an asbestos project designer must submit to the commissioner:

10.3 [For text of item A, see M.R.]

10.4 B. a nonrefundable application fee of \$100, which is not in the form of a
10.5 personal check, payable to the Minnesota Department of Health; and

10.6 C. ~~a copy~~ verifiable evidence of the applicant's original diploma for the initial
10.7 asbestos project designer training course and, if applicable, ~~copies~~ verifiable evidence of
10.8 each of the applicant's original diplomas from the asbestos project designer refresher
10.9 training courses; ~~and~~.

10.10 ~~D. the evidence of qualification or experience required by subpart 2 which is:~~

10.11 (1) ~~an affidavit by each of the applicant's employers, contracting parties,~~
10.12 ~~or labor organizations detailing the dates of employment, hours worked, and job duties~~
10.13 ~~for the work experience discussed in subpart 2, item A; or~~

10.14 (2) ~~a copy of the applicant's current certification, registration, or licensure~~
10.15 ~~described in subpart 2, item B.~~

10.16 Subp. 6. **Renewal.**

10.17 [For text of item A, see M.R.]

10.18 B. The renewal application must include:

10.19 [For text of subitems (1) and (2), see M.R.]

10.20 (3) ~~a copy~~ verifiable evidence of the training course diploma from the most
10.21 recent asbestos project designer refresher training course required by subpart 4.

10.22 [For text of subps 7 to 9, see M.R.]

10.23 **4620.3410 ASBESTOS-RELATED WORK PROJECT NOTICE.**

10.24 [For text of subpart 1, see M.R.]

11.1 Subp. 2. **Requirements for notice.** At least five calendar days before the beginning
 11.2 of a project, except as provided in part 4620.3420, the commissioner must receive from
 11.3 the licensed asbestos contractor:

11.4 A. a completed notice on a form provided by the commissioner which seeks
 11.5 only information the commissioner reasonably considers necessary to inspect the project
 11.6 and issue the permit; and

11.7 B. the permit fee for the project as determined under part 4620.3430; and

11.8 ~~C. except for small residential abatement projects, documentary evidence of the~~
 11.9 ~~costs of the portion of the project to be performed by the licensed asbestos contractor, as~~
 11.10 ~~described in part 4620.3430, signed by the contracting entity.~~

11.11 [For text of subp 3, see M.R.]

11.12 **4620.3415 AMENDMENT OF NOTICE.**

11.13 The licensed asbestos contractor performing abatement must notify the commissioner
 11.14 according to this part of any change in the information reported to the commissioner by
 11.15 that contractor under part ~~4620.3610~~ 4620.3410.

11.16 [For text of items A to D, see M.R.]

11.17 **4620.3580 GLOVE BAG PROCEDURES.**

11.18 Subpart 1. **Application.** When a portion of a project includes the removal,
 11.19 encapsulation, or enclosure of less than 25 linear feet of asbestos-containing pipe lagging
 11.20 or less than ten square feet of asbestos-containing material per room, for that portion of
 11.21 the project the person performing abatement may use the glove bag procedures in this part
 11.22 instead of the procedures in parts ~~4620.3565~~ 4620.3566 to 4620.3575, subparts 1 to 8.

11.23 In process areas of facilities not accessible to the general public and designated in
11.24 Division B, D, or E of the 1987 edition of the Standard Industrial Classification Manual,
11.25 asbestos-containing material may be abated in quantities up to 25 linear feet or ten square
12.1 feet for each 15,000 square foot area of floor space using the glove bag procedures in this
12.2 part instead of the procedures in parts ~~4620.3565~~ 4620.3566 to 4620.3575, subparts 1 to
12.3 8. Division B, D, and E of the 1987 edition of the Standard Industrial Classification
12.4 Manual are incorporated by reference and are not subject to frequent change. A copy
12.5 of this material is available from the State Law Library, Minnesota Judicial Center, 25
12.6 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, or for loan or inspection
12.7 from the Barr Library of the Minnesota Department of Health or through the Minitex
12.8 interlibrary loan system.

12.9 [For text of subps 2 to 4, see M.R.]

12.10 Subp. 5. **Asbestos removal or encapsulation.**For each abatement project
12.11 using a glove bag, the procedures in this subpart must be followed for the removal or
12.12 encapsulation of asbestos-containing material using a glove bag.

12.13 [For text of items A to E, see M.R.]

12.14 F. All exposed asbestos-containing material within the glove bag must be
12.15 encapsulated with an encapsulant before the glove bag is removed according to part
12.16 ~~4620.3672~~ 4620.3572.

12.17 [For text of item G, see M.R.]

12.18 [For text of subps 6 and 7, see M.R.]