

## **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, Amended May 25, 1995, Amended November 20, 2003, Last Amended March 26, 2026)**

##### ***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 the regulations herein, 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 activities.
- B. The regulations specified herein provide requirements for the accreditation and certification of 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 quality of inspections, management plans, project designs, or asbestos projects but instead require the utilization of personnel certified in accordance with the regulations herein in the event 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. “Act” means the Asbestos Abatement Accreditation and Certification Act.
- B. “Asbestos” means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.
- C. “Asbestos-containing materials” (ACM) means any material or product which contains more than one percent (1%) asbestos.
- D. “Asbestos project” means a project for the abatement of asbestos containing material (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.

- E. “Building” means (1) any structure having two or more walls and a roof or ceiling or (2) any other structure that is totally enclosed.
- F. “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 the regulations herein.
- G. “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.
- H. “Commission” means the Mississippi Commission on Environmental Quality.
- I. “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, or
  - (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.
- J. “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.
- K. “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.

- L. “Director” means the Executive Director of the Mississippi Department of Environmental Quality or his/her designee.
- M. “EPA” means the United States Environmental Protection Agency.
- N. “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).
- O. “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.
- P. “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.
- Q. “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.
- R. “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 3 square or linear feet of ACBM.
- S. “Minor fiber release episode” means any uncontrolled or unintentional disturbance of ACBM, resulting in a visible emission, which involves the falling or dislodging of 3 square or linear feet or less of friable ACBM.
- T. “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.
- U. “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.

- V. “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.
- W. “Public building” means any building owned by the State, counties, municipalities, institutions of higher learning, community colleges or any political subdivision.
- X. “Removal” means the taking out or the stripping of ACM from a school building, public building or commercial building.
- Y. “Repair” means returning damaged ACM to an undamaged condition or to an intact state so as to prevent fiber release.
- Z. “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.
- AA. “Response action” means a method including removal, encapsulation, enclosure, and repair, and operation and maintenance, or some other method which disturbs asbestos containing materials and is intended to protect human health and the environment from friable asbestos-containing materials except for small scale, short duration projects. Includes response to major fiber release episodes as defined in Section I of the Model Plan.
- BB. “Responsible official” means:
- (1) For a corporation, a responsible official. For the purposes of this section, a responsible official 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) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; and
  - (3) For any other business entity: the owner or disclosed agent who can legally bind that business entity.
- CC. “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.

DD. “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.

EE. “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.

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 person shall 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 the regulations herein, prior to the receipt of a valid applicable initial or renewed certificate issued by the Commission. A certificate shall be issued only to the individual that has applied for such applicable certification discipline(s) and not to any other person.
- B. No person shall engage in the physical activities associated with the abatement of ACM in a school building, public building, or commercial building except for an individual in receipt of a valid initial or renewed worker certificate. A contractor shall not employ any worker, or any other individual of a different certification discipline, on an asbestos project that does not possess a 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. An initial certificate may be renewed annually in accordance with the regulations herein. 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. No less than thirty (30) days prior to the expiration date of an initial or renewal certificate, the applicant shall submit an application for renewal of the applicable certification discipline in accordance with Rule 10.5 of the regulations herein if the applicant desires to maintain a valid certification in effect. If the applicant submits a timely and complete application in accordance with Rule 10.5 of the regulations herein 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 individual accredited and certified in accordance with the regulations herein if the individual:
  - (1) Knowingly submits false or inaccurate information for issuance or renewal of a certificate under the regulations herein;
  - (2) Willfully fails to comply with the terms and conditions of the certificate issued by the Commission;
  - (3) Violates any provision of the regulations herein, the Asbestos Abatement Accreditation and Certification Act, or any laws, rules, regulations, or written orders of the Commission;
  - (4) Performs work at a project that requires accreditation and/or certification 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;
  - (6) Obtains accreditation from a training provider that has not been approved by either EPA or an EPA-approved state program to offer such training for a particular discipline.

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 Rule 10.9 for the applicable discipline have been satisfied prior to submittal of an application. In addition, no individual shall be issued an initial or renewal certificate if the applicant fails to submit valid payment for the applicable fee as outlined in Rule 10.7 of the regulations herein for the applicable discipline as provided for in Paragraph E below.
- B. Each application for an initial or renewal certificate shall be completed on the forms prepared by the Commission for this purpose and shall contain the information that the Commission deems necessary to determine whether 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. An Individual applying for certification in more than one (1) discipline may submit multiple applications in the same transmittal. Each application submitted shall be completed as required above as to be separable. However, an applicant applying for a contractor certificate may also apply for a supervisor certificate within the same application. If an individual meets all the requirements of the regulations herein, including the submittal of valid payment of the fee for both contractor certification and supervisor certification, 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 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 to deem the application complete.
- B. If an application is deemed complete, the Commission shall issue to the applicant an initial or renewal certificate for the specified discipline 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:
  - (1) Has not complied with the regulations herein and/or with all other applicable Federal, State and local statutes and regulations; or

- (2) Submits inaccurate or falsified information within an application; or
- (3) Fails to submit the necessary additional information after receiving notice from the Commission as outlined in Paragraph A above. The Commission shall make a determination regarding the issuance or denial of 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 is not required to conduct any investigation concerning an applicant other than to review information directly available to the Commission.

D. An applicant that 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 the regulations herein 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 the regulations herein shall be submitted to the Commission through a Commission-authorized method of payment payable to the Asbestos Accreditation and Certification Act Fund. The fee for an initial or renewal certificate under each specified discipline shall be established by the Commission in accordance with all Department regulations and State Law.

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 Annotated, the Board of Trustees of State Institutions of Higher Learning designated Mississippi State University (MSU) to offer all accreditation training courses set forth in the regulations herein. 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 EPA and Commission that all training courses offered 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 the regulations herein.

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 the regulations herein 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 and EPA-approved training courses offered outside of the geographic boundaries of the State

of Mississippi and approved by the Commission will meet accreditation training requirements under the regulations herein. Each applicant 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. Each individual applying for an initial certificate shall have attended and successfully completed (a) an applicable initial training course approved by the Commission 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 for the appropriate discipline for which the initial certificate is requested within one (1) year prior to application. However, an individual is not required to attend and successfully complete any additional initial training course prior to applying for an initial certificate if the required refresher training has been successfully completed within twenty-four (24) months of the initial and/or subsequent refresher course completed thereafter (as applicable).
- C. Refresher Training.
  - (1) Each individual applying for a renewal certificate shall have attended and successfully completed (a) an applicable refresher training course as approved by the Commission or (2) 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 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 a Commission-approved refresher training course or an EPA-approved refresher training course offered 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 to receive a renewal certificate.
  - (3) The Commission may accept an individual to attend and complete an online refresher training course if:
    - (a) The course was conducted by MSU, or
    - (b) The course was conducted by a training provider approved by an EPA-approved State program for students residing outside the geographic boundaries of the State of Mississippi, or
    - (c) The course is conducted by MSU or a training provider approved by a EPA-approved State program for certification of a the “Worker” discipline.
- D. The Commission shall have authority to monitor and audit any initial and refresher training course 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 an applicable training course that meets the requirements of the Model Plan and as provided in Rule 10.8, each applicant 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 with all applicable Federal and State laws and regulations and possesses the following qualifications listed below prior to submitting 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 as a registered professional engineer; or
  - (2) Bachelor of Science degree in architecture, or its equivalent from an accredited university, and a current, valid license as an architect; or
  - (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 as a registered professional engineer; or
  - (2) Bachelor of Science degree in architecture or its equivalent from an accredited university and a current, valid license as an architect; or
  - (3) Certification as a Certified Industrial Hygienist, or its equivalent, in a related scientific field.
- D. Contractor – Education qualifications: high school diploma or GED. The applicant for a contractor certificate must be a responsible official or duly authorized representative (DAR).
- E. Supervisor – Education qualifications: – high school diploma or GED.
- F. Worker - Medical Qualifications: a written certificate, on a form provided by the Commission, by a licensed physician in accordance with State Law approving the applicant to work on an asbestos project, which must be submitted to the Commission with the applicant’s application for an initial certificate. The certificate must only accompany the

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

G. Air Monitor – Education and training requirements:

- (1) Have earned a high school diploma or GED;
- (2) Satisfactorily complete a commission-approved training course for supervisors. A supervisor training course approved by the EPA completed satisfactorily shall be sufficient to meet this requirement; and
- (3) Satisfactorily complete a Commission-approved training course for collecting and evaluating air samples. The successful 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 the regulations herein to the contrary, small-scale, short duration abatement activities may be conducted in a school building, public building, or commercial building without the utilization of a certified inspector, management planner, project designer, supervisor, air monitor, contractor, or worker.

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 an asbestos project at all times while abatement activities are in progress. In addition, certified 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 the certificates for all contractors, supervisors, and workers 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 during an inspection of an asbestos project site.

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 an individual, 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, in which the individual may take to avoid the suspension, revocation, or modification or to receive certification thereafter (as applicable).
  - (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, for which the Commission may provide.
- B. In the event the Commission suspends and/or revokes the certificate of a contractor, the Commission 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 invoke a 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 the regulations herein 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 (NESHAP), 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 the regulations herein, 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 individual seeking certification to perform asbestos-related work pursuant to the regulations herein.

A. Initial training:

- (1) Training courses required for any individuals seeking certification as an inspector, management planner, project designer, contractor, supervisor, or worker as well as the applicable EPA-approved training courses for an air monitor 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 person enrolled in a training course is not required to 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) 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. Each examination shall be closed book, and demonstration testing may be included as part of the overall examination. A person seeking accreditation in a specific discipline must pass the examination for that discipline to receive accreditation.

B. Refresher training courses

Annual refresher training is required for reaccreditation of each discipline. 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 refresher course in accordance with the requirements for the “supervisor” discipline.

At the conclusion of the refresher training courses in all disciplines, the training provider shall administer a closed book, 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 Department.

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

- (1) A completed application on the form provided by the Department and supporting documentation. The form and supporting documentation shall include the following:
  - (a) The 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 student manual and an instructor manual for each course;
  - (d) The course agenda;
  - (e) A copy or description of all audio/visual materials used;
  - (f) A description of each hands-on training activity;
  - (g) A copy of a sample exam; and
  - (h) A sample certificate with the following information:
    - (i) The name ~~and social security number~~ of student;
    - (ii) The training course title specifying initial or refresher;
    - (iii) The inclusive dates of course and applicable examination;
    - (iv) A statement that the student completed the course and passed any examination required;
    - (v) The unique certificate number as required;
    - (vi) 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;

- (vii) The printed name and signature of the training course administrator and printed name of the principal instructor;
  - (viii) The name, address, and phone number of the training provider; and
  - (ix) 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 the regulations herein. Full approval shall be granted 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 the regulations herein and Section III(c) of the Model Plan. In addition, the Department may perform a periodic audit of any training course to assure compliance with all requirements of the regulations herein regarding training.

E. Recordkeeping requirements.

- (1) Each approved training provider shall maintain all records required 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 Department) so that the approving government body may take possession of the asbestos training records maintained by the training provider.

F. Training course notification.

- (1) No less than ten (10) calendar days prior to the first day of an anticipated training course, a training course provider must provide written notification to the Department, 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) The name of the principal instructor; and
  - (f) A copy of the training course agenda. (If the agenda is identical to an agenda 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 outlined 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 for 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 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 any course taught in a non-English language:
- (1) The training course must be taught in the language in which all participating students are fluent;
  - (2) The written materials, including the examination, must be correctly translated into the language in which all participating students are fluent; and
  - (3) Any interpreter present may not be used to teach or instruct a training course.
- 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:
- (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 course: 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, assessing the condition of friable asbestos

containing materials, 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 instructor for work practice topics, hands-on exercises, workshops, or field trips that are required for any course covered under 40 CFR Part 763, Subpart E, Appendix C (as amended) shall meet the following requirements (as applicable):
- (a) For the “worker” discipline initial and refresher training courses and the “supervisor” discipline initial and refresher training courses;
    - (i) 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) Have at least 1,440 hours experience in a worker or supervisory capacity at a contained work area; and
        - (B) Have at least 360 hours as an instructor” for a “worker discipline training course that has been approved by EPA or a State program duly authorized by EPA.
      - (ii) If the applicant possesses either a high school diploma or its equivalent, the applicant shall:

- (A) Have at least 960 hours experience in a worker, supervisory, or consulting capacity at a contained work area; or
  - (B) Have 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.
- (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 experience in a worker, supervisory, or consulting capacity at a contained area; or
  - (B) Have 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.
- (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) 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 experience, which must include asbestos inspections for at least one million square feet of building space in the past three (3) years; or
      - (B) Have at least sixty (60) 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.

- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
  - (A) Have documented experience, which must include asbestos inspections of at least 500,000 square feet of building space in the past three (3) years; or
  - (B) Have 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
  
- (c) For the “management 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) The applicant shall meet at least one (1) of the following education 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) Have 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.

- (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.
  
- (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.
    - (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.
- (e) For an instructor of a Commission-approved NIOSH 582 training course or a Commission-approved air 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 (NIOSH) 582 training course or a Commission-approved air monitoring training course.
- (f) Each instructors approved under the regulations herein 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 instructor that will teach a segments (or segments) of a training course 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 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.*