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Sent: Tuesday, August 13, 2024 4:25 PM
To: META; CHC Training; M.E. TRAINING; Acclaim Environmental Services, Inc.; asbestos.workforce@comcast.net; S&R Environmental; Gobbel Hayes; Asbestos Masters
Subject: Multi-year asbestos certifications....
Attachments: Requirement for annual exams for certification.pdf

Greetings Training Providers,

Recently the Division was made aware that individuals purchasing multi-year state asbestos certifications were not completing the required annual exam. To clarify, it is a requirement that an individual take an annual refresher training class and subsequently take and pass the Division administered exam for the respective asbestos discipline(s). It is important to note that failure to complete either of these requirements will cause a lapse in certification. Attached please find the statutory authority for this requirement. We are asking you to provide this information to your students so that they can be prepared.

Please feel free to contact me or Laura Manyak, directly, if you have any questions.

Best regards,

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The Indoor Environment Program will not accept incomplete forms for certification, abatement or demolition. Any application with missing information may result in longer processing times or the application may be returned to you which will restart the required notification period. Please note that all submissions must be completed using forms supplied by the Division. If you need assistance, please refer to: <https://www.colorado.gov/pacific/cdphe/asbestos-forms> or <https://www.colorado.gov/pacific/cdphe/certification-and-lead-abatement-forms> or contact the Indoor Environment Program at 720-507-5136.

Training and Accreditation Requirements

The Asbestos Hazard Emergency Response Act of 1986 (AHERA) (15 U.S.C. 2646) was enacted to identify, manage and reduce exposure to asbestos in schools. Subsequently, in 1990, Congress enacted the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) (Public Law 101-637) which amended AHERA to extend the training and accreditation requirements to persons performing such work in public and commercial buildings.¹ States are mandated by AHERA to adopt an accreditation plan no less stringent than the Environmental Protection Agency's (EPA) Model Accreditation Plan (MAP). *See* 15 U.S.C. 2646(b)(2). Sections 25-7-503(1)(f)(I), 25-7-507.5(5)(c)(1), and 25-7-511.6 C.R.S. of the Colorado Air Pollution Prevention and Control Act (Act) give the Colorado Air Quality Control Commission (Commission) and the Colorado Air Pollution Control Division (Division) the power and duty to adopt these federal training and certification requirements, ensure that individuals are competent in asbestos abatement procedures, promulgate rules governing refresher training programs, and implement testing to measure the knowledge of certified persons attending the refresher training programs.

I. The Purpose of Colorado's Asbestos Legislation

“Therefore, the general assembly determines and declares that the enactment of this part 5 is a matter of statewide concern to achieve statewide uniformity in the regulation of such asbestos abatement practices and uniformity in the qualifications for and certification of persons who perform such abatement”.²

II. Testing for Certification under Part 5 of the Act

The Division must develop or purchase the examinations administered pursuant to this part 5 for certification under sections 25-7-506 (Trained Supervisors), 25-7-506.5 (Air Monitoring Specialists), and 25-7-507 (as Required under Federal Law).³

The purpose of the examinations required pursuant to this section is to ensure minimum competency in asbestos abatement procedures.⁴

III. Annual Refresher Training

The Commission is required to promulgate rules governing refresher training programs for persons who conduct asbestos abatement activities that does not exceed the requirements of refresher training mandated under AHERA.⁵ In adopting such rules, the Commission must ensure the refresher training are related to ensuring continuing competency in asbestos abatement procedures.⁶

IV. Maintenance Testing

The Division is required to implement a system of testing that measures the knowledge obtained by certified persons attending the annual refresher training programs.⁷ Based on this statutory

¹ Colorado law explicitly states single-family residential dwellings must be considered an area of public access, which includes public and commercial buildings, unless the homeowner opts out. *See* § 25-7-502(1).

² *See* § 25-7-501(2)(emphasis added).

³ *See* § 25-7-505.5(1)

⁴ *Id.*

⁵ *See* §§ 25-7-503(1)(f), 25-7-507.5(5), and 25-7-511.6.

⁶ *Id.*

⁷ *See* § 25-7-507.5(5)(c)(III) and 25-7-511.6.

directive, the Division has implemented a test that must be taken annually to measure the knowledge obtained by certified persons attending the annual refresher training. For ease of reference, the Division has referred to this system of testing as maintenance testing.

V. Expiration of Certificate for Failure to Complete the Refresher Training or Maintenance Testing

Should an individual fail to complete the annual refresher course or take the subsequent test that measures the knowledge of that individual attending the refresher training (i.e., maintenance testing), that individual's certificate will be deemed to have lapsed.⁸ Any certificate issued pursuant to part 5 of the Act that has lapsed will be deemed to have expired.⁹

VI. Reinstatement of Expired Certificates

If an individual's certificate has expired due to their failure to complete the annual refresher course or take the subsequent test that measures the knowledge obtained by that individual attending the annual refresher training program (i.e., maintenance test), they may complete the refresher training and maintenance test within one year after the certificate has expired in order for the certificate to be reinstated.¹⁰ Although Colorado law authorizes the payment of a reinstatement fee prior to an expired certificate being reinstated, at this time the Commission has not set such a fee and therefore the Division does not require the payment of a reinstatement fee in order for an expired certificate to be reinstated if the individual satisfies the reinstatement requirements within one year after expiration.¹¹

VII. Consequence of an Expired Certificate

An individual who engages in asbestos abatement activities, which includes inspections, preparation of management plans, the design of abatement actions, the execution or supervision of abatement actions, air monitoring or air monitoring activities, or the instruction of any of these disciplines, must be certified.¹² If an individual's certification has expired due to the end of their certification timeframe, their failure to complete the annual refresher training or take the subsequent test that measures the knowledge of that individual attending the refresher training (i.e., maintenance testing) they will not be allowed to engage in these activities until their certification is reinstated (or renewed) and therefore becomes current.¹³

***The Division recommends that applications for renewal be submitted at least 30 days prior to the certification expiration date to avoid any interruption in the employment status.¹⁴

⁸ See § 25-7-507.5(5)(a) and (c)(III),

⁹ See § 25-7-507.5(1).

¹⁰ See § 25-7-507.5(5)(a) and (c)(III)

¹¹ See § 25-7-507.5(3).

¹² See §§ 25-7-504, 505, 506, 507, 507.5 and 511.6. See also Reg. 8, Part B, Sections II.C.5, II.D.4, and II.F.2.

¹³ *Id.*

¹⁴ See instructions for certification and training at <https://cdphe.colorado.gov/indoor-air-quality/asbestos-general-information>