

West's Annotated Code of Maryland [Currentness](#)

Environment

Title 6. Toxic, Carcinogenic, and Flammable Substances ([Refs & Annos](#))▣ [Subtitle 4. Asbestos Removal](#)→ [Part I. Definitions; General Provisions \(Refs & Annos\)](#)→ **§ 6-401. Definitions**

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Asbestos material” means any material or product which contains more than 1 percent asbestos.
- (c)(1) “Asbestos occupation” means any job as an inspector, project designer, management planner, asbestos abatement contractor, asbestos supervisor, or asbestos abatement worker involving:
- (i) A project in a public and commercial building or in a school building that involves the location, identification, physical and hazard assessment, enclosure, removal, repair, renovation, or demolition of asbestos material in a public and commercial building or in a school building;
 - (ii) The inspection, planning, or design of any project in a school building as enumerated in subparagraph (i) of this paragraph; or
 - (iii) The inspection or design of any project in a public and commercial building as enumerated in subparagraph (i) of this paragraph.
- (2) “Asbestos occupation” does not include work on any small-scale, short-duration operations, maintenance, and repair activities as defined in 40 C.F.R. 763, Appendix C to Subpart E, Asbestos Model Accreditation Plan.
- (d) “Business entity” means a partnership, firm, association, corporation, sole proprietorship, or other business concern.
- (e) “Interior space” includes:
- (1) Exterior hallways connecting buildings;

(2) Porticoes; and

(3) Mechanical systems used to condition interior space.

(f) “License” means a license issued by the Department under this subtitle to remove and encapsulate asbestos.

(g)(1) “Public and commercial building” means the interior space of any building that is not a school building.

(2) “Public and commercial building” includes:

(i) Industrial and office buildings;

(ii) Residential apartment buildings of 10 or more dwelling units;

(iii) Condominiums of 10 or more dwelling units;

(iv) Government-owned buildings;

(v) Colleges;

(vi) Museums;

(vii) Airports;

(viii) Hospitals;

(ix) Churches;

(x) Stores;

(xi) Warehouses; and

(xii) Factories.

(3) “Public and commercial building” does not include any residential apartment building of fewer than 10 dwelling units, any condominium of fewer than 10 dwelling units, or any detached single-family home.

(h) “Public unit” includes:

(1) Any agency, bureau, department, or instrumentality of State government that is not subject to Executive Order 01.01.1987.22;

(2) Any agency, bureau, department, or instrumentality of federal or local government;

(3) Educational institutions that are not subject to Executive Order 01.01.1987.22; and

(4) Any public, quasi-public, or municipal corporation.

(i) “School” means any elementary or secondary school as defined in the Elementary and Secondary Education Act of 1965, at [20 U.S.C. 8801](#).

§ 6-402. Legislative findings

The General Assembly finds:

(1) That exposure to asbestos, a known carcinogenic agent, creates a significant hazard to the health of the people of this State;

(2) That projects to remove asbestos expose increasing numbers of asbestos removers to this hazard; and

(3) That it is in the public interest to protect asbestos removers from this hazard by requiring adherence to strict safety standards on asbestos removal projects.

§§ 6-403, 6-404. Reserved

§§ 6-403, 6-404. Reserved

§ 6-405. Emergency waivers

In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the Department may waive the requirement for a license.

§ 6-406. Implementation and inspections

The Department:

- (1) Shall adopt the rules and regulations necessary to carry out the provisions of this subtitle; and
- (2) At least once a year, during an actual removal or encapsulation project, shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

§§ 6-407, 6-408. Reserved

§§ 6-407, 6-408. Reserved

§ 6-409. Requirement of license

Except as otherwise provided in this subtitle, a business entity or public unit shall be licensed by the Department before the business entity or public unit removes or encapsulates any asbestos in this State.

§ 6-410. Eligibility

- (a) To qualify for a license, a business entity or public unit shall meet the requirements of this section.
- (b) Each employee or agent of the business entity or public unit who will come in contact with asbestos or who will be responsible for removal or encapsulation of asbestos shall:
 - (1) Be familiar with federal standards for asbestos removal and encapsulation; and
 - (2) Have completed a course of instruction on asbestos removal and encapsulation approved by the Department.
- (c) The business entity or public unit shall demonstrate to the satisfaction of the Department that the business entity or public unit:

- (1) Is capable of complying with all applicable standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, and the Commissioner of Labor and Industry acting under the Maryland Occupational Safety and Health Act; [\[FN1\]](#) and
- (2) Has access to at least 1 approved asbestos disposal site for deposit of all asbestos waste that the business entity or public unit will generate during the term of the license.
- (d) The business entity or public unit shall meet any other standards that the Department sets.

[\[FN1\]](#) Labor and Employment, § 5-101 et seq.

§ 6-411. Application process

- (a) To apply for a license, a business entity or public unit shall:
 - (1) Submit an application to the Department on the form that the Department requires; and
 - (2) Pay to the Department the application fee set by the Department.
- (b) The application form shall include:
 - (1) The name and address of the business entity or public unit;
 - (2) A description of the protective clothing and respirators that the business entity or public unit will use;
 - (3) The name and address of each asbestos disposal site that the business entity or public unit will use;
 - (4) A description of the site decontamination procedures that the business entity or public unit will use;
 - (5) A description of the removal and encapsulation methods that the business entity or public unit will use;
 - (6) A description of the procedures that the business entity or public unit will use for handling waste containing asbestos;
 - (7) A description of the air monitoring procedures that the business entity or public unit will use;

- (8) A description of the final clean-up procedures that the business entity or public unit will use;
- (9) The signature of the chief executive officer of the business entity or the chief executive officer's designee, or the signature of a representative of the public unit; and
- (10) Any other information that the Department requires.

§ 6-412. Licensee authority

A license authorizes the licensee to remove or encapsulate asbestos while the license is effective.

§ 6-413. Duration of license

- (a) A license expires on the first anniversary of its effective date, unless the license is renewed for a 1-year term as provided in this section.
- (b) At least 1 month before the license expires, the Department shall send to the licensee, by first-class mail to the last known address of the licensee, a renewal notice that states:
 - (1) The date on which the current license expires;
 - (2) The date by which the renewal application must be received by the Department for the renewal to be issued and mailed before the license expires; and
 - (3) The amount of the renewal fee.
- (c) Before the license expires, the licensee periodically may renew it for an additional 1-year term, if the business entity or public unit:
 - (1) Otherwise is entitled to be licensed;
 - (2) Pays to the Department the renewal fee that the Department sets; and
 - (3) Submits to the Department a renewal application on the form that the Department requires.

§ 6-414. Recordkeeping

(a) Each licensee shall:

(1) Keep a record of each asbestos removal or encapsulation project that it performs; and

(2) Make that record available to the Department at any reasonable time.

(b) The records required by this section shall be kept for at least 6 years.

(c) The records required by this section shall include:

(1) The name and address of the individual who supervised the asbestos removal;

(2) The location of and a description of the project and the amount of asbestos material that was removed;

(3) The starting and completion dates of each instance of removal;

(4) A summary of the procedures that were used to comply with all applicable standards;

(5) The name and address of each asbestos disposal site where the waste containing asbestos was deposited;
and

(6) Any other information that the Department requires.

§ 6-414.1. Warning of operations

(a) Except in emergency situations, before any business entity or public unit licensed under this subtitle removes or encapsulates any asbestos, the business entity or public unit shall notify the Department of:

(1) The location of the removal or encapsulation work; and

(2) The approximate amount of asbestos or asbestos-containing materials to be removed or encapsulated.

(b) Except in emergency situations and except as provided in subsection (c) of this section, at least 3 days before a business entity or public unit removes or encapsulates asbestos at a work site or asbestos project that is

a National Emission Standards for Hazardous Air Pollutants (NESHAP) project, the business entity or public unit shall:

(1) Post the number of signs that the Department requires to inform the public in the immediate vicinity that asbestos abatement is being performed; and

(2) Keep the sign posted until the Department receives written notice that the results of air monitoring in the area meet the requirements established in the regulations adopted under this section.

(c) For any asbestos project conducted at an electric generating station or at any other utility-controlled facility which is not routinely accessible by the public, a utility company shall be exempt from the requirements of subsection (b) of this section but shall be required to comply with any federal requirements regarding the posting of signs.

(d) The Department shall adopt regulations concerning the size, type, placement, and numbers of signs that a business entity or public unit shall post at a work site or asbestos project that is a NESHAP project.

§ 6-415. Discipline

Subject to the hearing provisions of this subtitle, the Department may reprimand any licensee, or suspend or revoke any license, if the licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

(2) Fails at any time to meet:

(i) The qualifications for a license; or

(ii) Any rule or regulation that the Department adopts under this subtitle; or

(3) Fails to meet any applicable federal or State standard for removal or encapsulation of asbestos.

§ 6-416. Hearings

(a) Except as otherwise provided in the Administrative Procedure Act, [FN1] before the Department takes any action under § 6-415 of this subtitle, it shall give the licensee against whom the action is contemplated an op-

portunity for a hearing.

(b) The Department shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

[FN1] State Government § 10-101 et seq.

§ 6-417. Approval of individuals

(a)(1) Unless the individual is accredited by the Department, an individual may not engage in an asbestos occupation.

(2) The Department shall accredit an individual upon submittal of proof to the Department that the individual has:

(i) Successfully completed and passed a training program and any required refresher program approved by the Department;

(ii) Successfully completed and passed a training program and any required refresher program approved by the United States Environmental Protection Agency; or

(iii) Acquired and maintained current accreditation from an EPA-approved state accreditation plan of another state.

(3) The Department may accept as proof of accreditation a certificate showing successful completion of any approved training program and any required refresher program.

(b)(1) The Department shall adopt regulations establishing standards and procedures that are consistent with federal law for the accreditation of asbestos occupations.

(2) The regulations shall include standards for:

(i) Training course approval and review;

(ii) Examinations for accreditation of applicants;

(iii) Annual refresher courses and renewal of accreditation;

(iv) Denial, suspension, and revocation of accreditation; and

(v) Procedures for implementing this accreditation plan.

(c) The Department shall set reasonable fees sufficient to cover the Department's direct and indirect costs in approving training programs, including the cost of applications, issuance and renewal of training course approvals and reviews, on-site audits, record keeping, and other related activities.

§ 6-418. Reserved

§ 6-419. Operation without license prohibited

Except as otherwise provided in this subtitle, a business entity or public unit may not remove or encapsulate asbestos in this State without a license.

§ 6-420. Complaints, orders and notices

(a) The Department shall issue a written complaint if the Department has reasonable grounds to believe that the person to whom the complaint is directed has violated:

(1) This subtitle;

(2) Any rule or regulation adopted under this subtitle; or

(3) Any order, permit, or certificate issued by the Department under this subtitle.

(b) A complaint issued under this section shall:

(1) Specify the provision that allegedly has been violated; and

(2) State the alleged facts that constitute the violation.

(c) After or concurrently with service of a complaint under this subtitle, the Department may:

(1) Issue an order that requires the person to whom it is directed to take corrective action within a time set in

the order;

(2) Send a written notice that requires the person to whom it is directed to file a written report about the alleged violation; or

(3) Send a written notice that requires the person to whom the notice is directed:

(i) To appear at a hearing held in accordance with the Administrative Procedure Act [FN1] before the Department at a time and place the Department sets to answer the allegations of a complaint; or

(ii) To file a written report and also appear at a hearing held in accordance with the Administrative Procedure Act before the Department at a time and place the Department sets to answer the charges in the complaint.

(d) Any order issued under this section is effective immediately, according to its terms, when it is served.

[FN1] State Government § 10-101 et seq.

§ 6-421. Service of process

(a) Any complaint, corrective order, notice, or other instrument issued by the Department under this subtitle may be served on the person to whom it is directed in accordance with § 1-204 of this article.

(b) If service is made by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, the person who mails the document shall file with the Department verified proof of mailing.

(c) Any notice that requires filing of a report, attendance at a hearing, or both, shall be served at least 10 days before the earlier of:

(1) The time set for the hearing, if any; or

(2) The time set for the filing of the report, if any.

§ 6-422. Enforcement

(a)(1) A person who willfully violates any provision of this subtitle or any rule or regulation adopted under this subtitle is liable for a civil penalty not exceeding \$5,000 to be collected in a civil action.

(2) Each day a violation continues is a separate violation under this subsection.

(3) If the Attorney General concurs, the Secretary may compromise and settle any claim for a civil penalty under this subtitle.

(b) A person who knowingly and willfully violates any provision of this subtitle or any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject:

(1) For a first offense, to a fine not exceeding \$20,000; or

(2) For a second or subsequent offense, to a fine not exceeding \$25,000, or imprisonment not exceeding 2 years or both.

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