

MIOSHA ASBESTOS PROGRAM

ANNUAL REPORT Fiscal Year 2020

In accordance with Act 135, P.A. 1986, as amended, Section 220(7) and Section 315, herein is the Michigan Occupational Safety and Health Administration (MIOSHA), Asbestos Program Annual Report to the governor and the legislature.

Overview

The MIOSHA Asbestos Program is **responsible for the enforcement** of the Asbestos Abatement Contractors Licensing Act (Act 135, P.A. 1986, as amended), the Asbestos Workers Accreditation Act (Act 440, P.A. 1988, as amended), and meeting the State of Michigan responsibilities under the Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA). The program also enforces asbestos issues related to the Michigan Occupational Safety and Health Act (Act 154, P.A. 1974, as amended).

During fiscal year (FY) 2020 (October 1, 2019 through September 30, 2020), 13 employees worked in the MIOSHA Asbestos Program; one program manager, one supervisor, seven industrial hygienists, one departmental analyst, two secretaries, and one general office assistant.

AHERA Management Plan

The MIOSHA Asbestos Program is the state-designated program for reviewing asbestos management plans for K-12 public, charter and private nonprofit schools. The role of the program is to ensure that the plans meet the minimum requirements of AHERA. The program has received and reviewed AHERA management plans since December 1987. *Table One* provides information regarding how many management plans have been received and reviewed per school category.

TABLE ONE	
MANAGEMENT PLANS	
DEC 1987 – SEPT 2020	
CATEGORY	#
Public Schools	4,484
Private Schools	1,107
Charter Schools	343
TOTAL	5,934

Asbestos Training Courses

A function of the MIOSHA Asbestos Program is to review and approve 10 distinct types of asbestos training courses. These courses are conducted by various organizations such as environmental consulting firms, trade unions, and asbestos abatement firms.

The approval process for each course is regulated by federal EPA's *Model Accreditation Plan*. The Asbestos Program periodically conducts unannounced, on-site audits of training courses to evaluate the instructor's overall abilities, the effectiveness of the instruction, and the hands-on portion of the class. *Table Two* provides a listing by category of the training courses and the associated revenue for FY 2020.

TABLE TWO							
TRAINING COURSE APPLICATIONS							
CATEGORY	INITIAL		RENEWAL		LATE FEES	TOTAL	
	#	REV	#	REV	REV	#	REV
Abatement Worker Initial	1	\$400	7	\$1,400	\$0	8	\$1,800
Abatement Worker Refresher	1	\$400	13	\$2,600	\$0	14	\$3,000
Abatement Worker Refresher-Online	1	\$400	0	\$0	\$0	1	\$400
Spanish Worker Refresher-Online	1	\$400	0	\$0	\$0	1	\$400
Contractor/Supervisor Initial	1	\$400	31	\$6,200	\$400	32	\$7,000
Contractor/Supervisor Refresher	1	\$400	37	\$7,400	\$400	38	\$8,200
Contractor/Supervisor Refresher-Online	6	\$2,400	0	\$0	\$0	6	\$2,400
Inspector Initial	0	\$0	16	\$3,200	\$200	16	\$3,400
Inspector Refresher	1	\$400	23	\$4,600	\$200	24	\$5,200
Inspector Refresher-Online	5	\$2,000	0	\$0	\$0	5	\$2,000
Management Planner Initial	0	\$0	5	\$1,000	\$0	5	\$1,000
Management Planner Refresher	1	\$400	11	\$2,200	\$0	12	\$2,600
Management Planner Refresher-Online	3	\$1,200	0	\$0	\$0	3	\$1,200
Project Designer Initial	0	\$0	4	\$800	\$0	4	\$800
Project Designer Refresher	0	\$0	10	\$2,000	\$0	10	\$2,000
Project Designer Refresher-Online	1	\$400	0	\$0	\$0	1	\$400
TOTALS	23	\$9,200	157	\$31,400	\$1,200	180	\$41,800

Asbestos Abatement Project Notifications

Section 220(3) of Act 135, P.A. 1986, as amended, specifies that all projects requiring notification (any friable asbestos removal or encapsulation projects exceeding **10 linear feet, 15 square feet**, or both) must include a project fee equal to one percent of the price of the contract for the asbestos abatement portion of the project. *Table Three* provides information regarding asbestos abatement project notifications received by the Asbestos Program for FY 2020.

TABLE THREE		
PROJECT NOTIFICATIONS		
CATEGORY	#	REVENUE
Regular	4,453	\$612,003
Emergency	291	\$9,512
TOTALS	4,744	\$621,515

TABLE FOUR		
ACCREDITATION APPLICATIONS		
CATEGORY	#	REVENUE
Worker Initial	225	\$11,180
Worker Renewal	667	\$16,650
Contractor/Supervisor Initial	606	\$31,150
Contractor/Supervisor Refresher	2,411	\$60,250
Inspector Initial	93	\$13,950
Inspector Refresher	861	\$63,300
Management Planner Initial	13	\$1,950
Management Planner Refresher	142	\$10,650
Project Designer Initial	3	\$450
Project Designer Refresher	93	\$6,975
Late Fees	—	\$56,150
Card Reissue Fees	—	\$1,050
TOTALS	5,114	\$273,705

Accreditation of Asbestos Workers

Asbestos abatement workers, asbestos contractors/supervisors, building inspectors, management planners, and project designers must become accredited before performing asbestos-related work. The MIOSHA Asbestos Program accreditation process consists of review and verification of the applications submitted. *Table Four* displays information regarding accreditation applications for FY 2020.

Licensing of Asbestos Abatement Contractors

With the exception of exempt trade group members (Michigan licensed plumbers, electricians, mechanical contractors, residential builders, and maintenance/alteration contractors), **any business entity** desiring to conduct friable asbestos

abatement on the premises of another business entity must receive a license from the MIOSHA Asbestos Program before engaging in any asbestos abatement activities in Michigan. *Table Five* displays information regarding contractor license applications for FY 2020.

Compliance Investigations

The MIOSHA Asbestos Program is granted the authority to conduct programmed (self-initiated) investigations, respond to complaints of **improper work practices** or procedures involving asbestos abatement and disturbance activities, and issue citations under Act 154, P.A. 1974, as amended, Act 135, P.A. 1986, as amended, and Act 440, P.A. 1988, as amended. *Table Six* displays information regarding the number of investigations, citations, and penalties that were assessed during FY 2020.

Revenue Summary

All statistics provided with this report are based upon information derived from the Asbestos Management Information System and the OSHA Information System.

TABLE FIVE		
CONTRACTOR LICENSING		
CATEGORY	#	REVENUE
Type I Initial	24	\$4,800
Type I Renewal	79	\$7,975
Type I Late Fee	—	\$1,900
Type I Processing Fees	6	\$125
TOTAL TYPE I REVENUE	109	\$14,800
Type II Initial	17	\$6,800
Type II Renewal	139	\$41,500
Type II Late Fees	—	\$2,700
Type II Processing Fees	2	\$50
TOTAL TYPE II REVENUE	158	\$51,050
GRAND TOTALS	267	\$65,850

Table Seven provides a breakdown of revenue received by category for FY 2020. All revenue generated by project notifications, accreditation applications, contractor licensing, and training course applications has been deposited in the Asbestos Abatement Fund, which was created by Act 135, P.A. 1986, Section 220(5). As indicated in Act 135, Section 220(6), these funds are to be used **only for asbestos-related responsibilities** of the department under the act. Citation revenue resulting from violation of Act 135, Act 440, and Act 154 were remitted to the State of Michigan General Fund.

TABLE SIX			
NUMBER OF INVESTIGATIONS, CITATIONS,			
TYPE OF CITATION	INV	CIT	AMOUNT
Act 135	—	12	\$6,676
Act 440	—	3	\$940
Act 154	—	558	\$326,600
TOTALS	189	573	\$334,216

Summary

The MIOSHA Asbestos Program adds significantly to the safety and health of employees in the state of Michigan. Information on the MIOSHA Asbestos Program is available at www.michigan.gov/asbestos. Questions regarding this report and the Asbestos Program may be directed to MIOSHA Director **Barton G. Pickelman**, CIH, at 517-284-7777.

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TABLE SEVEN	
REVENUE SUMMARY	
CATEGORY	REVENUE
Training Course Applications	\$41,800
Project Notifications Fees	\$621,515
Accreditation Applications	\$273,705
Contractor Licensing Applications	\$65,850
SUBTOTAL	\$1,002,870
Citation Penalties Assessed	\$334,216
TOTAL	\$1,337,086

