

ASBESTOS CERTIFICATION REMINDERS

In order to assist in the application process, all individuals applying for asbestos certification should keep in mind the following:



ORIGINAL course completion certificate. (For out of state applicants, please present all original course completion certificates dating back to your initial course.);

- **PLEASE MAKE AN APPOINTMENT** to ensure timely processing by calling (808) 586-5800.

A reminder to all entities, no person shall engage in an abatement project without a valid and current certification from the department. This includes both the state and training expiration dates on the certification I.D. card.♦

- Properly fill out the provided application form;
- Call **(808) 586-5800** for an appointment;
- At your appointment, provide your most recent
- Attach any necessary experience documentation;
- Pay appropriate fees (cash or check payable to "Hawaii Department of Health");



We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. Write or call our Affirmative Action Officer at Box 3378, Honolulu, HI 96801-3378 or at (808) 586-4616 (voice) within 180 days of a problem.

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What's Inside...

- Recent Federal Enforcements.....2
- Lead: RRP.....2
- Lead-Based Re-Certifications.....3
- Asbestos Courtesy Notifications.....3
- Asbestos Certification Reminders.....4

NEW REGULATION ON LEAD: RRP

The EPA's Lead Renovation Repair and Painting Rule (RRP) has been in effect since April 2010. Put simply, the RRP regulates projects that disturb a "regulated amount" of lead-based paint (LBP) or presumed lead-based paint in a "regulated structure".

"Regulated structures" are all pre-1978 housing, and pre-1978 child-occupied facilities. The requirements apply only to the disturbance of "regulated amounts" of presumed or known LBP in regulated structures, "regulated amounts" being when six square feet or more of LBP is disturbed in a room, or 20 square feet or more of LBP is disturbed on an exterior. All structures

fitting the regulated criteria are presumed to have LBP, unless the paint being disturbed is found to be non lead-based by a certified lead paint inspector or risk assessor.

The gist of RRP is simple. Contractors must learn the use of lead-safe work practices by following these four procedures when working on a regulated project.

- Containing the work area
- Minimizing dust
- Cleaning up thoroughly
- Avoiding the use of prohibited work practices

(RRP Continue on page 3)

BUFFING FLOOR MASTIC CERTIFICATION

Some asbestos abatement contractors have asked if the use of a mechanical buffer, along with a solvent, to remove asbestos-containing floor mastic would be subject of HAR 11-501, "Asbestos Requirements".

The simple answer is "Yes" because the application of solvent followed by the buffer is considered abrading the floor mastic. As defined in 11-501-2, regulated asbestos material can be a Category I non-friable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading. Floor mastic, usually a Category I material, is potentially subject



if it is sanded, ground, cut, or abraded. While the use of solvent softens the floor mastic, the buffer and pad abrade the floor mastic, making this subject to the asbestos requirements including inspection, notification, containment/emission controls, and waste disposal. This activity would also trigger the certification requirement pursuant to HAR 11-504, "Asbestos Abatement Certification Program".

If you have any questions regarding buffing floor tiles and courtesy notifications, please call our office at **(808) 586-5800**.

Reminder!!!
Please remember to make an appointment for all Asbestos and Lead-Based Paint Re-Certifications or Updates. Call for Kristic Kasaoka at 586-5800.

RECENT FEDERAL ENFORCEMENT: Most-Wanted Fugitive Facing 9-Year Prison Sentence

More than twenty months after she fled the country to avoid going to prison, one of U.S. EPA's most wanted fugitives is scheduled to appear in U.S. District Court to finally be sentenced for her role in falsely certifying that hundreds of individuals had taken asbestos removal training.

Originally, federal prosecutors had sought to impose a prison-sentence of 87 months, a term that was on the low end of federal sentencing guidelines for her crimes. But after her 19

months on the lam, assistant U.S. attorney Jonathan Mitchell is asking a federal judge in Massachusetts to slap Albania Deleon with the maximum 108 month sentence.

Deleon was convicted in November 2008 of a slew of charges stemming from her work as president of Environmental Compliance Training in Massachusetts. Deleon used her position to sell false training certificates to hundreds of people who had not taken asbestos removal training. She then em-

ployed these individuals through a temporary employment agency.

Two days before she was set to be sentenced, Deleon removed her electronic monitoring device and turned fugitive. Despite changing her name and appearance, Deleon was finally captured in the Dominican Republic in October 2010 by local authorities who were working with the U.S. Marshall Service. She was then extradited to the United States. ♦

Owner of East Bay Company Sentenced to Prison for Issuing Sham Asbestos Certificates

San Francisco—Rogelio Lowe, also known as Roger Lowe, was sentenced to five months in prison, followed by three months of home confinement and 300 hours of community service, U.S. attorney Melinda Haag announced. The sentence follows a guilty plea entered earlier this year on charges stemming from Lowe's fraudulent operation of E & D Environmental Safety Training, Inc., a company that offered occupational training for asbestos workers.

On October 20, 2009, Lowe, 44, of Thornton, California, was charged in an eleven count indictment with mail fraud and false statements. On July 30, 2010, he pleaded guilty to two counts of mail fraud. According to the plea bargain agreement,

from 2007 to 2009 Lowe perpetrated a scheme to defraud whereby he would provide asbestos training to students for a fee and then not train these students for the required amount of time, and in several instances would provide little or no training.

According to court documents, Lowe provided asbestos removal courses that did not comply with federal law. As part of the scheme, Lowe did not teach the course for the required number of hours, including holding classes that were no more than 30 minutes in length, provided answers to the closed-book examinations, and forged tests for students that did not attend a test day. Lowe, nonetheless, issued certificates to students and charged their employers. This scheme extended to both the

required four-day initial training and the annual refresher course. Lowe submitted class rosters to the California Division of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA), reflecting that these students had successfully completed the training and passed the examination when he knew they had not. Cal/OSHA used and relied on these rosters to add the names of students to its state list of qualified asbestos workers.

In addition to the prison time and home confinement, Lowe must serve 300 hours of community service related to the environment. The defendant was also sentenced to a three-year period of supervised release. The prison sentence is to begin on February 2, 2011. ♦

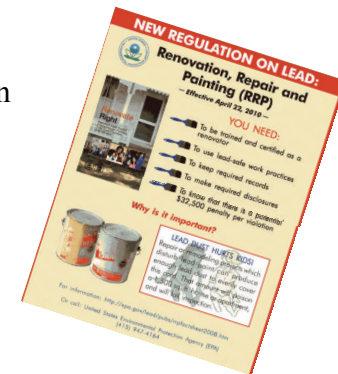
(RRP Continued from page 1)

The RRP is designed to make lead-safe work practices a standard operating procedure in regulated structures by mandating worker and firm training and licensing. Fines of up to \$37,500 can be levied for those who violate RRP.

The rule affects paid renovators and landlords, but not homeowners performing renovation, repair, or painting work in their own home that they don't rent out. Under the rule, designated individuals overseeing renovation, repair and painting projects regulated under RRP must be certified as a "certified renova-

tor", and must ensure that they and their workers follow specific work practices to prevent lead contamination (see bulleted list on page 1). Individuals can become certified renovators by taking an eight-hour training course from an EPA-approved training provider.

Also, firms performing regulated projects (contractors, management companies, landlords, etc.) must be certified by EPA



as a "certified firm", and use at least one certified renovator for all regulated projects. Certified firms are required to keep records demonstrating that the firm provided a certified renovator, and workers were trained by the certified renovator, for each regulated project.

Please feel free to call us at **(808) 586-5800**, or visit EPA's website at www.epa.gov/lead for further information. ♦

LEAD-BASED RE-CERTIFICATIONS

Since the U.S. EPA's authorization of Hawaii's Lead-Based Paint (LBP) Program in November 2005, the State Department of Health has been certifying individuals, firms and training programs which perform LBP activities in Hawaii.

As a reminder to all individuals (abatement workers, supervisors, inspectors, risk assessors, and pro-

ject designers) currently certified by U.S. EPA or the State of Hawaii, you must successfully complete a Hawaii accredited refresher course and apply to the Department of Health **BEFORE** your current certification expires. Unlike the asbestos certification program, there is **no grace period**.

Because LBP certificates are valid for three years, we are making

every effort to remind each individual in writing three to six months prior to expiration. However, you are solely responsible for meeting the requirements set forth in Chapter 11-41, HAR. If your certification has expired without proper application to the Department of Health, you must re-take the initial course and all associated examinations prior to performing LBP activities. ♦

ASBESTOS "COURTESY" NOTIFICATIONS

As the term itself suggests, a "courtesy" notification is one which is provided to the department to fulfill contract specifications rather than regulatory requirements. Courtesy notifications are submitted only for renovations that deal with the following types of asbestos-containing materials (ACM):

- Non-friable materials only (which will not become friable);

- Friable materials below the threshold amounts;
- Non-regulated facilities (e.g. single family residence).

Those intending to submit courtesy notifications should clearly label them as such.

Since RACM is an acronym for "regulated asbestos-containing material", any amounts of asbestos material recorded under RACM

will be regarded by the department as friable.

Any notification marked "Courtesy" will not be considered to meet Title 11, Hawaii Administrative Rules, Chapter 501 (HAR 11-501), Asbestos Requirements" and will not release the owner or operator of a facility of any liabilities with the department. ♦