

MIOSHA ASBESTOS PROGRAM

ANNUAL REPORT — Fiscal Year 2023

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) 2023 (October 1, 2022 through September 30, 2023), 13 employees worked in the MIOSHA Asbestos Program; one program manager, one supervisor, seven industrial hygienists, one departmental analyst, two secretaries, and one general office assistant.

AHERA Management Plan

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

TABLE ONE	
MANAGEMENT PLANS	
DEC 1987 – SEPT 2023	
CATEGORY	#
Public Schools	4,486
Private Schools	1,106
Charter Schools	334
TOTAL	5,926

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 2023.

TABLE TWO							
TRAINING COURSE APPLICATIONS							
CATEGORY	INITIAL		RENEWAL		LATE FEES	TOTAL	
	#	REV	#	REV	REV	#	REV
Abatement Worker Initial	0	0	6	\$1,200	\$0	6	\$1,200
Abatement Worker Refresher	0	0	10	\$2,200	\$200	10	\$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	\$800	28	\$5,600	\$1,200	30	\$7,600
Contractor/Supervisor Refresher	1	\$400	31	\$6,200	\$0	32	\$6,600
Contractor/Supervisor Refresher-Online	1	\$400	11	\$2,200	\$0	12	\$2,600
Inspector Initial	2	\$800	16	\$3,200	\$0	18	\$4,000
Inspector Refresher	1	\$400	23	\$4,600	\$200	24	\$5,200
Inspector Refresher-Online	2	\$800	9	\$1,800	\$0	11	\$2,600
Management Planner Initial	0	0	5	\$1,000	\$0	5	\$1,000
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	0	0	3	\$600	\$0	3	\$600
Project Designer Refresher	0	0	9	\$1,800	\$400	9	\$2,200
Project Designer Refresher-Online	0	\$0	2	\$400	\$200	2	\$600
TOTALS	9	\$3,600	170	\$34,200	\$2,400	179	\$40,200

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 2023.

TABLE THREE		
PROJECT NOTIFICATIONS		
CATEGORY	#	REVENUE
Regular	8,204	\$547,341
Emergency	354	\$16,594
TOTALS	8,558	\$563,935

TABLE FOUR		
ACCREDITATION APPLICATIONS		
CATEGORY	#	REVENUE
Worker Initial	870	\$43,500
Worker Renewal	692	\$17,300
Contractor/Supervisor Initial	927	\$46,350
Contractor/Supervisor Renewal	2,299	\$57,475
Inspector Initial	149	\$22,350
Inspector Renewal	772	\$57,900
Management Planner Initial	14	\$2,100
Management Planner Renewal	132	\$9,900
Project Designer Initial	5	\$750
Project Designer Renewal	86	\$6,450
Late Fees	—	\$56,150
Card Reissue Fees	73	\$1,825
TOTALS	6,019	\$322,050

Accreditation of Asbestos Workers

Sections 338.3404 and 338.3407 of Act 440, P.A. 1988, as amended, specifies that 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 2023.

Licensing of Asbestos Abatement Contractors

Section 338.3207 of Act 134, P.A. 1986, as amended, specifies that 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 2023.

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 2021.

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	\$3,600
Type I Renewal	79	\$7,900
Type I Late Fee	37	\$3,700
Type I Processing Fees	1	\$50
TOTAL TYPE I REVENUE	135	\$15,250
Type II Initial	17	\$6,800
Type II Renewal	133	\$39,900
Type II Late Fees	42	\$4,200
Type II Processing Fees	0	\$0
TOTAL TYPE II REVENUE	192	\$50,900
GRAND TOTALS	327	\$66,150

Table Seven provides a breakdown of revenue received by category for FY 2023. 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	—	18	\$17,840
Act 440	—	4	\$2,000
Act 154	—	182	\$83,260
TOTALS	147	204	\$103,100

Summary

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



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TABLE SEVEN	
REVENUE SUMMARY	
CATEGORY	REVENUE
Training Course Applications	\$40,000
Project Notifications Fees	\$556,935
Accreditation Applications	\$322,050
Contractor Licensing Applications	\$66,150
SUBTOTAL	\$985,135
Citation Penalties Assessed	\$103,100
TOTAL	\$1,088,235

Department of Labor and Economic Opportunity							
Application Processing FY 2022-2023							
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 Con-	2004 PA 261	15/90 days	31	205	11	0	0
Training Course Provider	2004 PA 262	60 days	9	170	0	0	0
Accreditation	2004 PA 262	Not specified	1,965	3,560	421	0	0
Agency Totals			2,005	3,935	432	0	0