



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Guidance Memo on the Implementation of the AHERA
Model Contractor Accreditation Plan

FROM: Michael Stahl, Acting Branch Chief
Hazard Abatement Assistance Branch *Michael Stahl*

TO: Regional Division Directors
Regional Branch Chiefs
Regional Asbestos Coordinators

The purpose of this memorandum is to describe the process EPA will use to review and approve State accreditation programs and training courses seeking EPA approval under the Model Accreditation Plan required under the Asbestos Hazard Emergency Response Act (AHERA). I would also like to cover several important aspects involving interim accreditation. In addition, I want to let you know who at Headquarters will be involved with this project.

This memo does not address issues that involve the State waiver process as outlined in the proposed AHERA regulations. The following discussion only involves accreditation issues. To more fully discuss these issues with you, I have scheduled a conference call for June 25 at 12:30 p.m. EDT for Regional Asbestos Coordinators (RACs). Interested EPA training and satellite center staff may want to join the RAC at the Regional Office to take part in the call. The phone number for the conference call is 382-7439.

Overview

Under AHERA, only accredited inspectors, management planners and individuals who design and conduct response actions can undertake asbestos-related work in schools. Individuals can receive accreditation from a State with a program at least as stringent as the EPA Model Accreditation Plan (published in the Federal Register, April 30, 1987), or can receive accreditation by attending and passing an EPA approved training course. All States must adopt accreditation programs at least as stringent as the EPA Model. In addition, AHERA stipulates that the accreditation process must include an initial training course, an exam, and continuing education.

In implementing AHERA's Model Accreditation Plan requirements, the Regions will have the lead in approving State accreditation plans and training courses. Regional staff should review a State or training course request for EPA approval as outlined in the Model Accreditation Plan as found in the April 30 Federal Register. After reviewing the requests, Regions will recommend to Headquarters whether to approve or not approve State programs as well as individual training courses. Unless circumstances are extraordinary, I anticipate that Headquarters staff will concur with the Region's recommendations. Headquarters staff involvement will ensure consistency in the review process nationwide and prevent training course sponsors from seeking approval for their course in multiple Regions. In addition, my staff will be available to consult with Regional staff on any general or specific issues regarding the approval of State accreditation programs and training courses.

In the three sections that follow, I would like to describe the process and requirements for EPA approval of: (1) State programs, (2) Training courses, and; (3) Previously offered training courses for purposes of interim accreditation. The fourth section discusses who on my staff will be the Headquarters contact for each of the three areas discussed below.

State Programs

The requirements for EPA approval of State accreditation programs are listed in the April 30, 1987 Federal Register on page 15881. Let me emphasize several key points regarding our approval process for State programs.

First, Regional staff should contact States with programs in their Region and urge them to apply for approval. As is mentioned in the Federal Register, EPA can partially approve a State's program. For example, a State which has only worker training can receive approval for that discipline alone. It is important, therefore, that we notify States within the next few weeks to reinforce the idea that States with partial accreditation programs are eligible for partial approval.

Second, the Region should review closely the State's legislation and regulations. One very important item to look for in a State's regulations would be whether the State has some mechanism or procedure to review the quality of training courses being offered within the State. For example, many States that currently have certification programs conduct on-site inspections of training courses to ensure the course meets the State's requirements. This element, although not mentioned specifically in the EPA Model, is important since the State must show some means to oversee the quality of training courses. We have the opportunity to review a State's entire program, however, since a State must submit to the Region their legislation and regulations.

In addition, the Model Accreditation Plan also requires a letter to be sent by States to the RAC that clearly indicates how the State meets the program requirements of the Model Contractor Accreditation Plan for States. This letter should be specific about all aspects of the State's accreditation program.

Third, in reviewing a State's application, Regions should use the Model Accreditation Plan for States as a checklist. Specifically, the State's training requirements for a particular discipline must meet the Model Plan's training requirements for that discipline. The State program is also required to have a decertification process, an exam and annual refresher training courses.

Fourth, for each State program we approve, we also automatically approve all the training courses approved by that State program since we have determined that the State meets the requirements of the EPA Model. For example, if a particular State that we approve has approved 20 abatement worker training courses, these courses become EPA approved. When you notify a particular State that it has become EPA approved, ask your State contact to send you as soon as possible a list of training courses the State has approved. Send these lists to Headquarters and we will add these courses to our nationwide list of EPA approved courses. These courses are appropriate sources of training for accreditation purposes in those States where they are approved and in those States without accreditation programs.

In other States with programs approved by EPA, the individual State must decide whether courses approved by other States that meet the EPA Model are acceptable for AHERA accreditation purposes. States have the authority to accept or reject individual training courses since a State's program can be more stringent than the EPA Model.

By automatically approving courses in States that have programs equal to or more stringent than the EPA Model, we will reduce the number of courses needing individual review by Regional Offices. It would be redundant and inefficient for EPA to monitor on a regular basis the same courses already monitored by State agency officials in States with EPA approved programs. To reiterate, however, we need to be sure a State has an adequate program to monitor the courses in their State. This has to include on-site inspections of training courses.

Fifth, when sending Headquarters a recommendation to accept or reject a State's program, the Region should include a copy of the materials submitted by the State. The recommendation should be in the form of a memo about the State's program and should be sent to me. After Headquarters concurs with the Region's recommendation, the Region should send a letter informing the State whether it has received EPA approval. EPA will periodically publish in the Federal Register a list of approved State programs.

Training Courses

Training courses seeking EPA approval must meet the Model Accreditation Plan requirements for that particular course. In reviewing training courses seeking approval, Regions should use the information found on pages 15881 and 15882 of the April 30 Federal Register, as well as the curriculum requirements for the particular discipline found in the Model Plan.

I want to highlight five important aspects of the process for reviewing individual training courses. First, all EPA funded asbestos training center courses offered for accreditation must be reviewed for purposes of EPA approval under the Model Plan. RACs should contact EPA funded training and satellite centers in their Region and urge the centers to apply as soon as possible.

Second, all ASHAA approved courses must be reviewed again based on the AHERA criteria. In almost all cases, the ASHAA approved courses will have to submit additional information required by the Model Accreditation Plan. On a related point, let me emphasize that for ASHAA work conducted in schools this summer, the ASHAA requirements developed last year are still in effect. The requirement to use accredited personnel under the Model Accreditation Plan does not take effect until the AHERA regulations are final on October 17, 1987.

Third, I strongly recommend that Regions conduct on-site inspections of training courses whenever possible. Many courses may look good based on the written application, but have serious deficiencies in actual practice. If your staff resources do not permit you to send someone to inspect the next available course offering for a course seeking approval, you may want to approve the course contingent on a subsequent on-site inspection. If the course fails an on-site inspection, EPA can withdraw approval at that point. Persons who took the course while the course was approved on a contingent basis maintain their accreditation. Subsequent course offerings, however, lose their EPA approved status.

Whenever you can, please try to withhold EPA approval until after the on-site inspection is completed. This will simplify the process a great deal. I realize, however, that this may be difficult to do in all cases. Contingent approval may have to be used early in the process when we may receive a large number of requests for approval.

Fourth, the review of training courses should result in one of three determinations for a course. Courses can be approved, approved contingent on an on-site inspection, or not approved. Approved courses are those courses that have submitted written materials that are satisfactory and have passed the on-site inspection conducted by Regional staff.

In addition, the Regional recommendation to approve the course must have been ratified by Headquarters. Approved courses contingent on an on-site inspection are those courses that have submitted satisfactory written materials but have not yet been inspected. The written materials for these courses must have been approved by the Region and Headquarters. Courses that are not approved are those that have inadequate materials or fail an on-site inspection.

Let me provide you with a few suggestions to help facilitate your review of courses. If written course materials submitted by the training course are inadequate at covering the necessary areas, notify the training course sponsor of the deficiencies that need to be corrected. The sponsor must submit the necessary materials to correct the deficiencies. If the deficiencies are not corrected, the course cannot be approved.

When written materials for a course are acceptable, I suggest sending Regional staff to sit in on the course. If the course does not cover important aspects of the course curriculum as found in the Model Accreditation Plan, Regional staff monitoring the course should advise the training course sponsor as soon as possible of the deficiencies, perhaps during a break in the training course. The training course sponsor can then cover the additional material during course breaks or in review sessions.

At the conclusion of the course, deficiencies may still exist in the training course. For relatively minor deficiencies (e.g. course fails to cover adequately a few components of a topic, such as not covering heat stress during a discussion of Additional Safety Hazards faced by abatement workers) the Region should recommend approving a course if the sponsor submits in writing an assurance the course will cover that portion of a topic at subsequent course offerings. For major deficiencies, such as not having a lecture on health effects for a worker training course, I suggest the Region not recommend approving a course or recommend withdrawing contingent approval. For gray areas, the Regions may want to consult with Headquarters staff or other Regions.

Fifth, in reviewing training courses, Regional staff should review very closely the training course materials submitted that involve the exam, hands-on training, certificates, and the qualifications of instructors. The training course must submit a detailed statement about the development of the exam. This should include how the exam was developed and evidence that the exam was validated. In addition, the exam must cover all aspects of the training course. For example, a worker's exam that did not include questions on respirators would be insufficient.

Hands-on training in the course must meet the requirements imposed by the Model Accreditation Plan. Specifically, hands-on must involve actual participation, not demonstration, and must meet the minimum hourly requirements. In addition, all training courses receiving EPA approval must issue numbered certificates or identification cards to individuals who successfully pass the exam. Without certificates and recordkeeping, it would be difficult to enforce the accreditation requirement.

Assessing the qualifications of instructors will be a difficult task. As many of you know, training courses routinely have different individuals teach various parts of the course. For example, a doctor, nurse or other health professional may teach the section of a course on health effects. For the AHERA approval process, focus on the qualifications of the primary instructors. These are the individuals who run the training course and teach a number of the course's topics.

In addition, check to see that each topic covered in the course will be addressed by a speaker with suitable qualifications. It is acceptable if different speakers with appropriate qualifications lecture at future training courses. EPA funded centers routinely use a variety of qualified speakers.

Overall, I believe the judgment and expertise of the RACs will be crucial to the success of the AHERA training course approval process. The ASHAA training course approval process went extremely well last year and was conducted with minimal burden on EPA Regional staff. The AHERA approval process utilizes some of the lessons and efficiencies we learned in the ASHAA review process. However, I expect we will receive a sizable increase in the number of courses seeking approval under the Model Accreditation Plan. Approving qualified State accreditation programs as quickly as possible will reduce the number of individual courses that need to be reviewed by EPA staff.

Along with the memo recommending whether to approve a particular training course, the Regions should send Headquarters a copy of the materials submitted by the training course. The memo should include some discussion of the results of the on-site inspection. After receiving Headquarters concurrence on a particular training course, the Region should notify in writing the training course sponsor about his approval status. EPA will periodically publish in the Federal Register a list of approved training courses.

Interim Accreditation

Granting EPA approval of previously offered training courses may be the most difficult task of the three tasks discussed in this memo. Before describing EPA procedures for handling interim accreditation, let me highlight the key aspects of interim accreditation as discussed in the Model Accreditation Plan.

Under AHERA, EPA can permit persons to be accredited on an interim basis if they have attended previous EPA approved asbestos training and have passed (or pass) an asbestos examination in their discipline. Only those persons who have taken acceptable training courses since January 1, 1985 will be considered under these interim accreditation provisions. EPA will determine whether the course and examination are equivalent to the training and exam requirements of the Model Plan. This accreditation is interim since the person shall be considered accredited for only one year after the date on which the State where the person is employed is required under AHERA to have established an accreditation program at least stringent as the EPA Model. If the State does not develop a program, the person must still become fully accredited during this timeframe. AHERA requires States to establish programs within 180 days after the State legislature reconvenes for their first regular session following April 20, 1987.

For purposes of the Model Plan, an equivalent training course is one that is essentially similar in length and content to the curriculum found in the Model Plan. In practice, this means a training course offered previously that addressed adequately the curriculum in the Model Plan, provided that the length of the training course was equal to or greater than the Model Plan or only one day less than what is required in the Model Plan, will be acceptable for purposes of interim accreditation. For example, worker training in the Model Plan requires three days of training. A two day course offered since January 1, 1985 covering almost all of the same topics is equivalent. However, a one day worker training course is deemed not equivalent regardless of the content of the curriculum.

Obviously, previously offered training courses may not have covered topics required under AHERA's proposed regulations. In addition, courses offered before OSHA issued the construction standard did not address that particular regulation. Other than these types of exceptions, the "equivalent" course needs to adequately cover the other topics in a particular discipline's curriculum.

In addition, previously offered inspector, abatement contractor/supervisor and worker training courses that did not have hands-on training can still be approved as a source for interim accreditation. In fact, several of the EPA funded center courses fall into this category. All of these courses that did not include hands-on training, however, must still have addressed adequately the topics in the Model Plan curriculum for the particular discipline.

Exams offered in the past also have to be essentially similar. Information available to Headquarters staff suggests that most training courses for abatement contractors and supervisors have used 100 question multiple choice exams. Conversely, exams for worker courses have varied quite a bit in length. In general, a multiple choice exam with at least half the number of questions as required under the Model Plan is needed. Please contact my staff if you encounter difficulties with the exam issue. I anticipate some potential problems in this area.

The vast majority of courses you will have to review for purposes of interim accreditation are asbestos abatement contractor/supervisor and abatement worker courses. Prior to AHERA, there were only a handful of inspector and management planner courses. In fact, our information suggests that only Tufts University and Georgia Tech had courses in these areas. Exams were not given at the conclusion of these training programs.

In reviewing previously offered training courses for interim accreditation purposes, we will use an almost identical system as described in the previous two sections on State approvals and current training course approvals. If a State has had a program that meets or exceeds the EPA Model, individuals accredited by the State after January 1, 1985 are fully accredited. Other than refresher course training, no further training is required. Training courses approved by such States are EPA approved.

On the other hand, if a State has a training requirement that falls short of the Model's requirements, but meets the requirements for interim accreditation, individuals accredited by the State can do school asbestos work under the interim accreditation provision. These persons have one year after the State upgrades their accreditation program to become fully accredited. Training courses approved by such States are EPA approved courses for purposes of interim accreditation. The process works the same way as described in the section on State approvals, except the EPA approval of the training courses in such States is for interim accreditation only.

Worker training courses in Illinois and Arkansas may be examples of State training programs that are acceptable for interim accreditation. Both States currently require two days of training for workers. In any States that have programs that are suitable sources for interim accreditation, please get a list from your State contact of the training courses approved by the State. Please send a memo to Headquarters with a recommendation regarding interim accreditation for persons who have taken training courses approved by such State programs.

For training courses that submit their course materials for EPA approval as discussed in the section on training course approvals, Regional staff should determine how long the course has been conducted utilizing the submitted materials. If course materials have varied since January 1, 1985, Regional staff should ask the training course sponsor to submit the previously used course materials as well as the other information requested in the Federal Register on pages 15881 and 15882. For example, several EPA funded centers have revised several sections of their course study manual over the last two years. The previously used study manual should also be submitted for review.

An area that should not be emphasized in reviewing courses for interim accreditation purposes is the amount of hands-on training provided. As discussed previously, several of EPA's funded training centers have only recently added significant amounts of hands-on training to their curriculum. If hands-on training had to be included for interim accreditation purposes, we could only approve a few courses. As a result, few accredited persons would be available to conduct work when the AHERA regulations are finalized.

An area to emphasize, however, is whether certificates or identification cards were awarded to students passing the examination. A training course must have adequate records to confirm that a student successfully completed the course by passing the examination. Without certificates and records, there will be no way for schools to verify whether a potential contractor is fully accredited or intermly accredited.

You should note that some training courses offered during the interim accreditation period may meet fully the Model Plan's requirements. Several of EPA's training center courses may be examples of such programs. If this is the case, and we approve the training course, all individuals who have passed these courses become fully accredited. These individuals do not have to re-take the same training course another time.

The review of previously offered training courses for interim accreditation purposes only is purely a paper exercise, since sitting in on a training course offered today does not provide the necessary information to assess the quality of the same course offered a year or two ago. As with the other approvals, please send me a memo recommending whether to accept or reject a course for interim accreditation.

In addition to requests from States and training courses regarding the Model Accreditation Plan, Regions may get inquiries from previously trained contractors and workers about the difference between interim accreditation and full accreditation. To reiterate, interim accreditation means a

person has already successfully completed a training course and exam that are essentially similar to the Model Plan. The training course need not have hands-on training, but the length of the training must be within a day of what is required by the Model. The benefit of interim accreditation is that a trained person can conduct asbestos work in schools right away without having to become fully accredited.

To become fully accredited, persons with or without interim accreditation must take a complete training course that meets the requirements of the Model Plan. For instance, a person must still take a full four day supervisor's training course to receive full accreditation even though the person may have been interrimly accredited after taking a three day supervisor's course in 1986. Individuals with interim accreditation will not be permitted to take a one day review course or a one day hands-on workshop to bring their cumulative total number of days of training up to the Model Plan's requirements. I believe this requirement will insure that all persons requiring accreditation have had a high quality course that covers the latest information in the field in a comprehensive manner.

Regions may also be contacted by individuals who have taken a training course for interim accreditation purposes but have not passed an exam. To receive interim accreditation, they must pass an examination in their discipline. EPA funded training centers should be prepared to offer exams for such individuals who have proof they have taken a training course approved by EPA as a source for interim accreditation. Regions should remind training centers about this AHERA requirement.

Headquarter Staff Responsibilities

To implement successfully the EPA approval process described above, we will need strong communications between the Regions and Headquarters. Regional Offices may also want to work with each other to ensure consistency in the review process. At Headquarters, Bob McNally will be in charge of the overall accreditation effort and will be the lead on EPA approval of State programs. Karen Hoffman will have the lead on EPA approval of courses for both current and previously offered courses.

It is important that we review and hopefully approve as many State programs and training courses before the final rules are published in October. We plan to publish in early August an initial list of approvals in the Federal Register. This will help alleviate the uncertainty currently confronting schools, training courses, States and those individuals who need accreditation. I would like the Regions to review

during June and July as many EPA funded training and satellite centers, large training course programs and States with accreditation programs as possible and send your recommendations to me by July 30.

I suggest you send your recommendations to me as soon as you finish reviewing a course or State program. After receiving concurrence from Headquarters, Regions should notify in writing the training course or State as soon as possible. The training course and State applicants should not have to wait until the Federal Register notice is published to see whether they have received EPA approval.

I realize this will be a complicated and difficult process for all of us. I hope this guidance memo has clarified some of the key issues we will face in the next few months. I look forward to discussing these accreditation issues and others with you on June 25. If you have any questions before that, please call Bob, Karen or me.

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