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CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to job classifications, certification fees and training for roofers working with asbestos-containing materials were duly approved and adopted by this Department on December 10, 1992.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 10th day of December, 1992.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING, RENUMBERING, AMENDING AND CREATING RULES

To repeal HSS 159.02 (1) (a) 2; to renumber HSS 159.02 (1) (a) 1; to amend HSS 159.03 (4), 159.11 (2) (d) and (e) and (7) (a) 4 and 5 and Appendix A II 3, 1st paragraph; and to create HSS 159.03 (9g), (9r) and (12m), 159.11 (2) (f) and (g), (7) (a) 6 and 7 and (8) (a), (b) and (c), and 159.15 (5) and Appendix A I 1 F. and G. and 2, 3rd paragraph, 6 and 7, relating to job classifications, certification fees and training for roofers working with asbestos-containing materials.

Analysis Prepared by the Department of Health and Social Services

Persons who replace or repair roofs that contain asbestos or who otherwise work with asbestos-containing roofing materials have always been covered by s. 140.06, Wis. Stats., which requires that all persons who disturb asbestos be trained to do it safely and have certification from the Department that they have completed an approved training course. The promulgation of ch. HSS 159 in August 1990 regulated roofers who disturb asbestos-containing roofing materials on schools and on public and private sectors buildings. However, because the asbestos training course curricula at the time only addressed interior asbestos abatement work, the Department delayed the date of applicability of ch. HSS 159 for persons disturbing asbestos-containing materials on building exteriors to January 1, 1993. The purpose of delaying application of the rules to roofers was to wait on development of roofing training courses for the Asbestos Roofing Worker and the Asbestos Roofing Supervisor that addressed regulated roofing work practices. The roofing training courses, reviewed by the federal Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA), are now in place and applications for accreditation of the courses are being accepted by the Department.

These rules state that Asbestos Roofing Supervisor and Asbestos Roofing Worker are job classifications that require asbestos training and certification and set fees for persons with those classifications. The certification fees for persons performing asbestos roofing activities are set lower than fees for existing categories of persons performing asbestos abatement and asbestos management activities because of the shorter length of the training courses for roofers.

The Department's authority to repeal, renumber, amend and create these rules is found in s. 140.06 (9), Stats. The rules interpret s. 140.06, Stats.

SECTION 1. HSS 159.02 (1) (a) 1 is renumbered 159.02 (1) (a).

SECTION 2. HSS 159.02 (1) (a) 2 is repealed.

SECTION 3. HSS 159.03 (4) is amended to read:

HSS 159.03 (4) "Asbestos" means chrysotile, crocidolite, and amosite, ~~fibrous tremolite, fibrous actinolite or fibrous anthophyllite.~~

SECTION 4. HSS 159.03 (9g), (9r) and (12m) are created to read:

HSS 159.03 (9g) "Asbestos roofing supervisor" means a person who oversees a roofing project that disturbs asbestos-containing roofing materials, and has the authority to require changes in performance practices or to halt the project, and who may collect bulk samples to ascertain the presence of asbestos in roofing material or function as the air sampling professional for roofing activities.

(9r) "Asbestos roofing worker" means a person who, working with category I ACM, prepares the roof for negative air pressure containment, if necessary, repairs the ACM on a roof, except for blister or buckle repairs, or removes or loads out ACM from a roof.

(12m) "Category I ACM" means asbestos-containing packings, gaskets, resilient floor covering and asphalt roofing products containing more than one percent asbestos by weight.

SECTION 5. HSS 159.11 (2) (d) and (e) are amended to read:

HSS 159.11 (2) (f) (d) Asbestos worker; ~~or,~~

(e) Project designer ~~or,~~

SECTION 6. HSS 159.11 (2) (f) and (g) are created to read:

HSS 159.11 (2) (f) Asbestos roofing supervisor; or

(g) Asbestos roofing worker.

SECTION 7. HSS 159.11 (7) (a) 4 and 5 are amended to read:

HSS 159.11 (7) (a) 4. For certification as an asbestos supervisor, a fee of \$100.00; and

5. For certification as a project designer, a fee of \$150.00~~;~~

SECTION 8. HSS 159.11 (7) (a) 6 and 7 and (8) (a), (b) and (c) are created to read:

HSS 159.11 (7) (a) 6. For certification as an asbestos roofing supervisor, a fee of \$50.00; and

7. For certification as an asbestos roofing worker, a fee of \$25.00.

(8) ROOFING CERTIFICATION CARD. (a) A roofing certification card allows a person to perform roofing activities that involve only category I ACM. The card is not valid for interior abatement activities nor for exterior abatement activities that involve non-roofing ACM.

(b) Recovering a roof does not require a roofing certification card provided that the worker does not engage in any repair or removal activities except for blister or buckle repairs. In this paragraph, "recovering" means placing a non-ACM over the existing asbestos-containing roofing material.

SECTION 9. HSS 159.15 (5) is created to read:

HSS 159.15 (5) An asbestos roofing supervisor certified by the department shall be at the roofing site at all times while work involving asbestos-containing materials is being done.

SECTION 10. Appendix A I 1. F. and G. are created to read:

F. Roofing Workers. All persons seeking certification as roofing workers shall complete a one-day roofing worker training course as outlined below. The one day course shall include lectures, demonstrations and hands-on, a course review and a written examination.

The training course shall adequately address the following topics within a minimum amount of class time specified:

(a) Asbestos characteristics. Identification of asbestos, aerodynamic characteristics, typical asbestos uses in roofing. Duration: 45 minutes.

(b) Potential health effects related to asbestos exposure. Nature of asbestos related diseases, lack of safe exposure level, synergism between cigarette smoking and

asbestos exposure, routes of exposure, dose response relationship, latency period. Duration: 45 minutes.

(c) Personal protective equipment. Classes and characteristics of respirators, qualitative and quantitative fit testing, personal protective clothing, risk of family exposure, medical surveillance, limitations of respirators, field testing respirators, respirator protection factors, factors that alter respirator fit, use/storage/handling of non-disposable clothing, respiratory protection, proper selection/inspection/donning/use/storage procedures for respirators, components of a proper respiratory protection program. Duration: 2 hours.

(d) Regulations for workers. Wisconsin Department of Natural Resources regulations, Wisconsin Department of Health and

Social Services regulations,
U.S. Occupational Safety and
Health Administration
regulations, U.S.
Environmental Protection
Agency regulations -
NESHAP/AHERA, Wisconsin
Department of Industry, Labor
and Human Relations
regulations, Wisconsin
Department of Transportation
regulations. Duration: 45
minutes.

(e) State of the art
work practices. General
safety, engineering controls,
wet methods associated with
roofing work, NESHAP category
I and II roofing material,
operations and maintenance
criteria, impact of roofing
activities on interior
asbestos-containing materials,
air sampling for worker's
interpretation of results,
handling procedures for
asbestos-containing roofing
materials, proper use of power
equipment, demonstration of
decontamination procedure,
decontamination units.
Duration: 2 hours.

G. Roofing Supervisors.
All persons seeking
certification as roofing
supervisors shall complete a
one-day roofing worker course
as outlined above and an
additional one-day roofing
supervisor training course.
The training program shall
include lectures,
demonstrations and hands-on,
course review and a written
examination.

The training course shall
adequately address the
following topics within a
minimum amount of class time
specified:

(a) Bulk sampling for
asbestos-containing roofing
materials. Techniques for
bulk sampling and sampling
equipment, quality control and
assurance procedures, use of
respiratory protection, repair
of the sampling area, use of
polarized light microscopy.
Duration: 30 minutes.

(b) Air sampling for
airborne asbestos fibers.
Regulations and record
keeping, calibration,
interpreting results, asbestos
analysis by PCM/TEM, equipment
terminology, air sampling
strategies and techniques for
roofs. Duration: 1 hour.

(c) Regulations for
supervisors. DOT regulations
related to asbestos, 29 CFR
1926.58 (asbestos construction
standards), Wisconsin
Administrative Code Chapter
ILHR 32 (asbestos regulations
for public sector employees),
29 CFR 1910.134 (respiratory
protection), Wisconsin
Administrative Code Chapter
HSS 159 (asbestos
certification), overview of 40
CFR 763 (AHERA), 29 CFR
1926.59 (hazard communication
standard), regulation
interpretations, Wisconsin
Administrative Code Chapter
NR 447 (control of asbestos
emissions) and Section
NR 502.06(3) (collection and
transportation). Duration: 1
hour and 30 minutes.

(d) Insurance/liability
issues. Tort law, occurrence
insurance, regulatory law,
claims made insurance,
contractual law, worker's
compensation. Duration: 30
minutes.

(e) Other supervisory

issues. Emergency planning, contract specifications, slower worker productivity, fear associated with asbestos work, logistical problems related to asbestos-containing roofing materials, negative pressure/local exhaust ventilation. Duration: 1 hour.

(f) On-site representative/competent person. Glove bags and how they work, negative pressure enclosures, local exhaust ventilation systems, considerations when coordinating with asbestos abatement personnel. Duration: 45 minutes.

SECTION 11. Appendix A I 2, 3rd paragraph, 6 and 7 are created to read:

Appendix A I 2, 3rd paragraph, 6. Roofing Worker - 35 multiple choice questions, 70% passing score.

7. Roofing Supervisor - 50 multiple choice questions, 70% passing score.

SECTION 12. Appendix A II 3, 1st paragraph, is amended to read:

Appendix A II 3, 1st paragraph, An annual refresher training course for recertification shall be one day in length except for the inspector, roofing supervisor and roofing worker classification classifications. Refresher courses for inspectors, roofing supervisors and roofing workers shall be a half-day in length. Management planners shall attend the inspector refresher course, plus an additional half-day on management planning.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Date: December 10, 1992

By: 

Gerald Whitburn
Secretary

SEAL:

Tommy G. Thompson
Governor
Gerald Whitburn
Secretary



Mailing Address
1 West Wilson Street
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State of Wisconsin
Department of Health and Social Services

December 10, 1992

Mr. Bruce E. Munson
Revisor of Statutes
119 Martin Luther King, Jr., Blvd.
2nd Floor
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 159, administrative rules relating to job classifications, certification fees and training for roofers working with asbestos-containing materials.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Whitburn".

Gerald Whitburn
Secretary

Enclosure