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Certified Industrial Hygienist - CIH	6
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technologist – CHST	0
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AIHA Lab Accreditation Program and related	6
American Industrial Hygiene Association - AIHA	1
American Board of Industrial Hygiene - ABIH	1
American Conference of Governmental Industrial Hygienists – ACGIH	8
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	5
Board of Certified Safety Professionals – BCSP	0

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CHAPTER 182A INDUSTRIAL HYGIENE AND SAFETY PROFESSION

182A.01 SHORT TITLE.

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182A.01 SHORT TITLE.

This chapter may be cited as the **Industrial Hygienist** and Safety Professional Title Protection Act.

History: 1998 c 288 s 1

182A.02 PURPOSE.

The purpose of the **Industrial Hygienist** and Safety Professional Title Protection Act is to provide legal recognition to the profession of **industrial hygiene** and safety, to assure the public that individuals representing themselves as **industrial hygiene** and safety professionals meet minimum qualifications, and to further public health and safety.

History: 1998 c 288 s 2

182A.03 DEFINITIONS.

Subdivision 1. Scope. The definitions in this section apply to this chapter.

Subd. 2. **Accredited college or university**. "Accredited college or university" means a college or university that is accredited by one of the following regional accrediting agencies: Middle States Association of Schools and Colleges, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Colleges and Schools. A college or university that is located outside the United States is accredited if it is accredited by an agency within the jurisdiction of the college or university that has accreditation standards that are at least equal to the standards of the regional accrediting agencies.

Subd.3. **American Board of Industrial Hygiene or ABIH**. "**American Board of Industrial Hygiene**" or "**ABIH**" is the nonprofit corporation established to improve the practice and educational standards of the profession of **industrial hygiene** by certifying individuals who meet its education, experience, and examination requirements.

Subd. 4. **Associate safety professional or ASP**. "**Associate safety professional**" or "**ASP**" is an individual who has received the designation **associate safety professional** from the **Board of Certified Safety Professionals** and whose recognition has not lapsed or been revoked.

Subd. 5. **Board of Certified Safety Professionals or BCSP.** "**Board of Certified Safety Professionals**" or "**BCSP**" is the nonprofit corporation established to improve the practice and education standards of the profession of safety by certifying individuals who meet its education, experience, examination, and maintenance requirements.

Subd.6. **Certified industrial hygienist or CIH.** "**Certified industrial hygienist**" or "**CIH**" is an individual who has received the designation **certified industrial hygienist** from the **American Board of Industrial Hygiene** and whose certification has not lapsed or been revoked.

Subd. 7. **Certified safety professional or CSP.** "**Certified safety professional**" or "**CSP**" is an individual who has received the designation **certified safety professional** from the **Board of Certified Safety Professionals** and whose certification has not lapsed or been revoked.

Subd. 8. **Construction health and safety technologist or CHST.** "**Construction health and safety technologist**" or "**CHST**" is an individual who has been designated a **construction health and safety technologist** through joint certification by the **American Board of Industrial Hygiene** and the **Board of Certified Safety Professionals** and whose certification has not lapsed or been revoked.

Subd. 9. **Industrial hygiene.** "**Industrial hygiene**" means the science and art devoted to control of those environmental factors and stresses arising in or from the workplace that may cause sickness, impaired health and well-being, or significant discomfort and inefficiency among workers and the general community.

Subd. 10. **Industrial hygienist in training or IHIT.** "**Industrial hygienist in training**" or "**IHIT**" means an individual who has been designated **industrial hygienist in training** by the **American Board of Industrial Hygiene** whose designation has not lapsed or been revoked.

Subd. 11. **Occupational health and safety technologist or OHST.** "**Occupational health and safety technologist**" or "**OHST**" means an individual who has been designated an **occupational health and safety technologist** through joint certification by the **American Board of Industrial Hygiene** and the **Board of Certified Safety Professionals** and whose certification has not lapsed or been revoked.

Subd. 12. Safety profession. "Safety profession" means the science and art of hazard controls.

History: 1998 c 288 s 3

182A.04 USE OF TITLE; INITIALS LIMITED.

Subdivision 1. Prohibition. (a) A person may not use the title **industrial hygienist in training**, or the initials **IHIT**, or represent to the public that the person is an **industrial hygienist in training**, unless the person is an **industrial hygienist in training** as defined in section 182A.03.

(b) A person may not use the title **certified industrial hygienist**, or the initials **CIH**, or represent to the public that the person is a **certified industrial hygienist**, unless the person is a **certified industrial hygienist** as defined in section 182A.03.

(c) A person may not use the title **certified safety professional**, or the initials **CSP**, or represent to the public that the person is a **certified safety professional**, unless the person is a **certified safety professional** as defined in section 182A.03.

(d) A person may not use the title **associate safety professional**, or the initials **ASP**, or

represent to the public that the person is an **associate safety professional**, unless the person is an **associate safety professional** as defined in section 182A.03.

(e) A person may not use the title **construction health and safety technologist**, or the initials **CHST**, or represent to the public that the person is a **construction health and safety technologist**, unless the person is a **construction health and safety technologist** as defined in section 182A.03.

Subd. 2. Exceptions. Subdivision 1 does not apply to:

(1) an individual employed as an apprentice under the supervision of a **certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist**;

(2) a student of **industrial hygiene** or safety engaging in supervised activities related to **industrial hygiene** or safety;

(3) a person engaged in activities permitted under a state or local license who does not use the title or initials of, or represent to the public that the person is an **industrial hygienist in training, certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist**; or

(4) a person practicing **industrial hygiene** or safety, who does not use the title or initials of, or represent to the public that the person is an **industrial hygienist in training, certified industrial hygienist, certified safety professional, associate safety professional, construction health and safety technologist, or occupational health and safety technologist**.

History: 1998 c 288 s 4

182A.05 ENFORCEMENT; REMEDIES.

A violation of section 182A.04 is an unlawful practice under section 325F.69. A person who violates section 182A.04 is subject to the remedies provided in sections 325F.68 to 325F.70.

History: 1998 c 288 s 5

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CHAPTER 182 INDUSTRIAL HYGIENE AND SAFETY PROFESSION

182.653 RIGHTS AND DUTIES OF EMPLOYERS.

Subdivision 1.Scope.

Rights and duties of employers include but are not limited to those specified in this section.

Subd. 2.Conditions and place of employment.

Each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.

Subd. 3.OSHA standards.

Each employer shall comply with occupational safety and health standards or rules promulgated pursuant to this chapter.

Subd. 4.Inspections.

Each employer shall refrain from any unreasonable restraint on the right of the commissioner or an authorized representative of the commissioner to inspect the employer's place of business. Each employer shall assist the commissioner, or an authorized representative of the commissioner, in the performance of inspection duties by supplying or by making available information dealing with injury reports, general safety records, and other records required under this chapter, and any necessary personnel or necessary inspection aids.

Subd. 4a.Disclosure requirements.

An employer who is a manufacturer of a hazardous substance or a mixture of substances shall provide an employer who purchases the substance with the information necessary for the purchasing employer to comply with subdivision 4b. A manufacturer of equipment which may generate a harmful physical agent environment approximating that allowed by the standard adopted by the commissioner, shall provide an employer who purchases the equipment with the information necessary for the purchasing employer to comply with subdivision 4c. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, equipment, or mixture. For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the

conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Subd. 4b. Hazardous substance training.

(a) Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. The term "routinely exposed" includes the exposure of an employee to a hazardous substance when assigned to work in an area where a hazardous substance has been spilled.

(b) For each hazardous substance to which the employee may be routinely exposed, the employer's training program shall include:

- (1) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;
- (2) the level, if any and if known, at which exposure to the substance has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;
- (3) the primary routes of entry and the known acute and chronic effects of exposure at hazardous levels;
- (4) the known symptoms of the effects;
- (5) any potential for flammability, explosion, or reactivity of the substance;
- (6) appropriate emergency treatment;
- (7) the known proper conditions for safe use of and exposure to the substance;
- (8) procedures for cleanup of leaks and spills;
- (9) the name, phone number and address of the manufacturer of the hazardous substance; and
- (10) a written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

(c) Employees who have been routinely exposed to a hazardous substance prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that hazardous substance after the effective date of Laws 1983, chapter 316, shall be trained with respect to that hazardous substance within six months of the effective date of Laws 1983, chapter 316.

(d) Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

(e) Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

(f) This subdivision does not apply to any employer engaged in a farming operation.

(g) This subdivision does not apply to any nonpublic school or any school district before January 1, 1985.

(h) Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

Subd. 4c. Harmful physical agent training.

(a) For each harmful physical agent to which an employee may be routinely exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner, including but not limited to:

(1) the name or names of the physical agent including any commonly used synonym;

(2) the level, if any and if known, at which exposure to the physical agent has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(3) the known acute and chronic effects of exposure at hazardous levels;

(4) the known symptoms of the effects;

(5) appropriate emergency treatment;

(6) the known proper conditions for safe use of and exposure to the physical agent;

(7) the name, phone number and address, if appropriate, of the manufacturer of the equipment which generates the harmful physical agent; and

(8) a written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

(b) Employees who have been routinely exposed to a harmful physical agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that harmful physical agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that harmful physical agent within six months of the effective date of Laws 1983, chapter 316.

(c) Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

(d) Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

(e) This subdivision does not apply to any employer engaged in a farming operation.

(f) Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

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182.655 OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

Subdivision 1. Standards and variances; exempt rules.

Standards and variances shall be proposed, granted, adopted, modified or revoked by the commissioner in accordance with the procedures of this section. The standards and variances are exempt from the Administrative Procedure Act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these rules.

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Subd. 12. Standards affecting interstate commerce.

Standards promulgated under this section shall not be different from federal standards where the standard significantly affects interstate commerce, unless such standards are required by compelling local conditions and do not unduly burden interstate commerce.

Subd. 13. Relation to federal law.

All standards adopted by the commissioner shall be at least as effective as those which are presently or will, in the future, be promulgated under section 6 of the federal Occupational Safety and Health Act of 1970.

Subd. 14. Relation to other standard-setting organizations.

The commissioner may recommend for adoption those portions of current occupational health and safety standards deemed significant and deserving of mandatory status adopted by the **Threshold Limit Value Committees of the American Conference of Governmental Industrial Hygienists**, the American National Standards Institute, or other recognized national standard-setting organizations and recommended to the commissioner by the council; and may further periodically adopt changes in such standards under the same circumstances but not more often than once a year.

History:

1973 c 732 s 6; 1975 c 271 s 6; 1981 c 253 s 27; 1982 c 424 s 130; 1983 c 216 art 1 s 88; 1983 c 316 s 18-21,29; 1985 c 130 s 8,9; 1986 c 444; 1997 c 187 art 5 s 27

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CHAPTER 144 DEPARTMENT OF HEALTH

144.998 ENVIRONMENTAL HEALTH TRACKING AND BIOMONITORING ADVISORY PANEL.

Subdivision 1. Creation.

The commissioner shall establish the Environmental Health Tracking and Biomonitoring Advisory Panel. The commissioner shall appoint, from the panel's membership, a chair. The panel shall meet as often as it deems necessary but, at a minimum, on a quarterly basis. Members of the panel shall serve without compensation but shall be reimbursed for travel and other necessary expenses incurred through performance of their duties. Members appointed by the commissioner are appointed for a three-year term and may be reappointed. Legislative appointees serve at the pleasure of the appointing authority.

Subd. 2. Members.

(a) The commissioner shall appoint eight members, none of whom may be lobbyists registered under chapter 10A, who have backgrounds or training in designing, implementing, and interpreting health tracking and biomonitoring studies or in related fields of science, including epidemiology, biostatistics, environmental health, laboratory sciences, occupational health, industrial hygiene, toxicology, and public health, including:

(1) at least two scientists representative of each of the following:

- (i) nongovernmental organizations with a focus on environmental health, environmental justice, children's health, or on specific chronic diseases; and
- (ii) statewide business organizations; and

(2) at least one scientist who is a representative of the University of Minnesota.

(b) Two citizen panel members meeting the scientific qualifications in paragraph (a) shall be appointed, one by the speaker of the house and one by the senate majority leader.

(c) In addition, one representative each shall be appointed by the commissioners of the Pollution Control Agency and the Department of Agriculture, and by the commissioner of health to represent the department's Health Promotion and Chronic Disease Division.

Subd. 3. Duties.

The advisory panel shall make recommendations to the commissioner and the legislature on:

- (1) priorities for health tracking;
- (2) priorities for biomonitoring that are based on sound science and practice, and that will advance the state of public health in Minnesota;

- (3) specific chronic diseases to study under the environmental health tracking system;
- (4) specific environmental hazard exposures to study under the environmental health tracking system, with the agreement of at least nine of the advisory panel members;
- (5) specific communities and geographic areas on which to focus environmental health tracking and biomonitoring efforts;
- (6) specific chemicals to study under the biomonitoring program, with the agreement of at least nine of the advisory panel members; in making these recommendations, the panel may consider the following criteria:
 - (i) the degree of potential exposure to the public or specific subgroups, including, but not limited to, occupational;
 - (ii) the likelihood of a chemical being a carcinogen or toxicant based on peer-reviewed health data, the chemical structure, or the toxicology of chemically related compounds;
 - (iii) the limits of laboratory detection for the chemical, including the ability to detect the chemical at low enough levels that could be expected in the general population;
 - (iv) exposure or potential exposure to the public or specific subgroups;
 - (v) the known or suspected health effects resulting from the same level of exposure based on peer-reviewed scientific studies;
 - (vi) the need to assess the efficacy of public health actions to reduce exposure to a chemical;
 - (vii) the availability of a biomonitoring analytical method with adequate accuracy, precision, sensitivity, specificity, and speed;
 - (viii) the availability of adequate biospecimen samples; or
 - (ix) other criteria that the panel may agree to; and
- (7) other aspects of the design, implementation, and evaluation of the environmental health tracking and biomonitoring system, including, but not limited to:
 - (i) identifying possible community partners and sources of additional public or private funding;
 - (ii) developing outreach and educational methods and materials; and
 - (iii) disseminating environmental health tracking and biomonitoring findings to the public.

Subd. 4. Liability.

No member of the panel shall be held civilly or criminally liable for an act or omission by that person if the act or omission was in good faith and within the scope of the member's responsibilities under sections 144.995 to 144.998.

History:

2007 c 57 art 1 s 146

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CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3300 CERTIFICATION OF ASBESTOS WORKER.

Subpart 1. Certification of asbestos worker required.

An individual who performs asbestos-related work must be certified by the commissioner as an asbestos worker under this part unless that individual is certified as an asbestos site supervisor.

Subp. 2. Qualifications or experience requirements.

To be eligible for certification as an asbestos worker, an individual must have completed either:

- A. two years full-time attendance, or the part-time equivalent, in an apprenticeship program for general commercial construction trades which is either approved by the Minnesota Department of Labor and Industry, Division of Voluntary Apprenticeship, or registered with the United States Department of Labor, Bureau of Apprenticeship and Training;
- B. two years of postsecondary education with an emphasis in construction management, **industrial hygiene**, industrial technology safety, or physical or life science, and completed an Occupational Safety and Health Administration's (OSHA) 510 Occupational Safety and Health Standards for the construction industry course;
- C. a vocational training program in a construction-related discipline of not less than 18 months; or
- D. work experience of at least 1,000 hours of work experience in general commercial construction trades.

Subp. 3 Training requirements for initial certification.

To be eligible for initial certification as an asbestos worker:

- A. an applicant must complete before the commissioner's receipt of the application, an initial asbestos worker training course that is:
 - (1) permitted by the commissioner under part 4620.3704;
 - (2) approved by the United States Environmental Protection Agency (EPA) with the EPA approval granted after June 1, 1987; or
 - (3) approved by a state asbestos training program accredited by the EPA; and
- B. an applicant must complete, before the commissioner's receipt of the application, an asbestos worker refresher course permitted by the commissioner under part 4620.3704 if

the applicant has completed an initial asbestos worker training course specified in item A, subitem (2) or (3).

Subp. 3a Training diploma expiration; retraining.

The applicant for certification as an asbestos worker must complete an annual asbestos worker refresher course permitted by the commissioner under part 4620.3704 when the diploma from an initial worker training course, as specified in subpart 3, item A, has expired before the commissioner's receipt of the application.

A. The most recent asbestos worker refresher course taken must be permitted by the commissioner under part 4620.3704.

B. Any refresher courses completed subsequent to the expiration of the diploma must have been completed no more than 12 months after the expiration date of the preceding diploma.

Subp. 4. Application for initial asbestos worker certification.

An applicant for initial certification as an asbestos worker must submit to the commissioner:

A. a completed application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for certification;

B. a nonrefundable application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

C. verifiable evidence of the applicant's original diploma for the initial asbestos worker training course completed and, if applicable, verifiable evidence of each of the applicant's original diplomas for the asbestos worker refresher training courses completed.

Subp. 5. Renewal.

A. An individual certified as an asbestos worker must apply for renewal of the asbestos worker certification by submitting to the commissioner a completed renewal application. Until the renewal certificate is issued by the commissioner, the asbestos worker may continue to perform asbestos-related work for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos worker:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos worker refresher course, on site and available for review by the commissioner.

B. The renewal application must include:

(1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

(2) a nonrefundable renewal application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

(3) verifiable evidence of the training course diploma from the most recent asbestos worker refresher training course required by subpart 3a.

Subp. 6. Denial of asbestos worker certification.

The commissioner shall deny an application for asbestos worker certification if the applicant fails to comply with all applicable requirements in this part. Additional grounds for the commissioner to deny an application are stated in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b). An applicant:

- A. must be notified in writing of the denial of the certificate and the reasons for the denial; and
- B. is not required to pay a second fee if the applicant submits a second asbestos worker certification application according to subpart 4 or 5 within 30 days of receipt of notice that the asbestos worker certification has been denied. Fees are required for all subsequent applications.

Subp. 7. Duration of certificate; transfer.

An asbestos worker certificate issued by the commissioner is valid for one year after the completion date on the training course diploma for the most recently completed training course. The asbestos worker certificate is not transferable.

Subp. 8. Duplicate certificate.

To replace a lost, destroyed, or mutilated asbestos worker certificate, the certified asbestos worker must submit a completed application for a duplicate asbestos worker certificate and pay a charge to the Minnesota Department of Health for the cost of duplicating the certificate.

Statutory Authority:

MS s 16A.1285; 144.05; 144.122; 326.70 to 326.81

History:

13 SR 568; 20 SR 2765; 25 SR 1894; 33 SR 739 **Posted:**

April 24, 2009

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https://www.revisor.mn.gov/rules/?id=4620.3310&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3310 CERTIFICATION OF ASBESTOS SITE SUPERVISOR.

Subpart 1. Certification required.

An individual who supervises asbestos-related work or has the authority to act as the agent of the asbestos contractor at the asbestos work area must be certified as an asbestos site supervisor by the commissioner.

Subp. 2. Qualifications or experience requirements.

To be eligible for certification as an asbestos site supervisor, an individual must have either:

- A. work experience of at least 2,000 hours in asbestos-related work, safety, **industrial hygiene**, hazardous materials control, or other general commercial construction trades;
- B. a bachelor's degree in architecture, engineering, physical or life science, and work experience of at least 500 hours in asbestos-related work, safety, **industrial hygiene**, hazardous materials control or other general commercial construction trades;
- C. a master's degree in environmental health, **industrial hygiene**, or safety; or
- D. completion of an apprenticeship program within the general commercial construction trades that is either approved by the Minnesota Department of Labor and Industry, Division of Voluntary Apprenticeship, or registered with the United States Department of Labor, Bureau of Apprenticeship and Training.

Subp. 3. Training requirements for initial certification.

To be eligible for initial certification as an asbestos site supervisor:

- A. an applicant must complete, before the commissioner's receipt of the application, an initial asbestos site supervisor training course that is:
 - (1) permitted by the commissioner under part 4620.3704;
 - (2) approved by the United States Environmental Protection Agency (EPA) with the EPA approval granted after June 1, 1987; or
 - (3) approved by a state asbestos training program accredited by the EPA; and
- B. an applicant must complete, before the commissioner's receipt of the application, an asbestos site supervisor refresher course permitted by the commissioner under part 4620.3704 if the applicant has completed an initial asbestos site supervisor training course specified in item A, subitem (2) or (3).

Subp. 4. Training diploma expiration; retraining.

The applicant for certification as an asbestos site supervisor must complete an annual asbestos site supervisor refresher course permitted by the commissioner under part 4620.3704 when the diploma from an initial site supervisor training course as specified in subpart 3, item A, has expired before the commissioner's receipt of the application.

A. The most recent asbestos site supervisor refresher course completed must be permitted by the commissioner under part 4620.3704.

B. Any refresher courses completed subsequent to the expiration of the diploma must have been completed no more than 12 months after the expiration date of the preceding diploma.

Subp. 5. Initial certification application.

An applicant for initial certification as an asbestos site supervisor must submit to the commissioner:

A. a completed application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for certification;

B. a nonrefundable application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

C. verifiable evidence of the applicant's original diploma for the initial asbestos site supervisor training course completed and, if applicable, verifiable evidence of each of the applicant's original diplomas for the asbestos site supervisor refresher training courses.

Subp. 6. Renewal.

A. An individual certified as an asbestos site supervisor must apply for renewal of asbestos site supervisor certification by submitting to the commissioner a completed renewal application. Until the renewal certificate is issued by the commissioner, the asbestos site supervisor may continue to perform asbestos-related work for up to 30 calendar days from the date of completing the refresher course, provided the asbestos site supervisor:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos site supervisor refresher course, on site and available for review by the commissioner.

B. The renewal application must include:

(1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

(2) a nonrefundable renewal application fee of \$50, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

(3) verifiable evidence of the training course diploma from the most recent asbestos site supervisor refresher training course required by subpart 4.

Subp. 7. Denial of certification.

The commissioner shall deny an application for an asbestos site supervisor if the applicant fails to comply with all applicable requirements in this part. Additional grounds for the commissioner to deny an application are stated in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b). An applicant:

- A. must be notified in writing of the denial of the certificate and the reasons for the denial; and
- B. is not required to pay a second fee if the applicant submits a second asbestos site supervisor application within 30 days of the receipt of the notice that the asbestos site supervisor application has been denied. Fees are required for all subsequent applications.

Subp. 8. Duration of certificate; transfer.

An asbestos site supervisor certificate is valid for 12 months after the completion date on the diploma for the most recently completed training course. The asbestos site supervisor certificate is not transferable.

Subp. 9. Duplicate certificate.

To replace a lost, destroyed, or mutilated asbestos site supervisor certificate, the certified asbestos site supervisor must submit a completed application for a duplicate asbestos site supervisor certificate and pay a charge to the Minnesota Department of Health for the cost of duplicating the certificate.

Statutory Authority:

MS s 16A.1285; 144.05; 144.122; 326.70 to 326.81

History:

20 SR 2765; 25 SR 1894; 33 SR 739

Posted: *April 24, 2009*

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3330&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3330 CERTIFICATION OF ASBESTOS INSPECTOR.

Subpart 1. Certification required.

Beginning October 1, 1996, an individual who performs an asbestos inspection, as defined in part 4620.3100, must be certified by the commissioner as an asbestos inspector.

Subp. 2. Qualifications and experience.

Beginning January 2, 1997, an individual applying for certification as an asbestos inspector must show evidence of either:

- A. work experience of at least 500 hours in the field of building inspection, asbestos-related work, safety, **industrial hygiene**, or hazardous materials control;
- B. completion of an apprenticeship program within the general commercial construction trades approved by the Minnesota Department of Labor and Industry, Division of Voluntary Apprenticeship, or registered with the United States Department of Labor, Bureau of Apprenticeship and Training;
- C. licensure by Minnesota as a building official;
- D. a bachelor's degree in architecture, engineering, **industrial hygiene**, industrial technology safety, or physical or life science, and 40 hours of on-site asbestos inspection experience accompanying a Minnesota-certified asbestos inspector; or
- E. registration or certification as a registered architect, licensed professional engineer, **certified industrial hygienist**, or **certified safety professional**.

Subp. 3. Training requirements for initial certification.

To be eligible for initial certification as an asbestos inspector an applicant must complete, before the commissioner's receipt of the application:

- A. an initial asbestos inspector training course that is:
 - (1) permitted by the commissioner under part 4620.3704;
 - (2) approved by the United States Environmental Protection Agency (EPA) with the EPA approval granted after June 1, 1987; or
 - (3) approved by a state asbestos training program accredited by the EPA; and

B. an asbestos inspector refresher course permitted by the commissioner under part 4620.3704 if the applicant has completed an initial asbestos inspector training course specified in item A, subitem (2) or (3).

Subp. 4. Training diploma expiration; retraining.

The applicant for certification as an asbestos inspector must complete an annual asbestos inspector refresher course permitted by the commissioner under part 4620.3704 to maintain certification eligibility when the diploma from an initial inspector training course as specified in subpart 3, item A, has expired before the commissioner's receipt of the application.

A. The most recent asbestos inspector refresher course completed must be permitted by the commissioner under part 4620.3704.

B. Any refresher courses which have been completed subsequent to the expiration of the diploma must have been completed no more than 12 months after the expiration date of the preceding diploma.

Subp. 5. Application for initial certification.

An applicant for initial certification as an asbestos inspector must submit to the commissioner:

A. a completed application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for certification;

B. a nonrefundable application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

C. verifiable evidence of the applicant's original diploma for the initial asbestos inspector training course, and, if applicable, verifiable evidence of each of the applicant's original diplomas from the asbestos inspector refresher training courses.

Subp. 6. Renewal.

A. An individual certified as an asbestos inspector must apply for renewal of asbestos inspector certification by submitting to the commissioner a completed renewal application. Until the renewal certificate is issued by the commissioner, the asbestos inspector may continue to perform asbestos inspections for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos inspector:

- (1) has submitted the certification renewal application to the commissioner; and
- (2) has a copy of the diploma, which is issued after completing an asbestos inspector refresher course, at the location where the asbestos inspector is conducting work.

B. The renewal application must include:

- (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

- (2) a nonrefundable renewal application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

(3) verifiable evidence of the training course diploma from the most recent asbestos inspector refresher training course required by subpart 4.

Subp. 7. Denial of certification.

The commissioner shall deny an application for asbestos inspector certification if the applicant fails to comply with all applicable requirements in this part. Additional grounds for the commissioner to deny an application are stated in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b). An applicant:

A. must be notified in writing of the denial of the certificate and the reasons for the denial; and

B. is not required to pay a second fee if the applicant submits a second asbestos inspector application within 30 days of the receipt of the notice that the asbestos inspector application has been denied. Fees are required for all subsequent applications.

Subp. 8. Duration of certificate; transfer.

An asbestos inspector certificate is valid for 12 months after the completion date on the diploma for the most recently completed training course. The asbestos inspector certificate is not transferable.

Subp. 9. Duplicate certificate.

To replace a lost, destroyed, or mutilated asbestos inspector certificate, the certified asbestos inspector must submit a completed application for a duplicate asbestos inspector certificate and pay a charge to the Minnesota Department of Health for the cost of duplicating the certificate.

Statutory Authority:

MS s 16A.1285; 144.05; 144.122; 326.70 to 326.81

History:

20 SR 2765; 25 SR 1894; 33 SR 739

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3340&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3340 ASBESTOS MANAGEMENT PLANNER CERTIFICATION.

Subpart 1. Certification required.

Beginning October 1, 1996, an individual who develops an asbestos management plan must be certified by the commissioner as an asbestos management planner.

Subp. 2. Qualifications or experience requirements.

Beginning January 2, 1997, an individual applying for certification must show evidence of either:

- A. work experience of at least 1,000 hours in the field of building inspection, asbestos-related work, safety, **industrial hygiene**, or hazardous materials control;
- B. licensure by Minnesota as a building official;
- C. a bachelor's degree in architecture, engineering, physical or life science, and work experience of 500 hours in the field of building inspection, asbestos-related work, safety, **industrial hygiene**, or hazardous materials control;
- D. registration as a registered architect, licensure as a professional engineer, or certification as a **certified industrial hygienist** or **certified safety professional**; or
- E. a master's degree in environmental health, **industrial hygiene** or safety, and work experience of 250 hours in the field of building inspection, asbestos-related work, safety, **industrial hygiene**, or hazardous materials control.

Subp. 3. Training requirements for initial certification.

To be eligible for initial certification as an asbestos management planner an applicant must complete, before the commissioner's receipt of the application:

- A. an initial asbestos management planner training course that is:
 - (1) permitted by the commissioner under part 4620.3704;
 - (2) approved by the United States Environmental Protection Agency (EPA) with the EPA approval granted after June 1, 1987; or
 - (3) approved by a state asbestos training program accredited by the EPA; and
- B. an asbestos management planner refresher course permitted by the commissioner under part 4620.3704 if the applicant has completed the initial asbestos management planner training course specified in item A, subitem (2) or (3).

Subp. 4. Training diploma expiration; retraining.

The applicant for certification as an asbestos management planner must complete an annual asbestos management planner refresher course permitted by the commissioner under part 4620.3704 when the diploma from an initial management planner training course as specified in subpart 3, item A, has expired before the commissioner's receipt of the application.

A. The most recent asbestos management planner refresher course completed must be permitted by the commissioner under part 4620.3704.

B. Any refresher courses which have been completed subsequent to the expiration of the diploma must have been completed no more than 12 months after the expiration date of the preceding diploma.

Subp. 5. Application for initial certification.

An applicant for initial certification as an asbestos management planner must submit to the commissioner:

A. a completed application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for certification;

B. a nonrefundable application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

C. verifiable evidence of the applicant's original diploma for the initial asbestos management planner training course and, if applicable, verifiable evidence of each of the applicant's original diplomas for the asbestos management planner refresher training courses.

Subp. 6. Renewal.

A. An individual certified as an asbestos management planner must apply for renewal of asbestos management planner certification by submitting to the commissioner a completed renewal application. Until the renewal certificate is issued by the commissioner, the asbestos management planner may continue to perform asbestos management plans for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos management planner:

(1) has submitted the certification renewal application to the commissioner; and

(2) has a copy of the diploma, which is issued after completing an asbestos management planner refresher course, at the location where the asbestos management planner is conducting work.

B. The renewal application must include:

(1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;

(2) a nonrefundable \$100 renewal application fee, which is not in the form of a personal check, payable to the Minnesota Department of Health; and

(3) verifiable evidence of the training course diploma from the most recent asbestos management planner refresher training course required by subpart 4.

Subp. 7. Denial of certification.

The commissioner shall deny an application for certification as an asbestos management planner if the applicant fails to comply with the requirements in this part. Additional grounds for the commissioner to deny an application are stated in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b). An applicant:

A. must be notified in writing of the denial of the certificate and the reasons for the denial; and

B. is not required to pay a second fee if the applicant submits a second asbestos management planner application within 30 days of the receipt of the notice that the asbestos management planner application has been denied. Fees are required for all subsequent applications.

Subp. 8. Duration of certificate; transfer.

An asbestos management planner certificate is valid for 12 months after the completion date on the diploma for the most recently completed training course. The asbestos management planner certificate is not transferable.

Subp. 9. Duplicate certificate.

To replace a lost, destroyed, or mutilated asbestos management planner certificate, the certified asbestos management planner must submit a completed application for a duplicate asbestos management planner certificate and pay a charge to the Minnesota Department of Health for the cost of duplicating the certificate.

Statutory Authority:

MS s 16A.1285; 144.05; 144.122; 326.70 to 326.81

History:

20 SR 2765; 25 SR 1894; 33 SR 739

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3350&keyword_type=exact&keyword=safety+professional

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3350 ASBESTOS PROJECT DESIGNER CERTIFICATION.

Subpart 1. Certification required.

Beginning October 1, 1996, an individual who prepares an asbestos project design must be certified by the commissioner as an asbestos project designer.

Subp. 2. Qualifications or experience requirements.

Beginning January 2, 1997, to be eligible for certification as an asbestos project designer, an individual applying for certification must show evidence of completion of either:

- A. work experience of at least 4,000 hours in asbestos-related work or asbestos management activity as defined in Minnesota Statutes, section 326.71; or
- B. registration as a registered architect, licensure as a professional engineer, or certification as a **certified industrial hygienist** or **certified safety professional**.

Subp. 3. Training requirements for initial certification.

To be eligible for initial certification as an asbestos project designer, an applicant must complete, before the commissioner's receipt of the application:

- A. an initial asbestos project designer training course that is:
 - (1) permitted by the commissioner under part 4620.3704;
 - (2) approved by the United States Environmental Protection Agency (EPA) with the EPA approval granted after June 1, 1987; or
 - (3) approved by a state asbestos training program accredited by the EPA; and
- B. an asbestos project designer refresher course permitted by the commissioner under part 4620.3704 if the applicant has completed the initial asbestos project designer training course specified in item A, subitem (2) or (3).

Subp. 4. Training diploma expiration; retraining.

The applicant for certification as an asbestos project designer must complete an annual asbestos project designer refresher course permitted by the commissioner under part 4620.3704 when the diploma from an initial project designer training course as specified in subpart 3, item A, has expired before the commissioner's receipt of the application.

- A. The most recent asbestos project designer refresher course completed must be permitted under part 4620.3704 by the commissioner.
- B. Any refresher courses which have been completed subsequent to the expiration of the diploma must have been completed no more than 12 months after the expiration date of the preceding diploma.

Subp. 5. Application for initial certification.

An applicant for initial certification as an asbestos project designer must submit to the commissioner:

- A. a completed application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for certification;
- B. a nonrefundable application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and
- C. verifiable evidence of the applicant's original diploma for the initial asbestos project designer training course and, if applicable, verifiable evidence of each of the applicant's original diplomas from the asbestos project designer refresher training courses.

Subp. 6. Renewal.

A. An individual certified as an asbestos project designer must apply for renewal of asbestos project designer certification by submitting to the commissioner a completed renewal application. Until the renewal certificate is issued by the commissioner, the asbestos project designer may continue to perform asbestos project designs for up to 30 calendar days from the date of completing the refresher training course, provided the asbestos project designer:

- (1) has submitted the certification renewal application to the commissioner; and
- (2) has a copy of the diploma, which is issued after completing an asbestos project designer refresher course, at the location where the asbestos project designer is conducting work.

B. The renewal application must include:

- (1) the completed renewal application on a form provided by the commissioner, which seeks only information the commissioner reasonably considers necessary to identify the applicant and to determine whether the applicant meets the statutory and regulatory requirements for renewal of certification;
- (2) a nonrefundable renewal application fee of \$100, which is not in the form of a personal check, payable to the Minnesota Department of Health; and
- (3) verifiable evidence of the training course diploma from the most recent asbestos project designer refresher training course required by subpart 4.

Subp. 7. Denial of certification.

The commissioner shall deny an application for an asbestos project designer certificate if the applicant fails to comply with the requirements in this part. Additional grounds for the commissioner to deny an application are stated in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b). An applicant:

- A. must be notified in writing of the denial of the certificate and the reasons for the denial; and
- B. is not required to pay a second fee if the applicant submits a second asbestos project designer application within 30 days of the receipt of the notice that the asbestos project designer application has been denied. Fees are required for all subsequent applications.

Subp. 8. Duration of certificate; transfer.

An asbestos project designer certificate is valid for 12 months after the completion date on the diploma for the most recently completed training course. The asbestos project designer certificate is not transferable.

Subp. 9. Duplicate certificate.

To replace a lost, destroyed, or mutilated asbestos project designer certificate, the certified asbestos project designer must submit a completed application for a duplicate asbestos project designer certificate and pay a charge to the Minnesota Department of Health for the cost of duplicating the certificate.

Statutory Authority:

MS s 16A.1285; 144.05; 144.122; 326.70 to 326.81

History:

20 SR 2765; 25 SR 1894; 33 SR 739

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3460&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3460 ASBESTOS INSPECTION AND ASSESSMENT.

Subpart 1. Applicability.

When an asbestos inspection is performed, the asbestos inspection must be conducted according to this part.

Subp. 2. Asbestos sampling.

Sampling must be conducted as provided in Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, section 763.86, amended through April 15, 1988, and Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, appendix C, section I, paragraph (B), subparagraph (3), amended through February 3, 1994.

Subp. 3. Asbestos analysis.

Analysis of bulk samples collected as part of an asbestos inspection must be analyzed according to this subpart.

A. Bulk samples collected and submitted for analysis must be analyzed for asbestos using a laboratory:

(1) accredited by the National Institute of Science and Technology (NIST) through the National Voluntary Laboratory Accreditation Program (NVLAP); or

(2) which successfully participates in **the asbestos bulk analysis program of the American Industrial Hygiene Association (AIHA)**.

B. Bulk samples must not be composited for analysis unless allowed by the Environmental Protection Agency (EPA) as specified in "Asbestos NESHAP Clarification Regarding Analysis of Multi-layered Systems," Federal Register, volume 5, number 3, page 542, January 5, 1994. Bulk samples shall be analyzed for asbestos content by polarized light microscopy (PLM), as specified in EPA Method for the Determination of Asbestos in Bulk Building Materials, United States EPA 600/R-93/116, 1993. This document is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

C. A homogeneous area is determined not to contain asbestos only if the results of all samples required to be collected from the area show asbestos in amounts of one percent or less.

D. A homogeneous area is determined to contain asbestos if results of at least one sample collected from the area shows that asbestos is present in an amount greater than one percent.

E. The asbestos inspector must obtain an analysis report which contains the:

- (1) name and address of the laboratory performing the analysis;
- (2) date of the analysis; and
- (3) name and signature of the person performing the analysis.

Subp. 4. Assessment.

If the asbestos inspector performs an assessment of the condition of asbestos-containing material or suspected asbestos-containing material, the asbestos inspector must provide a written assessment using the categories from Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, section 763.88, paragraph (b), items (1) to (7), amended through April 15, 1988, for all known or assumed asbestos-containing material in the facility or portion of the facility inspected.

Subp. 5. Inspector duties.

The asbestos inspector must have a current asbestos inspector certificate at the location where the asbestos inspector is conducting work, except as provided in part 4620.3330, subpart 6, item A. The asbestos inspector must prepare a written report which:

- A. contains the exact location of each homogeneous area of material which is known or assumed to be asbestos-containing material;
- B. if the asbestos inspector performs an assessment of asbestos-containing material or suspected asbestos-containing material, contains the condition of each homogeneous area of material which is known or assumed to be asbestos-containing material;
- C. is signed by the inspector;
- D. is dated by the inspector;
- E. includes the inspector's Minnesota asbestos inspector certification number;
- F. provides a photocopy of the current asbestos inspector certificate of each inspector who performed the inspection; and
- G. is provided to the person requesting the inspection.

Statutory Authority:

MS s 144.05; 326.70 to 326.81

History:

20 SR 2765; 25 SR 1894

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3596&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3596 GENERAL REQUIREMENTS FOR AIR MONITORING.

The air monitoring samples required by parts 4620.3592 and 4620.3594 must be collected as specified in this part.

A. All air monitoring sample collection must be conducted by an individual who is either an asbestos worker or asbestos site supervisor and who:

(1) has completed a Minnesota asbestos air sampling course permitted by the commissioner under part 4620.3704;

(2) is certified as a **certified industrial hygienist** by the **American Board of Industrial Hygiene**; or

(3)

before July 1, 1996, has completed the National Institute for Occupational Safety and Health (NIOSH) course number 582, entitled Sampling and Identification of Airborne Asbestos, or a course equivalent to the NIOSH 582 course.

B.

Air monitoring sample cassettes must be submitted for analysis on the day collected.

C.

The contract for air monitoring sample analysis must specify that results must be available orally or in writing no later than 48 hours after submission for analysis or before disassembly of the containment, whichever is earlier.

Statutory Authority:

MS s 144.05; 326.70 to 326.81

History:

20 SR 2765

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4620.3597&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4620

DEPARTMENT OF HEALTH, CLEAN INDOOR AIR

4620.3597 PHASE CONTRAST MICROSCOPY.

Subpart 1. Phase contrast microscopy air sample analysis.

Analysis by phase contrast microscopy must comply with National Institute for Occupational Safety and Health (NIOSH) Method 7400, revision number 3, titled "Fibers" published in the NIOSH Manual of Analytical Methods, Third Edition, August 1994 supplement or equivalent methods. This document is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. Procedures for establishing an alternative indoor air standard.

When collecting air monitoring samples to establish an alternative indoor air standard, the procedures in this part apply.

- A. An alternative indoor air standard may be established only if background fiber levels in the asbestos work area exceed the indoor air standard before the start of abatement.
- B. To establish an alternative indoor air standard, five air monitoring samples must be collected simultaneously and analyzed according to this part before the start of abatement including area preparation.
- C. The alternative indoor air standard must be calculated as the upper bound of the range defined by the 95 percent confidence interval from the average of the result of the five indoor air monitoring samples.
- D. Locations for air monitoring sample collection must be selected to provide suitable data for comparison with indoor air monitoring samples collected after abatement begins. Sample locations must be indoors and within ten feet of where the containment will be constructed.
- E. The alternative indoor air standard applies only to the containment area where the air samples used to establish the alternative indoor air standard were collected.

Subp. 3. Air monitoring sample collection and analysis.

When phase contrast microscopy is used to analyze air monitoring samples:

- A. air volumes drawn through the filter cassette must be sufficient to determine fiber concentrations to 0.01 fibers per cubic centimeter of air;

B. a volume of 2,000 liters must be drawn through the filter cassette, except as noted in item C; and

C. when a volume of 2,000 liters cannot be drawn through the filter cassette, subitems (1) to (5) apply.

(1) More fields must be counted than the 100 microscope field maximum which is specified in NIOSH method 7400.

(2) The maximum number of fields to be counted must be determined by dividing 2,000 liters by the volume filtered and multiplying the result by 100 fields.

(3) Additional segments of the filter must be used for counting.

(4) If the cumulative fiber count reaches 100 fibers before the maximum number of fields have been counted, the analysis must stop.

(5) The concentration must be calculated based on the number of fibers and the number of fields counted.

Subp. 4. Transitional air monitoring sample analysis.

Between July 1, 1996, and July 1, 1997, air monitoring samples must be analyzed by:

A. **a laboratory that is accredited by the American Association Industrial Hygiene;**

B. **an analyst considered proficient by the American Industrial Hygiene Association's asbestos analyst registry program;** or

C. **a laboratory considered proficient in asbestos analysis by the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) Program for phase contrast microscopy.**

Subp. 5. Air sample analysis.

Beginning July 1, 1997, air monitoring samples must be analyzed by:

A. **a laboratory that is accredited by the American Industrial Hygiene Association;**
or

B. **an analyst considered proficient by the American Industrial Hygiene Association's asbestos analyst registry program.**

Statutory Authority:

MS s 144.05; 326.70 to 326.81

History:

20 SR 2765

Posted:

April 24, 2009

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4695.2600&keyword_type=exact&keyword=%22industrial+hygiene%22

CHAPTER 4695

DEPARTMENT OF HEALTH, HUMAN RESOURCES

4695.2600 DEFINITIONS.

Subpart 1. Scope.

For the purposes of parts 4695.2500 to 4695.3200, the words, terms, and phrases listed in subparts 2 to 9 shall have the meaning stated herein, unless the language and context clearly indicates that a different meaning is intended.

Subp. 2. Acceptable continuing education activity.

"Acceptable continuing education activity" means a learning experience in which a registrant has participated, evidence of which he/she submits to the council as part of the application for registration renewal, and which meets the requirements stated in parts 4695.2500 to 4695.3200.

Subp. 3. Applicant.

"Applicant" means a person who applies pursuant to parts 4695.2500 to 4695.3200, either initially or on a renewal basis, to be registered as an environmental health specialist or sanitarian.

Subp. 4. Commissioner.

"Commissioner" means commissioner of health.

Subp. 5. Contact hour.

"Contact hour" means an instructional session of 50 consecutive minutes excluding coffee breaks, registration, meals (with or without speaker), or other social activities.

Subp. 6. Council.

"Council" means environmental health specialists/sanitarians advisory council as referenced in parts 4695.3100 and 4695.3200.

Subp. 7. Environmental health specialist/sanitarian.

"Environmental health specialist/sanitarian" means a person registered pursuant to these rules to plan, organize, manage, implement, and evaluate one or more program areas comprising the field of environmental health. Environmental program areas include but

are not limited to: food, beverage, and lodging sanitation; housing; refuse disposal; water supply sanitation; rodent, insect, and vermin control; accident prevention; swimming pool and public bathing facility sanitation; radiation safety; air and water quality, noise pollution, and institutional and **industrial hygiene**. Implementation includes community education, investigation, consultation, review of construction plans, collection of samples and interpretation of laboratory data, enforcement actions, review and recommendation of policy and/or regulation.

Subp. 8. Registration.

"Registration" or "registered" means that an applicant has been found by the commissioner to meet the qualifications specified in parts 4695.2500 to 4695.3200 to protect environmental health. Only persons so registered are permitted to use the designated titles of "environmental health specialist" or "sanitarian" or the initials "R.S."

Subp. 9. Registration examination.

"Registration examination" means the examination approved by the commissioner and administered by the commissioner or the commissioner's designated agent. For approval the examination must meet the following criteria:

A. the examination has been validated by a content validity study which consists of data showing that the examination covers a representative sample of the job tasks, work behaviors, performance skills to be performed on the job for which the applicant is to be evaluated; and/or

B. the examination has been validated by a criterion related validity study which consists of empirical data demonstrating that the selection procedure is predictive of, or significantly correlated with, job performance and which has a validity coefficient significant at the .05 level of significance; and

C. validity studies are based upon a review of information about the job for which the examination is to be used, which shall include but is not limited to an analysis of job tasks, work behaviors, or performance skills that are relevant to the job; and

D. job tasks, work behaviors, or performance skills used as a basis for test developments and validity studies must include but are not limited to the knowledge areas in the definition of environmental health specialist/sanitarian as outlined in subpart 7; and

E. the examination has been determined to be reliable utilizing the parallel forms or internal consistency methods of estimating reliability and the reliability coefficient is no less than .70; and

F. the examination is revised or a new form is issued when technical advances in the field indicate the examination should be updated to acknowledge related changes in the definition of environmental health specialist/sanitarian as outlined in subpart 7. The commissioner may adopt for use at the commissioner's discretion any standardized national test which meets these criteria.

Statutory Authority:

MS s 214.13

History:

17 SR 1279

Posted:

January 21, 2000

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4761.2300&keyword_type=exact&keyword=safety+professional

CHAPTER 4761

DEPARTMENT OF HEALTH, RESIDENTIAL LEAD ABATEMENT

4761.2300 LEAD RISK ASSESSOR LICENSE.

Subpart 1. General requirements.

An individual performing a lead risk assessment, as defined in Minnesota Statutes, section 144.9501, subdivision 20b, must be licensed by the commissioner as a lead risk assessor. A lead risk assessor license is not transferable.

Subp. 2. Education and experience requirements.

To be eligible for a lead risk assessor license, an applicant must:

- A. have a high school diploma and at least three years of experience in regulated lead work, asbestos abatement, environmental remediation, general construction, or a childhood lead poisoning prevention program of a government agency;
- B. have an associate's degree and two years of experience in regulated lead work, asbestos abatement, environmental remediation, general construction, or a childhood lead poisoning prevention program of a government agency;
- C. have a bachelor's degree and one year of experience in regulated lead work, asbestos abatement, environmental remediation, general construction, or a childhood lead poisoning prevention program of a government agency; or
- D. be a **certified industrial hygienist**, registered professional engineer, registered architect, **certified safety professional**, or registered public health sanitarian.

Subp. 3. Training requirements; initial license.

To be eligible for an initial license as a lead risk assessor, an applicant must:

- A. complete:
 - (1) the initial lead inspector and lead risk assessor training courses for which the commissioner has issued permits under part 4761.2370; or
 - (2) the initial lead inspector and lead risk assessor training courses that are authorized by the EPA or by a state or tribal training program authorized by the EPA and a lead risk assessor refresher training course for which the commissioner has issued a permit under part 4761.2370; and
- B. take the lead risk assessor independent examination and have a passing score of 70 percent or better.

Subp. 4. Expiration; renewal; retraining.

A. A lead risk assessor license is valid for 12 months after completing the lead risk assessor independent examination or 12 months after the completion date on the training course diploma for the most recently completed refresher training course. Regulated lead work may not be conducted after the license expires.

B. A lead risk assessor license may be renewed upon completing a lead risk assessor refresher training course for which a permit has been issued under part 4761.2370.

C. A lead risk assessor refresher training course must be completed within 36 months after the date on the last issued training course diploma. A refresher training course taken more than 36 months after the date on the last issued training course diploma does not qualify the individual for a renewed license.

D. An individual who fails to take a refresher training course within 36 months after the date on the last issued training course diploma may not renew the license. The individual must successfully complete initial lead inspector and lead risk assessor training courses and pass an independent examination as specified in subpart 3 to qualify for a new license.

Subp. 5. Application.

A. To apply for an initial license as a lead risk assessor, an applicant must submit to the commissioner:

- (1) a completed application on a form provided by the commissioner;
 - (2) a \$100 nonrefundable application fee payable to the Minnesota Department of Health;
 - (3) a copy of the applicant's original diploma for the lead risk assessor training course;
- and
- (4) documentation that the applicant passed an independent examination.

B. If applying from out of state, an applicant must submit:

- (1) a completed application on a form provided by the commissioner;
- (2) a \$100 nonrefundable application fee payable to the Minnesota Department of Health;
- (3) a copy of the applicant's original diploma for the lead risk assessor training course or a copy of the current lead risk assessor license from the state that the applicant is licensed in;
- (4) documentation that the applicant passed an independent examination; and
- (5) a copy of the applicant's original diploma from the Minnesota lead risk assessor refresher training course.

Subp. 6. Renewal application.

A. An individual licensed as a lead risk assessor must renew the license annually by submitting to the commissioner:

- (1) a completed application on a form provided by the commissioner;
- (2) a \$100 nonrefundable renewal application fee payable to the Minnesota Department of Health; and
- (3) a copy of the training course diploma from the most recent lead risk assessor refresher training course as required under subpart 4.

B. Until the commissioner issues the renewed license, the lead risk assessor may continue to perform regulated lead work for up to 30 calendar days from the date of completing the lead risk assessor refresher training course, provided the lead risk assessor:

(1) has submitted the renewal application to the commissioner; and
(2) has a copy of the diploma that is issued after completing a lead risk assessor refresher training course. The diploma must be on site and available for review where the regulated lead work is being conducted.

Subp. 7. Denial; conditions.

The commissioner shall deny an application for a lead risk assessor license if the applicant fails to comply with all applicable requirements in this part. The commissioner may also deny an application or set conditions on a license according to Minnesota Statutes, section 144.99, subdivision 8. If a license application is denied, the applicant:
A. must be notified in writing of the denied license application and the reasons for the denial; and
B. is not required to pay a second fee if the applicant submits a second application according to subpart 5 or 6 within 30 days of receiving the notice that the application was denied. Fees are required for all subsequent applications.

Subp. 8. Duplicate license.

To replace a lost, destroyed, or mutilated lead risk assessor license, the licensed lead risk assessor must submit a completed application for a duplicate lead risk assessor license.

Statutory Authority:

MS s 144.9508

History:

29 SR 531

Posted:

November 29, 2004

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=4761.2320&keyword_type=all&keyword=industrial+hygienist

CHAPTER 4761

DEPARTMENT OF HEALTH, RESIDENTIAL LEAD ABATEMENT

4761.2320 LEAD PROJECT DESIGNER LICENSE.

Subpart 1. General requirements.

An individual preparing a lead project design, as defined in Minnesota Statutes, section 144.9501, subdivision 19a, must be licensed by the commissioner as a lead project designer. A lead project designer license is not transferable.

Subp. 2. Education and experience requirements.

To be eligible for a lead project designer license, an applicant must:

- A. have a bachelor's degree in engineering, architecture, or an environmental or safety discipline and one year of experience in building construction, design, or a related field;
- B. be a registered architect, registered professional engineer, **certified industrial hygienist**, **certified safety professional**, or a certified asbestos project designer;
- C. have two years of experience in regulated lead work, asbestos-related work, asbestos management activities, or other environmental remediation; or
- D. have four years of experience in building construction, design, or a related field.

Subp. 3. Training requirements; initial license.

To be eligible for an initial license as a lead project designer, an applicant must complete:

- A. the initial lead supervisor and lead project designer training courses for which the commissioner has issued permits under part 4761.2370; or
- B. the initial lead supervisor and lead project designer training courses that are approved by the EPA or by a state or tribal lead training program authorized by the EPA and a lead project designer refresher training course for which the commissioner has issued a permit under part 4761.2370.

Subp. 4. Expiration; renewal; retraining.

- A. A lead project designer license is valid for 12 months after the completion date on the training course diploma for the most recently completed training course. Regulated lead work may not be conducted after the license expires.
- B. A lead project designer license may be renewed upon completing a lead project designer refresher training course for which a permit has been issued under part 4761.2370.

C. A lead project designer refresher training course must be completed within 36 months after the date on the last issued training course diploma. A refresher training course taken more than 36 months after the date on the last issued training course diploma does not qualify the individual for a renewed license.

D. An individual who fails to take a refresher training course within 36 months after the date on the last issued training course diploma may not renew the license. The individual must successfully complete initial lead supervisor and lead project designer training courses to qualify for a new license.

Subp. 5. Application.

A. To apply for an initial license as a lead project designer, the applicant must submit to the commissioner:

- (1) a completed application on a form provided by the commissioner;
- (2) a \$100 nonrefundable application fee payable to the Minnesota Department of Health;
- and
- (3) a copy of the applicant's original diploma for the initial lead project designer training course.

B. If applying from out of state, an applicant must submit:

- (1) a completed application on a form provided by the commissioner;
- (2) a \$100 nonrefundable application fee payable to the Minnesota Department of Health;
- (3) a copy of the applicant's original diploma for the initial lead project designer training course or a copy of the current lead project designer license from the state that the applicant is licensed in; and
- (4) a copy of the applicant's original diploma from the Minnesota lead project designer refresher training course.

Subp. 6. Renewal application.

A. An individual licensed as a lead project designer must renew the license annually by submitting to the commissioner:

- (1) a completed application on a form provided by the commissioner;
- (2) a \$100 nonrefundable renewal application fee payable to the Minnesota Department of Health; and
- (3) a copy of the training course diploma from the most recent lead project designer refresher training course as required under subpart 4.

B. Until the commissioner issues the renewed license, the lead project designer may continue to perform regulated lead work for up to 30 calendar days from the date of completing the lead project designer refresher training course, provided the lead project designer:

- (1) has submitted the renewal application to the commissioner; and
- (2) has a copy of the diploma that is issued after completing a lead project designer refresher training course. The diploma must be on site and available for review where the regulated lead work is being conducted.

Subp. 7. Denial; conditions.

The commissioner shall deny an application for a lead project designer license if the applicant fails to comply with all applicable requirements in this part. The commissioner

may also deny an application or set conditions on a license according to Minnesota Statutes, section 144.99, subdivision 8. If a license application is denied, the applicant:

A. must be notified in writing of the denied license application and the reasons for the denial; and

B. is not required to pay a second fee if the applicant submits a second application according to subpart 5 or 6 within 30 days of receiving the notice that the application was denied. Fees are required for all subsequent applications.

Subp. 8. Duplicate license.

To replace a lost, destroyed, or mutilated lead project designer license, the licensed lead project designer must submit a completed application for a duplicate lead project designer license.

Statutory Authority:

MS s 144.9508

History:

29 SR 531

Posted: *November 29, 2004*

MINNESOTA RULES/REGULATIONS

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CHAPTER 4761

DEPARTMENT OF HEALTH, RESIDENTIAL LEAD ABATEMENT

4761.2380 REQUIRED TRAINING COURSE PERSONNEL; DUTIES.

Subpart 1. General requirements.

This part applies to all training courses for which the commissioner issues permits and the personnel who conduct training to qualify trainees for licensure under parts 4761.2240 to 4761.2320.

Subp. 2. Training manager.

A training course provider must designate a training manager who has experience, education, or training in the construction industry, including regulated lead work, asbestos-related work, asbestos management activities, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**, and one of the following:

- A. at least two years of experience, education, or training in teaching adults;
- B. a bachelor's or graduate degree in building construction technology, engineering, **industrial hygiene**, safety, public health, education, business administration, program management, or a related field; or
- C. at least two years of experience in managing a training program in environmental hazards.

Subp. 3. Training manager duties.

A training manager is responsible for ensuring that:

- A. each training course is presented in the manner described in the application for which a permit was granted;
- B. a quality control plan is developed and implemented for each training course. The plan is to maintain and improve the quality of the course by revising materials to include:
 - (1) amendments to relevant law or to other government documents used in the course; and
 - (2) advances in technology that affect lead measurement or lead hazard reduction;
- C. the competency, performance, and effectiveness of principal instructors are reviewed annually;

- D. properly identified Department of Health staff is allowed to audit the course, including the testing and evaluation of trainees;
- E. training in the use of an x-ray fluorescence analyzer complies with chapter 4730; and
- F. a notice is submitted to the commissioner of any change in the course curriculum or course materials required under part 4761.2370, subpart 2, item A, subitem (3). The commissioner shall provide the notice form. The notice form and copies of the changed materials must be received by the commissioner at least 30 calendar days before the training course is conducted.

Subp. 4. Principal instructor.

A training course provider must designate a principal instructor for each training course.

The principal instructor must:

- A. have experience, education, or training in teaching adults, including using methods of evaluation to continually monitor the participants' progress;
- B. successfully complete a Minnesota-permitted training course or any other lead-based paint activities training course approved by the EPA or by an EPA-authorized state or tribal program:
 - (1) for lead supervisors, if instructing courses for lead workers, lead supervisors, or lead project designers; or
 - (2) for lead risk assessors, if instructing courses for lead inspectors or lead risk assessors;
- C. have experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**; and
- D. apply the methods of evaluation described in item A.

Subp. 5. Principal instructor duties.

The principal instructor is responsible for the organization of the course and the oversight of the teaching of all course materials. The principal instructor must:

- A. be responsible for supervising the other instructors for the course;
- B. ensure that each trainee is in attendance for the full duration of the course; and
- C. ensure that the course examination and hands-on skills evaluation accurately reflect a trainee's understanding of the course material.

Subp. 6. Other training course instructors.

The commissioner shall approve all other instructors as part of any permit issued for the training course if the instructors:

- A. have experience, education, or training in teaching adults, including using methods of evaluation to continually monitor the participants' progress;
- B. have experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or **industrial hygiene**; and
- C. apply the methods of evaluation described in item A.

Statutory Authority:

MS s 144.9508

History: *29 SR 531*

Posted: *November 29, 2004*

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=5206.0100&keyword_type=all&keyword=industrial+hygienist

CHAPTER 5206

DEPARTMENT OF LABOR AND INDUSTRY, HAZARDOUS SUBSTANCES; EMPLOYEE RIGHT TO KNOW

5206.0100 DEFINITIONS.

Subpart 1. Scope.

For purposes of this chapter the following terms have the meanings given them.

Subp. 1a. Blood borne pathogens.

"Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Subp. 1b. Carcinogen.

"Carcinogen" means any substance that causes the development of cancerous growths in living tissue. For the purpose of this standard, a substance is considered to be a carcinogen or potential carcinogen if:

- A. it has been evaluated by the International Agency for Research on Cancer (IARC) and is listed as a carcinogen or potential carcinogen in "Monographs" (latest edition);
- B. it is listed as a carcinogen or potential carcinogen in the "Annual Report on Carcinogens" published by the National Toxicology Program (NTP) (latest edition);
- C. it is listed as a confirmed or suspected human carcinogen by the American Conference of Governmental Industrial Hygienists (ACGIH) and published in the "Threshold Limit Values and Biological Exposure Indices" (latest edition); or
- D. it is regulated as a carcinogen or potential carcinogen under Code of Federal Regulations, title 29, part 1910, subpart Z, "Toxic and Hazardous Substances."

Subp. 1c. Clinic.

"Clinic" means a physician's office providing outpatient care.

Subp. 2. Commissioner.

"Commissioner" means the commissioner of the Department of Labor and Industry.

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CHAPTER 5206 DEPARTMENT OF LABOR AND INDUSTRY, HAZARDOUS SUBSTANCES; EMPLOYEE RIGHT TO KNOW

5206.0400 HAZARDOUS SUBSTANCES.

Subpart 1. In general.

The commissioner has determined that the list of hazardous substances in subpart 5 shall be covered by the provisions of this chapter. The hazardous substance list includes the majority of hazardous substances that will be encountered in Minnesota; it does not include all hazardous substances and will not always be current. Employers shall exercise reasonable diligence in evaluating their workplace for the presence of other recognized hazardous substances and assure that employees are provided with the rights stated in this chapter.

Subp. 2. Exemptions.

Substances or mixtures within the categories in items A to K are exempt from coverage under this standard.

- A. Products intended for personal consumption by employees in the workplace.
- B. Consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product.
- C. Any article, including but not limited to an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by the employee.
- D. Any hazardous substance that is bound and not released under normal conditions or work or in a reasonably foreseeable occurrence resulting from workplace operations.
- E. Products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas.
- F. Any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.
- G. Waste products labeled pursuant to the Resource Conservation and Recovery Act. If hazardous substances make up the waste product, the employer must assure that mixing of incompatible substances does not occur.

H. Any substance received by an employer in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace.

I. Any substance, mixture, or product if present in a physical state, volume, or mixture concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

J. "Liquor" as defined in Minnesota Statutes, section 340.07, subdivision 2, or "3.2 percent malt liquor" as defined in Minnesota Statutes, section 340A.101, subdivision 19.

K. "Food" as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 27, section 321, et seq.

Subp. 3. Updating list.

The list of hazardous substances shall be updated by the commissioner at least every two years.

Subp. 4. Codes for list of hazardous substances.

The list of hazardous substances in subpart 5 is coded as follows to designate the reference document which contains occupational exposure information concerning the particular substance:

A. "A" - **American Conference of Governmental Industrial Hygienists (ACGIH), "Threshold Limit Values** for Chemical Substances and Physical Agents and Biological Exposure Indices for 1992-93," available from ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211-4438, (513) 661-7881.

B. "I" - **American Industrial Hygiene Association (AIHA), "Workplace Environmental Exposure Level Guides"** (1992), available from AIHA, P.O. Box 8390, Akron, Ohio 44320, (216) 873-2442. Effective October 31, 1992, the new mailing address will be: 2700 Prosperity Place, Merrifield, VA 22081.

C. "N" - National Institute for Occupational Safety and Health (NIOSH), "Recommendations for Occupational Safety and Health Standards," August 1988, available from NIOSH, Publications Dissemination Office, Division of Standards Development and Technology Transfer, 4676 Columbia Parkway, Cincinnati, Ohio 45226, general information (513) 533-8287.

D. "O" - Occupational Safety and Health Administration (OSHA), Safety and Health Standards, Code of Federal Regulations, title 29, part 1910, subpart Z, "Toxic and Hazardous Substances, 1990." General information: Minnesota Department of Labor and Industry, Occupational Safety and Health Division, 443 Lafayette Road, St. Paul, Minnesota 55101, (651) 296-2116.

E. "R" - International Agency for Research on Cancer (IARC) Monographs on the Evaluation of the Carcinogenic Risks to Humans; Overall Evaluations of Carcinogenicity: An Updating of IARC Monographs Volumes 1 to 42, Supplement 7 (1987). Available from: WHO Publications Centre USA, 49 Sheridan Avenue, Albany, NY 12210; (518) 436-9686.

F. "S" - Occupational Safety and Health Administration proposed standards.

G. "T" - National Toxicology Program (NTP) "Fifth Annual Report on Carcinogens," 1989 (NTP 89-239). Order information: (919) 541-3991.

H. "*" - An asterisk denotes substances which are regulated by OSHA as carcinogens; have been categorized by the **ACGIH** as either "human carcinogens" or "suspect of carcinogenic potential for man"; have been evaluated by the International Agency for Research on Cancer (IARC) and found to be carcinogens or potential carcinogens; or have been listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP).

I. "Dust" - If the substance poses an airborne particulate exposure hazard, the substance is followed by the word, "dust."

J. "Fume" - Small solid particles formed by the condensation of vapors of solid materials.

K. "Gases" - Refers to displacement of air asphyxiation hazard.

L. "Skin" - If a potential for absorption from skin contact merits special consideration, the word, "skin" follows the substance name.

M. (number) - The number in parentheses following each substance is the American Chemical Society's Chemical Abstract Service (CAS) number for that substance. A particular substance may be known by more than one name. The CAS number eliminates the confusion caused by synonyms.

N.

Statutory Authority:

MS s 182.655

History:

8 SR 1949; 13 SR 2219; 17 SR 1456; L 1991 c 249 s 31

Posted:

June 11, 2008

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=7007.1130&keyword_type=exact&keyword=american+conference+of+governmental+industrial+hygienists

CHAPTER 7007 MINNESOTA POLLUTION CONTROL AGENCY, PERMITS AND OFFSETS

7007.1130 REGISTRATION PERMIT OPTION D.

Subpart 1. Eligibility.

The owners and operators of a stationary source may apply for a registration permit under this part if the stationary source meets the following criteria:

- A. all emissions units at the stationary source are either included in calculations in subpart 4, or are insignificant activities under part 7007.1300, subparts 2 and 3, or are conditionally insignificant activities;
- B. the 12-month rolling sum of actual emissions at the stationary source for each pollutant are less than or equal to the thresholds in subpart 5; and
- C. the owner or operator does not anticipate making changes in the next year which will cause the stationary source's 12-month rolling sum of actual emissions to exceed any threshold in tons per year listed in subpart 5.

Subp. 2. Application content.

An application for a registration permit under this part must contain all of the following requirements:

- A. information identifying the stationary source and its owners and operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;
- B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code;
- C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, with the applicable portions of the standards highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner, for each affected facility as defined in Code of Federal Regulations, title 40, section 60.2;
- D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or the use of VOC-containing or hazardous air pollutant-containing materials and on the purchase or use of fuels;
- E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. A stationary source in which the only hazardous air

pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year is not required to calculate emissions of HAPs. If the stationary source has not been operated, the owner or operator shall estimate actual emissions during normal operation in performing the calculations required by subpart 4. If the stationary source has been operated less than 12 months on the date of application under this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:

(1) the average monthly actual emissions; or

(2) the estimated average monthly actual emissions during normal operation;

F. if the calculations required by subpart 4 used control equipment efficiencies for listed control equipment determined by part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications with the operating parameters required to be monitored under part 7011.0080 highlighted, and if the efficiency is based on an alternative control efficiency under part 7011.0070, subpart 2, a copy of the performance test plan with the operating parameters highlighted. The owner or operator of a hot mix asphalt plant shall provide a copy of the portion of the control equipment manufacturer's specifications with the operating parameters required to be monitored under part 7011.0917, subpart 7, or the information to support an alternative operating range required by part 7011.0917, subpart 1; and

G. if the calculations required by subpart 4 used emission factors established by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060 and reflected use of control equipment that is not listed in part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications which includes the operating parameters. If the emissions are discharged to the control equipment through a hood, then the owner or operator must evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, **American Conference of Governmental Industrial Hygienists,**" and must include with the permit application the certification required in part 7011.0072, subpart 2.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, or conditionally insignificant activities, are not required to be included in the application.

Statutory Authority: *MS s 116.07*

History: *19 SR 1345; 20 SR 2316; 20 SR 2253(NO. 42); 21 SR 165; 22 SR 1237; 23 SR 1764; 23 SR 2224; 27 SR 1579; 28 SR 1482; 32 SR 904; 37 SR 991*

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CHAPTER 7011 MINNESOTA POLLUTION CONTROL AGENCY, STANDARDS FOR STATIONARY SOURCES

7011.0060 DEFINITIONS.

Subpart 1. Scope.

The definitions in parts [7005.0100](#) and [7007.0100](#) apply to the terms used in parts [7011.0060](#) to [7011.0080](#) unless the terms are defined in this part. The definitions in this part apply to the terms used in parts [7011.0060](#) to [7011.0080](#).

Subp. 2. Capture efficiency.

"Capture efficiency" means the percentage of emissions produced by a process that are captured by an enclosure and/or ductwork and transported to air pollution control equipment.

Subp. 3. Collection efficiency.

"Collection efficiency" means the percentage of emissions entering the air pollution control equipment that are collected by the air pollution control equipment and thus removed from the exhaust stream. "Collection" pertains to pollutants that are collected but molecular composition may or may not be changed.

Subp. 3a. Control efficiency.

"Control efficiency" has the meaning given to control equipment efficiency in subpart 3b.

Subp. 3b. Control equipment efficiency.

"Control equipment efficiency" means the percentage of emissions produced by a process that are not emitted to the atmosphere. Control equipment efficiency is equal to the product of the capture efficiency and collection efficiency or the product of capture efficiency and destruction efficiency.

Subp. 3c. Control equipment manufacturer.

"Control equipment manufacturer" means a person that manufactures and sells control equipment, if at least 50 percent of the dollar value of the annual control equipment sales are made to persons who are not a subsidiary, division, or subdivision of the control equipment manufacturer.

Subp. 3d. Destruction efficiency.

"Destruction efficiency" means the percentage of emissions entering the air pollution control equipment that are destroyed by the air pollution control equipment and thus removed from the exhaust stream. "Destruction" pertains to pollutants that are destroyed whereby molecular composition is changed.

Subp. 3e. Hood.

"Hood" means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed, used, and maintained to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists." This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.

Subp. 4. Listed control equipment.

"Listed control equipment" means the control equipment at a stationary source listed in part 7011.0070, subpart 1a, Table A.

Subp. 4a. Testing company.

"Testing company" means a corporation, partnership, limited liability company, or sole proprietorship that conducts evaluations of hood design parameters as a normal part of its business activities and that is not the owner or operator of the emission facility or a subsidiary, division, or subdivision of the owner or operator of the emission facility.

Subp. 5. Total enclosure.

"Total enclosure" means an enclosure that completely surrounds emissions from an emissions unit such that all emissions are captured and discharged through ductwork to control equipment.

Statutory Authority: *MS s 116.07*

History: *19 SR 1345; 22 SR 1237; 23 SR 2224; 32 SR 904*

Posted: *February 25, 2008*

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=7011.0061&keyword_type=exact&keyword=american+conference+of+governmental+industrial+hygienists

CHAPTER 7011 **MINNESOTA POLLUTION CONTROL AGENCY, STANDARDS** **FOR STATIONARY SOURCES**

7011.0061 INCORPORATION BY REFERENCE.

For the purpose of parts 7011.0060 to 7011.0080, the document, Industrial Ventilation - A Manual of Recommended Practice, **American Conference of Governmental Industrial Hygienists** (1984), 1300 Kemper Meadow Drive, Cincinnati, Ohio 45240, is incorporated by reference. **American Conference of Governmental Industrial Hygienists** is the author and publisher. This document is available through the Minitex interlibrary loan system (University of Minnesota Library). This document is subject to frequent change.

Statutory Authority: *MS s 116.07*

History: *19 SR 1345; 32 SR 904*

Posted: *February 25, 2008*

MINNESOTA RULES/REGULATIONS

https://www.revisor.mn.gov/rules/?id=7011.0072&keyword_type=exact&keyword=american+conference+of+governmental+industrial+hygienists

CHAPTER 7011 MINNESOTA POLLUTION CONTROL AGENCY, STANDARDS FOR STATIONARY SOURCES

7011.0072 REQUIREMENTS FOR CERTIFIED HOODS.

Subpart 1. Applicability.

This part applies only to certified hoods and hoods the owner or operator elects to be certified. Nothing in this part shall be construed to allow the owner or operator of an emission facility to violate an applicable requirement or compliance document. Hoods evaluated before June 8, 1999, using a form, the contents of which differ from the content in subpart 3, are not required to be reevaluated, unless requested by the commissioner to demonstrate continued conformity with the design and operating practices described in the manual incorporated by reference under part 7011.0061.

Subp. 2. Certification required.

In order to use a certified hood control efficiency value in part 7011.0070, subpart 1a, Table A, the owner or operator of a stationary source must:

- A. arrange for a testing company to conduct a hood evaluation;
- B. document, on a form provided by the commissioner, that the hood conforms to the design and operating practices recommended in the manual incorporated by reference under part 7011.0061 and must include with the permit application a certification statement as specified in item C, if the hood exists at the time of application. If the hood does not exist at the time of application, then the certification required in item C shall be sent to the commissioner within 30 days after start-up. The form used to demonstrate that the hood conforms to the required design and operating practices shall contain the elements listed in subpart 3; and
- C. include on the form required under item B a certification statement signed by the responsible official, stating as follows: "I certify under penalty of law that the aforementioned hood(s) has (have) been evaluated under my direction or supervision by qualified personnel and that, to the best of my knowledge and belief, the (each) hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists."

Subp. 3. Contents of hood evaluation form.

The hood evaluation form required in subpart 2 shall include:

- A. hood dimensions recommended by the manual incorporated by reference under part 7011.0061;

- B. design capture velocity and justification for use of this velocity and a list of the manual pages relied on;
- C. minimum recommended air flow into the hood;
- D. recommended hood face velocity or slot velocity, and, if applicable, plenum and duct velocity;
- E. capture velocity test plan; and
- F. actual values of design parameters listed in items A to D, as well as fan rotation speed or fan power draw, as determined through testing.

Subp. 4. Monitoring and record keeping.

The owner or operator of a certified hood shall:

- A. maintain at the stationary source the most current record of each hood evaluation required by part 7011.0070; and
- B. measure the fan rotation speed, fan power draw, face velocity, or other comparable air flow indicator for each hood and maintain a yearly summary of these measurements. Each yearly summary shall be maintained at the stationary source for a minimum of five years.

Statutory Authority: *MS s 116.07*

History: *32 SR 904*

Posted: *February 25, 2008*