



GOVERNMENT OF PUERTO RICO

DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES

Air Quality Area

May 19, 2020

To: All Persons on the Asbestos Workers Registry

Re: Extension of the term of registration of workers
All Asbestos Work Disciplines
According to Executive Orders EO-2020-020 and EO-2020-038

Under Law 20-2017, as amended, the Governor of Puerto Rico, Hon. Wanda Vazquez Garced, signed Executive Order OE-2020-020 providing for the establishment of the measures necessary to safeguard the health, welfare, and safety of the public due to COVID-19 by establishing a curfew. Also, on May 1st 2020, Executive Order OE-2020-038 was signed extending the curfew until May 25, 2020.

As established in the Asbestos Model Accreditation Plan (MAP) codified in the Appendix C of Volume 40 of the Code of Federal Regulations (40 CFR), Part 763, certificates issued for examination disciplines must contain an expiration date of one year (40 CFR, §C.1.f of Part 763, Appendix C). In a letter dated October 8, 2002, the federal Environmental Protection Agency (EPA) gave the Environmental Quality Board (now DNER) full approval and authority to accredit institutions that provide training under the provisions of the MAP in Puerto Rico.

Likewise, Rule 422 of the Regulations for the Control of Atmospheric Pollution (RCAP or Regulation 5300) provides in subparagraph (B)(1)(b) that any person engaged in the handling of materials containing asbestos must show that it appears in the register of persons certified to handle asbestos from the Department of Natural and Environmental Resources (DNER).

The Executive Orders in reference establish a curfew where citizens should have remained in their homes since March 16, 2020. Therefore, due to this Executive Order, we received the cancellations of all the courses scheduled by the institutions accredited by the DNER.

Course cancellation and curfew orders prevent workers at all disciplines, whose certifications expire within the months of March, April and May, to take the refresh training courses in the itinerary recommended by the regulation. Without the certification that such courses were approved, workers cannot submit their application for renewal registration as asbestos workers.

According to the DNER asbestos workers¹ registry, there are currently over 400 asbestos workers whose certificates expire during these months in March and April. This amount represents more than 60 percent of the registered workers in Puerto Rico.

¹The term worker in this document refers to all worker disciplines found at MAP (i.e. Worker, Supervisor, Inspector, Planner and Project Designer).



In a memorandum dated March 26, 2020 ([COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program](#)) EPA stated the following: "Many training classes are offered on-line and such on-line training generally should not be affected by travel and social distancing constraints. If practicable, sectors mandated to function with certified operators should maintain normal certification and training practices. If not practicable due to the COVID-19 pandemic, the EPA believes that it is more important to keep experienced, trained operators on the job, even if a training or certification is missed."

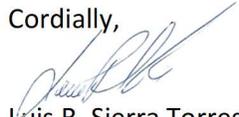
Currently no training provider in Puerto Rico or the United States has applied to the DNER for approval of online refresher courses. The offer of online courses by reciprocity is limited, so refresher courses for workers are not currently available.

It is necessary to ensure continuity of services for asbestos workers, which ensure the well-being and health of the population during the handling of material containing asbestos. Therefore, the validity of the registration card is extended until **August 1st 2020** for all workers whose registration in the DNER expired since February 1, 2020 until July 31, 2020. This will allow asbestos workers to continue their work for the established term and ensure that the mitigation and maintenance of asbestos are not affected.

Once the curfew ends, accredited institutions should begin coordinating with the DNER the new training dates for the training courses. In addition, workers must be provided time to submit the renewal application in the DNER. In addition, DNER encourages institutions to develop online refresher courses and submit their formal request for evaluation to the DNER. For this, it is important that the applicant establishes how the course meets the recommendations of the guidance issued by the EPA for online refresher courses titled: [EPA Guidelines for States Regarding Online Asbestos Model Accreditation Plan \(MAP\) Annual Refresh Training](#) of July 9, 2007.

If you have any questions, please contact us at asbestosaqa@jca.pr.gov.

Cordially,



Luis R. Sierra Torres
Acting Manager
Air Quality Area