

MIOSHA ASBESTOS PROGRAM

ANNUAL REPORT — Fiscal Year 2022

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

Overview

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

During fiscal year (FY) 2022 (October 1, 2021 through September 30, 2022), 11 employees worked in the MIOSHA Asbestos Program; one program manager, one supervisor, seven industrial hygienists, one departmental analyst and one secretary.

AHERA Management Plan

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

TABLE ONE	
MANAGEMENT PLANS	
DEC 1987 – SEPT 2022	
CATEGORY	#
Public Schools	4,486
Private Schools	1,106
Charter Schools	339
TOTAL	5,931

Asbestos Training Courses

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

The approval process for each course is regulated by federal EPA's *Model Accreditation Plan*. The Asbestos Program periodically conducts unannounced, on-site audits of training courses to evaluate the instructor's overall abilities, the effectiveness of the instruction, and the hands-on portion of the class. *Table Two* provides a listing by category of the training courses and the associated revenue for FY 2022.

TABLE TWO							
TRAINING COURSE APPLICATIONS							
CATEGORY	INITIAL		RENEWAL		LATE FEES	TOTAL	
	#	REV	#	REV	REV	#	REV
Abatement Worker Initial	0	0	7	\$1,400	\$0	7	\$1,400
Abatement Worker Refresher	0	0	12	\$2,400	\$0	12	\$2,400
Abatement Worker Refresher-Online	0	0	1	\$200	\$0	1	\$200
Spanish Worker Refresher-Online	0	0	1	\$200	\$0	1	\$200
Contractor/Supervisor Initial	2	\$400	29	\$5,800	\$400	31	\$6,600
Contractor/Supervisor Refresher	1	\$400	33	\$6,600	\$400	34	\$7,400
Contractor/Supervisor Refresher-Online	1	\$400	9	\$1,800	\$0	10	\$3,200
Inspector Initial	0	0	14	\$2,800	\$200	14	\$3,000
Inspector Refresher	1	\$400	21	\$4,200	\$400	22	\$5,000
Inspector Refresher-Online	0	0	7	\$1,400	\$0	7	\$1,400
Management Planner Initial	0	0	4	\$800	\$0	4	\$800
Management Planner Refresher	0	0	11	\$2,200	\$200	11	\$2,400
Management Planner Refresher-Online	0	0	4	\$800	\$0	4	\$800
Project Designer Initial	1	\$400	3	\$600	\$0	4	\$1,000
Project Designer Refresher	0	0	9	\$1,800	\$200	9	\$2,000
Project Designer Refresher-Online	0	\$0	2	\$400	\$0	2	\$800
TOTALS	6	\$2,400	167	\$33,400	\$1,800	193	\$37,600

Asbestos Abatement Project Notifications

Section 220(3) of Act 135, P.A. 1986, as amended, specifies that all projects requiring notification (any friable asbestos removal or encapsulation projects exceeding **10 linear feet, 15 square feet**, or both) must include a project fee equal to one percent of the price of the contract for the asbestos abatement portion of the project. *Table Three* provides information regarding asbestos abatement project notifications received by the Asbestos Program for FY 2022.

TABLE THREE		
PROJECT NOTIFICATIONS		
CATEGORY	#	REVENUE
Regular	6,323	\$528,555
Emergency	299	\$18,786
TOTALS	6,622	\$547,341

TABLE FOUR		
ACCREDITATION APPLICATIONS		
CATEGORY	#	REVENUE
Worker Initial	724	\$36,175
Worker Renewal	585	\$14,850
Contractor/Supervisor Initial	803	\$40,150
Contractor/Supervisor Renewal	2,314	\$58,500
Inspector Initial	153	\$22,850
Inspector Renewal	828	\$61,275
Management Planner Initial	11	\$1,650
Management Planner Renewal	151	\$11,400
Project Designer Initial	5	\$750
Project Designer Renewal	96	\$7,200
Late Fees	—	\$56,175
Card Reissue Fees	—	\$1,825
TOTALS	5,670	\$312,800

Accreditation of Asbestos Workers

Asbestos abatement workers, asbestos contractors/supervisors, building inspectors, management planners, and project designers must become accredited before performing asbestos-related work. The MIOSHA Asbestos Program accreditation process consists of review and verification of the applications submitted. *Table Four* displays information regarding accreditation applications for FY 2022.

Licensing of Asbestos Abatement Contractors

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

abatement on the premises of another business entity must receive a license from the MIOSHA Asbestos Program before engaging in any asbestos abatement activities in Michigan. *Table Five* displays information regarding contractor license applications for FY 2022.

Compliance Investigations

The MIOSHA Asbestos Program is granted the authority to conduct programmed (self-initiated) investigations, respond to complaints of **improper work practices** or procedures involving asbestos abatement and disturbance activities, and issue citations under Act 154, P.A. 1974, as amended, Act 135, P.A. 1986, as amended, and Act 440, P.A. 1988, as amended. *Table Six* displays information regarding the number of investigations, citations, and penalties that were assessed during FY 2022.

Revenue Summary

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

TABLE FIVE		
CONTRACTOR LICENSING		
CATEGORY	#	REVENUE
Type I Initial	18	\$4,650
Type I Renewal	78	\$9,675
Type I Late Fee	—	\$2,100
Type I Processing Fees	2	\$50
TOTAL TYPE I REVENUE	98	\$16,475
Type II Initial	12	\$6,600
Type II Renewal	126	\$38,700
Type II Late Fees	—	\$2,600
Type II Processing Fees	0	\$0
TOTAL TYPE II REVENUE	138	\$47,900
GRAND TOTALS	271	\$64,375

Table Seven provides a breakdown of revenue received by category for FY 2022. All revenue generated by project notifications, accreditation applications, contractor licensing, and training course applications has been deposited in the Asbestos Abatement Fund, which was created by Act 135, P.A. 1986, Section 220(5). As indicated in Act 135, Section 220(6), these funds are to be used **only for asbestos-related responsibilities** of the department under the act. Citation revenue resulting from violation of Act 135, Act 440, and Act 154 were remitted to the State of Michigan General Fund.

TABLE SIX			
NUMBER OF INVESTIGATIONS, CITATIONS, AND PENALTIES ASSESSED			
TYPE OF CITATION	INV	CIT	AMOUNT
Act 135	—	13	\$10,400
Act 440	—	8	\$1,600
Act 154	—	211	\$245,980
TOTALS	205	224	\$257,980

Summary

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

TABLE SEVEN	
REVENUE SUMMARY	
CATEGORY	REVENUE
Training Course Applications	\$37,600
Project Notifications Fees	\$547,341
Accreditation Applications	\$312,800
Contractor Licensing Applications	\$64,375
SUBTOTAL	\$962,116
Citation Penalties Assessed	\$257,980
TOTAL	\$1,220,096



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Department of Labor and Economic Opportunity							
Application Processing FY 2021-2022							
Michigan Occupational Safety and Health Administration							
Occupation	Statutory Reference	Average Application Processing Timeframe	Initials Received and Completed Timely	Renewals Received and Completed Timely	Apps Denied	Not Issued Timely	Amount Refunded For Non Compliance
Asbestos Contractor	2004 PA 261	15/90 days	30	204	7	0	0
Training Course Provider	2004 PA 262	60 days	6	167	0	0	0
Accreditation	2004 PA 262	Not specified	1,485	3,788	397	0	0
Agency Totals			1,591	4,159	404	0	0