

Chapter 12.7

Competent Person

1. Requirement

JSC requires that all asbestos-related work, which meets the definition of construction work in 29 CFR 1910.12 and 29 CFR 1926.1101(a), be conducted under the supervision of a competent person as defined below.

*A **competent person** is one who is capable of identifying existing and predictable hazards in the work area or unsanitary, hazardous, or dangerous working conditions, and who has authority to take prompt corrective measures (29 CFR 1926.32(f)).*

The following requirements apply to a competent person:

- a. 29 CFR 1926.1101(b) states that "...competent person means, in addition to the definition in 29 CFR 1926.32 (f), one who is capable of identifying existing asbestos hazards in the workplace and selecting the appropriate control strategy for asbestos exposure..." and "... who has the authority to take prompt corrective measures to eliminate them, as specified in 29 CFR 1926.32(f)." The competent person shall ensure that all asbestos work follows the approved work practices and work plans.
- b. The duties of the **competent person** to supervise asbestos-related work and to perform inspections and other activities are detailed in 29 CFR 1926.1101(o). According to JSC policy, if you are a **competent person**, you shall be capable of performing the class of asbestos-related work over which you have control. Per Part 12, as a competent person, sign the "Job Procedure Requirements and Notification Form" (see Chapter 12.1). If the assigned competent person is not at the job site, he or she should visit the job site periodically during the course of the work.

2. Qualifications

The following qualifications are required for a competent person:

- a. Class I and Class II competent person:
 1. If you are designated a competent person for any Class I and Class II asbestos work, you shall demonstrate current training meeting the requirements of EPA's Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C) for supervisor, or its equivalent. This 5-day training course includes specific lecture topics, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, a course review, and a written test. If you have a current license issued under 25 TAC 295.46 for an Asbestos Abatement Supervisor, then you have demonstrated that you have met this requirement.
 2. This training expires exactly 12 months after the date of the initial or last refresher training; you may not perform as a Class I or Class II competent person until you have

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- again received the required 8-hour refresher training. If you let more than 24 months lapse since the date of your last training, you shall retake the 5-day initial training.
3. Shall have a minimum of 6 months experience either: (i) after initial completion of a 40-hour Contractor/Supervisor training; or (ii) as an OSHA Class I/II asbestos abatement worker.
 4. Pass a written test developed and administered by OHD, to evaluate the ability of the candidate to identify and predict asbestos hazards in the work place and to demonstrate a working knowledge of OSHA, EPA, and JSC asbestos regulations, policies, and procedures.
- b. Class III and Class IV competent person for asbestos work involving minor abatement or spill response.
1. If you are designated a competent person for Class III or Class IV asbestos work involving minor abatement or spill response abatement (e.g., single glove bag removal or spot abatement with waste limited to one asbestos waste bag), you shall demonstrate current training meeting the requirements of EPA's Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C) for supervisor, or its equivalent. This 5-day training course includes specific lecture topics, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, a course review, and a written test. If you have a current license issued under 25 TAC 295.46 for an Asbestos Abatement Supervisor then you have demonstrated that you have met this requirement.
 2. As a Competent Person for Class III and Class IV work, you shall also complete either the 8-hour "Class III Asbestos Operations and Maintenance (O&M) (Restricted)" course or a 2-hour training course on JSC policies and procedures. These courses are offered by OHD and are required to familiarize you with JSC policies, procedures, and job performance requirements described in Chapter 12.15 and Appendix 12B as well as the conditions to be found at JSC.
 3. To maintain currency as a Competent Person for Class III and Class IV work, you shall take the 2-hour JSC "Class III Asbestos Operations and Maintenance (O&M) (Restricted) (Refresher)" course offered periodically by OHD and shall also maintain currency in training as a Class I/Class II Contractor/Supervisor.
 4. Training expires exactly 12 months after the date of the initial or last refresher training. You may not perform as a Class III or Class IV competent person until you have again received the required refresher training. If you let more than 24 months lapse since the date of your last training, you shall retake the 5-day Contractor/Supervisor Course and the JSC 8-hour "Class III Asbestos Operations and Maintenance (O&M) (Restricted)" course.
 5. Shall have a minimum of 6 months experience either: (i) after initial completion of a 40-hour Contractor/Supervisor Course; or (ii) as an OSHA Class I/II asbestos abatement worker.

6. Pass a written test developed and administered by OHD, to evaluate the ability of the candidate to identify and predict asbestos hazards in the work place and to demonstrate a working knowledge of OSHA, EPA, and JSC asbestos regulations, policies, and procedures.
- c. Class III O&M (Restricted) competent person:
1. As a competent person for any Class III O&M (Restricted) asbestos work, you shall demonstrate current training meeting the requirements of 40 CFR 763.92(a)(2) for custodial and maintenance staff. This training consists of at least 16 hours in specific topics, demonstrations, and hands-on training in the use of respiratory protection, other personal protective measures, and good work practices. (See Chapter 5, paragraph 3.e. for more details on this training.)
 2. As a competent person for Class III O&M (Restricted) asbestos work, you shall also complete the 8-hour “Class III Asbestos Operations and Maintenance (O&M) (Restricted)” course offered by OHD. This training is required to familiarize you with JSC policies and procedures as well as the conditions to be found at JSC.
 3. As a competent person for Class III O&M (Restricted) asbestos work, you shall take the 2-hour JSC “Class III Asbestos Operations and Maintenance (O&M) (Restricted) (Refresher)” course offered periodically by OHD to remain current as a Class III O&M (Restricted) competent person.
 4. The training described in this paragraph expires 12 months after the date of your initial or last refresher training. If you can demonstrate that you are scheduled for refresher training, you may continue to perform as a Class III O&M (Restricted) competent person on site at JSC until receiving the scheduled refresher training, but no longer than 14 months after the date of your prior training. If you let more than 24 months lapse since the date of your last training, you shall retake the 16-hour initial training and the JSC 6-hour “Class III Asbestos Operations and Maintenance (O&M) (Restricted)” course.
 5. Shall have a minimum of 6 months experience as an OSHA Class III or Class III O&M (Restricted) asbestos worker.
 6. Pass a written test developed and administered by OHD, to evaluate the ability of the candidate to identify and predict asbestos hazards in the work place and to demonstrate a working knowledge of OSHA, EPA, and JSC asbestos regulations, policies, and procedures.
- d. You shall have sufficient authority to take prompt corrective measures to ensure compliance with OSHA, EPA, TDH, and TCEQ regulatory requirements and guidelines.
- e. You shall be qualified to use respiratory protection (see requirements in Chapter 12.5).