

## 19a-332a-1. Definitions

**Standards for Asbestos Abatement****19a-332a-1. Definitions**

The following definitions shall apply for the purpose of Section 19a-332a-1 to Section 19a-332a-16 inclusive.

- (a) "Adequately wetted" means sufficiently mixed or coated with water, amended water or an aqueous solution; or the use of a removal encapsulant to prevent dust emissions;
- (b) "Amended Water" means water to which a chemical wetting agent or removal encapsulant has been added to improve penetration;
- (c) "Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite;
- (d) "Asbestos Abatement" means the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos-containing materials, but does not include activities which are related to (A) the removal or repair of asbestos cement pipe and are performed by employees of a water company as defined in Section 25-32a of the Connecticut General Statutes or (B) the removal of nonfriable asbestos-containing material found exterior to a building or structure other than material defined as regulated asbestos-containing material in 40 CFR 61, the national emission standards for hazardous air pollutants, as amended from time to time;
- (e) "Asbestos Abatement Project" means any asbestos abatement performed within a facility involving more than three (3) linear feet or three (3) square feet of asbestos-containing material;
- (f) "Asbestos Abatement Worker" means any employee of a licensed asbestos contractor who engages in asbestos abatement, has completed a training program approved by the department and has been issued a certificate by the department;
- (g) "Asbestos Abatement Site Supervisor" means any employee of a licensed asbestos contractor who has been specifically trained as a supervisor in a training program approved by the department and who has been issued a certificate by the department;
- (h) "Asbestos-Containing Material" (ACM) means material composed of asbestos of any type and in an amount greater than one percent by weight, either alone or mixed with other fibrous or nonfibrous material;
- (i) "Asbestos Contractor" means any person engaged in asbestos abatement whose employees actually perform the asbestos abatement work and who has been issued a license by the commissioner;
- (j) "Authorized Asbestos Disposal Facility" means a location approved for handling and disposing of asbestos waste by the Connecticut Department of Environmental Protection or by an equivalent regulatory agency if the material is disposed of outside the State of Connecticut;
- (k) "Commissioner" means the Commissioner of Public Health or his/her authorized agent;
- (l) "Conn OSHA" means the Connecticut Department of Labor, Occupational Safety and Health Division;
- (m) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility;
- (n) "Department" means the Connecticut Department of Public Health;
- (o) "DEP" means the Connecticut Department of Environmental Protection;
- (p) "Emergency Asbestos Abatement Project" means an asbestos abatement project which was not planned but results from a sudden unexpected event. This includes operations required by non-routine failures of equipment;
- (q) "Emergency Demolition" means a demolition operation ordered by an authorized state or local official, that if not immediately attended to presents a safety or public health hazard;
- (r) "Encapsulation" means the treatment of asbestos-containing material 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

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**19a-332a-2. General provision**

- penetrates the material and binds its components together (penetrating encapsulant);
- (s) "EPA" means the United States Environmental Protection Agency;
  - (t) "Enclosure" means the construction of an air-tight, impermeable, permanent barrier around asbestos-containing material to control the release of fibers into the air;
  - (u) "Facility" means any private or public building or structure including but not limited to those used for institutional, residential (including single family homes), commercial or industrial purposes and vessels while ashore or in drydock;
  - (v) "Facility Owner" means the person or entity having title to the facility. For purposes of publicly owned property only, the Facility Owner shall be defined to be the chief executive officer of the federal, state or municipal agency which owns or controls the use of the facility;
  - (w) "Friable Asbestos-Containing Material" means any asbestos-containing material that hand pressure can crumble, pulverize, or reduce to powder when dry and non-friable asbestos-containing material that potentially can be broken, crumbled, pulverized or reduced to powder as a result of asbestos abatement;
  - (x) "Glove Bag" means a manufactured polyethylene bag type of enclosure with built-in gloves, such as is placed with an air-tight seal around asbestos- containing material and which permits the asbestos-containing material contained by the bag to be removed without releasing asbestos fibers to the atmosphere;
  - (y) "Individual" means any human being;
  - (z) "Non Friable Asbestos-Containing Material" means any asbestos-containing material that hand pressure can not crumble, pulverize or reduce to powder when dry;
  - (aa) "OSHA" means the Occupational Safety and Health Administration of the U.S. Department of Labor;
  - (bb) "Person" means any individual, corporation, partnership, firm, association, sole proprietorship, the State of Connecticut or any of its political subdivisions, or any other entity;
  - (cc) "Removal" means the taking out or stripping of any asbestos-containing materials from surfaces or structural components of a facility;
  - (dd) "Renovation" means altering, in any way other than demolition, one or more structural components. Operations in which load-supporting structural members are taken out are excluded;
  - (ee) "Repair" means the restoration of damaged asbestos-containing material; including but not limited to the sealing, patching, enclosing or encapsulating of damaged asbestos-containing material to prevent fiber release;
  - (ff) "Spot Repair" means any asbestos abatement performed within a facility involving not more than three (3) linear feet or three (3) square feet of asbestos containing material;
  - (gg) "Structural Component" means any pipe, duct, boiler, tank, reactor, turbine, furnace or other component at or in a facility or any structural member of a facility;
  - (hh) "Structural Member" means any load-supporting member of a facility such as beams and load-supporting walls or any non-load supporting member, such as ceilings and non-load supporting walls;
  - (ii) "Visible Residue" means any debris or dust on surfaces in areas within the enclosed work area where asbestos abatement has taken place and which is visible to the unaided eye. All visible residue is assumed to contain asbestos;
  - (jj) "Work Area" means the specific area or location where the actual asbestos abatement work is being performed or such other areas of a facility which the Commissioner determines may be hazardous to public health as a result of such asbestos abatement. (Effective August 5, 1988; Amended effective December 27, 1990; April 5, 2001; March 8, 2004.)

**19a-332a-2. General provision**

- (a) No person shall engage in asbestos abatement unless in compliance with Section 19a-332a-3 to Section 19a-332a-12 inclusive.

**19a-332a-3. Notification Requirements**

- (b) The requirements of Section 19a-332a-3 to Section 19a-332a-12 inclusive, shall apply to each facility as defined by these regulations.  
(Effective August 5, 1988; Amended December 27, 1990.)

**19a-332a-3. Notification Requirements**

- (a) The asbestos abatement contractor, the facility owners or any person who will be conducting demolition activities shall notify the Commissioner before engaging in any asbestos abatement which involves more than ten (10) linear feet or more than twenty five (25) square feet of asbestos-containing material or before engaging in the demolition of any facility. If the notification is provided by the asbestos abatement contractor, a copy of the notification shall be simultaneously submitted to the facility owner. Notification shall be on forms prescribed by the Commissioner. Notification shall be postmarked or hand delivered at least ten (10) days before the start of asbestos abatement or demolition activities. In the case of emergency asbestos abatement or emergency demolition, notification shall be postmarked or hand delivered within one (1) working day after the start of asbestos abatement or demolition. A copy of the written order requiring demolition shall accompany the notification. This notification shall not relieve the asbestos contractor, facility owner or any person who will be conducting demolition activities of the responsibility for making written notification as may be required by any other municipality, agency of the State of Connecticut, or any agency of the federal government. Such additional federal requirements may include, but are not limited to, notification to the EPA under requirements of the Clean Air Act, the Toxic Substances Control Act, the Asbestos School Hazard Abatement Act, and the Asbestos Hazard Emergency Response Act.
- (b) A single asbestos abatement notification may be provided to the Department for asbestos abatement which will cumulatively involve more than ten (10) linear or more than twenty-five (25) square feet of asbestos-containing material when a facility owner can provide an accurate estimate of the additive amounts of asbestos containing material. Such notification may be provided for a period of time not to exceed one year.
- (c) Asbestos abatement notification to the Commissioner shall, at a minimum, include the following:
- (1) The name, address and telephone number of the asbestos contractor;
  - (2) The name, address and telephone number of the facility owner;
  - (3) The exact location of the facility;
  - (4) The nature of the asbestos abatement;
  - (5) The type of asbestos abatement activity;
  - (6) A description of the facility including the size, age and use of the facility;
  - (7) The amount of asbestos-containing material to be removed, enclosed or encapsulated or contained in the facility or part thereof to be demolished;
  - (8) The scheduled start and completion dates;
  - (9) A description of work practices to be followed to comply with Section 19a-332a-5 to Section 19a-332a-12; and,
  - (10) The name and the location of the authorized asbestos disposal facility where asbestos-containing materials will be deposited.
- (d) A separate notification form shall be completed for each facility for which there is a proposed demolition.
- (e) Demolition notification to the commissioner shall, at a minimum, include the following:
- (1) The name, address and telephone number of any person undertaking the demolition;
  - (2) The name, address and telephone number of the facility owner;
  - (3) The location and street address (including building number or name and floor or room number, if appropriate), and city of the facility being demolished;
  - (4) A description of the facility including its size, age and use;
  - (5) A statement of whether an inspection of the facility has been conducted by a licensed asbestos inspector or inspector/management planner;

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**19a-332a-4. Recordkeeping**

- (6) The start and completion dates;
  - (7) The name and the location of the disposal facility where demolition materials will be deposited; and,
  - (8) The name, address and phone number of the demolition waste hauler.
- (Effective August 5, 1988; Amended December 27, 1990; March 8, 2004.)

**19a-332a-4. Recordkeeping**

- (a) The asbestos contractor shall maintain records of all asbestos abatement projects which it performs and shall provide a complete copy of these records to the facility owner upon completion of the project. The asbestos contractor and facility owner shall retain the records for thirty (30) years following completion of the project. These records shall be available to the Department upon request.
  - (b) The asbestos contractor shall record the following information for each project.
    - (1) The location and description of the project and the estimated amount and type of asbestos involved in each project;
    - (2) The start and completion dates of the project;
    - (3) A summary of the procedures used to comply with Sections 19a-332a-5 to 19a-332a-12;
    - (4) The name and address of the authorized asbestos disposal facility and verification from the authorized asbestos disposal facility indicating the amount of asbestos received for disposal;
    - (5) The methodology and results of all air sampling conducted during the abatement process;
    - (6) A complete list of the names and social security numbers of asbestos abatement workers, asbestos abatement site supervisors and other agents involved in the asbestos abatement activity and working for the asbestos contractor on that project and individuals entering the enclosed work area;
    - (7) A log of control of access to the work area;
    - (8) All records for compliance with the requirements of OSHA, Conn OSHA, DEP and EPA regulations; and,
    - (9) Documentation to demonstrate compliance with the post abatement reoccupancy criteria established by Section 19a-332a-12.
- (Effective August 5, 1988; Amended effective December 27, 1990; March 8, 2004.)

**19a-332a-5. General requirements for asbestos abatement projects**

- (a) Signs shall be posted which meet the specifications set forth in 29 CFR 1926.1101(k)(7)(ii)(A) at all approaches to the work area. Signs shall be posted a sufficient distance from the work area to permit a person to read the sign and take precautionary measures to avoid exposure to asbestos.
- (b) The facility heating, ventilating and air conditioning (HVAC) systems within the asbestos abatement work area shall be shut down, locked out and isolated to prevent contamination of and fiber dispersal to other areas of the facility.
- (c) The work area shall be isolated from non-work areas by air-tight barriers attached securely in place. All openings between the work area and non-work areas including but not limited to windows, doorways, elevator openings, corridor entrances, ventilation openings, drains, ducts, grills, grates, diffusers and skylights, shall be sealed airtight with 6 mil polyethylene sheeting.
- (d) All movable objects which can be removed from the work area shall be removed. Cleaning of contaminated items shall be performed if the item is to be salvaged or reused. Otherwise the item shall be properly disposed of as asbestos waste. All non-movable objects in the work area shall be covered with a minimum of 6 mil polyethylene sheeting secured in place.
- (e) Floor and wall surfaces in the work area shall be covered with polyethylene sheeting or equivalent. All seams and joints shall be sealed with tape or equivalent. Floor covering

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**19a-332a-6. Worker decontamination system for asbestos abatement projects**

shall consist of at least two layers of 6 mil polyethylene and must cover at least the bottom 12 inches of adjoining wall. Wall covering shall consist of a minimum of two layers of 4 mil polyethylene sheet which shall overlap the floor covering to prevent leaks. There shall be no seams in the polyethylene sheet at the wall-to-floor joints.

- (f) Work area access shall be restricted to authorized personnel afforded proper respiratory protection and protective clothing.
- (g) Clean-up procedures shall involve high efficiency particulate air (HEPA) filtration and wet cleaning techniques. Amended water shall be used. The sequence of wet cleaning and HEPA-filtered vacuuming shall be repeated until no visible residue is observed in the work area.
- (h) Negative pressure ventilation units with HEPA filtration shall be provided in sufficient number to allow at least one (1) work place air change every 15 minutes. Filtered air should be exhausted to areas outside the building which are not near any intake for the building ventilation system.
- (i) Waste water generated during asbestos abatement shall be filtered by best available technology prior to discharge.
- (j) All asbestos containing waste shall be adequately wetted with an amended water solution and be placed in leak-tight containers.
- (k) All leak-tight containers shall be labeled in accordance with OSHA 29 CFR 1910.1200 and EPA 40 CFR Part 61.152 as appropriate.
- (l) Disposal of asbestos waste shall be at an authorized asbestos disposal facility. If the authorized asbestos disposal site is located within Connecticut, written authorization for disposal shall be obtained from the Department of Environmental Protection, Bureau of Waste Management.  
(Effective August 5, 1988; Amended effective December 27, 1990; March 8, 2004.)

**19a-332a-6. Worker decontamination system for asbestos abatement projects**

- (a) At all asbestos abatement projects, work areas shall be equipped with decontamination facilities consisting of: a clean room, a shower room, and an equipment room. Each room shall be separated from the other and from the work area by airlocks such as will prevent the free passage of air or asbestos fibers and shall be accessible through doorways protected with two (2) overlapping 4 mil polyethylene sheets. The clean room (or change room) shall be equipped with suitable hooks, lockers, shelves, etc. for workers to store personal articles and clothing. The shower room shall be contiguous to the clean room and equipment room. All personnel entering or leaving the work area shall pass through the shower room. The number of showers provided shall satisfy the requirements of OSHA 29 CFR 1910.141(d)(3)(ii). Warm water shall be supplied to the showers. The equipment room (dirty room) shall be situated between the shower room and the work area, and separated from both by means of suitable barriers or overlapping flaps such as will prevent the free passage of air or asbestos fibers.
- (b) No person or equipment shall leave the asbestos abatement project work area unless first decontaminated by showering, wet washing or HEPA vacuuming to remove all asbestos debris. No asbestos contaminated materials or persons shall enter the clean room.
- (c) Where feasible, decontamination systems shall abut the work area. In situations where it is not possible, due to unusual conditions, to establish decontamination systems contiguous to the work area, personnel shall be directed to remove visible asbestos debris from their persons by HEPA-filtered vacuuming prior to donning clean disposable coveralls while still in the work area, and proceeding directly to a remote decontamination system to shower and change clothes.
- (d) In specific situations where the asbestos contractor determines that it is not feasible to establish a contiguous decontamination system at a work site, the asbestos contractor shall provide written notification and provide a copy to the facility owner of intent to utilize

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**19a-332a-7. Specific requirements for asbestos removal**

a remote decontamination system. Such systems must be operated in conformance with 29 CFR 1926.1101(j). Such notice shall be made with the notification required under Section 19a-332a-3.

(Effective August 5, 1988; Amended effective December 27, 1990; March 8, 2004.)

**19a-332a-7. Specific requirements for asbestos removal**

- (a) All ACM to be removed or disturbed by removal shall be adequately wetted unless otherwise approved by the Department.
- (b) Components shall be removed intact or in large sections whenever possible and carefully lowered to the floor.
- (c) A coating of encapsulant, chosen so as to be compatible with subsequent coverings, shall be applied to all surfaces that have been stripped of ACM to securely seal any residual fibers that may be present after the surfaces have been visually inspected and found to be free of all visible residue.
- (d) No equipment, supplies, or materials (except properly containerized waste material) shall be removed from an asbestos abatement project work area unless such equipment, supplies, or materials have been thoroughly decontaminated and cleaned free of asbestos debris. Where the configuration of the equipment, supplies or materials is such that decontamination and cleaning free of asbestos debris is neither possible nor feasible, then the object shall be thoroughly wrapped in a minimum of two (2) layers of six (6) mil polyethylene sheeting with all joints, seams and overlaps sealed with tape; or containerized in a metal drum with a locking lid. Examples include, but are not limited to, air filtration or HEPA-filtered vacuuming equipment which may be wrapped in polyethylene rather than dismantling beyond the HEPA filters for cleaning purposes; sections of insulated pipe or other objects to be disposed of intact may be wrapped in polyethylene without prior removal of asbestos. Wood or other materials used to construct on-site decontamination or shower units may be wrapped in polyethylene for disposal or transport to another contaminated work site for re-use.
- (e) HEPA-filtered vacuum cleaners shall be emptied of collected asbestos waste contents prior to removal of the equipment from the work area.
- (f) All pre-filters in the air filtration devices shall be removed prior to removal of the unit from an asbestos work site. The air filtration device shall be damp cleaned completely inside and out. The equipment shall be wrapped in polyethylene pursuant to Subsection 19a-332a-7 (b) prior to removing it from the work area. The replacement of filters shall occur prior to the beginning of the next asbestos abatement project after installation of containment barriers.

(Effective August 5, 1988; Amended December 27, 1990.)

**19a-332a-8. Specific requirements for asbestos encapsulation**

- (a) All loose and hanging ACM shall be adequately wetted and removed as required in Section 19a-332a-7.
- (b) Filler material applied to gaps in existing material shall contain no asbestos, adhere well to the substrate and provide an adequate base for the encapsulant.
- (c) Encapsulants shall be applied using only airless spray equipment unless otherwise approved by the Department.

(Effective August 5, 1988; Amended December 27, 1990.)

**19a-332a-9. Specific requirements for asbestos enclosure**

- (a) All loose and hanging ACM shall be adequately wetted and removed as required in Section 19a-332a-7 unless otherwise approved by the Department.
- (b) Areas of ACM shall be sprayed with an encapsulant if they are to be disturbed during the installation of hangers, brackets or other portions of the enclosure.
- (c) Non-asbestos containing substitutes shall be used to patch surfacing materials or thermal system insulation.

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**19a-332a-10. Specific requirements for spot repairs**

(Effective August 5, 1988; Amended December 27, 1990.)

**19a-332a-10. Specific requirements for spot repairs**

- (a) Air-tight barriers shall be constructed to assure that asbestos fibers released during abatement activities are contained within the work area. Glove bags are permitted for removal or repair of asbestos-containing materials.
- (b) All asbestos-containing materials shall be wet and placed in leak tight containers prior to being disturbed. They shall be kept wet until containerized.
- (c) A HEPA-filtered vacuum cleaner or wet cleaning technique shall be used to clean up the work area following abatement until there is no visible residue.
- (d) Asbestos-containing waste shall be properly containerized in appropriately labeled impermeable and leak tight containers prior to disposal.
- (e) All leak tight containers shall be labeled in accordance with OSHA 29 CFR 1926.1101(k)(8) and EPA 40 CFR part 61.152 as appropriate.
- (f) Waste water generated during asbestos abatement shall be filtered by best available technology prior to discharge.
- (g) Disposal of asbestos waste shall be at an authorized asbestos disposal facility. If the authorized asbestos disposal site is located within Connecticut, written authorization for disposal shall be obtained from the Department of Environmental Protection, Bureau of Waste Management.

(Effective August 5, 1988; Amended effective December 27, 1990; March 8, 2004.)

**19a-332a-11. Alternative work practices**

The Department may approve an alternative procedure for an asbestos abatement project or spot repair. The alternative procedures shall be submitted in writing and in advance for review by the Department and shall provide equivalent or a greater measure of asbestos emission control than the work practices prescribed by these regulations. Such approval may be granted for a period of time, not to exceed one year, for specified similar asbestos abatement projects or spot repairs performed within a facility. Such approval may be given for specified kinds of facilities or for asbestos abatement projects or spot repairs which utilize similar work procedures.

(Effective August 5, 1988.)

**19a-332a-12. Post abatement reoccupancy criteria for asbestos abatement projects for friable asbestos-containing material**

- (a) No individual shall reoccupy the work area of an asbestos abatement project within a facility until compliance with the reoccupancy requirements of this section is achieved.
- (b) Except as required by EPA Regulation 40 CFR Part 763 which applies to public and private schools, an asbestos abatement project shall be considered complete when there is no visible residue in the work area and when air samples demonstrate that the ambient interior airborne concentration of asbestos after the abatement project, does not exceed the levels specified in Subsection 19a-332a-12 (e).
- (c) Air samples shall be collected using aggressive sampling as described in Appendix A of 40 CFR Part 763, subpart E to monitor air for post abatement reoccupancy after each asbestos abatement project.
- (d) Air samples collected under this Section shall be analyzed for asbestos using laboratories accredited by the National Institute of Standards and Technology to conduct such analysis using transmission electron microscopy (TEM) or: Under circumstances specified in this section, laboratories accredited by the American Industrial Hygiene Association Proficiency Analytical Testing Program for phase contrast microscopy (PCM); or individuals listed in the American Industrial Hygiene Association's Asbestos Analyst's Registry, or until the National Institute of Standards and Technology TEM laboratory accreditation program is operational, laboratories that use the protocol described in Appendix A of 40 CFR Part 763, Subpart E.

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**19a-332a-14. Inspection of asbestos abatement projects**

- (e) Except as provided for in Subsections 19a-332a-12(f) and 19a-332a-12 an asbestos abatement project shall be considered complete when the average concentration of asbestos of five air samples collected within the work area and analyzed by the TEM method in Appendix A of 40 CFR Part 763 subpart E, is not statistically significantly different, as determined by the Z-test calculation found in Appendix A of 40 CFR Part 763, subpart E, from the average asbestos concentration of five air samples collected at the same time outside the work area and analyzed in the same manner, and the average asbestos concentration of the three field blanks described in Appendix A of 40 CFR Part 763, subpart E, is below the filter background level, as defined in Appendix A of 40 CFR Part 763 subpart E, of 70 structures per square millimeter (70 s/mm (2)).
- (f) An asbestos abatement project may also be considered complete if the volume of air drawn for each of the five samples collected within the work area is equal to or greater than 1,199 L. of air for a 25 mm. filter or equal to or greater than 2,799 L. of air for a 37 mm. filter, and the average concentration of asbestos as analyzed by the TEM method in Appendix A, of 40 CFR part 763 subpart E. For the five air samples does not exceed the filter background level, as defined in Appendix A, of 70 structures per square millimeter (70 s/mm (2)). If the average concentration of asbestos of the five air samples within the work area exceeds 70 s/mm (2), or if the volume of air in each of the samples is less than 1,199 L. of air for a 25 mm. filter or less than 2,799 L. of air for a 37 mm. filter, the project shall be considered complete only when the requirements of subsections 19a-332a-12 (e) and 19a-332a-12 (g) are met.
- (g) Air samples for post abatement reoccupancy may be collected and analyzed by phase contrast microscopy (PCM) to confirm completion of an asbestos abatement project involving less than or equal to 1500 square feet or 500 linear feet of asbestos-containing material. The project shall be considered complete when the results of samples collected in the work area and analyzed by phase contrast microscopy using the most current National Institute for Occupational Safety and Health (NIOSH) method 7400, to show that the concentration of fibers for each of the five samples is less than or equal to a limit of quantitation for PCM (0.010 fibers per cubic centimeter (0.010 f/cm (3)) of air). (Effective December 27, 1990.)

**19a-332a-14. Inspection of asbestos abatement projects**

- (a) The Commissioner or authorized agent shall, after proper identification, have the right to enter into any facility, or onto any property where asbestos abatement is planned or is being performed or has been performed in order to determine whether such asbestos abatement is being performed in a manner consistent with good safe practices and in accordance with these regulations.
- (b) Entry into the facility or onto the property where asbestos abatement is being planned or performed shall be at reasonable times. (Effective August 5, 1988.)

**19a-332a-15. Order to cease activity**

- (a) Whenever the Commissioner has reason to believe on the basis of inspections or tests that asbestos abatement is being performed in violation of these regulations or, in the judgment of the Commissioner, is endangering the public's health, the Commissioner may issue a written or printed cease activity order to any person who performs, supervises or controls such asbestos abatement. Such order shall specifically describe the nature of the violation or condition endangering the public's health.
- (b) After receipt of a cease activity order, no person shall conduct asbestos abatement except in accordance with the provisions of the order.
- (c) Compliance with the provisions of a cease activity order shall be determined by the Commissioner on the basis of re-inspection or additional tests as deemed necessary by the Commissioner.

**19a-332a-16. Application by the attorney general to the court**

- (d) Within seven (7) business days of receipt of a written request of the person subject to a cease activity order, the Commissioner shall hold a hearing to provide the person subject to the order an opportunity to be heard and show that asbestos abatement is being performed in accordance with these regulations and/or without endangering the public health. The cease activity order shall remain in effect until seven days after said hearing, within which time the Commissioner shall determine whether said order should continue in effect. The cease activity order shall be revoked at the end of said seven day period if no decision is made by the Commissioner or if so ordered by the Commissioner.  
(Effective August 5, 1988; Amended December 27, 1990.)

**19a-332a-16. Application by the attorney general to the court**

Whenever, in the judgment of the Commissioner, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of these regulations, the Commissioner may request the Attorney General to make application to a court of appropriate jurisdiction for an order enjoining such acts or practices or for an order directing compliance with these regulations.

(Effective August 5, 1988.)

## 20-440-1. Definitions

**Licensure and Training Requirements for Persons Engaged in Asbestos Abatement and Consultation Services****20-440-1. Definitions**

As used in sections 20-440-1 through 20-440-9 of the Regulations of Connecticut State Agencies:

- (1) "Accredited" or "accreditation" when referring to an individual means that an individual has successfully completed the training requirements as set forth in section 20-440-7 of the regulations of Connecticut State Agencies or the refresher training requirements as set forth in section 20-441 of the regulations of Connecticut State Agencies, and has been issued a document of accreditation by the training provider;
- (2) "Approved training provider" means any person who satisfactorily demonstrates through application and submission of course agenda, faculty resumes, training manuals, examination materials, and equipment inventory that he meets the minimum requirements established by section 20-440-8 of the regulations of Connecticut State Agencies;
- (3) "Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite;
- (4) "Asbestos Abatement" means the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos-containing materials, but does not include activities which are related to (A) the removal or repair of asbestos cement pipe and are performed by employees of a water company as defined in section 25-32a of the Connecticut General Statutes or (B) the removal of nonfriable asbestos-containing material found exterior to a building or structure other than material defined as regulated asbestos-containing materials in 40 CFR 61, the national emission standards for hazardous air pollutants, as amended from time to time;
- (5) "Asbestos abatement site supervisor" means any abatement worker employed by a licensed asbestos contractor who has been specifically trained as a supervisor in a training program approved by the department and who has been issued a certificate by the department;
- (6) "Asbestos abatement worker" means any employee of a licensed asbestos contractor who engages in asbestos abatement, has completed a training program approved by the department and has been issued a certificate by the department;
- (7) "Asbestos-containing material" or "ACM" means material composed of asbestos of any type and in an amount greater than one percent by weight, either alone or mixed with other fibrous or nonfibrous material;
- (8) "Asbestos consultant" means any person who engages in any activity directly involved with asbestos consultation services and who has been issued a certificate by the commissioner and a license by the department;
- (9) "Asbestos contractor" means any person engaged in asbestos abatement whose employees actually perform the asbestos abatement work and who has been issued a license by the commissioner;
- (10) "Asbestos consultation services" means the inspection or evaluation of a building for asbestos hazards, including, but not limited to, the development of asbestos abatement plans, site inspections, air monitoring and provisions of industrial hygiene services related to asbestos abatement;
- (11) "Certified" or "certification" when referring to an individual means that a certificate has been issued by the department under the provisions of sections 20-440-1 through 20-440-9 of the regulations of Connecticut State Agencies to an individual upon successful completion of an approved training or refresher training course, the receipt of a document of accreditation issued by the training provider, and the fulfillment of any other requirements of the department;
- (12) "Commissioner" means the commissioner of the department of public health;
- (13) "Department" means the department of public health;
- (14) "EPA" means the United States Environmental Protection Agency;

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## 20-440-1. Definitions

- (15) "Facility" means the interior and exterior of any private or public building or structure including but not limited to those used for institutional, residential, including single family homes, commercial or industrial purposes and vessels while ashore or in dry dock;
- (16) "Facility owner" means the person or entity having title to the facility. For purposes of publicly owned property only, the facility owner shall be defined as the chief executive officer of the federal, state or municipal agency which owns or controls the use of the facility;
- (17) "Friable asbestos-containing material" means any material containing more than one percent asbestos which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent, that when dry, it may be crumbled, pulverized, or reduced to powder by hand pressure;
- (18) "High efficiency-particulate air" or "HEPA" means a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 micrometer in diameter or larger;
- (19) "HVAC" means heat, ventilation and air conditioning;
- (20) "Individual" means any human being;
- (21) "Inspector" means any licensed asbestos consultant who is certified as an inspector, and identifies, assesses the condition of, or collects bulk samples of suspected asbestos-containing material;
- (22) "License" means a document issued by the commissioner authorizing an asbestos contractor to engage in asbestos abatement work, or an asbestos consultant to engage in any activity directly involved with asbestos consultation services for which the asbestos consultant is certified. Licensure as an asbestos consultant shall authorize the licensee to engage in activities within the scope of the licensee's certification which includes inspector, management planner, project designer and project monitor;
- (23) "Management planner" means any licensed asbestos consultant who is certified as a management planner and who uses data gathered by asbestos inspectors to assess asbestos hazards, determine responses and develop implementation plans;
- (24) "NESHAP" asbestos regulations means the National Emission Standards for Hazardous Air Pollutants codified at 40 CFR 61, subpart M;
- (25) "Non-friable asbestos-containing material" means any material containing more than one percent asbestos that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure;
- (26) "OSHA" means the Occupational Safety and Health Administration of the United States Department of Labor;
- (27) "Person" means any individual, corporation, partnership, firm, association, sole proprietorship, the State of Connecticut or any of its political subdivisions, or any other entity;
- (28) "Project designer" means any licensed asbestos consultant who is certified as a project designer and who determines how asbestos abatement work shall be conducted and prepares the plans, designs, procedures, workscope or other substantive direction or criteria for abatement projects;
- (29) "Project monitor" means any licensed asbestos consultant who is certified as a project monitor and who functions as an on-site representative of the facility owner or other persons by over-seeing the activities of the asbestos abatement contractor;
- (30) "Response action" means a method, including removal, encapsulation, enclosure, repair and operation and maintenance that protects human health and the environment from ACM;
- (31) "Spot repair" means any asbestos-abatement activity involving not more than three linear feet or three square feet of asbestos-containing material; and
- (32) "TSCA" means Title II of the Toxic Substances Control Act, 15 U.S.C. § 2641 et seq. (Added effective February 9, 1989; Amended effective June 4, 1999, formerly 19a-332a-17; Amended effective April 5, 2001.)

**20-440-2. Licensure of asbestos contractors****20-440-2. Licensure of asbestos contractors**

- (a) No person shall provide services as an asbestos contractor in this state without first obtaining a license as an asbestos contractor issued by the commissioner. Applications for such license shall be made to the department on forms provided by it, and shall contain such information regarding the applicant's qualifications as the department requires in subsection (b) of this section.
- (b) The following provisions apply to the issuance of asbestos contractor licenses:
- (1) Application. Applicants for licensure as an asbestos contractor shall document that all employees of the asbestos contractor who perform asbestos abatement have passed a training course approved by the department as defined in subsection 19a332a-22(c) of these regulations, and shall submit to the department in addition to a completed application as prescribed by the commissioner, the following:
    - (A) A list of any occupational safety and health, asbestos related citations or notices of violation received within two years prior to the date of application, including the name of the issuing agency or department and final disposition of such citation or notice;
    - (B) a list of states in which the applicant held or currently holds a license, certification, accreditation, or approval for asbestos abatement work;
    - (C) written documentation that all asbestos abatement workers and asbestos abatement site supervisors to be engaged in asbestos abatement are or will be trained pursuant to the requirements of section 20-440-7 of the regulations of Connecticut State Agencies. Copies of current certificates issued by the department shall be submitted for each asbestos abatement worker and asbestos abatement site supervisor;
    - (D) a list of the names and legal addresses of current principal officers, partners or owners;
    - (E) a list of the names and legal addresses of any asbestos abatement entities in which the applicant's officers, partners or owners have a financial interest;
    - (F) a list of all names, acronyms, or other identifiers by which the applicant is known or under which the applicant does business or has done business;
    - (G) a listing of all of the equipment owned by the applicant at the time of application including information on the number of HEPA-filtered vacuum cleaners, HEPA-filtered portable ventilation systems, glove bags and other equipment necessary for asbestos abatement work;
    - (H) a list of at least three asbestos abatement projects previously completed by the applicant, where applicable, including: the name, address, and phone number of the facility owners of the projects listed; air monitoring data from the projects; and any notification letters or permits which were required; and
    - (I) demonstration of sufficient recordkeeping and documentation of activities related to asbestos abatement work covering: the recordkeeping requirements of section 19a-332a-4 of the regulations of Connecticut State Agencies, medical monitoring, employee training, equipment specifications, air monitoring data, permits, violations, and any legal actions.
  - (2) Fees. A certified or bank check, payable to the State of Connecticut, in the amount of five hundred dollars shall be submitted with the application.
  - (3) Renewal of Licenses. In accordance with section 19a-88 of the Connecticut General Statutes, each person holding a license as an asbestos contractor shall annually, during the month of his or her birth; or if the holder is not an individual, during such other month as the department shall choose, apply for renewal of such license to the department. The license shall be renewed provided the

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**20-440-3. Licensure and certification of asbestos consultants**

current license holder submits to the department a completed application establishing eligibility for renewal, on forms provided by the department and a certified or bank check in the amount of five hundred dollars. In accordance with section 19a-88(f) of the Connecticut General Statutes, any person who fails to comply with the provisions of this regulation shall be notified by the department that said license shall become void ninety days after the time for its renewal. Any such license shall become void upon the expiration of such ninety day period.

- (4) Reciprocity. The commissioner may issue a license under this section to any person who is licensed in another state under a law that provides standards that are equal to or higher than those of Connecticut, unless the application is otherwise subject to denial pursuant to section 19a-14(a)(6) of the Connecticut General Statutes.
- (c) Change of office or residence address. Whenever any licensed asbestos contractor changes his office or residence address, he shall, within thirty days thereafter, notify the department of his new office or residence address.  
(Effective February 9, 1989; Amended January 17, 1996; amended effective June 4, 1999.)

**20-440-3. Licensure and certification of asbestos consultants**

- (a) No individual shall provide services as an asbestos consultant in this state without first obtaining a license as an asbestos consultant issued by the department. Applications for such license shall be made to the department on forms provided by it, and shall contain such information regarding the applicant's qualifications and experience in asbestos-related consultations as the department may require as set forth in this section. Asbestos consultants shall perform their activities in compliance with generally recognized standards of practice of the asbestos consulting industry and asbestos professional associations. Certification in one or more disciplines shall be required for licensure as an asbestos consultant.
- (b) Certification shall be offered in the following disciplines of asbestos consultation: inspector, management planner, project designer and project monitor. Applicants shall apply for licensure and certification as asbestos consultants simultaneously in the same application. A licensee's activities shall be restricted to the scope of practice of each discipline in which the individual is also certified. However, providing all requirements are met, a licensed asbestos consultant who is certified as a management planner may also perform the duties of an inspector.
  - (1) Inspector
    - (A) Scope of Certification. Certification as an inspector authorizes a licensed asbestos consultant to review facilities' records and perform visual inspection or surveillance of facilities; to identify, document or inventory materials suspected of containing asbestos; to collect bulk samples for asbestos analysis according to procedures established by applicable state or federal laws and regulations; and to provide direct supervision to non-certified individuals collecting bulk samples of materials suspected of containing asbestos. Inspectors shall apply current concepts and knowledge of best available technology to evaluate the conditions and accessibility of ACM.
    - (B) Qualifications. Applicants shall hold either an associate's or a bachelor's degree from a regionally accredited institution in engineering, architecture, industrial hygiene or an environmental science degree as determined by the commissioner to be closely related, including but not limited to environmental health, biology, and earth science. Applicants shall have a minimum of six months employment experience in an occupation determined by the commissioner to be closely related to that of an inspector or two months of field experience under the direct supervision of a licensed inspector or licensed management planner.

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**20-440-3. Licensure and certification of asbestos consultants**

Applicants shall have successfully completed the required training as set forth in subdivision 20-440-7(c)(4) or refresher training requirements outlined in section 20-441 of the regulations of Connecticut State Agencies.

- (C) Exempted activities. The following activities are exempted from the requirement of certification as an inspector:
  - (i) Periodic surveillance. A person does not need to be certified as an inspector to perform visual observations of an area that previously has been identified as containing interior ACM or that previously has been assigned to contain interior ACM and that is being inspected to identify changes in the physical condition of that interior ACM. However, no touching or taking of samples is permitted without a certificate as an inspector.
  - (ii) Compliance inspections. An authorized person from a federal or state agency need not be certified as an inspector to perform a compliance inspection the primary purpose of which is to determine adherence to applicable statutes or regulations and not to locate, assess or remedy the condition of ACM.
  - (iii) Visual inspections. A person who conducts a visual inspection to determine whether a response action is complete need not be certified as an inspector, but shall be certified as a project monitor.
- (2) Management planner
  - (A) Scope of Certification. Certification as a management planner authorizes a licensed asbestos consultant to utilize information developed from facility inspections to assess potential hazards of ACM; to develop abatement response actions, operations and maintenance plans; to select and recommend abatement actions; and, to perform duties within the scope of certification as an inspector.
  - (B) Qualifications. Applicants shall hold a bachelor's degree from a regionally accredited institution in engineering, architecture, industrial hygiene or an environmental science degree as determined by the commissioner to be closely related, including but not limited to environmental health, biology, and earth science. Applicants shall have a minimum of six months experience in asbestos abatement, including experience in asbestos management or three months of field experience under the supervision of a licensed asbestos consultant certified as a management planner. Applicants shall have successfully completed training requirements as set forth in subdivision 20-440-7(c)(5) of the regulations of Connecticut State Agencies and be certified as an Inspector.
- (3) Project Designer
  - (A) Scope of Certification. Certification as a project designer authorizes a licensed asbestos consultant to apply knowledge of facility construction, design and development of abatement projects; abatement specifications; bidding documents; architectural drawings; and, schematic representations of material locations. Project designers may also determine how asbestos abatement should be conducted.
  - (B) Qualifications. Applicants shall hold a bachelor's degree from a regionally accredited institution in engineering, architecture, industrial hygiene or an environmental science degree as determined by the commissioner to be closely related, including but not limited to environmental health, biology, and earth science. Applicants shall have a minimum of one year experience in asbestos abatement, including experience in asbestos abatement design or six months field experience under the supervision of a licensed asbestos consultant certified as a project designer.

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**20-440-4. Applications for licensure and certification as an asbestos consultant**

Applicants shall have successfully completed the training requirements as set forth in subdivision 20-440-7(c)(6) of the regulations of Connecticut State Agencies.

- (4) Project Monitor
  - (A) Scope of Certification. Certification as a project monitor authorizes a licensed asbestos consultant to function in the capacity of on-site representative of the facility owner or other persons, interpret project specifications or abatement management plans, monitor and evaluate contractor or employee compliance with applicable regulations or specifications and ensure that abatement projects are properly conducted and completed. The project monitor shall not also function as the asbestos contractor or as an employee of the asbestos contractor on the same asbestos abatement project for which he is the project monitor.
  - (B) Qualifications. Applicants shall hold either an associate's or a bachelor's degree from a regionally accredited institution in engineering, architecture, industrial hygiene or an environmental science degree as determined by the commissioner to be closely related, including but not limited to environmental health, biology, and earth science. Applicants shall have a minimum of one year experience in asbestos abatement, including experience in asbestos abatement project monitoring or six months field experience under the supervision of a licensed asbestos consultant certified as a project monitor. Applicants shall have successfully completed the training requirements as set forth in subdivision 20-440-7(c)(7) of the regulations of Connecticut State Agencies.

(Effective February 9, 1989; amended effective June 4, 1999.)

**20-440-4. Applications for licensure and certification as an asbestos consultant**

- (a) Applicants shall make written application for licensure and certification as an asbestos consultant to the commissioner using forms prescribed by the commissioner. Such application shall, as a minimum, require the following:
  - (1) Evidence that the applicant has successfully completed the training requirements as set forth in subsection 20-440-7(c) of the regulations of Connecticut State Agencies. Evidence shall be in the form of legible copies of the original and current documents of accreditation in the appropriate discipline;
  - (2) Documentation demonstrating that the applicant has the required educational background and employment experience; and
  - (3) Payment of a licensure fee.
- (b) Fees. A certified or bank check, payable to the State of Connecticut, in the amount of two hundred dollars shall be submitted with the application for each discipline in which certification is also being sought.
- (c) Renewal of Licenses. In accordance with section 19a-88 of the Connecticut General Statutes, each individual holding a license as an asbestos consultant shall annually, during the month of his or her birth apply for renewal of such license to the department. The license shall be renewed provided the current license holder submits to the department a completed application establishing eligibility for renewal, on forms provided by the department and a certified or bank check in the amount of two hundred dollars. In accordance with section 19a-88(f) of the Connecticut General Statutes, any person who fails to comply with the provisions of this regulation shall be notified by the department that said license shall become void ninety days after the time for its renewal. Any such license shall become void upon the expiration of such ninety day period.
- (d) Renewal of certification. Certification expires simultaneously with accreditation and shall lapse one year from the date of examination of training course or refresher training

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**20-440-5. Certification and employment as an asbestos abatement site supervisor or as an asbestos abatement worker**

- course. Any individual either seeking licensure or possessing licensure as an asbestos consultant shall maintain current certification in the appropriate discipline.
- (e) Reciprocity. The commissioner may issue a license under this section to any person who is licensed in another state under a law that provides standards that are equal to or higher than those of Connecticut, unless the application is otherwise subject to denial pursuant to section 19a-14(a)(6) of the Connecticut General Statutes.
  - (f) Exemption. Notwithstanding the provisions of section 20-440-3 of the regulations of Connecticut State Agencies, an individual who between July 1, 1985 and November 1, 1994, has been employed for a minimum of two years as an asbestos consultant may be licensed as an asbestos consultant without a bachelor's degree, provided the applicant has met all other requirements of this section.
  - (g) Asbestos consultants shall be in physical possession of initial and current license, certification and training accreditation at a job site when performing work requiring licensure, certification and accreditation.
  - (h) Change of office or residence address. Whenever any licensed asbestos abatement consultant changes his office or residence address, he shall, within thirty days thereafter, notify the department of his new office or residence address.  
(Effective February 9, 1989; amended January 17, 1996; amended effective June 4, 1999.)

**20-440-5. Certification and employment as an asbestos abatement site supervisor or as an asbestos abatement worker**

- (a) No asbestos contractor or asbestos consultant shall employ or allow an individual to work as an asbestos abatement worker or asbestos abatement site supervisor unless such individual has:
  - (1) provided copies of the initial and most recent documents of accreditation; and
  - (2) provided a copy of the current certificate issued by the department.
- (b) No individual shall provide services as an asbestos abatement site supervisor or as an asbestos abatement worker in this state without a certification to do so issued by the department. Applications for such certification shall be made to the department on forms provided by it, and shall contain such information regarding the applicant's qualifications as required in subsection (d)(1) of this section.
- (c) Asbestos abatement, except for spot repairs, shall be performed by a certified asbestos abatement site supervisor or a certified asbestos abatement worker. Asbestos abatement site supervisors and asbestos abatement workers shall have initial and current certificates at the location where they are conducting work. Certification is valid for one year and expires on the same date as that of accreditation.
- (d) The following provisions shall apply to the issuance of certificates to asbestos abatement site supervisors and asbestos abatement workers:
  - (1) Applicants shall make written application to the department using forms prescribed by the commissioner. Such application shall, as a minimum, require the following:
    - (A) Evidence that the applicant has successfully completed the training requirements as set forth in subsection 20-440-7(c) of the regulations of Connecticut State Agencies. Evidence shall be in the form of legible facsimiles of the original and when appropriate, current documents of accreditation in the appropriate discipline;
    - (B) A list of states in which the applicant currently holds or has held a license, certification, accreditation or approval for asbestos abatement work;
    - (C) The applicant's current residence address; and,
    - (D) A list of names and legal addresses of all asbestos contractors and asbestos consultants for whom the applicant has performed work the last three years.

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**20-440-6. Denial of eligibility of applicants; Disciplinary action**

- (2) Scope of certification of an asbestos abatement site supervisor. Certification as an asbestos abatement site supervisor authorizes an individual to supervise any of the following activities with respect to friable ACM at a facility:
  - (A) a response action other than a spot repair activity;
  - (B) a maintenance activity that disturbs friable ACM other than a spot repair activity; and
  - (C) a response action for a major fiber release episode.
- (3) Scope of certification of an asbestos abatement worker. Certification as an asbestos abatement worker authorizes an individual to carry out any of the following activities with respect to friable ACM at a facility:
  - (A) a response action other than a spot repair activity;
  - (B) a maintenance activity that disturbs friable ACM other than a spot repair activity; and
  - (C) a response action for a major fiber release episode.
- (e) Reciprocity. The commissioner may issue a certificate under this section without examination to any individual who is certified in another state under a law that provides standards equal to or higher than those of Connecticut and who is not subject to any unresolved complaints or pending disciplinary actions, unless the application is otherwise subject to denial pursuant to section 19a-14(a)(6) of the Connecticut General Statutes.
- (f) Change of residence address. Whenever any certified asbestos abatement supervisor, or certified asbestos abatement worker his residence address, he shall, within thirty days thereafter, notify the department of his new residence address.  
(Effective February 9, 1989; amended effective June 4, 1999.)

**20-440-6. Denial of eligibility of applicants; Disciplinary action**

- (a) Denial of eligibility of applicant for licensure, or certification, or renewal. The department may deny the eligibility of any applicant for licensure or certification or for the renewal of a license or certificate in accordance with the provisions of section 19a-14(a)(6) of the Connecticut General Statutes.
- (b) Disciplinary action by the department. Following notice and a hearing held in accordance with the provisions of Chapter 54 of the Connecticut General Statutes, the department may take any action permitted by sections 19a-17 and 19a-332e of the Connecticut General Statutes, against any person issued a license or certificate under sections 20-440-1 through 20-440-9 of the Regulations of Connecticut State Agencies for conduct including but not limited to:
  - (1) Violation of the provisions of section 20-440-1 through 20-440-9 of the Regulations of Connecticut State Agencies;
  - (2) violation of any other regulations and statutes governing asbestos abatement or licensure;
  - (3) violation of the standard of care of the profession;
  - (4) negligence in performing activities that require licensure or certification;
  - (5) aiding or abetting persons who engage in activities that require licensure or certification, but are not licensed or certified; and,
  - (6) fraud and deceit in the course of professional services or activities.
 (Effective June 4, 1999.)

**20-440-7. Training requirements**

- (a) General. Training programs serving to qualify asbestos abatement site supervisors or asbestos abatement workers for certification and employment and asbestos consultants for certification and licensure shall be subject to approval by the department.
- (b) Approved training
  - (1) Training available in other states may be acceptable to the department if the training provider successfully demonstrates that it has met the minimum requirements for training providers established by section 20-440-8 of the

**20-440-7. Training requirements**

regulations of Connecticut State Agencies or that the training provider is an approved provider of training for asbestos in the state in which it is located. If the state in which the training provider is located does not have a regulatory program which approves, certifies or accredits asbestos training programs, the training provider shall be an EPA accredited training facility under the Federal Asbestos Hazard Emergency Response Act of 1986 as amended from time to time.

- (2) Training courses not approved by the Commissioner shall not substitute for approved courses and shall not satisfy the requirements for approved training.
- (c) Training curriculum. Any training course required for certification or licensure as required in sections 20-440-1 through 20-440-5, of the regulations of Connecticut State Agencies shall be conducted by an approved training provider and, as a minimum, meet the following criteria of duration, subject matter and examination.
  - (1) General
    - (A) Courses of instruction required for each type of certificate and license identified in sections 20-440-1 through 20-440-5 of the regulations of Connecticut State Agencies shall focus specifically on the activities authorized by each type of license or certificate. The subjects of instruction which a person shall receive to meet the training requirements shall be presented through a combination of lectures, demonstrations, and field trips or hands-on practice, as appropriate.
    - (B) A training course shall provide instruction in the curriculum described in this subsection to be approved.
    - (C) Courses requiring hands-on training shall be presented in an environment suitable to permit participants to have actual experience performing tasks associated with asbestos abatement. Demonstrations that do not involve individual participation shall not be accepted as hands-on training. Hands-on training sessions shall maintain a student to instructor ratio not greater than fifteen to one (1).
    - (D) One training day shall consist of eight hours of actual instruction, hands-on training and field trips or combination thereof, including lunch and breaks.
  - (2) Asbestos abatement site supervisors. An individual seeking certification and employment as an asbestos abatement site supervisor shall successfully complete an approved five day training course that shall include lectures, demonstrations, at least fourteen hours of hands-on training, individual respirator fit testing, course review, and a written examination. Successful completion of the training shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of one hundred multiple choice questions. The course shall address the following topics:
    - (A) physical characteristics of asbestos and ACM: identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options;
    - (B) potential health effects related to asbestos exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
    - (C) employee personal protective equipment: classes and characteristics of respirator types; limitations of respirators; selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal including positive and negative pressure fit checks; qualitative and quantitative fit testing procedures;

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- variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing and regulations covering personal protective equipment;
- (D) state-of-the-art work practices: proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums and proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosures, and repair of ACM; emergency procedures for unplanned releases; potential exposure situations; transport and disposal procedures; recommended and prohibited work practices; discussion of new asbestos abatement-related techniques and methodologies shall be included;
- (E) personal hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing gum or tobacco in the work area; potential exposures, such as family exposure, shall also be included;
- (F) additional safety hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, and confined spaces;
- (G) medical monitoring: OSHA and EPA worker protection rule requirements for physical examinations including a pulmonary function test, chest x-rays and a medical history for each employee;
- (H) air monitoring: procedures to determine airborne concentrations of asbestos fibers, including a description of aggressive air sampling, sampling equipment and methods, reasons for air monitoring, types of samples, and interpretation of results, especially from analysis performed by polarized light, phase-contrast, and electron microscopy analyses;
- (I) relevant federal, state and local regulatory requirements: procedures and standards including but not necessarily limited to:
- (i) Requirements of TSCA, Title II;
  - (ii) 40 CFR Part 61, NESHAP, Subparts A, General Provisions, and M, National Emission Standards for Asbestos;
  - (iii) OSHA respirator standard, 29 CFR 1910.134.
  - (iv) OSHA Asbestos Construction Standard, 29 CFR; and
  - (v) EPA Worker Protection Rule, 40 CFR Part 763, Subpart G.
- (J) Respiratory protection programs and medical monitoring programs;
- (K) insurance and liability issues: contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions;
- (L) recordkeeping for asbestos abatement projects: records required by federal, state and local regulations; records recommended for legal and insurance purposes;
- (M) supervisory techniques for asbestos abatement activities: supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices;
- (N) contract specifications: discussion of key elements that are included in contract specifications;
- (O) course reviews: a review of key aspects of the training course.

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- (3) Asbestos Abatement Workers. An individual seeking certification and employment as an asbestos abatement worker shall successfully complete at least a four day approved training course as outlined in this subdivision or the course required under subsection (c)(2) of this section. The worker training course shall include lectures, demonstrations, at least fourteen hours of hands-on training, individual respirator fit testing, course review, and a written examination. Successful completion of the course shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of fifty multiple choice questions. The course shall address the following topics:
- (A) physical characteristics of asbestos: identification of asbestos and its aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options;
  - (B) potential health effects related to asbestos exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; synergistic effect between cigarette smoking and asbestos exposure; latency period for related diseases; and a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma, and cancers of other organs;
  - (C) employee personal protective equipment: classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the facepiece-to-face seal including positive and negative pressure fit checks; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit, e.g., facial hair; the components of a proper respiratory protection program; selection and use of personal protective clothing; use; storage; and handling of non-disposable clothing; and regulations covering personal protective equipment;
  - (D) state-of-the-art work practices: proper work practices for asbestos abatement activities, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure exhaust ventilation equipment; use of hepa vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair of ACM; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices;
  - (E) personal hygiene: entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking, and chewing gum or tobacco in the work area; and potential exposures, such as family exposure;
  - (F) additional safety hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls and confined spaces;
  - (G) medical monitoring: OSHA and EPA worker protection rule requirements for physical examinations, including a pulmonary function test, chest x-rays and a medical history for each employee;
  - (H) air monitoring : procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it;

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- (I) relevant federal, state and local regulatory requirements, procedures, and standards: particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers;
  - (J) establishment of respiratory protection programs; and
  - (K) course review: a review of key aspects of the training course.
- (4) Inspector. An individual seeking certification in this discipline shall Successfully complete an approved course of training consisting of at least three days training, as outlined in this subdivision. The inspector training course shall include lectures, demonstrations, at least four hours of hands-on training, individual respirator fit testing, course review and a written examination. Successful completion of the course shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of fifty multiple choice questions. Courses shall include instruction on:
- (A) Background information on asbestos: identification of asbestos, and examples and discussion of the uses and location of asbestos in facilities and physical appearance of asbestos;
  - (B) potential health effects related to asbestos exposure: the nature of asbestos-related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period for asbestos-related diseases and a discussion of the relationship of the asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs;
  - (C) the functions, qualifications and role of inspectors: discussions of prior experience and qualifications for inspectors and management planners; discussions of the functions of an inspector as compared to those of a management planner and discussion of inspection process including inventory of acm and physical assessment;
  - (D) legal liabilities and defenses: responsibilities of the inspector and management planner; a discussion of comprehensive general liability policies, claims made and occurrence policies, environmental and pollution liability policy clauses; state liability insurance requirements and bonding and the relationship of insurance availability to bond availability;
  - (E) understanding facility systems: the interrelationship between facility systems, including an overview of common facility physical plan layouts; HVAC system types, physical organization and where asbestos is found on hvac components; facility mechanical systems, their types and organization and where to look for asbestos on such systems; inspecting electrical systems, including appropriate safety precautions; and reading blueprints and as-built drawings;
  - (F) occupant relations: notifying employee organizations about the inspection; signs to warn facility occupants; tact in dealing with occupants and the press; scheduling of inspections to minimize disruption; and education of facility occupants about actions being taken;
  - (G) pre-inspection planning and review of previous inspection records: scheduling the inspection and obtaining access; facility record review; identification of probable homogeneous areas from blueprints or as-built drawings; consultation with maintenance or facility personnel; review of previous inspection, sampling and abatement records of a facility and the role of the inspector in exclusions for previously performed inspections;
  - (H) inspecting for friable and non-friable ACM and assessing the condition of friable ACM: procedures to follow in conducting visual inspections for friable and non-friable ACM; types of building materials that may contain asbestos; touching materials to determine friability; open return air plenums and their importance in hvac systems; assessing damage,

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- significant damage, potential damage, and potential significant damage; amount of suspected ACM, both in total quantity and as a percentage of the total area; type of damage; accessibility; material's potential for disturbance; known or suspected causes of damage or significant damage and deterioration as assessment factors;
- (I) bulk sampling and documentation of asbestos in schools and public and commercial buildings: detailed discussion of "A Simplified Sampling Scheme for Friable Surfacing Materials (EPA 560/5-85-030a October 1985)"; techniques to ensure sampling in a randomly distributed manner for non-friable surfacing materials; sampling of non-friable materials; techniques for bulk sampling; inspector's sampling and repair equipment; patching or repair of damage done in sampling; an inspector's repair kit; discussion of polarized light microscopy; choosing an accredited laboratory to analyze bulk samples; quality control and quality assurance procedures;
  - (J) inspector respiratory protection and personal protective equipment: classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of facepiece-to-face seal including positive and negative pressure fit checks; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors that alter respiratory fit, e.g., facial hair; the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing;
  - (K) recordkeeping and writing the inspection report: labeling of samples and keying sample identification to sampling location; recommendations on sample labeling; detailing of ACM inventory; photographs of selected sampling areas and examples of ACM condition; and information required for inclusion in the management plan by TSCA title ii section 203 (i)(1);
  - (L) regulatory review : the following topics shall be covered: national emission standard for hazardous air pollutants, neshap; 40 CFR Part 61, Subparts A and M; EPA worker protection rule found at 40 CFR part 763, subpart G; OSHA asbestos construction standard found at 29 CFR 1926.1101; OSHA respirator requirements found at 29 CFR 1910.134; the friable asbestos in schools rule found at 40 CFR part 763, subpart F; applicable state and local regulations, and differences between federal and state requirements where they apply, and the effects, if any, on public and non-public schools or commercial or public facilities;
  - (M) field trip: a field exercise including a walk-through inspection; on-site discussion on information gathering and determination of sampling locations; on-site practice in physical assessment and classroom discussion of field exercise;
  - (N) course review: a review of key aspects of the training course.
- (5) Management planners: an individual seeking certification in this discipline shall successfully complete the training program as described in subdivision (c)(4) of this section, and successfully complete a two day management planner training course consisting of lectures, demonstrations, course review and a written examination. Successful completion of the course shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of fifty multiple choice questions. The course shall address but not be limited to the following topics:

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- (A) Course overview: the role and responsibilities of the management planner; operations and maintenance programs; setting work priorities; and protection of facility occupants;
- (B) evaluation and interpretation of survey results: review of TSCA Title II requirements for inspection and management plans for school buildings as given in section 203 (i)(I) TSCA Title II interpretation of field data and laboratory results and comparison of field inspector's data sheet with laboratory results and site survey;
- (C) hazard assessment: amplification of the difference between physical assessment and hazard assessment; the role of the management planner in hazard assessment; explanation of significant damage, damage, potential damage, and potential significant damage; use of a description decision tree/code for assessment of ACM; assessment of friable ACM and relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment;
- (D) legal implications: liability; insurance issues specific to planners; liabilities associated with interim control measures, in-house maintenance, repair, and removal and use of results from previously performed inspections;
- (E) evaluation and selection of control options: overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method; response actions described via a decision tree or other appropriate method; work practices for each response action; staging and prioritizing of work in both vacant and occupied facilities; and the need for containment barriers and decontamination in response actions;
- (F) role of other professionals: use of industrial hygienists, engineers and architects in developing technical specifications for response actions; any requirements that may exist for architect sign-off of plans; and team approach to design of high-quality job specifications;
- (G) developing an operations and maintenance plan: purpose of the plan; discussion of applicable EPA guidance documents; what actions should be taken by custodial staff; proper cleaning procedures, steam cleaning and HEPA-vacuums; reducing disturbance of ACM; scheduling operation and maintenance for off-hours; rescheduling or canceling renovations in areas with ACM; boiler room maintenance; disposal of ACM; in-house procedures for ACM-bridging and penetrating encapsulants; pipe fittings; metal sleeves; polyvinylchloride, canvas and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement; discussion of employee protection programs and staff training; case study in developing an operation and maintenance plan to include the development, implementation process and problems that have been experienced;
- (H) regulatory review: focusing on the OSHA Asbestos Construction Standard found at 29 CFR 1926.1001; NESHAP requirements, found at 40 CFR Part 61 Subparts A, General Provisions, and M, National Emission Standards for Asbestos, EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G; TSCA Title II; applicable state and local regulations, and differences in federal and state requirements - where they apply and the effects, if any, on public and non-public schools;
- (I) recordkeeping for the management planner: use of field inspector's data sheet along with laboratory results; on-going recordkeeping as a means to track asbestos disturbance; and procedures for recordkeeping;

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- (J) assembling and submitting the management plan: plan requirements for schools in TSCA Title II Section 203 (i) (1); the management plan as a planning tool;
  - (K) financing abatement actions: economic analysis and cost estimates; development of cost estimates; present costs of abatement versus future operation and maintenance costs; Asbestos School Hazard Abatement Act grants and loans;
  - (L) course review: a review of key aspects of the training course.
- (6) Project designers: An individual seeking certification in this discipline shall successfully complete a course of instruction of three days duration consisting of lectures, demonstrations, individual respirator fit testing, a field trip, course review and written examination. Successful completion of the course shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of one hundred multiple choice questions. The course shall address the following topics:
- (A) Background information on asbestos: identification of asbestos; examples and discussion of the uses and locations of asbestos in facilities and physical appearance of asbestos;
  - (B) potential health effects related to asbestos exposure: nature of asbestos related diseases; routes of exposure; dose-response relationships and the lack of a safe exposure level; the synergistic effect between cigarette smoking and asbestos exposure; the latency period of asbestos related diseases; and a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and cancer of other organs;
  - (C) overview of abatement construction projects : abatement as a portion of a renovation project and OSHA requirements, 29 CFR 1926.1101, for notification of other contractors on a multi-employersite.
  - (D) Safety system design specification: design, construction and maintenance of containment barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lock-out; proper working techniques for minimizing fiber release; entry and exit procedures for the work area; use of wet methods; proper techniques for initial cleaning; use of negative pressure exhaust ventilation equipment; use of HEPA vacuums; proper clean-up and disposal of asbestos; work practices as they apply to encapsulation, enclosure, and repair; and use of glove bags and a demonstration of glove bag use;
  - (E) field trip: a visit to an abatement site or other suitable facility site, including onsite discussion of abatement design, and facility walk-through inspection including a discussion of rationale for the concept of functional spaces during the walk-through and a discussion following the walk-through;
  - (F) employee personal protective equipment: classes and characteristics of respirator types; limitations of respirators; proper selection, inspection, donning, use, maintenance, and storage procedures for respirators; methods for field testing of the facepiece-to-face seal including positive and negative pressure fit checks; qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit, e.g., facial hair; components of proper respiratory protection program; selection and use of personal protective clothing; use, storage and handling of non-disposable clothing; and regulations covering personal protective equipment;

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- (G) additional safety hazards: hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards;
  - (H) fiber aerodynamics and control: aerodynamic characteristics of asbestos fibers; importance of proper containment barriers; settling time for asbestos fibers; wet methods in abatement; aggressive air monitoring following abatement; aggressive air movement and negative-pressure exhaust ventilation as a clean-up method;
  - (I) designing abatement solutions: discussions of removal, enclosure, and encapsulation methods; asbestos waste disposal;
  - (J) final clearance process: discussion of the need for a written sampling rationale for aggressive final air clearance; requirements of a complete visual inspection and the relationship of the visual inspection to final air clearance;
  - (K) budgeting and cost estimating: development of cost estimates; present costs of abatement versus future operation, and maintenance costs; and setting priorities for abatement jobs to reduce cost;
  - (L) writing abatement specifications: preparation of and need for a written project design; means and methods specifications versus performance specifications; design of abatement in occupied facilities; modification of guide specifications for a particular facility; worker and facility occupant health and medical considerations; replacement of ACM with non-asbestos substitutes; clearance of work area after abatement; and air monitoring for clearance;
  - (M) preparing abatement drawings: significance and need for drawings; use of as-built drawings as base drawings; use of inspection photographs and on-site reports; methods of preparing abatement drawings; diagramming containment barriers; relationship of drawings to design specifications and particular problems related to abatement drawings;
  - (N) contract preparation and administration;
  - (O) legal liabilities and defenses: insurance considerations; bonding; hold-harmless clauses; use of abatement contractor's liability insurance; and claims-made versus occurrence policies;
  - (P) replacement: replacement of asbestos with asbestos-free substitutes;
  - (Q) role of other consultants: development of technical specification sections by industrial hygienists or engineers; the multidisciplinary team approach to abatement design;
  - (R) occupied facilities: special design procedures required in occupied facilities; education of occupants; extra monitoring recommendations; staging of work to minimize occupant exposure; and scheduling of renovation to minimize exposure;
  - (S) relevant federal, state and local regulatory requirements, procedures and standards including but not limited to:
    - (i) TSCA, Title II.
    - (ii) 40 CFR Part 61, NESHAP, Subparts A, General Provisions, and M, National Emission Standard for Asbestos.
    - (iii) OSHA Respirator Standard, 29 CFR 1910.134.
    - (iv) EPA Worker Protection Rule, 40 CFR Part 763, Subpart G.
    - (v) OSHA Asbestos Construction Standard, 29 CFR 1926.1101.
    - (vi) OSHA Hazard Communication Standard, 29 CFR 1910.1200.
  - (T) course review: a review of key aspects of the training course.
- (7) Project monitor. An individual seeking certification in this discipline shall successfully complete an approved course of training consisting of at least five days training, as outlined in subdivision (c)(2) of this section. On and after one year following the effective date of these regulations, an individual seeking

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certification in this discipline shall have successfully completed an approved course of training consisting of at least five days training, as outlined in this subdivision. The project monitor training course shall include lectures, demonstrations, at least six hours of hands-on training, individual respirator fit-testing, course review and a written examination. Successful completion of the training shall be demonstrated by achieving a score of at least seventy percent on the examination. The examination shall be comprised of one hundred multiple choice questions. The course shall address the following topics:

- (A) roles and responsibilities of the project monitor: definition and responsibilities of the project monitor, including regulatory/specification compliance monitoring, air monitoring, conducting visual inspections and final clearance monitoring;
- (B) characteristics of asbestos and asbestos-containing materials: typical uses of asbestos; physical appearance of asbestos; review of asbestos abatement and control techniques; presentation of the health effects of asbestos exposure, including routes of exposure, dose-response relationships and latency periods for asbestos-related diseases;
- (C) federal asbestos regulations: overview of pertinent EPA regulations, including: NESHAP, 40 CFR Part 61, subparts A and M; AHERA, 40 CFR part 763, Subpart E and the EPA worker protection rule, 40 CFR part 763, subpart G; overview of pertinent OSHA regulations, including: construction industry standard for asbestos, 29 CFR 1926.1101; respirator standard, 29 CFR 1910.134 and hazard communication standard, 29 CFR 1910.1200 applicable state and local asbestos regulations and regulatory interrelationships;
- (D) understanding facility construction and facility systems: facility construction basics and facility physical plan layout; understanding facility systems, HVAC, electrical, etc.; layout and organization, where asbestos is likely to be found on facility systems; renovations and the effect of asbestos abatement on facility systems;
- (E) asbestos abatement contracts, specifications and drawings: basic provisions of the contract; relationships between principle parties and establishing chain of command; types of specifications, including means and methods; performance and proprietary and nonproprietary; reading and interpreting records and abatement drawings; discussion of change orders; common enforcement responsibilities and authority of project monitor;
- (F) response actions and abatement practices: pre-work inspections; pre-work considerations, precleaning of the work area, removal of furniture, fixtures and equipment; shutdown/modification of facility systems; construction and maintenance of containment barriers and proper demarcation of work areas; work area entry and exit and hygiene practices; determining the effectiveness of air filtration equipment; techniques for minimizing fiber release, wet methods and continuous cleaning; abatement methods other than removal; abatement area clean-up procedures; waste transport and disposal procedures and contingency planning for emergency response;
- (G) asbestos abatement equipment: typical equipment found on an abatement project; air filtration devices, vacuum systems and negative pressure differential monitoring; HEPA filtration units, theory of filtration, design and construction of filtration units, qualitative and quantitative performance of HEPA filtration units, sizing the ventilation requirements, location of HEPA filtration units, qualitative and quantitative tests of containment barrier integrity and best available technology;

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- (H) personal protective equipment: proper selection of respiratory protection; classes and characteristics of respirator types, limitations of respirators; proper use of other safety equipment, protective clothing selection, use and proper handling, hard or bump hats, safety shoes, breathing air systems, high pressure versus low pressure, testing for Grade D air and determining proper backup air volumes;
- (I) air monitoring strategies: sampling equipment, sampling pumps low versus high volume pumps; flow regulating devices including critical and limiting orifices, use of fibrous aerosol monitors on abatement projects; sampling media, types of filters, types of cassettes, filter orientation, storage and shipment of filters; calibration techniques, primary calibration standards, secondary calibration standards, temperature and pressure effects, frequency of calibration, recordkeeping and field work documentation and calculations; air sample analysis, techniques available and limitations of ahera on their use, transmission electron microscopy, e.g. background to sample preparation and analysis, air sample conditions which prohibit analysis, EPA's recommended technique for analysis of final air clearance samples; phase contrast microscopy, background to sample preparation and AHERA's limits on the use of phase contrast microscopy; and what each air sampling technique measures; analytical methodologies, AHERA TEM protocol, NIOSH 7400, OSHA reference method, non clearance, and EPA recommendation TEM for clearance; sampling strategies for clearance monitoring, types of air samples including personal breathing zone versus fixed-station area, sampling location and objectives to include preabatement, during abatement and clearance monitoring; number of samples to be collected, minimum and maximum air volumes; clearance monitoring to include post-visual-inspection, e.g. number of samples required, selection of sampling locations, period of sampling, aggressive sampling, interpretations of sampling results and calculations, and quality assurance; special sampling problems, crawl spaces, acceptable samples for laboratory analysis and sampling in occupied facilities such as barrier monitoring;
- (J) safety and health issues other than asbestos: confined-space entry, electrical hazards, fire and explosion concerns, ladders and scaffolding, heat stress, air contaminants other than asbestos, fall hazards and hazardous materials on abatement projects;
- (K) conducting visual inspections: inspections during abatement, visual inspections using the ASTM E1368 document; conducting inspections for completeness of removal and discussion of "how clean is clean?"
- (L) legal responsibilities and liabilities of project monitors: specification enforcement capabilities; regulatory enforcement; licensing and powers delegated to project monitors through contract documents;
- (M) recordkeeping and report writing: developing project logs and daily logs; what should be included and who sees them; final report preparation and recordkeeping under federal regulations;
- (N) workshops - six hours spread over three days:
  - (i) Workshop A - contracts, specifications and drawings. Participant shall be issued a set of contracts, specifications, and drawings and then asked to answer questions and make recommendations to a project architect, engineer or to the building owner based on given conditions and these documents.
  - (ii) Workshop B - air monitoring strategies and asbestos abatement equipment: simulated abatement sites for which sampling

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strategies would have to be developed e.g. occupied facilities, industrial situations.

- (iii) Workshop C - conducting visual inspections: an interactive video in which a participant is "taken through" a work area and asked to make notes of what is seen. A series of questions shall be asked which are designed to stimulate a person's recall of the area. A series of two or three videos with different site conditions and different degrees of cleanliness. A reasonable substitute may be used subject to the approval of the department; and

(O) course review: a review of key aspects of the training course.

(Effective February 9, 1989; amended June 4, 1999.)

**20-440-8. Training provider administrative tasks and certification requirements**

- (a) Approval of training providers.
  - (1) Training courses required for licensure, certification, and employment as set forth in sections 20-440-1 through 20-440-7 of the Regulations of Connecticut State Agencies shall be approved by the commissioner in writing.
  - (2) Persons wishing to provide such training courses shall meet the minimum qualifications and criteria described in this subsection. The commissioner, upon application, may approve either initial training courses or refresher training courses or both.
  - (3) Each of the courses of training that are to be used to fulfill training requirements shall obtain individual approval by the commissioner. Providers of approved training shall permit up to two representatives of the commissioner to attend each course and to take the written examination without cost to the department.
  - (4) Courses of training may be approved following the submission of an application to the commissioner on forms provided by the department.
  - (5) Approval shall be for a period of one year from the date of last approval. Providers shall reapply for course approval at least thirty days, but not more than sixty days prior to the expiration date of the approved course. Re-application for approval shall include all the information required by this subsection.
  - (6) Providers located outside the State of Connecticut shall submit all of the information required by this subsection and copies of applicable state or federal approvals, including the name, address, telephone number of the person, department or agency giving such approval.
- (b) Training providers shall perform the following as a condition of maintaining their approved status:
  - (1) Issue written documentation of accreditation within thirty calendar days to students who complete the training course or refresher training course and pass the course examination. The written documentation shall include a unique certificate number, the name of the accredited person, the discipline of the training course completed, the dates of the training course, the date of the examination, an expiration date of one year after the date upon which the person successfully completed the course and examination, the name, address and telephone number of the training provider that issued the certificate, or statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II and the name of the state in which the course was given. Written documentation shall state that accreditation shall lapse one year from the date of the exam.
  - (2) provide to the commissioner within thirty calendar days of the conclusion of the course, the name, address, telephone number, social security number, course title and dates given, for each student passing the course examination; retain such information for a period of three years.

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- (3) notify the commissioner, in writing, of any changes in course content, training aids used, facility utilized or other matters which would alter the instruction from that described in the approval application. Minor changes in agenda, such as guest speaker, if otherwise qualified, and course schedule are exempted.
  - (4) notify the commissioner, in writing, of courses scheduled at least ten days prior to the starting date for the course.
  - (5) utilize and distribute, as part of the course, content information or training aids furnished by the department.
- (c) Application for training course approval. Application for approved training provider status shall be submitted to the commissioner in writing on forms provided by the department. Such applications shall contain the following information:
- (1) The name under which the training provider conducts or intends to conduct the training;
  - (2) name, address, telephone number of the person conducting the course;
  - (3) the type of course for which approval is requested;
  - (4) a list of any other states that currently approve the training course;
  - (5) a course outline showing topics covered, the amount of time given to each topic, the amount of time given to each type of hands-on training and the length of the training day;
  - (6) a copy of the course manuals for instructors and students, including all printed material to be distributed in the course;
  - (7) a description of teaching methods to be employed, including description of audio-visual aids to be used;
  - (8) a description of the hands-on training, including the facility to be utilized, including protocol of instruction, number of students to be accommodated and the number of instructors;
  - (9) a description of the equipment that will be used in both classroom lectures and in hands-on training;
  - (10) a description of the background, training, and experience of the faculty providing the training, including instructors' names and qualifications;
  - (11) an example of the written examination to be given showing the standard length and format along with required passing score;
  - (12) a detailed statement about the development of the examination as used in the course;
  - (13) a list of the fees required;
  - (14) a sample copy of the written documentation given to course participants upon successful completion of the course;
  - (15) an example of the numbered documents of accreditation issued to students who attend the course and pass the examination; and
  - (16) any additional information or documentation as may be required by the commissioner to evaluate the adequacy of the application.
- (d) Suspension and withdrawal of training course approval.
- (1) General. The department shall conduct periodic reviews of approved training courses and may revoke approval at any time it determines that the course fails to meet the requirements established by this section or the Connecticut General Statutes governing the provision of such services.
  - (2) Criteria. Suspension or withdrawal of training course approval by the department shall be based on the following criteria:
    - (a) Misrepresentation of the extent of a training course's approval by another state or EPA;
    - (b) failure to submit required information or notifications in a timely manner;
    - (c) failure to maintain requisite records;
    - (d) falsification of accreditation records, instructor qualifications, or other accreditation information;

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- (e) failure to adhere to the training standards and requirements of sections 20-440 and 20-441 of the Connecticut General Statutes and corresponding regulations; or
  - (f) violation of other asbestos regulations administered by the department.
- (Effective June 4, 1999.)

**20-440-9. Recordkeeping**

- (a) Approved training providers. Approved training providers shall establish and maintain records and documents pursuant to the requirements of section 20-440-8(b) of the regulations of Connecticut State Agencies and shall make such records and documents available to the commissioner and/or the EPA upon request. Training providers whose principal place of business is outside of the State of Connecticut shall provide hard copy of such records or documents within ten business days of receipt of such a request from the commissioner.
- (b) Duration of record retention and circumstances requiring notification. Records and documents or copies thereof required by the regulations of Connecticut State Agencies shall be retained for a period of three years from the date of course completion. Training providers ceasing to do business, or relocating the principal place of business shall so notify the commissioner in writing within thirty days of such event. The commissioner, on receipt of such notification, may instruct that records required by this section or copies thereof be surrendered to the department. Training providers shall comply with the commissioner's instructions within sixty days.
- (c) Storage of records.
  - (1) Training course materials. A training provider shall retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.
  - (2) Instructor qualifications. A training provider shall retain copies of all instructors' resumes, and the documents issued by the department approving each instructor. Instructors shall have been approved by the department before teaching courses for accreditation purposes. A training provider shall notify the department in advance whenever it changes course instructors. Records shall accurately identify the instructors who taught each particular class for each date that a class was offered.
  - (3) Examination. A training provider shall document that every individual who receives accreditation for an initial training course has achieved a passing score on the examination. These records shall clearly indicate the date on which the exam was administered, the training course and discipline for which the exam was given, the name of the individual who proctored the exam, a copy of the exam and the name and the test score of each individual taking the exam. The topic and dates of the training course shall correspond with those listed on that individual's certificate.
  - (4) Documents of accreditation. Training providers shall maintain records that document the names of all individuals who have been accredited, their documents of accreditation numbers, the disciplines for which accreditation was conferred, training and expiration dates, and the training location. The training provider shall maintain the records in a manner that allows verification by telephone of the required information.
  - (5) Verification of accreditation information. Training providers offering the initial management planner training course shall verify that students have met the prerequisite of possessing valid inspector accreditation at the time of course admission.

(Effective February 9, 1989; amended effective June 4, 1999.)

**20-441. Refresher training**

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20-441. Refresher training

- (a) Asbestos abatement site supervisors and asbestos abatement workers shall receive refresher training annually. The time period between successful completion of initial training and refresher training or refresher training and subsequent refresher training programs shall not exceed two years. Upon satisfactory completion of such training, the training provider shall issue written documentation of accreditation. Such documentation of accreditation shall lapse one year after the date of issuance. Certification issued by the department will reflect date of refresher training completion and shall lapse one year after the date of issuance.
- (a) Refresher training providers shall perform the following as a condition of approved status:
  - (1) Issue written documentation of accreditation within thirty calendar days to students who complete the refresher training course and pass the course examination. The written documentation shall include a unique certificate number, the name of the accredited person, the discipline of the training course completed, the dates of the training course, the date of the examination, an expiration date or one year after the date upon which the person successfully completed the course and examination, the name, address and telephone number of the training provider that issued the certificate, or statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under TSCA Title II and the name of the State in which the course was given. Written documentation shall state that accreditation shall lapse one year from the date of the examination.
  - (2) provide the name, address, telephone number, social security number, course title and dates given for each student passing the course examination to the commissioner within thirty calendar days of the conclusion of the course, and retain such information for a period of three years.
  - (3) notify the commissioner, in writing, of changes in course content, training aids used, facility utilized or other matters which would alter the instruction from that described in the approval application, and minor changes in agenda such as guest speaker (if otherwise qualified) and course schedule.
  - (4) notify the commissioner, in writing, of courses scheduled at least ten days prior to the starting date for the course.
  - (5) utilize and distribute, as part of the course, content information or training aids furnished by the department.
- (c) Approval of refresher training providers.
  - (1) General
    - (A) Refresher training courses required for certification and employment as an asbestos abatement site supervisor or an asbestos abatement worker, and for certification and licensure in the various disciplines of consultant, shall be approved by the commissioner in writing.
    - (B) Persons wishing to provide refresher training courses required for certification and employment as an asbestos abatement site supervisor, asbestos abatement worker, or for certification and licensure as an asbestos consultant, shall meet the minimum qualifications and criteria described in this subsection. The commissioner, upon application, may approve refresher training courses.
    - (C) Each of the different courses of refresher training that are to be used to fulfill refresher training requirements shall obtain individual approval by the commissioner. Providers of approved refresher training shall permit up to two representatives of the commissioner to attend each course and to take the written examination without cost to the department.
    - (D) Courses of refresher training may be approved following the submission of an application to the commissioner on forms provided by the department.
    - (E) Approval shall be for a period of one year from the date of last approval. Providers shall reapply for course approval at least thirty days, but not

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more than sixty days prior to the expiration date of the approved course. Re-application for approval shall include all the information required by this section.

- (F) Providers located outside the State of Connecticut shall submit all of the information required by this subsection and copies of applicable state or federal approvals, including the name, address, telephone number of the person, department or agency giving such approval.
- (2) Application for refresher training course approval. Application for approved refresher training provider status shall be submitted to the commissioner in writing on forms provided by the department. Such applications shall contain the following information:
  - (A) The name under which the refresher training provider conducts or intends to conduct the refresher training;
  - (B) name, address and telephone number of the person conducting the course;
  - (C) the type of course for which approval is requested;
  - (D) a list of any other states that currently approve the refresher training course;
  - (E) a course outline showing topics covered, the amount of time given to each topic, the amount of time given to each type of hands-on training and the length of the refresher training day;
  - (F) a copy of the course manuals for instructors and students, including all printed material to be distributed in the course;
  - (G) a description of teaching methods to be employed, including description of audio-visual aids to be used;
  - (H) a description of the hands-on training facility to be utilized, including the protocol of instruction, number of students to be accommodated and the number of instructors;
  - (I) a description of the equipment that will be used in both classroom lectures and in hands-on training;
  - (J) a description of the background, training, and experience of the faculty providing the refresher training, including instructors' names and qualifications;
  - (K) an example of the written examination to be given showing the standard length and format along with required passing score;
  - (L) a detailed statement about the development of the examination as used in the course;
  - (M) a list of the tuition required;
  - (N) a sample copy of the written documentation given to course participants upon successful completion of the course;
  - (O) an example of the numbered documents of accreditation issued to students who attend the course and pass the examination; and
  - (P) any additional information or documentation as may be required by the commissioner to evaluate the adequacy of the application.
- (3) Suspension and withdrawal of refresher training course approval.
  - (A) General. The department shall conduct periodic reviews of approved refresher training courses and may revoke approval after a hearing conducted in accordance with Chapter 54, of the Connecticut General Statutes at any time it determines that the course fails to meet the requirements established by this section or of the Connecticut General Statutes governing the provision of such services.
  - (B) Criteria. Suspension or withdrawal of refresher training course approval by the department is based on the following criteria:
    - (i) Misrepresentation of the extent of a refresher training course's approval by another state or EPA;

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- (ii) failure to submit required information or notifications in a timely manner;
  - (iii) failure to maintain requisite records;
  - (iv) falsification of accreditation records, instructor qualifications, or other accreditation information;
  - (v) failure to adhere to the refresher training standards and requirements of sections 20-440 and 20-441 of the Connecticut General Statutes and corresponding regulations; or
  - (vi) violation of other asbestos regulations administered by the State of Connecticut.
- (C) Curriculum requirements. Refresher training shall be at least one day duration for asbestos abatement site supervisors, asbestos abatement workers, management planners, project designers and project monitors. Refresher training for inspectors shall be at least half a day. The refresher training course for management planners shall be comprised of at least half a day of inspector refresher training and at least half a day of refresher training for management planners. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course. Refresher training shall include review and discussion of changes in and interpretation of applicable state and federal laws, regulations, policies and guidelines, developments or changes in state-of-the art procedures and equipment and a review of key areas of initial training specific to each discipline. In order to renew certification, currently accredited asbestos abatement workers, project designers and project monitors who have received certification in their disciplines by successfully completing the training program for asbestos abatement site supervisors as described in subdivision 20-440-7(c)(2), shall take the refresher training course specifically designed for their disciplines.
- (D) Verification of accreditation information. Training providers of refresher courses shall confirm that their students possess valid accreditation before granting course admission.
- (E) Examination. Refresher training providers shall determine successful completion of a refresher course by conducting a written examination at the conclusion of the course. A score of seventy percent or higher shall be considered passing.
- (F) Refresher course record retention. A refresher training provider shall document that every individual who receives accreditation for a refresher training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the individual who proctored the exam, a copy of the exam and the name and the test score of each individual taking the exam. The topic and dates of the training course shall correspond with those listed on that individual's document of accreditation.
- (i) Approved refresher training providers. Approved refresher training providers shall establish and maintain records and documents pursuant to the requirements of subsection (a) of Section 20-440-8 of the Regulations of Connecticut State Agencies and shall make such records and documents available to the commissioner and/or the EPA upon request. Refresher training providers whose principal place of business is outside of the State of Connecticut shall provide hard copy of such records or documents within ten business days of receipt of such a request from the commissioner.

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- (ii) Duration of record retention and circumstances requiring notification. Records and documents or copies thereof required by this section shall be retained for a period of three years from the date of course completion. Persons ceasing to do business, or relocating the principal place of business shall so notify the commissioner in writing within thirty days of such event. The commissioner, on receipt of such notification, may instruct that the records or copies thereof be surrendered to the department. The person shall comply with the commissioner's instructions within sixty days.
- (G) Required storage of records. The following records shall be stored:
  - (i) Refresher training course materials. A training provider shall retain copies of all instructional materials used in the delivery of the classroom training such as student manuals, instructor notebooks and handouts.
  - (ii) Instructor qualifications. A refresher training provider shall retain copies of all instructors' resumes, and the documents approving each instructor issued by the State. Instructors shall be approved by the department before teaching courses for accreditation purposes. A refresher training provider shall notify the department in advance whenever it changes course instructors. Records shall accurately identify the instructors that taught each particular course for each date that a course is offered.
  - (iii) Examination. A refresher training provider shall document each individual who receives accreditation for a refresher training course has achieved a passing score on the examination. These records shall clearly indicate the date upon which the exam was administered, the refresher training course and discipline for which the exam was given, the name of the individual who proctored the exam, a copy of the exam and the name and the test score of each individual taking the exam. The topic and dates of the refresher training course shall correspond with those listed on that individual's certificate.
  - (iv) Documents of accreditation. The refresher training providers shall maintain records that document the names of all individuals who have been accredited, their documents of accreditation numbers, the disciplines for which accreditation was conferred, refresher training and expiration dates, and the refresher training location. The refresher training provider shall maintain the records in a manner that allows verification by telephone of the required information.

(Effective June 4, 1999.)

**Sec. 19a-14. (Formerly Sec. 19-4o). Powers of department concerning regulated professions.** (a) The Department of Public Health shall have the following powers and duties with regard to the boards and commissions listed in subsection (b) which are within the Department of Public Health. The department shall:

- (1) Control the allocation, disbursement and budgeting of funds appropriated to the department for the operation of the boards and commissions;
- (2) Employ and assign such personnel as the commissioner deems necessary for the performance of the functions of the boards and commissions;
- (3) Perform all management functions including purchasing, bookkeeping, accounting, payroll, secretarial, clerical and routine housekeeping functions;
- (4) Adopt, with the advice and assistance of the appropriate board or commission, and in accordance with chapter 54, any regulations which are consistent with protecting the public health and safety and which are necessary to implement the purposes of subsection (a) of section 2c-2b, this chapter, and chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399;
- (5) Develop and perform all administrative functions necessary to process applications for licenses and certificates;
- (6) Determine the eligibility of all applicants for permits, licensure, certification or registration, based upon compliance with the general statutes and administrative regulations. The department may deny the eligibility of an applicant for a permit or for licensure by examination, endorsement, reciprocity or for reinstatement of a license voided pursuant to subsection (f) of section 19a-88, or may issue a license pursuant to a consent order containing conditions that must be met by the applicant if the department determines that the applicant:
  - (A) Has failed to comply with the general statutes and administrative regulations governing his profession;
  - (B) Has been found guilty or convicted as a result of an act which constitutes a felony under (i) the laws of this state, (ii) federal law or (iii) the laws of another jurisdiction and which, if committed within this state, would have constituted a felony under the laws of this state;
  - (C) Is subject to a pending disciplinary action or unresolved complaint before the duly authorized professional disciplinary agency of any state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction;
  - (D) Has been subject to disciplinary action similar to an action specified in subsection (a) of section 19a-17 by a duly authorized professional disciplinary agency of any state, the District of Columbia, a United States possession or territory, or a foreign jurisdiction;

(E) Has committed an act which, if the applicant were licensed, would not conform to the accepted standards of practice of the profession, including but not limited to, incompetence, negligence, fraud or deceit; illegal conduct; procuring or attempting to procure a license, certificate or registration by fraud or deceit; or engaging in, aiding or abetting unlicensed practice of a regulated profession, provided the commissioner, or his designee, gives notice and holds a hearing, in accordance with the provisions of chapter 54, prior to denying an application for a permit or a license based on this subparagraph; or

(F) Has a condition which would interfere with the practice of his profession, including, but not limited to, physical illness or loss of skill or deterioration due to the aging process, emotional disorder or mental illness, abuse or excessive use of drugs or alcohol, provided the commissioner, or his designee, gives notice and holds a hearing in accordance with the provisions of chapter 54, prior to denying an application for a permit or a license based on this subparagraph;

(7) Administer licensing examinations under the supervision of the appropriate board or commission;

(8) Develop and perform all administrative functions necessary to process complaints against persons licensed by the department;

(9) Consent to the approval or disapproval by the appropriate boards or commissions of schools at which educational requirements shall be met;

(10) Conduct any necessary review, inspection or investigation regarding qualifications of applicants for licenses or certificates, possible violations of statutes or regulations, and disciplinary matters. In connection with any investigation, the Commissioner of Public Health or said commissioner's authorized agent may administer oaths, issue subpoenas, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record or document when so ordered, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section;

(11) Conduct any necessary investigation and follow-up in connection with complaints regarding persons subject to regulation or licensing by the department;

(12) Perform any other function necessary to the effective operation of a board or commission and not specifically vested by statute in the board or commission;

(13) Contract with a third party, if the commissioner deems necessary, to administer licensing examinations and perform all attendant administrative functions in connection with such examination.

(b) The department shall have the powers and duties indicated in subsection (a) of this section with regard to the following professional boards and commissions:

- (1) The Connecticut Medical Examining Board, established under section 20-8a;
- (2) The Connecticut State Board of Examiners for Optometrists, established under subsections (a) to (c), inclusive, of section 20-128a;
- (3) The Connecticut State Board of Examiners for Nursing, established under section 20-88;
- (4) The Dental Commission, established under section 20-103a;
- (5) The Board of Examiners of Psychologists, established under section 20-186;
- (6) The Connecticut Board of Veterinary Medicine, established under section 20-196;
- (7) The Connecticut Homeopathic Medical Examining Board, established under section 20-8;
- (8) The Connecticut State Board of Examiners for Opticians, established under subsections (a) to (c), inclusive, of section 20-139a;
- (9) The Connecticut State Board of Examiners for Barbers and Hairdressers and Cosmeticians, established under section 20-235a;
- (10) The Connecticut Board of Examiners of Embalmers and Funeral Directors established under section 20-208;
- (11) Repealed by P.A. 99-102, S. 51;
- (12) The State Board of Natureopathic Examiners, established under section 20-35;
- (13) The State Board of Chiropractic Examiners, established under section 20-25;
- (14) The Connecticut Board of Examiners in Podiatry, established under section 20-51;
- (15) The Board of Examiners of Electrologists, established under section 20-268; and
- (16) The Connecticut State Board of Examiners for Physical Therapists.

(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

- (1) Speech and language pathologist and audiologist;
- (2) Hearing instrument specialist;
- (3) Nursing home administrator;

- (4) Sanitarian;
- (5) Subsurface sewage system installer or cleaner;
- (6) Marital and family therapist;
- (7) Nurse-midwife;
- (8) Licensed clinical social worker;
- (9) Respiratory care practitioner;
- (10) Asbestos contractor and asbestos consultant;
- (11) Massage therapist;
- (12) Registered nurse's aide;
- (13) Radiographer;
- (14) Dental hygienist;
- (15) Dietitian-Nutritionist;
- (16) Asbestos abatement worker;
- (17) Asbestos abatement site supervisor;
- (18) Licensed or certified alcohol and drug counselor;
- (19) Professional counselor;
- (20) Acupuncturist;
- (21) Occupational therapist and occupational therapist assistant;
- (22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, inspector and planner-project designer;
- (23) Emergency medical technician, emergency medical technician-intermediate, medical response technician and emergency medical services instructor;
- (24) Paramedic;
- (25) Athletic trainer; and

(26) Perfusionist.

The department shall assume all powers and duties normally vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of this chapter and chapters 368v, 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited to, standards for entry and renewal; grounds for professional discipline; receiving and processing complaints; and disciplinary sanctions, shall apply, except as otherwise provided by law, to the professions listed in this subsection.

(d) Except as provided in section 20-13e, all records obtained by the department in connection with any investigation of a person or facility over which the department has jurisdiction under this chapter, other than a physician as defined in subdivision (5) of section 20-13a, shall not be subject to disclosure under section 1-210 for a period of one year from the date of the petition or other event initiating such investigation, or until such time as the investigation is terminated pursuant to a withdrawal or other informal disposition or until a hearing is convened pursuant to chapter 54, whichever is earlier. A complaint, as defined in subdivision (6) of section 19a-13, shall be subject to the provisions of section 1-210 from the time that it is served or mailed to the respondent. Records which are otherwise public records shall not be deemed confidential merely because they have been obtained in connection with an investigation under this chapter.

**Sec. 19a-17. (Formerly Sec. 19-4s). Disciplinary action by department, boards and commissions.** (a) Each board or commission established under chapters 369 to 376, inclusive, 378 to 381, inclusive, and 383 to 388, inclusive, and the Department of Public Health with respect to professions under its jurisdiction that have no board or commission may take any of the following actions, singly or in combination, based on conduct that occurred prior or subsequent to the issuance of a permit or a license upon finding the existence of good cause:

- (1) Revoke a practitioner's license or permit;
- (2) Suspend a practitioner's license or permit;
- (3) Censure a practitioner or permittee;
- (4) Issue a letter of reprimand to a practitioner or permittee;
- (5) Place a practitioner or permittee on probationary status and require the practitioner or permittee to:
  - (A) Report regularly to such board, commission or department upon the matters which are the basis of probation;
  - (B) Limit practice to those areas prescribed by such board, commission or department;

(C) Continue or renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis for the probation;

(6) Assess a civil penalty of up to twenty-five thousand dollars;

(7) In those cases involving persons or entities licensed or certified pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and 20-476, require that restitution be made to an injured property owner; or

(8) Summarily take any action specified in this subsection against a practitioner's license or permit upon receipt of proof that such practitioner has been:

(A) Found guilty or convicted as a result of an act which constitutes a felony under (i) the laws of this state, (ii) federal law, or (iii) the laws of another jurisdiction and which, if committed within this state, would have constituted a felony under the laws of this state; or

(B) Subject to disciplinary action similar to that specified in this subsection by a duly authorized professional agency of any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. The applicable board or commission, or the department shall promptly notify the practitioner or permittee that his license or permit has been summarily acted upon pursuant to this subsection and shall institute formal proceedings for revocation within ninety days after such notification.

(b) Such board or commission or the department may withdraw the probation if it finds that the circumstances that required action have been remedied.

(c) Such board or commission or the department where appropriate may summarily suspend a practitioner's license or permit in advance of a final adjudication or during the appeals process if such board or commission or the department finds that a practitioner or permittee represents a clear and immediate danger to the public health and safety if he is allowed to continue to practice.

(d) In addition to the authority provided to the Department of Public Health in subsection (a) of this section, the department may resolve any disciplinary action with respect to a practitioner's license or permit in any profession by voluntary surrender or agreement not to renew or reinstate.

(e) Such board or commission or the department may reinstate a license that has been suspended or revoked if, after a hearing, such board or commission or the department is satisfied that the practitioner or permittee is able to practice with reasonable skill and safety to patients, customers or the public in general. As a condition of reinstatement, the board or commission or the department may impose disciplinary or corrective measures authorized under this section.

(f) As used in this section, the term "license" shall be deemed to include the following authorizations relative to the practice of any profession listed in subsection (a) of this section: (1) Licensure by the Department of Public Health; (2) certification by the Department of Public Health; and (3) certification by a national certification body.

(g) As used in this chapter, the term "permit" includes any authorization issued by the department to allow the practice, limited or otherwise, of a profession which would otherwise require a license; and the term "permittee" means any person who practices pursuant to a permit.

**Sec. 19a-332. Definitions: Asbestos.** As used in subsection (c) of section 19a-14 and sections 19a-332 to 19a-332e, inclusive, 20-435 to 20-442, inclusive, and 52-577a:

(1) "Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite;

(2) "Asbestos abatement" means the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos-containing materials, but does not include activities which are related to (A) the removal or repair of asbestos cement pipe and are performed by employees of a water company as defined in section 25-32a, or (B) the removal of nonfriable asbestos-containing material found exterior to a building or structure other than material defined as regulated asbestos-containing material in 40 CFR 61, the National Emission Standards for Hazardous Air Pollutants, as amended from time to time;

(3) "Asbestos abatement worker" means any employee of a licensed asbestos contractor who engages in asbestos abatement, has completed a training program approved by the department and has been issued a certificate by the department;

(4) "Asbestos abatement site supervisor" means any asbestos abatement worker employed by a licensed asbestos contractor who has been specifically trained as a supervisor in a training program approved by the department and who has been issued a certificate by the department;

(5) "Asbestos-containing material" means material composed of asbestos of any type and in an amount greater than one per cent by weight, either alone or mixed with other fibrous or nonfibrous material;

(6) "Asbestos contractor" means any person or entity engaged in asbestos abatement whose employees actually perform the asbestos abatement work and who has been issued a license by the commissioner;

(7) "Asbestos consultant" means any person who engages in any activity directly involved with asbestos consultation services and who has been issued a certificate by the commissioner and a license by the department;

(8) "Asbestos consultation services" means the inspection or evaluation of a building for asbestos hazards, including, but not limited to, the development of asbestos abatement plans, site inspections, air monitoring and provisions of industrial hygiene services related to asbestos abatement;

(9) "Authorized agent" means an officer or employee duly designated by the commissioner;

(10) "Commissioner" means the Commissioner of Public Health; and

(11) "Department" means the Department of Public Health.

**Sec. 19a-332a. Regulations. Fees.** (a) The commissioner, within available appropriations, and after consultation with the Labor Commissioner, shall adopt regulations in accordance with the provisions of chapter 54 to administer the provisions of sections 19a-332 to 19a-332c, inclusive. Such regulations shall include, but need not be limited to, the following: (1) Standards for the proper performance of asbestos abatement; (2) procedures for enforcement action; (3) procedures for inspection of asbestos abatement by employees of the department; (4) minimum standards for completion of asbestos abatement projects.

(b) On and after the effective date of any regulations adopted pursuant to this section, no person shall engage in asbestos abatement without following the provisions of sections 19a-332 to 19a-332c, inclusive, and such regulations.

(c) Notwithstanding any regulations to the contrary, the Commissioner of Public Health shall charge the following fees for the services of the department in connection with asbestos abatement: (1) Notification of abatement, less than one hundred sixty square feet, fifty dollars; (2) notification of abatement, one hundred sixty square feet or greater, fifty dollars plus one per cent of the total abatement cost, up to a maximum of five thousand dollars; (3) reinspections, fifty dollars; (4) asbestos alternative work practice review, one hundred dollars; and (5) notice of demolition activities, twenty-five dollars.

**Sec. 19a-332b. Notice.** Any contractor who will be conducting asbestos abatement activities or any person who will be conducting demolition activities shall notify the commissioner at least ten days prior to undertaking such activities and shall provide him with any information on such activities that he may require in regulations adopted pursuant to section 19a-332a.

**Sec. 19a-332c. Inspections. Orders issued by commissioner. Court order.** (a) For purposes of enforcing the provisions of sections 19a-332 to 19a-332c, inclusive, and section 19a-333 and any regulations adopted thereunder, the commissioner or an authorized agent may enter at reasonable times any facility where asbestos abatement is planned, is being performed or has been performed and any school building or local education agency to conduct inspections and to review management plans, in order to

determine compliance with said sections. Where entry is refused to the commissioner or an authorized agent, the commissioner may request the Attorney General to apply to any court for a warrant to inspect such premises to determine compliance with any statute, regulation, order or permit administered, adopted or enforced by him and the court shall issue such order as is necessary to aid in enforcement.

(b) Whenever the commissioner or an authorized agent has reason to believe on the basis of inspections or tests that there is a violation of sections 19a-332 to 19a-332c, inclusive, or of section 19a-333 or of any regulations adopted thereunder or in the judgment of the commissioner or an authorized agent there is an endangerment of the public's health, the commissioner or an authorized agent may issue a written or printed cease activity order to any person responsible for the alleged violation or endangerment, and after receipt of such order no person shall act except in accordance with the provisions of the order.

(c) Whenever, in the judgment of the commissioner, or an authorized agent, any person has engaged in, is engaged in, or is about to engage in any acts or practices which constitute, or will constitute, a violation of any provision of sections 19a-332 to 19a-332c, inclusive, or of section 19a-333, or any regulations adopted thereunder or order issued under sections 19a-332 to 19a-332c, inclusive, the commissioner may request the Attorney General to make application to the appropriate court for an order enjoining such acts or practices or for an order directing compliance with such provisions of sections 19a-332 to 19a-332c, inclusive, or of section 19a-333, regulations or orders.

**Sec. 19a-332d. Criminal penalties.** Any person who knowingly violates any provision of sections 19a-332 to 19a-332c, inclusive, section 19a-333 or sections 20-435 to 20-439, inclusive, shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both. Each day's failure to comply with such provisions shall constitute a separate violation. Failure to comply with respect to a single facility or school building shall constitute a separate violation. When construing and enforcing the provisions of said sections, the action, omission or failure to act of any officer, agent or other person acting for or employed by any person shall in every case also be deemed to be the action, omission or failure to act of such person as well as that of the person employed.

**Sec. 19a-332e. Civil penalties. Regulations.** (a) If, upon review, investigation or inspection, the Commissioner of Public Health determines that any person has violated any provision of sections 19a-332 to 19a-332c, inclusive, 19a-333 and 20-435 to 20-439, inclusive, or any regulations adopted thereunder, he may impose a civil penalty not to exceed five thousand dollars upon a local education agency and not to exceed twenty-five thousand dollars upon any one person. Governmental immunity shall not be a defense to any civil penalty imposed pursuant to this section. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing a schedule or schedules of the amounts, or the ranges of amounts, of civil penalties which may be imposed under this section. In adopting such regulations the commissioner shall consider the level of assessment necessary to ensure immediate and continued compliance with such provision and the character and degree of injury or impairment to or interference with or threat to the public health, safety or welfare.

(b) In setting a civil penalty in a particular case, the commissioner shall consider all factors he deems relevant, including, but not limited to, the following: (1) The amount of assessment necessary to ensure immediate and continued compliance with such provision; (2) the character and significance of the violation; (3) any history of previous violations under this section; (4) the ability of the person to pay the penalty; (5) the ability of the person to continue to provide services; (6) the underlying circumstances behind the violation; (7) whether the person is taking all feasible steps or procedures necessary or appropriate to comply with such provisions or to correct the violation; (8) the culpability of the person; (9) other factors as justice may require, including voluntary disclosure and attitude of the person. Each day's failure to comply with such provisions shall constitute a separate violation. Failure to comply with respect to a single facility or school building shall constitute a separate violation. No civil penalty may be imposed until the regulations required by subsection (a) of this section have been adopted.

(c) If the commissioner determines that a violation has occurred, he may impose a penalty and send to the person, by certified mail, return receipt requested, or personal service, a notice of violation which shall include: (1) A reference to the sections of the general statutes or regulations involved; (2) a short and plain statement of the matters asserted or charged; (3) a statement of the amount of civil penalty or penalties to be imposed; (4) the initial date of the imposition of the penalty; and (5) a statement of the person's right to a hearing.

(d) The person to whom the notice is addressed shall have twenty days from the date of mailing of the notice to make written application to the commissioner for a hearing to contest the notice of violation. If no such application for a hearing is received within such twenty-day period, the notice of violation shall be deemed a final order of the commissioner, effective upon the expiration of said period.

(e) If any person requests a hearing under this section, such hearing shall be conducted pursuant to sections 4-176e to 4-184, inclusive. Any civil penalty may be mitigated by the commissioner upon such terms and conditions as he in his discretion deems proper or necessary upon consideration of the factors set forth in subsection (b) of this section. The commissioner shall, after the hearing, issue a final order affirming, modifying or vacating the notice of violation.

(f) A final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183 after a hearing before the commissioner pursuant to subsection (e) of this section, except that any such appeal shall be taken to the superior court for the judicial district of New Britain and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any such final order shall be allowed as to any issue which could have been raised by any appeal of an earlier order, notice, permit, denial or other final decision by the commissioner.

(g) If any person fails to pay any civil penalty, the Attorney General, upon request of the Commissioner of Public Health, may bring an action in the superior court for the judicial

district of Hartford to obtain enforcement of the penalty by the court. All actions brought by the Attorney General pursuant to the provisions of this section shall have precedence in the order of trial as provided in section 52-191.

**Sec. 19a-333. Regulations re asbestos-containing materials in schools.** The Department of Public Health shall adopt regulations in accordance with the provisions of chapter 54 which shall meet or exceed the requirements mandated by the United States Environmental Protection Agency standard for asbestos-containing materials in schools in accordance with federal regulations as from time to time amended.

**Sec. 20-435. Asbestos contractors. Licenses. Fee. Renewal.** On and after one year following the effective date of regulations adopted pursuant to section 20-440, no person shall provide services as an asbestos contractor in this state without a license issued by the commissioner. Applications for such license shall be made to the department on forms provided by it, shall be accompanied by a fee of five hundred dollars and shall contain such information regarding the applicant's qualifications as the department may require in regulations adopted pursuant to section 20-440, including, but not limited to, demonstrating that all employees have passed a training course approved by the department and have been issued a certificate by the department. The department shall approve the technical, equipment and personnel resources of each applicant. No person shall be issued a license to act as an asbestos contractor unless he obtains such approval. The commissioner may issue a license under this section to any person who is licensed in another state under a law which provides standards which are equal to or higher than those of Connecticut and is not subject to any unresolved complaints or pending disciplinary actions. Licenses issued pursuant to this section shall be renewed annually in accordance with the provisions of section 19a-88 upon payment of a fee of five hundred dollars.

**Sec. 20-436. Asbestos consultants. Licenses. Fee. Renewal.** (a) On and after one year following the effective date of regulations adopted pursuant to section 20-440, no person shall act as an asbestos consultant in this state without a license issued by the commissioner. Applications for such license shall be made to the department on forms provided by it, and shall be accompanied by a fee of two hundred dollars, and shall contain such information regarding the applicant's qualifications and experience in asbestos-related consultations as the department may require in regulations adopted pursuant to section 20-440. Except as provided in this section, no person shall be licensed as an asbestos consultant unless he completes a training course approved by the department, passes an examination prescribed by the department, receives a certificate issued by the department and satisfies employment experience and educational requirements established by the commissioner pursuant to section 20-441.

(b) The commissioner may issue a license under this section without examination to any person who is licensed in another state under a law which provides standards equal to or higher than those of Connecticut and is not subject to any unresolved complaints or pending disciplinary actions. Licenses issued pursuant to this section shall be renewed

annually in accordance with the provisions of section 19a-88 upon payment of a fee of two hundred dollars.

(c) Notwithstanding the provisions of subsection (a) of this section, a person who between July 1, 1985, and November 1, 1994, has been employed for a minimum of two years as an asbestos consultant may be licensed as an asbestos consultant without the educational requirements established pursuant to subsection (a) of this section.

**Sec. 20-437. Asbestos abatement workers. Certificate. Fee. Renewal.** On and after one year following the effective date of regulations adopted pursuant to section 20-440, no person shall be employed as an asbestos abatement worker unless such worker has completed a training program on asbestos hazards and abatement procedures approved by the department and has been issued a certificate by the department. Applications for such certificate shall be made to the department on forms provided by the department and shall contain such information regarding the applicant's qualifications as may be required in regulations adopted pursuant to section 20-440, and shall be accompanied by a fee of twenty-five dollars. The department may issue a certificate under this section to any person who is licensed or certified in another state under a law which provides standards which are equal to or higher than those of this state, provided such person is not subject to any unresolved complaints or pending disciplinary actions. Certificates issued pursuant to this section shall be renewed annually in accordance with the provisions of section 19a-88 upon payment of a fee of twenty-five dollars.

**Sec. 20-438. Asbestos abatement site supervisor. Certificate. Fee. Renewal.** On and after one year following the effective date of regulations adopted pursuant to section 20-440, no person shall be employed as an asbestos abatement site supervisor unless such worker has completed a training program on the supervision of asbestos abatement approved by the department and has been issued a certificate by the department. Applications for such certificate shall be made to the department on forms provided by the department and shall contain such information regarding the applicant's qualifications as may be required in regulations adopted pursuant to section 20-440, and shall be accompanied by a fee of fifty dollars. The department may issue a certificate under this section to any person who is licensed or certified in another state under a law which provides standards which are equal to or higher than those of the state of Connecticut, provided such person is not subject to any unresolved complaints or pending disciplinary actions. Certificates issued pursuant to this section shall be renewed annually in accordance with the provisions of section 19a-88 upon payment of a fee of fifty dollars.

**Sec. 20-439. Training programs. Approval. Fees. Periodic reviews.** On and after the effective date of regulations adopted pursuant to section 20-440, asbestos abatement or asbestos consultation training programs serving to qualify asbestos abatement workers and asbestos abatement site supervisors for certification and asbestos consultants for certification shall be approved by the department. The department shall approve a training program upon determination that such program complies with such requirements as may be established in regulations adopted pursuant to section 20-440. Each application or reapplication for approval of a training program shall be accompanied by a fee of five

hundred dollars. Each application for approval or reapproval of a refresher training program as required by section 20-441 shall be accompanied by a fee of two hundred fifty dollars. Each person offering an asbestos abatement or asbestos consultation training program shall furnish the department with a list of the persons who have successfully completed the course within thirty days of such completion. The department shall conduct periodic reviews of approved training courses and may revoke approval at any time it determines that the course fails to meet the requirements established in such regulations.

**Sec. 20-440. Regulations.** (a) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 to administer the provisions of subsection (c) of section 19a-14, sections 19a-332 and 20-435 to 20-441, inclusive. Such regulations shall include, but not be limited to, the following: (1) Passing scores for licensure examination of asbestos consultants; (2) standards for the licensing of asbestos contractors; (3) standards for approval of training programs of asbestos abatement and asbestos consultation services under section 20-439, including standards for successful completion of such programs; (4) standards and procedures for suspension and revocation of certification of asbestos consultants, asbestos abatement workers and asbestos abatement supervisors; and (5) standards and procedures for suspension and withdrawal of approval of training programs.

(b) The regulations required under subsection (a) of this section shall be revised, as necessary, to ensure that such regulations meet or exceed the requirements of the United States Environmental Protection Agency's model accreditation plan in accordance with federal regulations, as from time to time amended.

**Sec. 20-441. Regulations. Retraining.** The commissioner may adopt regulations in accordance with the provisions of chapter 54 to provide for the periodic retraining of asbestos abatement site supervisors, asbestos abatement workers and asbestos consultants, and for the specification of closely related environmental science degrees.

**Sec. 20-442. Labor Department employees. Exemption.** Employees of the Connecticut Labor Department performing their duties in accordance with chapter 571 and federal employees of the Occupational Safety and Health Administration performing their duties in accordance with the federal Occupational Safety and Health Act are exempt from the requirements of sections 19a-332d, 19a-332e and 20-435 to 20-441, inclusive.

[http://www.ct.gov/dph/cwp/view.asp?a=3140&q=417056&dphNav\\_GID=1889&dphNav=|](http://www.ct.gov/dph/cwp/view.asp?a=3140&q=417056&dphNav_GID=1889&dphNav=|)  
(Asbestos regulations and statutes)

Asbestos licensure regulations (Who must be licensed, certified or accredited)

**§ 20-440-1 through § 20-440-9, § 20-441**

<http://www.cga.ct.gov/2009/pub/chap400a.htm> - 22.0KB

Asbestos abatement regulations: (Definitions of asbestos abatement, requirements)

**§ 19a-332a-1 through § 19a-332a-16**

[http://www.ct.gov/dph/lib/dph/environmental\\_health/asbestos/docs/105\\_standards\\_for\\_asbestos.doc](http://www.ct.gov/dph/lib/dph/environmental_health/asbestos/docs/105_standards_for_asbestos.doc)

Asbestos-Containing Materials in Schools

**§ 19a-333-1 through § 19a-333-13**

[http://www.dir.ct.gov/dph/PHC/docs/107\\_19a-333-1\\_Definitions.doc](http://www.dir.ct.gov/dph/PHC/docs/107_19a-333-1_Definitions.doc)

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## GENERAL STATUTES

<http://www.cga.ct.gov/2007/pub/Chap368l.htm>

### **Carcinogenic Substances**

Miscellaneous Provisions (waste disposal)

CHAPTER 446z

<http://www.cga.ct.gov/2009/pub/chap446z.htm> - 3.8KB

Health Professions

<http://www.cga.ct.gov/2008/rpt/2008-R-0400.htm>

## **ENVIRONMENTAL HEALTH - PA 08-137:**

1. modifies DPH's review and approval process concerning proposals for new water supplies;
2. specifies which town is responsible for paying relocation assistance to people who have been displaced due to enforcement actions by district departments of health;
3. expands the potential disciplinary actions DPH can take against department-licensed or -certified people or entities who engage in actions harmful to property owners;
4. requires installers of irrigation systems or other physical connections between public water supply distribution systems and other water systems to notify the water company of the installation, authorizes local health directors to order mitigation measures if such connections create an unreasonable risk of injury to health and safety, and requires DPH to adopt regulations on irrigation systems and other physical connections; and
5. establishes a penalty for prohibited aircraft-related activities on reservoirs and amends the penalties for other violations concerning improper activities on public water supplies.

This takes effect October 1, 2008, except for the relocation assistance provision, which is effective upon passage.

**ASBESTOS AND LEAD PRACTITIONERS AND CONSULTANTS - PA 08-184 (§ 59)**  
sHB 5701

permits the DPH commissioner to make agreements with other states' agencies concerning training for asbestos and lead abatement practitioners and consultants that run from the act's passage to June 30, 2009. The agreements must establish criteria out-of-state agencies approve to satisfy the training DPH requires for practitioners' and consultants' licensure and certification.

This takes effect upon passage.

*Public Health Committee*

**AN ACT CONCERNING REVISIONS TO STATUTES PERTAINING TO THE DEPARTMENT OF PUBLIC HEALTH**

**SUMMARY:** This act makes a number of substantive and technical changes to Department of Public Health (DPH) and other related statutes concerning health care practitioner licensing and regulation and DPH programs. Among its substantive changes, the act (1) broadens the requirement to notify neighbors about subsurface sewage disposal system work, (2) increases the amount health care providers can charge for providing copies of patient records, (3) allows towns to regulate outdoor smoking on public property, (4) eliminates a requirement for physicians and hospitals to order specific kidney function tests, (5) shifts responsibility for hospital community benefits reports from DPH to the HealthCare Advocate's Office, (6) requires newly matriculating college students to show proof of mumps and chickenpox immunization, (7) expands the use of an organ transplant account to include helping donors pay for travel and lost wages, and (8) authorizes fines for minors for possessing tobacco products.

EFFECTIVE DATE: October 1, 2008 except as noted below.

**§ 59 — ASBESTOS AND LEAD PRACTITIONERS AND CONSULTANTS**

This takes effect upon passage.

OLR Tracking: JK: SS: RC: PF: ts

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Re: posting regulations of Connecticut State Agencies online:  
<http://www.cga.ct.gov/2008/JFR/H/2008HB-05896-R00GAE-JFR.htm>

EPA Worker Protection Rule  
<http://yosemite.epa.gov/ee/epa/ria.nsf/ca2fb654a3ebbce28525648f007b8c26/1a41df740f6d42e7852564620063326b!OpenDocument>

C.G.S.A. § 21a-337

Connecticut General Statutes Annotated [Currentness](#)Title 21A. Consumer Protection ([Refs & Annos](#)) [Chapter 420D](#). State Child Protection Act ([Refs & Annos](#))**→ § 21a-337. Prohibited acts. Exceptions**

(a) The following acts and the causing thereof are prohibited: (1) The introduction or delivery for introduction into commerce of any misbranded hazardous substance or banned hazardous substance; (2) the manufacturing, distributing, selling at wholesale or retail, contracting to sell or resell, lease, sublet or otherwise place in the stream of commerce: (A) Any children's product that has been designated a banned hazardous substance under this chapter or the federal Hazardous Substances Act; [\[FN1\]](#) (B) any children's product, except for an article described in [21 USC 321 \(g\)](#), as amended from time to time; that is the subject of voluntary or mandatory corrective action taken under the direction of or in cooperation with an agency of the federal government but the defect in such children's product has not been so corrected; or (C) any children's product that is not otherwise in conformity with applicable consumer safety product standards under this chapter, or any similar rule under another chapter of the general statutes or any federal laws or regulations; (3) the alteration, mutilation, destruction, obliteration or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance if such act is done while the substance is in commerce, or while the substance is held for sale, whether or not the first sale, after shipment in commerce, and results in the hazardous substance being a misbranded hazardous substance or a banned hazardous substance; (4) the receipt in commerce of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or otherwise; (5) the giving of a guarantee or undertaking referred to in [subdivision \(2\) of subsection \(b\) of section 21a-338](#) which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance; (6) the failure to permit entry or inspection as authorized by subsection (a) of [section 21a-343](#) or to permit access to and copying of any record as authorized by [section 21a-344](#); (7) the introduction or delivery for introduction into commerce, or the receipt in commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug or cosmetic container by its labeling or by other identification. The reuse of a food, drug or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being a misbranded hazardous substance. As used in this subdivision, the terms "food", "drug" and "cosmetic" shall have the same meanings as in the Connecticut Food, Drug and Cosmetic Act; [\[FN2\]](#) (8) the use by any person to his own advantage, or revealing other than to the administrator or officers or employees of the agency, or to the courts when relevant in any judicial proceeding under [sections 21a-335 to 21a-346](#), inclusive, of any information acquired under authority of [section 21a-343](#) concerning any method of process which as a trade secret is entitled to protection; (9) the introduction or delivery for introduction into commerce of any item containing **asbestos** which reasonably may be expected to be used in the construction or repair of structures, without clearly indicating by labeling thereon that the item contains **asbestos** and that **asbestos** may cause cancer when inhaled, or the introduction or delivery for introduction into commerce of any toy or other article for sale in this state marketed for the use of children under the age of sixteen containing **asbestos**; (10) the alteration or removal of any item

upon which the commissioner or his authorized agent has placed an embargo prior to the time the commissioner, such agent or a court permits the alteration or removal of such item; (11) the introduction or delivery for introduction into commerce, after December 31, 1992, of any toy or other article for sale in this state and marketed for the use of children between the ages of three and seven, or determined to be for the use of children between the ages of three and seven by the federal Consumer Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as published in the Code of Federal Regulations Revised to January 1, 1991, and as from time to time amended, or the Commissioner of Consumer Protection pursuant to [sections 21a-335 to 21a-346](#), inclusive, which would be classified as a banned hazardous substance under [16 CFR Part 1501.4\(b\)\(1\)](#) of said code and does not bear a conspicuous warning label that clearly and specifically communicates that the contents include small parts which pose a hazard for children under the age of three, except that any toy or other article that contains, as of December 31, 1992, a safety warning label in substantial compliance with the requirements of this subdivision shall be determined by the commissioner to be in compliance with this subdivision until October 1, 1993. As used in this subdivision, "conspicuous" has the same meaning and characteristics regarding type size as in [16 CFR Part 1500.121\(c\)\(2\)](#) of said code; and (12) the introduction or delivery for introduction into commerce, or the distribution or sale, of a drying oil or drying oil product, manufactured after December 31, 1994, which does not bear a conspicuous warning label on a side or back panel of such product stating: "DANGER--RAGS, STEEL WOOL OR WASTE SOAKED WITH .... (INSERT PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED METAL CONTAINER." As used in this subdivision, "conspicuous" has the same meaning and characteristics regarding type size as in [16 CFR Part 1500.121\(c\)\(2\)](#) of said code.

(b) A children's product shall not be a banned hazardous substance, as defined in subsection (p) of [section 21a-335](#), solely on the basis of containing a component that exceeds the standards pursuant to subparagraph (B) of said subsection (p) if such component is not accessible to a child because it is not physically exposed by reason of a covering or casing and if it will not become physically exposed through normal and reasonably foreseeable use and abuse of the product. For purposes of this subsection, paint, coatings or electroplating shall not be considered barriers that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(c) Within available appropriations, if the administrator determines that it is not feasible for certain children's products that are electronic devices, including batteries, to meet the standards pursuant to [subparagraph \(B\) of subsection \(p\) of section 21a-335](#) by July 1, 2009, the administrator shall adopt regulations, in accordance with chapter 54, [\[FN3\]](#) to (1) set standards to reduce the exposure of and accessibility to lead in such devices, and (2) establish a schedule by which such electronic devices shall be in full compliance with the standards established in said subparagraph (B). Such devices shall not be considered banned hazardous substances pursuant to said subsection (p) if they comply with the provisions of such regulations.

#### CREDIT(S)

(1958 Rev., § 19-560; 1971, P.A. 121, § 3; 1980, P.A. 80-398, § 1; 1985, P.A. 85-242, § 1; 1992, P.A. 92-127, § 1; 1992, May Sp.Sess., P.A. 92-11, § 57, eff. June 1, 1992; 1993, P.A. 93-55, § 5; 1994, P.A. 94-73, § 2; 2003, June 30 Sp.Sess., P.A. 03-6, § 146, eff. July 1, 2004; 2004, P.A. 04-189, § 1, eff. June 1, 2004; 2008, P.A. 08-106, § 2; 2008, P.A. 08-122, § 1.)

[FN1] 15 U.S.C.A. § 1261 et seq.

[FN2] C.G.S.A. § 21a-91 et seq.

[FN3] C.G.S.A. § 4-166 et seq.

## HISTORICAL AND STATUTORY NOTES

2008 Electronic Pocket Part Update

### Codification

Section heading was changed to conform to Gen.St., Rev. to 2009.

Technical changes were made to conform to Gen.St., Rev. to 2009.

### Amendments

**2008 Amendments.** 2008, P.A. 08-106, § 2, designated subsec. (a); added subd. (a)(2); redesignated former subds. (2) through (11) as subds. (a)(3) through (a)(12), respectively; inserted ", or the introduction or delivery for introduction into commerce of any toy or other article for sale in this state marketed for the use of children under the age of sixteen containing **asbestos**" in subd. (a)(9); and added subsecs. (b) and (c).

2008, P.A. 08-122, § 1, inserted ", except for an article described in [21 USC 321 \(g\)](#), as amended from time to time;" in subpara. (a)(2)(B); substituted "Within available appropriations, if" for "If" in subsec. (c); and made other nonsubstantive changes.

2006 Main Volume

### Transfer of Section

This section, formerly set out as [C.G.S.A. § 19-560](#), was transferred to C.G.S.A. § 21a-337 in Gen.St., Rev. to 1983.

### Codification

2004, P.A. 04-189, § 1, eff. June 1, 2004, directed that "Sections 146 to 148, inclusive of public act 03-6 of the June 30 special session are repealed.". 2003, June 30 Sp.Sess., P.A. 03-6, § 146(c) directed that the words "Commissioner of Consumer Protection" be substituted with "Commissioner of Agriculture and Consumer Protection".

### Amendments

**1980 Amendment.** 1980, P.A. 80-398, § 1, added subd. (8) relating to introduction of item containing **asbestos**.

**1985 Amendment.** 1985, P.A. 85-242, § 1, added subd. (9), relating to alteration or removal of items.

**1992 Amendments.** 1992, P.A. 92-127, § 1, added subd. (10).

1992, May Sp.Sess., P.A. 92-11, § 57, among other changes, in subd. (10), made provisions applicable after Dec. 31, 1992, and substituted provisions prohibiting toys or articles from being introduced or delivered so as to be introduced into commerce which do not bear a conspicuous warning label communicating the article contains parts hazardous to children under 3 years of age and providing that toys or articles that contain, as of Dec. 31, 1992, a safety warning label in substantial compliance with this subd. shall be determined by the commissioner to be in compliance with this subd. until Oct. 1, 1993, in lieu of provisions prohibiting toys or other articles from being introduced into commerce or delivered for introduction into commerce if they do not bear the following conspicuous label "warning--small parts pose choke hazard for children under the age of three"; and substituted provisions defining "conspicuous" as having the same meaning and characteristics regarding type size as in [16 CFR Part 1500.121\(c\)\(2\)](#) of the Federal Register for provisions defining said term as having the same meaning and characteristics as the term "conspicuousness" as defined in [16 CFR Part 1500.121\(c\)\(2\)](#) of the Federal Register.

**1993 Amendment.** 1993, P.A. 93-55, § 5, substituted reference to the Code of Federal Regulations Revised to January 1, 1991, for reference to Federal Register of January 1, 1991, and substituted reference to the Code, for reference to the Federal Register, wherever appearing.

**1994 Amendment.** 1994, P.A. 94-73, § 2, added subd. (11).

#### **Effective Dates**

**1971 Act.** 1971, P.A. 121, § 14, provided:

"This act shall take effect October 1, 1971, with respect to the initiation of necessary administrative changes and April 1, 1972, with respect to enforcement."

#### **Derivation:**

1958 Rev., § 19-302.

1971, P.A. 121, § 13.

#### **Prior Laws:**

1957, P.A. 271, § 2.

C. G. S. A. § 21a-337, CT ST § 21a-337

Current through 2009 Jan. Reg. Sess. public acts approved by the Gov. on or before May 25, 2009, with effective dates on or prior to July 1, 2009.

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C.G.S.A. § 8-219e

## C

Connecticut General Statutes Annotated [Currentness](#)

Title 8. Zoning, Planning, Housing, Economic and Community Development and Human Resources ([Refs & Annos](#))

▢ [Chapter 133](#). Housing, Redevelopment and Urban Renewal and Human Resource Development Programs ([Refs & Annos](#))

### → § 8-219e. Financial assistance for the abatement of lead-based paint and asbestos. Regulations

(a) The state, acting by and in the discretion of the Commissioner of Economic and Community Development, may enter into a contract with an eligible developer, as defined in [section 8-39](#), a community housing development corporation, as defined in [section 8-217](#), or any other person approved by the commissioner for state financial assistance in the form of a grant-in-aid, loan or deferred loan for technical assistance and the abatement of lead-based paint, **asbestos** and **asbestos**-containing material from a residential dwelling unit. In the case of a deferred loan, the contract shall require that payments on interest are due and payable but that payments on principal may be deferred to a time certain. Such grant-in-aid, loan or deferred loan, or combination thereof, shall not exceed the cost of such abatement, including expenses incurred in obtaining technical assistance for such abatement, and shall be awarded upon such terms and conditions as the commissioner may prescribe by regulations adopted pursuant to subsection (b) of this section.

(b) The Commissioner of Economic and Community Development may adopt regulations, in accordance with the provisions of chapter 54, [\[FN1\]](#) to carry out the purposes of this section. Such regulations shall provide the terms and conditions of grants-in-aid, loans or deferred loans made pursuant to subsection (a) of this section and the eligibility and application requirements for such financial assistance. In determining such eligibility requirements, the commissioner shall consider establishing priorities for low and moderate income families and households having a child suffering from lead-paint [\[FN2\]](#) poisoning.

#### CREDIT(S)

(1987, P.A. 87-541, §§ 1, 2, eff. July 1, 1987; 1992, P.A. 92-166, § 20, eff. July 1, 1992; 1994, May Sp.Sess., P.A. 94-2, § 6, eff. July 1, 1994; 1995, P.A. 95-22, § 1, eff. May 8, 1995; 1995, P.A. 95-250, § 1; 1996, P.A. 96-211, §§ 1, 5, eff. July 1, 1996; 1997, P.A. 97-173, § 2; 2005, P.A. 05-288, § 45, eff. July 13, 2005.)

[\[FN1\]](#) C.G.S.A. § 4-166 et seq.

[\[FN2\]](#) So in Gen.St., Rev. to 1997.

#### HISTORICAL AND STATUTORY NOTES

2001 Main Volume

#### Codification

1995, P.A. 95-250, § 1, which provided that on and after Oct. 1, 1995, "Commissioner of Housing" or "Commis-

sioner of Economic Development", wherever appearing, is changed to "Commissioner of Economic and Community Development", and "Department of Housing" or "Department of Economic Development", wherever appearing, is changed to "Department of Economic and Community Development", was repealed by 1996, P.A. 96-211, § 5, effective July 1, 1996.

On and after July 1, 1996, "Commissioner of Housing" or "Commissioner of Economic Development", wherever appearing, is changed to "Commissioner of Economic and Community Development", and "Department of Housing" or "Department of Economic Development", wherever appearing, is changed to "Department of Economic and Community Development", pursuant to 1996, P.A. 96-211, § 1.

Gen.St., Rev. to 1997, changed the section heading from "Financial assistance for removal of lead-based paint and **asbestos**. Regulations" to "Financial assistance for the abatement of lead-based paint and **asbestos**. Regulations".

#### **Effective Dates**

**1995 Act.** 1995, P.A. 95-250, § 42, as amended by 1995, P.A. 95-309, § 11, eff. July 1, 1995, provided:

"This act shall take effect July 1, 1995, except that sections 1 to 22, inclusive, and sections 25 to 37, inclusive, shall take effect October 1, 1995."

C. G. S. A. § 8-219e, CT ST § 8-219e

Current through 2009 Jan. Reg. Sess. public acts approved by the Gov. on or before May 25, 2009, with effective dates on or prior to July 1, 2009.

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