

## Title 11: Mississippi Department of Environmental Quality

### Part 2: Air Regulations

**Part 2, Chapter 10: Mississippi Commission on Environmental Quality, Regulations for the Accreditation and Certification of Asbestos Abatement Personnel (Adopted December 20, 1989, Amended October 25, 1990, **Last Amended November 20, 2003, Last Amended [Insert date], 2025**)**

#### *Rule 10.1 General.*

A. The Asbestos Abatement Accreditation and Certification Act, codified as Miss. Code Ann. §§37-138-1 through 37-138-31, requires that, beginning on the effective date of these regulations, all persons who perform inspections and re-inspections, prepare management plans and perform as air monitors, contractors, project designers, supervisors, and workers in abatement projects for the purpose of identifying, evaluating, and abating the hazard of asbestos-containing material in public and private elementary and secondary school buildings and in all public and commercial buildings in this State must be accredited and certified as qualified to perform such ~~asbestos abatement~~ activities.

B. These regulations provide requirements for the accreditation and certification of ~~asbestos abatement~~ inspectors, management planners, project designers, air monitors, contractors, supervisors, and workers for the abatement of asbestos containing material. These regulations do not provide requirements pertaining to the performance quality of inspections, management plans, project designs, or asbestos projects but instead require the utilization of personnel certified in accordance with the ~~se provisions of these~~ regulations in the event ~~these such~~ activities are performed in or on a school building, public building, or commercial building.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

#### *Rule 10.2 Definitions.*

A. ~~“Abatement” means removal, encapsulation, enclosure or repair of or an operations and maintenance program for asbestos-containing materials including responses to major fiber release episodes.~~

BA. ~~“Act” shall mean~~ the Asbestos Abatement Accreditation and Certification Act.

C. ~~“Air monitor” means a person who collects airborne samples for analysis of asbestos fibers during an abatement project including baseline, area and clearance samples.~~

DB. ~~“Asbestos” means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.~~

EC. “Asbestos-containing materials” (ACM) means any material or product which contains more than one percent (1%) asbestos.

FD. “Asbestos project” means a project for the abatement of ACM in school buildings, public buildings or commercial buildings including the abatement of shingles, tiles, or felt containing ACM in the roof or exterior siding of such building except for exclusions adopted by the Commission in accordance with Section 37-138-9(a) and except for abatement of asbestos-containing resilient floor tile, sheet vinyl flooring and associated adhesives provided there is a two-working-day advance notification to the ~~Commission~~ of the abatement of asbestos-containing floor tile, sheet vinyl flooring and associated adhesives, unless sanding, grinding, burning or sawing occurs or such abatement is otherwise considered a “response action” or would cause the material to become “friable” as both those terms are defined under 40 CFR Section 763.83.

GE. “Building” means (1) any structure having two or more walls and a roof or ceiling ~~and or~~ (2) any other structure that is totally enclosed.

HE. “Certificate” means a document issued by the Commission or its designee authorizing an individual to perform certain specific activities related to the identification, evaluation or abatement of ACM in or on school buildings, public buildings and commercial buildings as described in these regulations.

IG. “Commercial building” means any privately owned building, including any industrial building, in which the public is invited or allowed access and any other privately owned building so located that the conduct of any asbestos abatement activities therein could reasonably expose any person or persons to ACM hazards, ~~except that a commercial building shall not include any residence.~~

JH. “Commission” means the Mississippi Commission on Environmental Quality.

KL. “Continuous” and “continuously current” mean, with respect to training as required herein, that applicable refresher course(s) have been successfully completed annually since the successful completion of the initial training course.

(1) For purposes of this definition, “annually” shall be construed to mean the one-year period from an applicable initial or refresher training completion date and the anniversary of that date or any shorter period.

(2) For purposes of this definition, “annually” shall be construed to be greater than a one-year period only if an individual demonstrates to the satisfaction of the Commission that

(a) a reasonable effort was made by the individual to complete applicable training within one year,

(b) failure to complete training was beyond the individual’s control, and

(c) training was completed as soon as possible following the one-year anniversary.

LJ. “Contract for the performance of an asbestos project” shall mean an agreement, either oral or written, which is for the purpose of the performance, in whole or in part, of an asbestos project for a valuable consideration.

M. ~~“Contractor” means an individual who contracts for the performance of an asbestos project on his own behalf or on behalf of a business entity. The contractor, if acting on behalf of a business entity, must be a responsible official for the company, partnership, corporation, sole proprietorship, or other business entity performing, or offering to perform, an asbestos project.~~

NK. “Duly authorized representative (DAR)” means a representative of a responsible official who, in accordance with corporate by-laws or policy, can legally bind the business entity and is to be held responsible for actions, standards, requirements, and prohibitions under state and federal asbestos control regulations. Notification of the designation of the DAR by the responsible official must be submitted to MDEQ in writing and must be signed by a responsible official prior to any action by the DAR and/or submission of any documentation by the DAR.

OL. “Director” means the Executive Director of the Mississippi Department of Environmental Quality or his/her designee.

PM. “EPA” means the United States Environmental Protection Agency.

QN. “Encapsulation” means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

RO. “Enclosure” means an airtight, impermeable, permanent barrier around ACM to prevent the release of asbestos fibers into the air and does not include a temporary barrier erected for the purpose of ACM removal.

SP. “Friable” when referring to ACM in or on a school building, public building or commercial building, means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable ACM after such previously nonfriable ACM becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

TQ. “Individual” means a natural person as distinguished from the State or other agency or institution thereof, any municipality, political subdivision, public or private corporation, partnership, association or other entity.

U. ~~“Inspector” means a person employed to inspect or reinspect for the presence of ACM, collect samples for confirmation of ACM and provide written assessment of ACM.~~

VR. “Major fiber release episode” means any uncontrolled or unintentional disturbance of friable asbestos containing building materials (ACBM), resulting in a visible emission, which involves the falling or dislodging of more than three (3) square or linear feet of ACBM.

W. ~~“Management Plan” means a plan for abatement of ACM.~~

X. ~~“Management Planner” means a person employed to develop a management plan.~~

YS. “Minor fiber release episode” means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of three (3) square or linear feet or less of friable ACBM.

ZT. “Model Plan” means the Model Accreditation Plan for States promulgated under Title II of Toxic Substances Control Act (TSCA) (Section I of Appendix C to Title 40, Part 763, Subpart E of the Code of Federal Regulations) which is incorporated herein and adopted by reference except as otherwise noted.

AAU. “Non-friable” means ACM in or on a school building, public building or commercial building which when dry, may not be crumbled, pulverized, or reduced to powder by hand pressure.

BB. ~~“Operations and maintenance program” means a program of work practices to maintain ACM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling ACM disturbance or damage.~~

CCV. “Person” means the State or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.

DD. ~~“Project designer” means a person who specifies engineering methods and work practices to be used during asbestos projects.~~

EEW. “Public building” means any building owned by the State, counties, municipalities, institutions of higher learning, community colleges or any political subdivision.

FFX. “Removal” means the taking out or the stripping of ACM from a school building, public building or commercial building.

GGY. “Repair” means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.

HHZ. “Residence” means a building other than a school building, public building or commercial building or portion of a commercial building, which is actually owned or leased and simultaneously occupied by one or more individuals as a fixed or permanent place of habitation, including but not limited to and primarily consisting of single family unit houses and apartment buildings having four or fewer dwelling units.

HAA. “Response action” means a method including removal, encapsulation, enclosure, and repair, and operation and maintenance, or some other method which disturbs ~~asbestos containing materials ACM~~ and is intended to protect human health and the environment from friable asbestos-containing materials except for small-scale, short-duration projects. It includes response(s) to major fiber release episodes as defined in Section I of the Model Plan.

HBB. “Responsible official” means:

- (1) ~~F~~or a corporation, ~~a responsible corporate officer. For the purposes of this section, a responsible corporate officer means:~~ a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative;
- (2) ~~F~~or a partnership or sole proprietorship: a general partner or the proprietor, respectively; and
- (3) ~~F~~or any other business entity: the owner or disclosed agent who can legally bind that business entity.

KKCC. “Routine maintenance activities” mean an asbestos project consisting of maintenance activities performed on a scheduled basis or during an emergency situation, where the abatement of ACM is necessary for conducting the scheduled or emergency maintenance activities. Such maintenance activities shall not have as any of its intended purposes the abatement of ACM. Routine maintenance activities can include, but are not limited to, the replacement of gasket materials, removal or replacement of pipes, the rebuilding of valves, or the removal of beams above ceilings.

LL. ~~“School” means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).~~

MMDD. “School building” means:

- (1) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.

- (2) Any gymnasium or other facility which is specially designed for athletic or recreational activities or for an academic course in physical education.
- (3) Any other facility used for the instruction or housing of students or for the administration of educational or research programs.
- (4) Any maintenance, storage or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under paragraphs (1), (2) or (3).
- (5) Any portico or covered exterior hallway or walkway.
- (6) Any exterior portion of a mechanical system used to condition interior space.

**NNEE.** "Small-scale, short-duration abatement activities" shall have the meaning as set forth in the Model Plan which is incorporated herein and adopted by reference.

**OO.** ~~"Supervisor" means a person designated by a contractor to be responsible for direction of day to day activities of an asbestos project.~~

**PP.** ~~"Worker" means a person who works on an asbestos project other than a project designer, contractor, air monitor, supervisor, inspector or management planner.~~

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

### ***Rule 10.3 Prohibition.***

**A.** ~~No persons shall may engage in any asbestos project in a school building, public building, or commercial building as an inspector, management planner, project designer, air monitor, contractor, supervisor, or worker on or after the effective date of these regulations, prior to the receipt of a valid unless applicable initial or renewed certificates to so engage in an asbestos project have been issued to individuals by the Commission and are currently in effect. A Certificates shall may be issued only to the individuals who has applied for such applicable certification discipline(s) and not to any other persons.~~

**B.** ~~No persons shall engage in the physical activities related to associated with the abatement of ACM in a school building, public building, or commercial building except for an individuals who have been issued in receipt of a valid initial or renewed worker certificates that are currently in effect. A contractor shall not employ any worker, or any other individual of a different certification categories discipline, on an asbestos project who that does not possess a current valid and appropriate certificate issued by the Commission.~~

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

### ***Rule 10.4 Type and Duration of Certificates.***

- A. The Commission shall have the authority to issue certificates for inspectors, management planners, project designers, air monitors, contractors, supervisors, and workers.
- B. Unless the Commission revokes or suspends a certificate, an initial certificate shall remain in effect and valid during the period of time for which training is effective but not to exceed one (1) year after the date of certificate issuance. Each-An initial certificate may be renewed annually in accordance with these regulations. Each-A renewal certificate shall remain in effect and valid during the period of time for which training is effective but not to exceed one (1) year after the date of certificate issuance.
- C. Not less than thirty (30) days prior to the expiration date of the-an initial or renewal certificate, the applicant will shall make submit an application for renewal of the applicable certification discipline in accordance with Rule 10.5 of these regulations if the applicant desires to continue maintain a valid certification in effect. If the applicant submits a timely and complete application in accordance with Rule 10.5 of these regulations and the Commission, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing issued certificate, the existing certificate shall continue in effect until final action on the application is taken by the Commission.
- D. The Commission may modify, revoke, or suspend any certificate issued to an individuals accredited and certified in accordance with these regulations if the individual:
  - (1) Knowingly submits false or inaccurate information for issuance or renewal of a certificate under these regulations;
  - (2) Willfully fails to comply with the terms and conditions of the certificate issued by the Commission;
  - (3) Violates any provision of these regulations, the Asbestos Abatement Accreditation and Certification Act, or any laws, rules, regulations, or written orders of the Commission;
  - (4) Performs work at a job siteproject that requires ing accreditation and/or certification without being in physical possession of initial and current prior to the receipt of a valid certificate for the applicable discipline(s);
  - (5) Permits the duplication or use of one's own accreditation or certification certificate by another; or
  - (6) Performs work for which required accreditation has not been received; or
  - (76) Obtains accreditation from a training provider that does not havehas not been approved by either EPA or an EPA-approved state program approval to offer such training for the particular discipline from either EPA or an EPA approved state program.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

***Rule 10.5 Applications.***

- A. No individual shall be considered for an initial or renewal certificate unless the qualification requirements and accreditation training requirements found in ~~of~~ Rule 10.9 ~~and the accreditation training requirements of Rule 10.9 for the applicable discipline have been satisfied that is the subject of the application have been met and completed~~ prior to submittal of an application. ~~Additionally~~In addition, no individual shall be granted issued an initial or renewal certificate if the applicant fails to pay submit valid payment for the applicable annual certificate fee(s) as outlined in Rule 10.7 of these regulations for the applicable discipline provided for in Rule 10.7 of these regulations simultaneously with the submission of ~~submittal of the application~~ as provided for in Paragraph 5-E below.
- B. Each application for an initial or renewal certificate shall be made completed on the forms prepared by the Commission for this purpose and shall contain the information that the Commission deems necessary to determine whether ~~the an~~ initial or renewal certificate should be issued in accordance with the Act.
- C. Each application for an initial or renewal certificate shall be signed by the individual requesting the initial or renewal certificate. The signature shall be made under oath and shall constitute personal affirmation that the statements made in the application are true and complete.
- ~~D. Each application shall contain the applicable fee as indicated in Rule 10.7 of these regulations.~~
- ~~ED.~~ An ~~i~~ndividuals applying for certification in more than one (1) category discipline may submit multiple applications in the same transmittal. Each application ~~so~~ submitted shall be completed as required above so as to be separable from the others. However, Provided, however, an applicant for a contractor certificate may also apply for a supervisor certificate with in the same application. If an individual meets all ~~of~~ the requirements of these regulations, including the submittal of valid payment of the fees for both ~~the~~ contractor certification and supervisor certification ~~fees~~, the individual shall be issued both a contractor certificate and a supervisor certificate.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

***Rule 10.6 Consideration of Applications and Issuance of Certificates.***

- A. The Commission shall review each application and all supporting documentation. If ~~the an~~ application is deemed incomplete, the Commission may return the materials submitted by the applicant and advise the applicant as to what additional information is necessary ~~in order to~~ to evaluate ~~deem~~ the application complete.

B. If ~~the an~~ application is ~~approved~~ deemed complete and approved by the Commission, the Commission shall issue to the applicant ~~the an~~ initial or renewal certificate for the specified discipline ~~that is the subject of the application~~ within thirty (30) days after receipt of the complete application.

C. The Commission may deny an application for certification if the Commission determines that the applicant: (a)

(1) ~~h~~as not complied with all of the provisions of these regulations and with all other applicable federal, State and local statutes and regulations; or

(2) ~~(b)~~s ~~Submits inaccurate or falsified information within the an application;~~ or

(3) ~~(c) submits incomplete application forms~~ ~~Fails to submit the necessary additional information~~ after receiving ~~the~~ notice from the Commission ~~as provided outlined~~ in ~~Subsection 1 of this rule~~ ~~Paragraph A above~~. The Commission shall make a determinations regarding ~~the~~ issuance or denial of ~~the an applicable~~ certificate based upon the information contained in the application, the applicant's compliance history, and any other pertinent information that is available to the Commission. The Commission ~~shall is~~ not ~~be~~ required to conduct any investigation concerning an applicant other than ~~to review~~ information ~~directly~~ available ~~at the offices of the Department of Environmental Quality to the Commission in Jackson, Mississippi.~~

D. ~~Each An~~ applicant who is issued an initial or renewal certificate by the Commission shall be subject to the terms and conditions set forth and embodied in the initial or renewal certificate as the Commission deems necessary to ensure compliance with the requirements of these regulations in accordance with the Act.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

**Rule 10.7 Fees.** All fees required by these regulations shall be submitted to the Commission ~~by check or money order through a Commission-authorized method of payment~~, payable to the Asbestos Accreditation and Certification Act Fund. ~~Fees for more than one (1) discipline shall be paid by a separate check or money order for each discipline.~~ The fees for an initial and or renewal certificates under each specified discipline shall be established are as follows set by the Ceommission: in accordance with all Department regulations and State Law.

Management Planner	\$200.00
Project Designer	\$200.00
Inspector	\$200.00
Air Monitor	\$250.00
Contractor	\$350.00
Supervisor	\$250.00
Worker	\$35.00

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

## Rule 10.8 Accreditation Training Requirements.

A. Training Providers. Pursuant to Section 37-138-27 of the Mississippi Code, the Board of Trustees of State Institutions of Higher Learning designated Mississippi State University (MSU) to offer all accreditation training courses set forth in these regulations. MSU has certified in writing to the Commission that it is currently offering all such training courses. After November 1, 1990, all such training courses offered by MSU shall meet the requirements of the Model Plan, 40 CFR Part 763, Subpart E, Appendix C, which is incorporated herein and adopted by reference except as otherwise noted. MSU has certified in writing to the United States Environmental Protection AgencyEPA and Commission that all training courses offered by MSU meet the requirements of the Model Plan. The Commission has received such written certification by MSU and has approved the training courses offered by MSU as meeting the requirements for accreditation training under these regulations.

The only training courses offered within the geographic boundaries of the State of Mississippi that will be approved by the Commission as meeting accreditation requirements under these regulations, other than worker training courses, are those offered by MSU and worker courses conducted that are approved by the Commission in accordance with Section 37-138-7, Mississippi Code Annotated. All State programs duly authorized by EPA EPA authorized program approved and EPA-approved training courses offered outside of the geographic boundaries of the State of Mississippi, as well as EPA approved worker training courses offered within the geographic boundaries of the State of Mississippi, and approved by the Commission will meet accreditation training requirements under these regulations. Each applicant who that submits proof of the successful completion of an applicable EPA-approved training course shall also provide proof of EPA approval of such training course.

B. Initial Training. Eachevery individual applying for an initial certificate shall have attended and successfully completed (a) the an applicable initial training course approved by the MSU Commission-approved initial training course or (b) an initial training course offered outside the geographic boundaries of the State of Mississippi approved by EPA or a state program duly authorized by EPA EPA authorized program approved or EPA approved initial training course offered outside the geographic boundaries of the State of Mississippi, or (c) for a worker certificate, an EPA approved worker training course offered within or outside the geographic boundaries of the State of Mississippi, for the appropriate discipline for which anthe initial certificate is requested within one (1) year prior to applying for said certificateapplication. Provided hHowever, an individual shallis not be required to attend and successfully complete any additional initial training course prior to applying for an initial certificate as long as if the required refresher training has been successfully completed within twenty-four (24) months of the initial and/or subsequent refresher courses completed thereafter, as applicable.

C. Refresher Training.

(1) ~~Each~~every individual applying for a renewal certificate shall have attended and successfully completed ~~(a) the~~an applicable refresher training course as approved by the Commission ~~MSU~~ Commission approved refresher training course or ~~(b)~~ a refresher training course offered outside the geographic boundaries of the State of Mississippi approved by EPA or a state program duly authorized by EPA ~~an~~ ~~EPA~~ authorized program approved or ~~EPA~~ approved refresher training course offered outside the geographic boundaries of the State of Mississippi, ~~or, for a worker renewal certificate, an~~ ~~EPA~~ approved worker refresher training course offered ~~within or outside the geographic boundaries of the State of Mississippi,~~ for the discipline for which a renewal certificate is requested within one (1) year after the expiration date of the initial certificate or renewal certificate, as applicable.

(2) If an individual fails to successfully complete ~~the~~a ~~MSU~~ Commission-approved refresher training course or an ~~EPA~~-approved refresher training course offered outside the geographic boundaries of the State of Mississippi, ~~or, for a worker renewal certificate, an~~ ~~EPA~~ approved worker refresher training course offered ~~within or outside the geographic boundaries of the State of Mississippi,~~ for the discipline for which an application is requested within one (1) year after the expiration date of the initial certificate or renewal certificate, the individual shall complete all applicable requirements for an initial certificate ~~in order~~ to receive a renewal certificate~~ion~~.

(3) ~~The Commission may allow an individual to attend and complete an o~~Online refresher training course ~~may be acceptable if:~~

- (a) The course was conducted by MSU;
- (b) The course was conducted by an ~~EPA~~ authorized program approved training provider ~~approved by an~~ ~~EPA~~-approved state program for students residing ~~outside the geographic boundaries of the State of Mississippi;~~
- (c) The refresher training course is conducted by MSU or an ~~EPA~~ authorized program approved training provider ~~a~~ training provider ~~approved by an~~ ~~EPA~~-approved state program for certification of ~~as~~ a the “Worker” discipline.

D. The Commission, ~~acting through the Office of Pollution Control of the Department of Environmental Quality,~~ shall have authority to monitor and audit ~~all~~any initial and refresher training courses offered within the geographic boundaries of the State of Mississippi.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

**Rule 10.9 Qualifications.** In addition to completing ~~the~~an applicable ~~Commission approved, EPA approved, or~~ EPA authorized program approved training course that meets the requirements of the Model Plan ~~and as provided in Rule 10.8~~, each applicant ~~for~~ submitting an application for an initial

or renewal certificate must demonstrate to the satisfaction of the Commission that the applicant is familiar with and capable of complying ~~fully~~ with all applicable federal and ~~S~~state laws and regulations and possesses the following qualifications listed below prior to submitting ~~an~~the application:

- A. Inspectors - Education qualifications:~~—~~ high school diploma or Graduate Equivalent Degree (GED).
- B. Management Planners - Education and professional license qualifications:
  - (1) Bachelor of Science degree in engineering or its equivalent from an accredited university and a current, valid license ~~by the Mississippi Board of Registration for Professional Engineers and Land Surveyors~~ as a registered professional engineer~~;~~<sup>15</sup> or
  - (2) Bachelor of Science degree in architecture or its equivalent from an accredited university and a current, valid license as an architect~~;~~<sup>15</sup> or ~~by the Mississippi Board of Architecture~~.
  - (3) Certification as a Certified Industrial Hygienist or its equivalent in a related scientific field.
- C. Project Designer - Education and professional license qualifications:
  - (1) Bachelor of Science degree in engineering or its equivalent from an accredited university and a current, valid license ~~by the Mississippi Board of Registration for Professional Engineers and Land Surveyors~~ as a registered professional engineer~~;~~<sup>15</sup> or
  - (2) Bachelor of Science degree in architecture or its equivalent from an accredited university and a current, valid license as an architect~~;~~<sup>15</sup> ~~by the Mississippi Board of Architecture~~.
  - (3) Certification as a Certified Industrial Hygienist or its equivalent in a related scientific field.
- D. Contractor – Education ~~q~~Qualifications:~~—~~ high school diploma or GED. The applicant for a contractor certificate must be a responsible official or duly authorized representative (DAR). See Definitions for responsible official and DAR, Rule 10.2.
- E. Supervisor – Education ~~q~~Qualifications:~~—~~ high school diploma or GED.
- F. Worker - Medical ~~Q~~Qualifications:~~—~~ a written certificate, on a form provided by the Commission, by a licensed physician in accordance with State Law approving the ~~worker~~ applicant to work on an asbestos project, which must be submitted to the Commission with the ~~worker~~ applicant's application for an initial certificate. Such The certificate must only

accompany the ~~worker~~ applicant's application for a renewal certificate ~~only once~~ every three ~~(3)~~ years thereafter. A chest x-ray is not required for either the initial certificate or any renewal application~~or~~certificate.

G. Air Monitor – Education and training requirements:

- (1) Have earned a high school diploma or GED;
- (2) Satisfactorily complete a ~~C~~ommission-approved training course for supervisors. A supervisor training course approved by the ~~United States Environmental Protection Agency~~~~EPA~~ completed satisfactorily shall be sufficient to meet this requirement~~s~~; and
- (4)(3) Satisfactorily complete a ~~C~~ommission-approved training course for collecting and evaluating air samples. ~~The S~~uccessful completion of the National Institute for Occupational Safety & Health (NIOSH) 582 course, or similar air monitoring training course, shall be sufficient to meet this requirement.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

**Rule 10.10 Exclusion.** Notwithstanding anything in these regulations to the contrary, small-scale, short-duration abatement activities, ~~as defined in Rule 10.2 (40) of these regulations~~, may be conducted in a school buildings, public buildings and or commercial buildings without the utilization of a certified inspectors, management planners, project designers, supervisors, air monitors, contractors or and workers.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

**Rule 10.11 Supervision of Asbestos Projects.** At least one (1) certified supervisor is required to be present at the an asbestos project worksite at all times while abatement activities are in progress. In addition, ~~C~~ertified workers must have access to a certified supervisor throughout the duration of the asbestos project. The contractor(s) and supervisor(s) for an asbestos project shall maintain all the certificates for all contractors, supervisors, and workers who that are employed in connection with the asbestos project at the physical asbestos project site. The contractor(s) and/or supervisor(s) shall make available all such certificates to the Commission, ~~acting through the Office of Pollution Control, at the time of~~ during any inspection ~~at the~~ of an asbestos project site ~~by the Office of Pollution Control~~.

Source: Miss. Code Ann. §§ 37-138-1, *et seq.*, 49-2-1, *et seq.* and 49-17-1, *et seq.*

**Rule 10.12 Enforcement - Penalties, Reprimands, Suspensions, Revocation of Certificates, Proceedings and Hearings Before the Commission and Appeals.**

- A. If the Commission decides to suspend, revoke, or modify the certification of any individual, ~~it~~ the Commission shall notify the affected individual in writing of the following, as applicable:

- (1) The legal and factual basis for the suspension, revocation, or modification.
- (2) The commencement date and duration of the suspension, revocation, or modification.
- (3) The Actions, if any, which the individual may take to avoid the suspension, revocation, or modification or to receive certification in the future.
- (4) The opportunity and method for requesting a hearing prior to final Commission action to suspend, revoke, or modify certification.
- (5) Any additional information, as appropriate, which the Commission may provide.

B. In the event the Commission suspends and/or revokes a-contractor'sthe certificate of a contractor, the Commissionit also—may also order any business entity for which the individual is a responsible official or DAR to cease and desist performing asbestos abatement activities if necessary to ensure that the business entity does not then operate without appropriately certified personnel, or in violation of any emission standard, regulation, or written order of the Commission.

C. If the Commission determines that an individual has submitted false information, the Commission has the discretion to voteinvoke afor lifetime revocation or denial.

D. Penalties, reprimands, suspensions, and revocations of certificates shall be governed by Section 37-138-27, Mississippi Code Annotated. All proceedings and hearings before the Commission regarding violations of Section 37-138-1, et seq., Mississippi Code Annotated, or any rule or regulation, written order of the Commission, emergency order of the Director or certificates issued or renewed by the Commission pursuant to Section 37-138-1, et seq., Mississippi Code Annotated and all appeals therefrom shall be conducted in accordance with Section 49-17-31 through 49-17-41, Mississippi Code Annotated.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-17-31 through 49-17-41, 49-2-1, et seq. and 49-17-1, et seq.

**Rule 10.13 Other Laws.** Compliance with these regulations shall not affect or substitute for compliance with all other applicable laws and regulations concerning the accreditation of asbestos abatement personnel, including but not limited to, National Emissions Standards for Hazardous Air Pollutants (NESHAPS), Occupational Safety Health Act (OSHA), and Asbestos Hazard Emergency Response Act (AHERA) requirements.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

**Rule 10.14 Severability.** If any provision, section, subsection, sentence, clause, or phrase of any of these regulations, or the application of same to any person or set of circumstances is for any reason challenged or held to be invalid or void, the validity of the remaining regulations and/or

portions thereof or their application to other persons or sets of circumstances shall not be affected thereby.

Source: Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.

**Rule 10.15 Training Course Standards.** The following are the requirements for initial training courses and refresher training courses that must be successfully completed by any individuals seeking certification to perform asbestos-related work pursuant to these regulations.

A. Initial training:

- (1) Training courses required ~~by~~for any individuals seeking certification as an inspectors, management planners, project designers, contractors, supervisors, or workers ~~and as well as~~ the applicable EPA-approved training courses for an air monitors must meet all requirements of Section I(B) of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted.
- (2) Initial training courses must be discipline-specific for the certification being sought.
- (3) Initial training courses must be completed within a two (2) week period.
- (4) ~~Any persons~~ enrolled in a training courses ~~shall is~~ not ~~be~~ required to ~~sit through~~attend more than eight (8) hours of actual training in any single 24-hour period.
- (5) Attendance in training courses following regular work hours shall not exceed a maximum of four (4) hours in any single session.
- (6) ~~Except for worker training, initial training courses must be taught by at least two instructors.~~
- (7) An examination as defined in Section I(C) of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted, must be given at the conclusion of the initial training course. ~~All~~Each examinations shall be ~~a~~ closed book, ~~examination~~ and demonstration testing may ~~also~~ be included as part of the overall examination. A person seeking accreditation in a specific discipline ~~shall~~ must pass the examination for that discipline to receive accreditation. ~~For example, a person seeking accreditation as an inspector must pass the inspector accreditation examination under the Model Plan which is incorporated herein and adopted by reference unless otherwise noted.~~

B. Refresher training courses

Annual refresher training is required for reaccreditation of alleach disciplines. Refresher courses shall be specific to each discipline and must meet all requirements of Section I(D)

of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted. For each discipline, the refresher course shall review and discuss changes in federal and State regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course. Any individual seeking reaccreditation as an “Air monitor” must complete the supervisor refresher course in accordance with the requirements for the “supervisor”’s discipline.

At the conclusion of the refresher training courses in all disciplines, the training provider shall administer a closed book, with a minimum of twenty-five (25) multiple-choice question exam. Applicants must pass the exam with a minimum score of seventy (70) percent. The exam shall be developed by the training provider, and. The training provider shall make the exam available for review by the Mississippi Department of Environmental Quality.

Refresher training courses may be offered online if the training course provider is able to provide proof that the course meets all the requirements of the Model Plan.

C. Training course approval. Any Training course providers seeking approval of their its training course(s) must meet the requirements of these regulations and Section I of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted. A Training providers shall submit the following documentation for evaluation and approval by the Commission prior to conducting an initial course.

- (1) A completed application on a the form provided by the Department of Environmental Quality, along with Department and the supporting documentation. The form and supporting documentation shall include the following:
  - (a) The Name name, address, and telephone number of the training provider, and name and signature of the contact person;
  - (b) The course title, location and the language in which the course is to be taught;
  - (c) a A student manual and an instructor manual for each course;
  - (d) The course agenda;
  - (e) a A copy or description of all audio/visual materials used;
  - (f) a A description of each hands-on training activity;
  - (g) a A copy of a sample exam; and
  - (h) a A sample certificate with the following information:
    - (i) Name The name and social security number of student;

- (2ii) The training course title specifying initial or refresher;
- (3iii) The inclusive dates of course and applicable examination;
- (4iv) A statement that the student completed the course and passed any examination required;
- (5v) The unique certificate number as required;
- (6vi) For courses covered under 40 CFR Part 763, Subpart E, Appendix C (as amended), the certificate expiration date that is one (1) year after the date the course was completed and the applicable examination passed;
- (7vii) The printed name and signature of the training course administrator and printed name of the principal instructor;
- (8viii) The name, address, and phone number of the training provider;
- (9) ~~training course location~~; and
- (10ix) ~~a~~A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act (TSCA).
  - (i) A list of any other states that currently approve the training course.
- (2) A list of the instructors and their qualifications including, but not limited to any academic and/or field experience.
- (3) A Contingent approval shall be granted if the application and supporting documentation meet the criteria of this rule. Full approval shall be granted ~~to-for~~ any course with contingent approval after successful completion of an on-site audit of the course. The on-site audit shall include, but not be limited to, an evaluation of the following:
  - (a) Instructor effectiveness;
  - (b) Technical accuracy;
  - (c) Course administration; and
  - (d) Course content.

D. Withdrawal of training course approval.

The Commission may suspend or revoke approval of any training course approved under this regulation that is determined to be in violation of these regulations and Section III(c) of the Model Plan. In addition, the Department may perform a periodic audit of Periodic any training course audits may be performed by the Department of Environmental Quality to assure ensure compliance with all requirements of the regulations regarding training.

E. Recordkeeping requirements.

- (1) Each aApproved training providers shall maintain all records required ~~in~~by Section I(F) of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted, for a minimum of three (3) years.
- (2) If an approved training provider ceases to conduct training, the training provider shall notify the approving government body (i.e., EPA or the StateDepartment) so that the approving government body may take possession of the asbestos training records maintained by the training provider.

F. Training course notification.

- (1) ~~Not~~ less than ten (10) calendar days prior to the first day of an anticipated training course, a training course providers must provide written notification to the ~~Department~~of Environmental Quality, on forms developed by the Department, of the following:
  - (a) The course discipline;
  - (b) The date and time of the training course;
  - (c) The exact location of the site of the training course (if the location is different from the principal location of the training provider, a vicinity map, sketch or detailed written directions showing the training site location shall be included in the notification, unless a vicinity map has previously been submitted ~~for~~ the specific location);
  - (d) ~~Information~~ about the language to be used in the training course;
  - (e) ~~T~~he name of the principal instructor; and
  - (f) ~~a~~A copy of the training course agenda. (If the agenda is identical to an agenda ~~which that~~ has been previously submitted, an additional copy of the agenda is not required with the notification).
- (2) Failure to provide re-notification of any changes in the time or location of the training course or any other information outlinedlisted on the original notification within two (2) working days prior to the first day of the pending training course

may lead to rejection of any certificate of training issued by the training provider in support of an individual accreditation in the State of Mississippi.

- (3) Within seven (7) calendar days after completion of a training course, the training course provider must provide the Department with a written roster containing the following:
  - (a) The name of the course indicating the discipline and whether the course is an initial or refresher training course;
  - (b) The names of all course participants;
  - (c) For each participant, whether the participant passed or failed the examination;
  - (d) The date, time, and location of the training course;
  - (e) For each participant, the training certificate number;
  - (f) The name of the principal instructor; and
  - (g) The name, address, and phone number of the training provider.
- (4) Failure to submit a roster as required in-by Rule 10.15.F(3) may result in the rejection of any certificate of training submitted to the Department in support of an application for accreditation.

G. Non-English language courses. The following shall apply to all-any courses taught in a non-English language:s.

- (1) The Training courses shall must be taught in the language in which all participating students are fluent;
- (2) The written materials, including the examination, s must be correctly translated into the language in which all participating students are fluent; and
- (3) Any interpreters present may not be used to teach or instruct a training courses.

H. Instructor qualifications. Any person seeking approval as an instructor for courses covered under Section I of the Model Plan, which is incorporated herein and adopted by reference unless otherwise noted, shall meet the following applicable requirements:listed in this section.

- (1) Application – Any person seeking approval as an instructor must submit a completed “Training Course Instructor Application” as provided by the Department. The required information includes personal data, training course and

topics, educational history, training history, employment history, accreditation or licenses issued by other states, professional registrations, and submittals to EPA or other states.

- (2) Work practice topics for each discipline shall include:
  - (a) For the “worker” discipline course: state-of-the-art work practices;
  - (b) For the “contractor” and “supervisor” discipline courses: state-of-the-art work practices, and techniques for asbestos abatement activities;
  - (c) For the “inspector” -discipline course: pre-inspection planning and review of previous inspection records, inspecting for friable and nonfriable ~~asbestos-containing materials~~ ACM, assessing the condition of friable ~~asbestos-containing materials~~ ACM, bulk sampling/documentation of asbestos in schools, recordkeeping and writing inspection reports;
  - (d) For the “management planner” discipline course: the evaluation/interpretation of survey results, hazard assessment, developing an operations and maintenance plan, recordkeeping for the management planner, and assembling and submitting the management plan;
  - (e) For the abatement “project designer” discipline course: safety system design specifications, designing abatement solutions, budgeting/cost estimation, writing abatements specifications, preparing abatement drawings and occupied buildings; and
  - (f) For the “air monitor” discipline course: air monitoring strategies, conducting visual inspections, and recordkeeping and report writing.
- (3) Each Instructors for work practice topics, hands-on exercises, workshops, or field trips where that are required for any courses covered under 40 CFR Part 763, Subpart E, Appendix C as amended, shall meet the following requirements as applicable:
  - (a) For the “wWorker” discipline initial and worker refresher training courses and the “supervisor” discipline initial and supervisor refresher training courses;
    - (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for the “supervisor” discipline; and
    - (2) The applicant shall meet at least one (1) of the following educational and asbestos work experience combinations:

- (i) If the applicant does not possess either a high school diploma or its equivalent, the applicant shall:
  - (A) ~~H~~ave at least 1,440 hours of experience in a worker or supervisory capacity ~~in-at~~ a contained work area; and
  - (B) ~~have~~ Have at least 360 hours as an instructor ~~in an~~ ~~for a “worker” discipline training course that has been approved by EPA or a state program duly authorized by EPA~~ ~~Environmental Protection Agency~~ ~~approved or Environmental Protection Agency state~~ ~~approved worker course.~~
- (ii) If the applicant possesses either a high school diploma or its equivalent, the applicant shall:
  - (A) ~~H~~ave at least 960 hours of experience in a worker, supervisory, or consulting capacity ~~in-at~~ a contained work area; or
  - (B) ~~H~~ave at least 240 hours as an instructor for a “worker” discipline training course, a “supervisor” discipline training course, or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA ~~in an Environmental Protection Agency~~ ~~approved or Environmental Protection Agency state~~ ~~approved asbestos worker or supervisor course or other oecupational safety and health or environmental courses required to meet federal and state regulations.~~
- (iii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
  - (A) Have at least 480 hours of experience in a worker, supervisory, or consulting capacity ~~in-at~~ a contained area; or
  - (B) ~~H~~ave at least 120 hours as an instructor for a “worker” discipline training course, a “supervisor” discipline training course, or any other occupational safety and health or environmental course required to

~~meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.~~

(b) For the “Inspector” discipline initial and refresher training courses:

- (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for the “inspector” discipline; and
- (2) ~~T~~he applicant shall meet at least one (1) of the following educational and asbestos work experience combinations:
  - (i) If the applicant possesses either a high school diploma or its equivalent, the applicant shall:
    - (A) ~~H~~ave documented experience, which must include ~~ing~~ asbestos inspections of in at least one million square feet of building space in the past three (3) years; or
    - (B) ~~H~~ave at least sixty (60) hours as an instructor for an “inspector” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved inspector course or other occupational safety and health or environmental courses required to meet federal and state regulations.
  - (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
    - (A) ~~H~~ave documented experience, which must include ~~ing~~ asbestos inspections in of at least 500,000 square feet of building space in the past three (3) years; or

(B) ~~H~~ave at least forty (40) hours as an instructor ~~for a “inspector” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved inspector course or other occupational safety and health and environmental courses required to meet federal and state regulations.~~

(c) For the “mMangement planner” discipline initial and refresher courses:

- (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for the “management planner” discipline; and
- (2) ~~T~~he applicant shall meet at least one (1) of the following educational and asbestos work experience combinations:
  - (i) If the applicant possesses either a high school diploma or its equivalent, the applicant shall:
    - (A) Have documented management planning experience showing at least twenty-five (25) management plans or reinspection reports written in the past three (3) years, or documented experience as the management consultant for at least twenty-five (25) asbestos projects in the past three (3) years, or a combination of management plans and projects managed; or
    - (B) ~~H~~ave at least forty-eight (48) hours as an instructor ~~for a “management planner” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.~~

(ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:

- (A) Have documented management planning experience showing at least twelve (12) management plans or reinspection reports written in the past three (3) years, or documented experience as the management consultant for at least twelve (12) asbestos projects in the past three (3) years, or a combination of management plans and projects managed; or
- (B) ~~Have at least thirty-two (32) hours as an instructor for a “management planner” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.~~

(d) For the “project designer” discipline initial and refresher courses:

- (1) The applicant shall have successfully completed the initial and subsequent refresher training course requirements for the abatement “project designer” discipline; and
- (2) The applicant shall meet at least one (1) of the following educational and asbestos work experience combinations:
  - (i) If the applicant possesses either a high school diploma or its equivalent, the applicant shall:
    - (A) Have documented asbestos abatement project design experience including the design of at least twelve (12) asbestos projects in the past three (3) years; or
    - (B) Have at least thirty (30) hours as an instructor ~~for an abatement “project designer” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an~~

~~Environmental Protection Agency approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.~~

- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
  - (A) Have documented asbestos abatement project design experience, including the design of at least six ~~(6)~~ asbestos projects in the past three ~~(3)~~ years; or
  - (B) Have at least ~~twenty (20)~~ hours as an instructor ~~for an abatement “project designer” discipline training course or any other occupational safety and health or environmental course required to meet federal and state regulations that has been approved by EPA or a state program duly authorized by EPA in an Environmental Protection Agency approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.~~
- (e) ~~For an Instructors for of a Commission –approved NIOSH 582 training course or a Commission –approved aAir monitoring training course shall meet the following requirements:~~
  - (1) Have a high school diploma or its equivalent; and
  - (2) Successfully complete the National Institute for Occupational Safety and Health's ~~(NIOSH)~~ 582 training course or a Commission –approved air monitoring training course.
- (f) ~~All~~Each instructors approved under these regulations shall take a refresher training course in at least one ~~(1)~~ discipline from a training provider other than their employer every other year.
- (4) ~~Each~~Each instructors who will teach a segment(s) of a training courses covered under 40 CFR Part 763, Subpart E, Appendix C, as amended, other than work practice topics, hands-on exercises, workshops, or field trips, shall meet the following requirements:

- | (a) Be actively working in the field of expertise in which training is conducted; and
- | (b) ~~have~~Have a minimum of a high school diploma or ~~its~~ equivalent.

Source: *Miss. Code Ann. §§ 37-138-1, et seq., 49-2-1, et seq. and 49-17-1, et seq.*