



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amendment)

5 401 KAR 58:005. Accreditation of asbestos professionals.

6 RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300,  
7 224.20-310, 224.20-320, 224.99-010, 40 C.F.R. 763.80 through~~[-]~~763.99, Appendices A  
8 through~~[-]~~ E~~[-]~~(Subpart E)~~[-]~~, as published in the Code of Federal Regulations, July 1, 1996, 15  
9 U.S.C. 2601-2692, as amended November 28, 1990 (Toxic Substances Control Act)]

10 STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110~~[224.20-110]~~,  
11 224.20-120, 224.20-300, 224.20-310, 224.20-320~~[-]~~, ~~224.99-010, 40 C.F.R. 763.80-763.99,~~  
12 ~~Appendices A-E Subpart E, as published in the Code of Federal Regulations, July 1, 1996, 15~~  
13 ~~U.S.C. 2601-2692 as amended November 28, 1990]~~

14 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes  
15 ~~[requires]~~ the ~~[Environmental and Public Protection]~~ cabinet to promulgate~~[prescribe]~~  
16 administrative regulations for the prevention, abatement, and control of air pollution. KRS 224.20-  
17 300 authorizes~~[allows]~~ the cabinet to develop, adopt, and maintain a comprehensive statewide  
18 asbestos contractor accreditation program ~~[relating to asbestos]~~. This administrative regulation  
19 establishes the process~~[provides]~~ for the accreditation of individuals~~[persons]~~ who inspect for  
20 asbestos in school, public, and commercial buildings; who design, supervise, or perform response  
21 actions in school, public, or commercial buildings; ~~;~~ and who prepare plans addressing potential

1 and actual asbestos hazards in school buildings. Additionally, this administrative regulation  
2 establishes the process~~provides~~ for the review and approval of training courses that are  
3 prerequisites for accreditation.

4 Section 1. Definitions.

5 (1) "Abatement project design" means a plan specifying the scope of a proposed response  
6 action and the procedures, equipment, and controls to be used to conduct the response action, in  
7 compliance with applicable regulations, in a school, public, or commercial building.

8 (2) "Abatement project designer" means a person who prepares an abatement project  
9 design.

10 (3) "Accredited" means that a person has been issued an accreditation certificate pursuant  
11 to Section 5 of this administrative regulation.

12 (4) "Asbestos" means the asbestiform varieties of serpentinite (chrysotile), riebeckite  
13 (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite, and tremolite.

14 (5) "Asbestos abatement activity" means an inspection, a management plan, an abatement  
15 project design, or a response action.

16 (6) "Asbestos abatement supervisor" means the person responsible for the on-site  
17 supervision of a response action in a school, public, or commercial building. An asbestos  
18 abatement supervisor may also perform the duties of an asbestos abatement worker.

19 (7) "Asbestos abatement worker" means a person who performs a response action.

20 (8) "Compliance inspection" means activity performed by federal, state, or local regulatory  
21 agencies to determine adherence to statutes and administrative regulations.

22 (9) "Contingent approval" means temporary approval contingent upon a training course  
23 provider's submitting to a site audit.

1 (10) "Day" means a calendar day.

2 (11) "Discipline" means inspection, management planning, abatement project design,  
3 asbestos abatement supervision, or asbestos abatement work.

4 (12) "EPA-approved state" means a state which has been authorized by the U.S. EPA to  
5 approve training courses for accreditation purposes.

6 (13) "EPA-approved training course" means an initial or refresher training course for the  
7 discipline for which accreditation is requested and which is approved by the U.S. EPA or an EPA-  
8 approved state at the time the course is taken to comply with the requirements of 15 U.S.C.[USC]  
9 2646 (Section 206 of the Toxic Substances Control Act (TSCA)), as amended November 28, 1990.

10 (14) "Management plan" means a document submitted or maintained by a local education  
11 agency (LEA) to satisfy the requirements of 40 C.F.R.[CFR] 763.93 and 401 KAR 58:010.  
12 [~~Inspection findings, asbestos management strategies, and required records are among the contents~~  
13 ~~of a management plan, pursuant to 40 CFR 763.93 through 763.94.]~~

14 (15) "Management planner" means a person who develops management plans. A  
15 management planner may also perform the duties of an inspector.

16 (16) "Proof of training" means a document issued by a training course provider to a course  
17 attendee pursuant to Unit I.D. of the Kentucky Asbestos Accreditation Program (KAAP). [~~The~~  
18 ~~KAAP document is incorporated by reference in Section 11 of this administrative regulation.]~~

19 (17) "State" means a state, the District of Columbia, the Commonwealth of Puerto Rico,  
20 Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the  
21 Virgin Islands.

22 Section 2. Applicability. This administrative regulation shall apply to:

1 (1) Persons required to be accredited pursuant to 401 KAR 58:010 and the  
2 KAAP~~[Kentucky Asbestos Accreditation Program (KAAP)]~~; and

3 (2) Persons who provide accreditation training in the Commonwealth of Kentucky pursuant  
4 to the KAAP.

5 Section 3. Prohibitions.

6 (1) The cabinet shall not consider a person for initial accreditation or accreditation renewal  
7 unless the training requirements of Section 9 of this administrative regulation are completed prior  
8 to application.

9 (2) A person shall not engage in, nor allow a person to engage in, an asbestos abatement  
10 project at a school on or after October 12, 1988, or at a public or commercial building on or after  
11 July 7, 1998~~[the effective date of this administrative regulation]~~, unless an accreditation certificate  
12 to engage in these projects has been issued to the person by the cabinet, is currently in effect, and  
13 is maintained on the person at all times while the asbestos abatement project is being conducted.

14 (3) A person shall not provide accreditation training in Kentucky unless the requirements  
15 of Section 10 of this administrative regulation have been met.

16 Section 4. Applications for Accreditation.

17 (1) An application~~[Applications]~~ for initial accreditation and accreditation renewal shall be  
18 made on the Application for Asbestos Accreditation, DEP 6038~~[, which is incorporated by~~  
19 ~~reference in Section 11 of this administrative regulation]~~. The application shall include a copy of  
20 the most current proof of training in the discipline for which accreditation is requested.

21 (a) In lieu of a proof of training, the applicant may submit other proof of satisfactory  
22 completion from an EPA-approved state pursuant to Unit H of the KAAP document.

1 (b) The proof of training or other proof of satisfactory completion issued by the training  
2 provider shall contain the information required in Unit I.C. of the KAAP document.

3 (c) If original proofs of training are submitted with the request for accreditation, they shall  
4 be returned to the applicant when the requested accreditation certificate is provided or when the  
5 cabinet denies the request for accreditation in writing.

6 (2) An application~~[Applications]~~ for accreditation shall be signed by the individual  
7 requesting accreditation. The signature shall constitute personal affirmation that the statements  
8 made in the application are true and complete.

9 (3) An application~~[Applications]~~ shall be accompanied by the applicable accreditation fee  
10 as established~~[specified]~~ in Section 7(1) and (2) of this administrative regulation.

11 Section 5. Consideration of Applications. The cabinet shall make a determination regarding  
12 issuance or denial of accreditation based upon the information contained in the application and the  
13 qualification requirements of the KAAP document. The cabinet may deny an application for  
14 accreditation if the cabinet determines that the applicant willfully made a misstatement in the  
15 application, or if the applicant has violated a provision of this administrative regulation, the KAAP  
16 document, 401 KAR 58:010, or 401 KAR 58:025~~[, or for other good cause]~~. Failure by an applicant  
17 to supply information required by the cabinet to act upon the renewal application~~[applications]~~  
18 shall result in denial of that renewal.

19 (1) Application for initial accreditation. Within fifteen (15) days after receipt of an  
20 application for initial accreditation, the cabinet shall make a completeness determination  
21 concerning the application. If the application is not complete, the cabinet shall identify the  
22 additional information that is necessary in order to evaluate the application. Issuance by the cabinet

1 of the accreditation certificate within this fifteen (15) day period shall have the effect of  
2 documenting the completeness of the application.

3 (a) Within fifteen (15) days after the application is deemed complete, the cabinet shall  
4 make a determination to issue or deny the accreditation certificate, unless the cabinet determines,  
5 and the applicant concurs, that an additional period of time is necessary.

6 (b) If the application is approved, the cabinet shall issue an accreditation certificate. If  
7 accreditation is denied, the cabinet shall notify the applicant, in writing, of the reason for denial  
8 and shall provide an opportunity for appeal.

9 (2) Application for renewal of accreditation. The cabinet shall make its determination to  
10 approve or deny a request for renewal within fifteen (15) days of receipt of a complete renewal  
11 application.

12 (a) If the renewal is approved, the cabinet shall issue a renewed accreditation certificate  
13 pursuant to this administrative regulation and 401 KAR 58:010.

14 (b) If the renewal is denied, the cabinet shall notify the applicant, in writing, of the reason  
15 for denial and shall provide an opportunity for appeal.

16 Section 6. Duration of Accreditation Certificates. Unless the cabinet revokes an initial  
17 accreditation certificate, pursuant to Unit I.G. of the KAAP document, the certificate shall remain  
18 in effect until expiration of the proof of training issued pursuant to Unit I.D. of the KAAP  
19 document.

20 (1) An expired accreditation certificate may be renewed if the applicant completes all  
21 requirements for renewal of accreditation within one (1) year after the accreditation certificate has  
22 expired.

1 (2) If a person fails to renew an accreditation certificate within one (1) year of expiration  
2 of a previously-issued accreditation certificate, the individual shall complete all requirements for  
3 initial accreditation to receive accreditation.

4 Section 7. Fees. Fees shall be submitted to the cabinet by check or money order, made  
5 payable to the Kentucky State Treasurer.

6 (1) Initial accreditation.

7 (a) The fee for inspector, management planner, abatement project designer, or asbestos  
8 abatement supervisor accreditation shall be \$100.

9 (b) The fee for asbestos abatement worker accreditation shall be twenty (20) dollars.

10 (c) The fee for accreditation in more than one (1) discipline shall be obtained by summing  
11 the fees for each of the requested accreditations.

12 (2) Renewal of accreditation. The fee for renewal of accreditation for each discipline shall  
13 be one-half (1/2) the initial accreditation fee.

14 (3) Course review fees. Training providers who request cabinet review for approval of  
15 training courses shall submit the required fee with the request for a course review. The formula for  
16 the fee for course review shall be \$350 per day of training times the total number of days of  
17 training. The minimum review fee for course approval shall be 350 dollars.

18 Section 8. Accreditation Revocation. The cabinet may revoke an accreditation issued under  
19 this administrative regulation pursuant to Unit I.G and Unit III of the KAAP document.

20 Section 9. Training Requirements.

21 (1) Initial accreditation. To be eligible for initial accreditation, an applicant shall  
22 successfully complete an EPA-approved training course in the discipline for which accreditation

1 is requested within one (1) year prior to the date on which the application is filed. Eligibility for  
2 accreditation shall expire one (1) year after successful completion of the training course.

3 (2) Renewal of accreditation. Accreditation shall be renewed annually.

4 (a) To be eligible for accreditation renewal, an applicant shall successfully complete an  
5 EPA-approved refresher course in the discipline for which accreditation renewal is requested,  
6 pursuant to Unit I.E. of the KAAP document.

7 (b) An applicant may renew accreditation only in a discipline for which he has been  
8 accredited during the two (2) year period immediately preceding the date the application is filed.

9 Section 10. Approval of Training Courses.

10 (1) Providers of courses that are not EPA-approved shall either gain approval from an EPA-  
11 approved state or apply for and receive contingent approval from the cabinet, pursuant to this  
12 administrative regulation and the KAAP document before presenting the course in Kentucky.

13 (2) EPA-approved training courses shall be considered approved by the cabinet at the same  
14 level as their approval by the U.S. EPA or an EPA-approved state (for example~~[i.e.]~~, contingent or  
15 full).

16 (3) Training providers shall allow representatives of the cabinet to attend, evaluate, and  
17 monitor a training course presented in Kentucky without charge to the cabinet. Cabinet  
18 representatives shall not be required to give advance notice of their attendance to perform  
19 compliance inspections of training programs or to upgrade the approval of a course from  
20 contingent approval to full approval.

21 (a) The training provider shall provide written notification to the cabinet of:

- 22 1. An upcoming training course, at least ten (10) days before the course is presented;  
23 2. The training provider's name, address, phone number, and a contact person;

- 1           3. Training course title;
- 2           4. Inclusive dates of the training course and examination;
- 3           5. Description of the training course as either a public offering, contract training, or in-
- 4 house training for the provider's employees;
- 5           6. Location of and directions to the training facility; and
- 6           7. The language in which the course will be taught.

7           (b) If the training course is cancelled, the provider shall notify the cabinet at least twenty-

8 four (24) hours before the scheduled start date.

9           (4) The application for course approval shall be accompanied by the applicable review fee

10 as established[~~specified~~] in Section 7(3) of this administrative regulation. The cabinet shall receive

11 the total applicable review fee prior to the course being granted contingent approval.

12           (5) Contingent approval. Applications for contingent approval by the cabinet shall be made

13 pursuant to Unit III of the KAAP document.

14           (a) If the training course is to be presented in Kentucky, the application shall include written

15 certification by the training provider that the requirements of subsection (3) of this section shall be

16 met if the training course is approved.

17           (b) The cabinet shall review the training provider's request for course approval pursuant to

18 the KAAP document and this administrative regulation. If there are no deficiencies, the cabinet

19 shall give the training provider written notification that the training course has been given

20 contingent approval. Unless suspended or revoked by the cabinet, contingent approval of a training

21 course shall be valid for one (1) year and shall not be renewed. Throughout this year, the training

22 provider shall meet the requirements of subsection (3) of this section.

1 (6) Full approval. For full approval of a training course, the training provider shall meet  
2 the contingent course approval criteria of subsection (5) of this section, the applicable course-  
3 content criteria of the KAAP document, and the criteria specified in paragraph (a) of this  
4 subsection.

5 (a) Full approval criteria.

6 1. Course administration. The physical environment in which the course is conducted shall  
7 be conducive to learning (for example[e.g.], adequate lighting and ventilation, minimal  
8 distractions, and adequate classroom layout). Teaching equipment shall operate properly.  
9 Classroom materials and instructional aids shall be organized in a logical fashion that is conducive  
10 to learning.

11 2. Teaching effectiveness. Instructors shall use clear and effective presentation methods,  
12 including stating the purpose and giving an overview for each topic, adhering to the agenda,  
13 checking for student comprehension, using teaching aids, and organizing presentation into  
14 logically-sequenced segments. Instructors shall also demonstrate their own satisfactory knowledge  
15 of course content by defining terms clearly, emphasizing key concepts, using analogies and  
16 examples correctly and appropriately, and distinguishing fact from opinion.

17 3. Hands-on training administration. Physical environment and equipment shall be  
18 conducive to learning (for example[e.g.], functional equipment, appropriate student-to-work  
19 station ratio, appropriate student-trainer ratio, and adequate space and time[-]). The trainer shall  
20 demonstrate the techniques covered, use appropriate hands-on teaching materials, and ensure  
21 student participation.

22 4. Courses to be audited by the cabinet for full approval shall be presented in English,  
23 unless prior arrangements have been made with the cabinet. The cabinet may require course

1 providers whose courses are not presented in English to seek approval from an EPA-approved state  
2 which has the linguistic capabilities to review these courses adequately.

3 (b) Duration of full approval. Full approval shall remain in effect unless suspended or  
4 revoked.

5 ~~(7)(e)~~ Suspension or revocation of training course approval. The cabinet may suspend or  
6 revoke the approval of a training course pursuant to this administrative regulation and Units II and  
7 III of the KAAP document.

8 Section 11. Materials Incorporated by Reference. (1) The following documents are  
9 incorporated by reference:

10 (a) "Application for Asbestos Accreditation, [Form] DEP 6038, June 2019~~[Application for~~  
11 ~~Individual Accreditation/ Asbestos Abatement Program]~~," [is incorporated by reference.]

12 (b) ~~[The Division for Air Quality document for the]~~ "Kentucky Asbestos Accreditation  
13 Program KAAP, May 1998," [is incorporated by reference.]

14 (2) The material incorporated by reference is available on the internet at <http://eec.ky.gov>.

15 (3)~~(2)~~ The material incorporated by reference may be obtained, inspected, or copied at  
16 the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

17 (a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601,  
18 Frankfort, Kentucky 40601, (502) 564-3999;

19 (b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102[-  
20 8942], (606) 929-5285;

21 (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky  
22 42101, (270) 746-7475;

1 (d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence,  
2 Kentucky 41042, (859) 525-4923;

3 (e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502)  
4 564-3358;

5 (f) Hazard Regional Office, 1332 South Kentucky Highway, Suite 100~~[233 Birch Street,~~  
6 ~~Suite 2]~~, Hazard, Kentucky 41701, (606) 435-6022;

7 (g) London Regional Office, 875 S. Main Street, Room 345, London Kentucky 40741,  
8 (606) 330-2080;

9 (h) Owensboro Regional Office, 3032 Alvey Park Drive W, Suite 700, Owensboro,  
10 Kentucky 42303, (270) 687-7304; and

11 (i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-  
12 8468.

401 KAR 58:005 approved for filing.

6/11/2019  
Date

*Charles G. Snavelly*  
Charles G. Snavelly, Secretary  
Energy and Environment Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on the proposed amendment for this administrative regulation will be held on July 26, 2019 at 10:00 a.m. (Eastern Time) in Conference Room 214 at 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by July 22, 2019, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing shall be cancelled, and notification of the cancellation shall be posted at <http://air.kv.gov/pages/publicnoticesandhearings.aspx>. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed amendment for this administrative regulation. Written comments shall be accepted until July 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed amendment for this administrative regulation to the contact person.

The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing, may be made to the contact person at least five (5) workdays prior to the hearing.

### CONTACT PERSON:

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Division for Air Quality  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
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E-mail: [Paige.Stephens@kv.gov](mailto:Paige.Stephens@kv.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 58:005

Contact Person: Paige Stephens

Phone: (502) 782-6286

Email: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@ky.gov)

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:

This administrative regulation provides for the accreditation of individuals who inspect for asbestos in schools, public, and commercial buildings; who design, supervise, or perform response actions in schools, public, or commercial buildings; and who prepare plans addressing potential and actual asbestos hazards in school buildings. This administrative regulation also establishes the review and approval of training courses that are prerequisites for accreditation.
  - (b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish the processes and requirements for individuals to obtain asbestos accreditation and to provide approved training courses for asbestos accreditation. The safe control and removal of asbestos is critical to protect human health and the environment.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100 authorizes the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. KRS 224.20-300 authorizes the cabinet to develop, adopt, and maintain a comprehensive statewide asbestos contractor accreditation program. This administrative regulation provides for the control of asbestos emissions by establishing requirements for individuals to obtain asbestos accreditation or provide training for asbestos accreditation.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will continue to provide individuals with the information and applications necessary to be accredited or reaccredited in the asbestos field, resulting in the protection of human health and the environment.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:

The proposed amendment to the administrative regulation updates DEP 6038 and makes corrections to comply with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation:  
This proposed amendment to the administrative regulation is necessary to incorporate all information required by the cabinet for the asbestos accreditation application. This includes eliminating the requirement for an individual to provide their full social security number, instead only requiring the last four digits.

(c) How the amendment conforms to the content of the authorizing statutes:  
The proposed amendment to this administrative regulation conforms to the content of the authorizing statutes by ensuring that the form required for asbestos accreditation is up to date and collects all necessary information.

(d) How the amendment will assist in the effective administration of the statutes:  
This proposed amendment to the administrative regulation updates form DEP 6038 to include additional information required by the cabinet for the application of asbestos accreditation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:  
This administrative regulation affects the active 3465 individuals who are required to be asbestos accredited pursuant to 401 KAR 58:010, the Kentucky Asbestos Accreditation Program, and this administrative regulation, and those who provide asbestos accreditation training in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:  
Affected entities will be required to complete the updated DEP 6038 application form when applying for initial asbestos accreditation or renewing existing asbestos accreditation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs to the affected entities to comply with the amendment to this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, affected entities will use the updated form to obtain asbestos accreditation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The cabinet will not incur any additional costs for the implementation of the proposed amendment to this administrative regulation initially.

(b) On a continuing basis: The cabinet will not incur any additional costs for the implementation of the proposed amendment to this administrative regulation on a continuing basis.

- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The cabinet's current operating budget will be used to implement and enforce the proposed amendment to this administrative regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement the proposed amendment of this administrative regulation.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The proposed amendment to this administrative regulation will not establish, nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? (Explain why or why not) Yes, fees for accreditation are tiered based on whether it is an initial accreditation or a renewal. Fees are also tiered based on the accreditation type for which an individual is applying (asbestos worker or asbestos inspector).

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 58:005

Contact Person: Paige Stephens

Phone: (502) 782-6286

Email: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@ky.gov)

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?  
This administrative regulation has the potential to impact any unit of state or local government that has asbestos in school, public, or commercial buildings; or that inspects those buildings. The Division for Air Quality will continue to certify individuals for asbestos accreditation in accordance with this administrative regulation.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.  
KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-300, 224.20-310, 224.20-320, 40 C.F.R. 763.80-763.99, Appendices A-E and Subpart E, and 15 U.S.C. 2601-2692.
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?  
The proposed amendment to this administrative regulation will not generate revenue for the first year.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?  
The proposed amendment to this administrative regulation will not generate revenue for subsequent years.
  - (c) How much will it cost to administer this program for the first year?  
There will be no additional costs to administer this proposed amendment for the first year.
  - (d) How much will it cost to administer this program for subsequent years?  
There will be no additional costs to administer this proposed amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.

## FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 401 KAR 58:005

Contact Person: Paige Stephens

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Email: Paige.Stephens@ky.gov

1. Federal statute or regulation constituting the federal mandate.  
The federal mandate for this administrative regulation is in 40 C.F.R. 763.80-763.99 and 15 U.S.C. 2601-2692.
2. State compliance standards.  
This administrative regulation provides for the accreditation standards for professionals working with asbestos and those who offer accreditation training courses.
3. Minimum or uniform standards contained in the federal mandate.  
40 C.F.R. Part 763, Subpart E, Appendix C contains the asbestos model accreditation plan.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?  
No, the administrative regulation does not impose stricter requirements or additional or different responsibilities than those required by the federal mandate. This administrative regulation establishes an asbestos accreditation program for the Commonwealth of Kentucky, in accordance with 40 C.F.R. Part 763, Subpart E, Appendix C.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.  
Stricter standards, or additional or different responsibilities or requirements are not imposed.

## SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

### 401 KAR 58:005

(1) The “Application for Asbestos Accreditation”, DEP 6038 (June 2019), is the application form required for individuals seeking initial asbestos accreditation and asbestos accreditation renewal. DEP 6038 was amended to include additional information requests required by the cabinet for the application. This includes eliminating the requirement for an individual to provide their full social security number, instead only requiring the last four digits. All other requirements on the form are unchanged.

This document consists of 1 page.