

2019 Draft Rule	Current TAHPR	Draft Rule Change Summary
<i>Subchapter A: General Provisions</i>		
§296.1. General Provisions. (page 2)	§295.31. General Provisions. (page 3)	
§296.2. Reference of Federal Standards. (page 3)	§295.33. Adoption by Reference of Federal and Other Standards. (page 11)	
Adoption by reference. References to federal standards, guidance, and analytical methods.	Adoption by reference.	<u>NEW:</u> Adds federal standards, guidance, and analytical methods referenced in the rule, and specifies the revision date for each section of each standard adopted or referenced
§296.3. Compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP). (page 5)	§295.71. National Emission Standards for Hazardous Air Pollutants (NESHAP) Compliance. (page 71)	
§296.4. Memorandum of Understanding between the Texas Commission on Environmental Quality and the Texas Department of State Health Services for the Regulation of the National Emission Standard for Hazardous Air Pollutants for Asbestos. (page 6)	§295.72. Memorandum of Understanding between the Texas Commission on Environmental Quality (TCEQ) and the Texas Department of Health for the Regulation of the Asbestos. (page 72)	
	§295.73. Asbestos Advisory Committee. (page 72)	
n/a		<u>CHANGE:</u> Deletes section
§296.5. Compliance with Federal Regulations Implementing the Asbestos Hazard Emergency Response Act (AHERA). (page 6)	§295.63. Asbestos Hazard Emergency Response Act (AHERA) Compliance. (page 60)	
<i>Subchapter B: Definitions</i>		
§296.21. Definitions.	§295.32. Definitions.	

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(page 7)	(page 4)	
§296.21(3) (page 7)	§295.32(15) (page 4)	
ACM	Asbestos-containing material (ACM)	CHANGE: Clarifies the legal differences in the percentage of asbestos regulated
§296.21(7) (page 8)	§295.58(i)(3)(A) (page 50)	
Aggressive air sampling	Aggressive air sampling is the use of an air blower, such as a leaf...	NEW: Clarifies and relocates the current description
§296.21(11) (page 8)	§295.59(b)(5) (page 51)	
Amended water	n/a	NEW: Adds detail about what is considered amended water
§296.21(20) (page 10)		
ASTM E1494	n/a	NEW: Adds a publication reference for clarification of the materials used for encapsulation
§296.21(21) (page 10)		
Bag-out area	n/a	NEW: Clarifies the difference between the bag-out area and the decontamination area
§296.21(26) (page 10)	§295.32(29) (page 5)	
Commercial building	Commercial Building	CHANGE: Clarifies the difference between public and commercial buildings and simplifies what is not considered a commercial building
§296.21(29) (page 10)	§295.60(b) (page 52)	
Critical barrier	n/a	NEW: Clarifies what is considered a critical barrier
§296.21(30) (page 10)	§295.60(e) (page 53)	

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Decontamination area	n/a	NEW: Clarifies what a decontamination area should consist of, be used for, and where it should be located
§296.21(31) (page 10)	§295.32(33) (page 6)	
Demolition	Demolition	CHANGE: Clarifies what is considered a demolition in accordance with NESHAP
§296.21(35) (page 11)	§295.61(h) (page 56)	
Emergency renovation operation	n/a	NEW: Clarifies what is considered an emergency and provides examples
§296.21(36)	§295.59(b)(2) (page 51) §295.60(a)(4) (page 52)	
Emergency responder	n/a	NEW: Clarifies who is considered an emergency responder
§296.21(38) (page 11)	§295.32(38) (page 6)	
Encapsulation	Encapsulation	CHANGE: Clarifies that painting with a non-encapsulant is not an asbestos-related activity
§296.21(41) (page 11)		
Exposure assessment		NEW: Clarifies what is required for an exposure assessment
§296.21(42) (page 11)	§295.32(42) (page 6)	
Facility	Facility	CHANGE: Adds lofts in accordance with NESHAP, and clarifies the applicability of residential/apartment buildings
§296.21(50) (page 12)	§295.35(a)(2) (page 18)	

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Intact	n/a	NEW: Clarifies the condition material must be in to be considered intact
§296.21(58) (page 13)		
Mini-containment	n/a	NEW: Clarifies the requirements for the construction of mini-containments
§296.21(61) (page 13)		
Negative exposure assessment	n/a	NEW: Explains what qualifies as a negative exposure assessment
§296.21(65) (page 14)		
Nonscheduled renovation operation	n/a	NEW: Clarifies what type of operation qualifies as a nonscheduled renovation operation and the difference between a nonscheduled and planned renovation operation
§296.21(66) (page 14)		
Nuisance residence demolition	n/a	NEW: Clarifies what demolition activity qualifies as a nuisance residence demolition
§296.21(76) (page 15)		
Planned renovation operation	n/a	NEW: Clarifies what type of operation is considered a planned renovation operation and the difference between a planned and nonscheduled renovation operation
§296.21(78)(E) (page 16)	§295.32(79)(E) (page 9)	
Public Building (manufacturing facility or building)	Public Building (manufacturing facility or building)	CHANGE: Clarifies the conditions under which access is limited in a manufacturing facility or building
§296.21(81) (page 17)	§295.32(81) (page 9)	

Regulated area	Regulated area	CHANGE: Clarifies the activities that require a regulated area, and replaces the OSHA PELs with the clearance standards
§296.21(95) (page 19)		
Surfacing material	n/a	NEW: Clarifies the type of material that is considered surfacing material
§296.21(96) (page 19)	§295.32(91) (page 11)	
Survey	Survey	CHANGE: Clarifies building types, that a survey is an inspection activity, and that ACM is to be identified and its condition assessed
§296.21(97) (page 20)		
Survey report	n/a	NEW: Clarifies what is required in a survey report to clearly identify homogeneous areas assumed or sampled, and identified as ACM
§296.21(98) (page 21)		
TSI	n/a	NEW: Clarifies that TSI is ACM applied to structural components
Subchapter C: Standards of Conduct		
§296.31. Prohibited Activities for Licensees. (page 22)		
The purpose of this section is to specify prohibited activities for a licensee who performs...	n/a	NEW: Specifies prohibited activities for licensees in accordance with OSHA
§296.32. Conflict of Interest. (page 22)	§295.37. Licensing and Registration: Conflict of Interests. (page 19)	
Subchapter D: License and Registration		

§296.41. License and Registration Requirements. (page 24)	§295.35. Licensing and Registration: Conditions. (page 17)	
§296.42. Initial and Renewal Applications. (page 25) (§296.74. Reimbursement of Fees.) (page 99)	§295.38. Licensing and Registration: Applications and Renewals. (page 20)	
§296.43. Acceptable Academic Credit and Qualifying Work Experience. (page 28)		
Any degrees or academic credit earned in the United States must be from...	n/a	NEW: Adds guidance for acceptable education and work experience
§296.44. Out-of-State Applicants. (page 28)	§295.39. Licensing and Registration: Out-of-state Applicants and Out-of-state Training. (page 22)	
§296.44(c) (page 29)	§295.39(d) (page 22)	
Texas Asbestos Law and Rules Course.	Compulsory training.	CHANGE: Extends course completion requirement from 60 days to one year before application
§296.45. Insurance Requirements. (page 30)	§295.40. Licensing, Training, and Registration: Insurance Requirements. (page 23)	
§296.45(d) (page 32)	§295.40(2) (page 24)	
The licensee shall notify DSHS at least 10 days before the effective date of a policy cancellation by the licensee or the insurance company.	Each required policy shall be endorsed to provide the department with at least a ten day notice of cancellation.	CHANGE: Deletes the requirement for an endorsement due to the difficulty in getting an acceptable endorsement from underwriters which delays issuing a license

§296.46. Asbestos Abatement Worker.	§295.42. Registration: Asbestos Abatement Workers.	
§§296.46(b)(2)(B), & (E)-(G) (page 33)	§295.42(f) (page 26)	
comply with the requirements of §296.211 of this chapter (relating to General Requirements for Asbestos Abatement in a Public Building);	Responsibilities.	CHANGE: Adds the requirement to comply with general requirements (current §295.58), and with requirements in new §§296.232, 296.233, and 296.234 when used
§296.46(b)(2)(I) (page 34)		
properly wear personal protective equipment provided by the asbestos abatement contractor.	n/a	NEW: Adds responsibility to properly wear PPE
§296.47. Asbestos Abatement Supervisor.	§295.46. Licensure: Asbestos Abatement Supervisor.	
§§296.47(c)(1)(E), (F), & (G) (page 37)		
comply with the restrictions and required work practices described in §296.232...	n/a	NEW: Adds requirement to comply with restrictions and requirements of the alternative practices and procedures when alternative practices are used
§§296.47(c)(1)(F)(ii)(I)-(II) (page 37)	§295.46(d)(1)(F) (page 32)	

<p>work experience as a licensed asbestos consultant, asbestos project manager...Work experience must have been gained while the qualifying license was current;</p> <p>work experience as an accredited asbestos project designer, asbestos abatement supervisor,...Work experience must have been gained while accreditation was current under the MAP...</p>	<p>work performed in an administrative capacity relating to asbestos abatement projects such as project manager, consultant, or designated person may be accepted as qualifying experience;</p>	<p>CHANGE: Clarifies that work experience must be gained while licensure or accreditation was current, deletes experience as a designated person, and adds experience as a licensed supervisor or worker, and accredited project designer, supervisor, or worker</p>
<p>§296.47(c)(1)(F)(ii)(III) (page 38)</p>	<p>§295.46(d)(1)(G) (page 32)</p>	
<p>work experience as a licensed or trained asbestos air monitoring technician...</p>	<p>experience as an asbestos air monitoring technician...</p>	<p>CHANGE: Clarifies that work experience must be gained while licensure was current or after being trained and with proper authorization or under direct supervision</p>
<p>§296.48. Asbestos Abatement Contractor.</p>	<p>§295.45. Licensure: Asbestos Abatement Contractor.</p>	
<p>§296.48(b)(2)(V) (page 41)</p>	<p>§§295.58(l)(2) & 295.62(c)(1)(E) (page 51, 59)</p>	
<p>provide for disposal of ACWM, in accordance with 40 CFR §61.150 (relating to Standard for waste...</p>	<p>Disposal of improperly labeled or classified asbestos-containing waste material...</p>	<p>CHANGE: Moves disposal responsibilities to contractor, O&M contractor, consultant, and waste transporter responsibilities in accordance with NESHAP</p>
<p>§§296.48(c)(1)(B)-(G) & (c)(2)(B)-(G) (page 42, 44) §§296.50(c)(1)(B)-(G) & (c)(2)(B)-(G) (page 51, 52) §§296.55(c)(1)(C)-(H) & (c)(2)(C)-(H) (page 69, 70) §§296.57(c)(1)(C)-(H) & (c)(2)(C)-(H) (page 84, 85) §§296.58(c)(1)(A)-(F) & (c)(2)(A)-(F) (page 88, 90)</p>	<p>§295.39(e)(1) & (2) (page 22) §295.43(e)(2) (page 27) §295.45(e)(2) & (3) (page 30) §295.48(e)(2) (page 36) §295.53(f)(2) (page 42) §295.54(f)(2) (page 43) §295.56(d)(1) (page 47)</p>	

<p>§§296.59(c)(1)(B)-(G) & (c)(2)(B)-(G) (page 93, 95)</p>		
<p>whichever of the following applies in relation to the applicant's franchise tax account status:...</p> <p>a copy of the applicant's assumed name certificate...</p> <p>if the applicant is an entity, as defined in Business Organizations Code §1.002:...</p> <p>if the applicant is a nonfiling entity or a foreign nonfiling entity,...</p> <p>a taxpayer identification number;</p> <p>the applicant's Texas sales tax permit number...</p>	<p>...an out-of-state corporation or other business entity must:... (1) submit a letter or certificate...Texas secretary of state authorizing the conduct of business...;</p> <p>(2) submit a sales tax account identification number...Texas Comptroller of Public Accounts;</p>	<p>CHANGE: Adds updates to incorporate TAHPA requirements with documentation that is currently provided by the Secretary of State and the Comptroller</p>
<p>§296.49. Asbestos Operations and Maintenance Supervisor. (page 45)</p>	<p>§295.44. Licensure: Asbestos Operations and Maintenance Supervisor (Restricted) (page 29)</p>	
<p>§296.50. Asbestos Operations and Maintenance Contractor. (page 47)</p>	<p>§295.43. Licensure: Asbestos Operations and Maintenance Contractor (Restricted) (page 26)</p>	
<p>§296.50(b)(2)(L) (page 49)</p>	<p>§§295.43(f)(2) & (f)(6) (page 28)</p>	
<p>at no cost to the employee, follow personal protective equipment (PPE) requirements, including...</p>	<p>complying with federal standards of operation, including EPA and OSHA regulations, which are adopted...</p>	<p>NEW: Adds OSHA requirement to follow PPE requirements at no cost to the employee</p>
<p>§296.50(b)(2)(O) (page 50)</p>	<p>§295.58(I)(2) (page 51)</p>	

provide for disposal of ACWM, in accordance with 40 CFR §61.150 (relating to Standard for waste...	Disposal of improperly labeled or classified asbestos-containing waste material...	CHANGE: Moves disposal responsibilities to contractor, O&M contractor, consultant, and waste transporter responsibilities in accordance with NESHAP
§296.51. Asbestos Air Monitoring Technician.	§295.52. Licensure: Air Monitoring Technician.	
§296.51(c)(1)(G) (page 56)	§295.52(e)(7) (page 41)	
written documentation of verifiable work experience performing air monitoring on... 3 asbestos abatement projects... 15 days under...supervision of a licensed... Work experience...gained after completion of training...	proof of performing air monitoring as an apprentice for 30 days...	CHANGE: Reduces work experience requirement from 30 to 15 days and adds the requirement for experience to be on three different projects
§296.52. Asbestos Inspector.	§295.50. Licensure: Asbestos Inspector.	
§296.52(b)(2)(D) (page 58)	§295.39. Licensing and Registration: Out-of-state Applicants and Out-of-state training. §295.39(e)(3) (page 22)	
maintain professional liability insurance coverage for errors and omissions, if performing work for hire, or coverage...	...or other business entity must: ... submit a certificate of insurance... if the applicant is an... asbestos inspector...	CHANGE: Clarifies the insurance requirement for an inspector acting as a business entity from current §295.39 and makes it consistent with current language for the same requirement for management planners in §295.51(e)(7)
§296.53. Asbestos Project Manager.	§295.49. Licensure: Asbestos Project Manager.	
§296.53(b)(2) (page 60)	§295.49(e) (page 37)	

Licensee Responsibilities.	Responsibilities.	CHANGE: Clarifies current responsibilities by specifying individual aspects of each requirement and editing language to distinguish monitoring a project from ensuring a project is performed in compliance with the rules
§296.53(c)(1)(G) (page 62)	§295.49(d) (page 37)	
written documentation of verifiable work experience on... 3 abatement projects for... 15 days...within the past 24 months...	n/a	NEW: Adds work experience requirements to better prepare project managers for monitoring asbestos abatement work practices
§296.54. Asbestos Management Planner.	§295.51. Licensure: Individual Asbestos Management Planner.	
§296.54(b)(2)(B) (page 64)	§295.51(f) (page 39)	
prepare any management plan as required...must include... date of asbestos survey... copy of...survey report... description of assessments..., description of any required response action or preventative measures needed... a description of any response actions or preventive measures taken... including: the names and addresses of all contractors involved... start and stop dates of work... results of any air samples analyzed	n/a	CHANGE: Adds a detailed description of what is required to be in a management plan
§296.54(c)(1)(H) (page 66)	§295.51(e)(3) (page 39)	

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written documentation of verifiable work experience... 5 management plans... 5 asbestos surveys... on the same project may be used... must be gained after completion of training	have participated in the preparation of at least five management plans, under the direction of a licensed management planner or licensed asbestos consultant;	CHANGE: Adds a work experience requirement to participate in conducting five asbestos surveys as well as five management plans, and specifies that both can be done on the same project, all experience must be as a licensee or under the direction of a licensee, and must be done after completion of the appropriate training
§296.55. Asbestos Management Planner Agency.	§295.53. Licensure: Asbestos Management Planner Agency	
§296.55(b)(2)(I) (page 68)		
at no cost to the employee, comply with personal protective equipment (PPE) requirements...	n/a	NEW: Adds the OSHA requirement to provide PPE at no cost and lists additional federal citations
§296.56. Asbestos Consultant.	§295.47. Individual Asbestos Consultant.	
§296.56(b)(2) (page 73)	§295.47(h) (page 35)	
Licensee Responsibilities.	Responsibilities.	CHANGE: Clarifies current responsibilities by specifying individual aspects of each requirement and editing language to distinguish monitoring a project from ensuring a project is performed in compliance with the rules
§296.56(b)(2)(C) (page 74)	§295.58(I)(2) (page 51)	
verify that ACWM is properly transported and disposed of by doing and maintaining documentation of...	Disposal of improperly labeled or classified asbestos-containing waste material...	CHANGE: Moves disposal responsibilities to contractor, O&M contractor, consultant, and waste transporter responsibilities in accordance with NESHP
§296.56(c)(1)(H)(i) (page 77)	§295.47(e)(1)/(f)(1) (page 34/35)	

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<p>current Texas architect or professional engineer, with 180 days of work experience performing asbestos-related activities in public buildings that must include the following: 6 specifications and plans 3 asbestos surveys 10 days of project manager 10 days of air monitoring Limits worker experience to 30 days</p>	<p>current architect or professional engineer with asbestos-related activity of six asbestos abatement projects covering a period of at least a year within the past seven years</p>	<p><u>CHANGE:</u> Adds a set number of days needed for work experience and specifies requirements and limitations to the amount of each type of experience</p>
	<p>§295.47(e)(2) (page 34)</p>	
<p>n/a</p>	<p>current highest full-qualification memberships in a national professional organization devoted to technical proficiency in environmental or occupational health protection...</p>	<p><u>CHANGE:</u> Deletes eligibility by membership in a national professional organization because organizations did not consistently require their members to meet the education or experience required</p>
<p>§296.56(c)(1)(H)(ii) (page 78)</p>	<p>§§295.47(e)(3) & (f)(1) (page 34/35)</p>	
<p>Bachelor's degree in architecture, engineering, or a physical or natural science with 2 years of environmental or occupational health experience 180 days of asbestos-related experience in public buildings that must include: 6 specifications 3 asbestos surveys 10 days of project manager 10 days of air monitoring Limits worker experience to 30 days</p>	<p>bachelor's degree in architecture, engineering, physical or natural science, and including 4 years experience in areas affecting environmental or occupational health matters with asbestos-related activity of: six asbestos abatement projects covering a period of at least a year within the past seven years</p>	<p><u>CHANGE:</u> Reduces the years of experience from 4 to 2, and specifies a minimum of 180 days of asbestos-related experience, and the requirements and limitations to the amount of each type of experience</p>
<p>§296.56(c)(1)(H)(iii) (page 79)</p>		

<p>completion of 60 college credit hours, which include 30 credit hours in engineering or natural or physical science and 9 credit hours in mathematics, from an accredited college or university, with 3 years of environmental or occupational experience 250 days of asbestos-related experience in public buildings that must include: 6 specifications 3 asbestos surveys 10 days of project manager 10 days of air monitoring Limits worker experience to 30 days</p>	<p>n/a</p>	<p>NEW: Provides a pathway for individuals with more asbestos-related experience and less education to become a licensed consultant</p>
<p>§296.57. Asbestos Consultant Agency.</p>	<p>§295.48. Licensure: Asbestos Consultant Agency</p>	
<p>§296.57(b)(2)(B) (page 82)</p>	<p>§295.48(f)(2) (page 36)</p>	
<p>hold its responsible person...for the duration of the project, from the beginning of containment construction through final visual inspection after the removal of the containment;</p>	<p>monitoring and observing asbestos abatement projects for general compliance with the contract documents, specifications, and relevant regulations;</p>	<p>CHANGE: Adds specificity about the responsibility to monitor project from beginning of containment construction through final visual.</p>
<p>§296.58. Asbestos Transporter.</p>	<p>§295.56. Licensure: Asbestos Transporters.</p>	
<p>§§296.58(b)(2)(I) & (J) (page 88)</p>	<p>§295.58(I)(2) (page 51)</p>	
<p>obtain a manifest from the asbestos abatement contractor... provide a copy of the manifest signed by the owner or operator of the...</p>	<p>Disposal of improperly labeled or classified asbestos-containing waste material...</p>	<p>CHANGE: Moves disposal responsibilities to contractor, O&M contractor, consultant, and waste transporter responsibilities in accordance with NESHP</p>
<p>§296.59. Asbestos Laboratory. (page 91)</p>	<p>§295.54. Licensure: Asbestos Laboratory (page 42)</p>	

License required.	Licensing requirement.	CHANGE: Deletes the prohibition of a license transfer to a company that purchases the laboratory
Subchapter E: License and Registration Fees		
§296.71. Fees. (page 97)		
	§295.38(e)(2) §295.38(i) §295.38(k)(1)-(4) §295.39(g)(2)(A)-(D) §296.41(c) §295.42(c) §295.43(c) §295.44(b) §295.45(c) §295.46(b) §295.47(c) §295.48(c) §295.49(b) §295.50(b) §295.51(c) §295.52(c) §295.53(d) §295.54(a) §295.54(b) §295.55(b) §295.56(b)	NEW: (c)(8) Adds a training instructor fee of \$100 (c)(18) Adds an additional training course approval fee of \$200 to recover department's cost to review (c)(23) Adds a returned check fee of \$30 CHANGE: Moves fees from the individual licensing sections into a new section (c)(2) Decreases abatement supervisor fee from \$645 to \$400 to align fee with responsibility of license (c)(15) Decreases training provider fee from \$1,070 to \$750 to offset payment of new training instructor fees (c)(17) Increases reimbursement processing fee from \$30 to \$50 to recover DSHS's cost to issue (c)(25) Decreases provisional supervisor fee from \$300 to \$185 to correspond with decrease in supervisor fee
§296.72. Late Fees. (page 98)	§295.38(e)(5) (page 20)	
A person who does not submit a timely renewal application shall pay the late...	Late fees.	CHANGE: Moves current late fee requirements into a new section and clarifies that a timely application includes all required documents and fees received by DSHS before the expiration date
§296.73. Dishonored Payment Device. (page 99)		

An application is incomplete if an applicant submits the application fee...	n/a	NEW: Adds new section addressing applications received with payment that is not honored
§296.74. Reimbursement of Fees. (page 99) (§296.42. Initial and Renewal Applications. (page 25))	§295.38. Licensing and Registration: Applications and Renewals.	
§296.74(a)(1) (page 99)	§295.38(e)(2) (page 20)	
fee amounts are paid in excess of the required fee, including as a result of an error in the online payment...	Initial application or renewal fees will be refunded only if...	CHANGE: Adds a fee increase from \$30 to \$50 to recover DSHS's administrative costs
<i>Subchapter F: Training Providers, Instructors, and Courses</i>		
§296.91. Asbestos Training Provider. (page 101)	§295.55. Licensure: Asbestos Training Provider. (page 43)	
§§296.91(d) & (e) (page 106/110)	§295.65. Training: Approval of Training Courses. (page 65)	
Initial and renewal license requirements. Approval of additional training courses.		CHANGE: Moves training course approval into training provider section and deletes photograph requirement (photograph remains a licensure requirement)
§296.92. Asbestos Training Instructor. (page 112)		
	n/a	NEW: Adds new section to provide flexibility for training instructors and accountability and provides a grandfather provision for current training instructors
§296.93. Asbestos Training Courses. (page 116)	§295.64. Training: Required Asbestos Training Courses. (page 60)	
<i>Subchapter G: State Licensing Examination</i>		

	§295.41. Licensure: State Licensing Examination. (page 24)	
§296.111. General Examination Provisions.		
§296.111(c) (page 128)		
An applicant must submit all documents and fees necessary to complete the licensing process within three years...	n/a	NEW: Adds a specific time frame
§296.111(d) (page 128)		
DSHS approval to take an examination lapses and is no longer valid if an applicant: ...	n/a	NEW: Adds a specific time frame
§296.111(e) (page 128)		
An applicant who is a qualified person with a disability may request a reasonable testing accommodation...	n/a	NEW: Adds a pathway for making a reasonable testing accommodation request
§296.112. Examination Schedule. (page 128)	§295.41(d) (page 24)	
DSHS publishes all scheduled examination dates and locations on its website	Scheduling and registration.	CHANGE: Clarifies that examination dates and times are available on the website, and moves training provider requirement to the training provider licensing section
§296.113. Examination Qualifications. (page 129)		
§296.114. Examination Registration and Confirmation. (page 129)		
§296.115. Examination Admittance and Conduct. (page 129)		
§296.116. Grading Examinations and Reporting Scores. (page 130)		

§296.117. Re-examination. (page 130)		
§296.118. Analysis of Examination Performance. (page 130)	§295.41(g) (page 25)	
An examinee may obtain an analysis of the examinee's performance on a failed examination upon written request...	Request for information concerning exam.	CHANGE: Adds a requirement that the request must be made within one year of the examination date
<i>Subchapter H: License and Registration Provisions Related to Military Service Members, Military Veterans, and Military Spouses</i>		
§296.131. Military Service Members, Military Veterans, and Military Spouses. (page 131)		
This subchapter establishes licensing procedures for military service members, military veterans, ...	n/a	NEW: Adds requirement from Texas Occupations Code, Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses
<i>Subchapter I: Accreditation</i>		
§296.151. Asbestos Abatement in a Commercial Building. (page 133)	§295.57. Accreditation: Asbestos Abatement in Commercial Buildings. (page 47)	
<i>Subchapter J: Exemptions</i>	§295.36 Exemptions	
§296.171. Removal of Resilient Floor-Covering Material. (page 135)	§295.36(a) (page 18)	
(§296.231. Alternative Practices and Procedures for Removal of Asbestos-Containing Resilient Floor-Covering Material in a Public Building. (page 168))		
§296.172. Emergency Abatement.	§295.36(d)	

(page 135)	(page 19)	
Emergency Abatement.	Abatement emergency.	CHANGE: Clarifies that the exemption applies to “catastrophic” emergencies, and that DSHS accepts “oral and written” notifications of the emergency as required in §296.251 (Notifications)
<i>Subchapter K: Asbestos Management in a Public Building, Commercial Building, or Facility</i>		
§296.191. Asbestos Management in a Public Building, Commercial Building, or Facility.	§295.34. Asbestos Management in Facilities and Public Buildings.	
§§296.191(d)-(d)(8) (page 137/138)	§295.34(c) (page 13)	
Mandatory survey for ACBM before renovation or demolition.	Conditions requiring a mandatory asbestos survey for ACBM.	CHANGE: Adds the following elements: - a clear timeline to produce asbestos surveys requested by the department -clarification about ordered demolition of structurally unsound buildings -clarification about including suspect materials to be disturbed in the asbestos survey -clarification of the items required to be in certifications made by Texas-licensed or registered architect or professional engineer
§296.191(e) (page 138)	§295.34(c)(4) (page 13)	
Asbestos survey.		CHANGE: Adds clarification about what limited and comprehensive asbestos surveys cover and if an environmental assessment can be used as an asbestos survey

§296.191(f) (page 139)	§295.58 (h) (page 49)	
Sampling for asbestos in a public building.	Sampling for asbestos.	CHANGE: Clarifies that one positive sample analysis result is sufficient for each homogeneous area
§296.191(f)(1) (page 139)	§295.58 (h)(1) (page 49)	
When conducting core sample analysis...	Composite sample analysis in a public building is not allowed.	CHANGE: Clarifies the requirement for core samples to be analyzed and reported separately, and that the analysis may not be averaged
§296.191(f)(2) (page 139)	§295.58(h) (page 49)	
A result of...(PLM) analysis of 0% asbestos or no asbestos detected does not require further analysis for the detection of asbestos in friable or nonfriable suspect materials.	n/a	NEW: Clarifies that a 0% or no asbestos detected PLM sample analysis result does not require further analysis
§§296.191(f)(3), (3)(A), & (3)(B) (page 139)	§§295.58(h)(2) & (3) (page 49)	
A result of visual estimation by PLM analysis...	Each sample analyzed by visual PLM...	NEW: Clarifies that in order to show that a previously sampled and analyzed material with a PLM analysis result between 0% and 10% asbestos is not ACBM, the material must undergo additional analysis
§296.191(f)(3)(C) (page 139)	§295.58(h) (page 49)	
Point counting may be used ...	n/a	NEW: Clarifies that acid washing and ashing or similar sample preparation technique must be used to point count nonfriable materials
§296.191(g)(1) (page 140)	§295.34(a)(2) (page 12)	

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Demolition or renovation of a public building.	Demolition and/or renovation of a public building.	CHANGE: Clarifies requirements for public buildings by splitting and reordering the section and editing language for clarity
§§296.191(g)(2)-(3) (page 140)	§295.34(a)(1) (page 12)	
(2) Demolition or renovation of a commercial building. (3) Demolition or renovation of a facility.	Demolition and/or renovation of a facility or commercial building.	CHANGE: Clarifies requirements for commercial buildings and facilities by splitting and reordering the section
§§296.191(g)(4), (g)(4)(A), (g)(4)(B), & (g)(4)(C) (page 140-141)		
Demolition or renovation of a residential building that contains four or fewer dwelling units.	n/a	NEW: Clarifies the requirements for the demolition or renovation of more than one residential building
§296.191(h) (page 141)		
Demolition with ACM left in place.	n/a	NEW: Clarifies the types of ACM that may be left in place during demolition to comply with NESHAP
§§296.191(i) & (j) (page 141)	§295.34(g) (page 14)	
Mandatory asbestos abatement project design for friable ACBM. Mandatory asbestos abatement project design for nonfriable ACBM.	Mandatory abatement project design.	CHANGE: Clarifies current rule requirements by dividing into separate friable and nonfriable sections, and specifies which alternative methods do not require a project design
§§296.191(n)-(n)(2) (page 143)	§295.34(i) (page 14)	

Installation of new materials.	Installation of new materials.	CHANGE: Adds option to have a licensed inspector sample materials before installation and certify that the materials are free of asbestos
§296.191(n)(3)(c)(xxvii) (page 145)	§295.34(j)(3) (page 15)	
A person must obtain an MSDS or SDS before installing any of the following building materials or replacement parts: vermiculite.	A MSDS shall be obtained for the following building materials or replacement parts including but not limited to:	CHANGE: Adds vermiculite
§296.191(p)(1) (page 146)	§295.34(l)(2)(A) (page 16)	
written evidence acceptable to the municipality that an asbestos survey of all parts of the building affected by the planned renovation or demolition has been completed by a person licensed in accordance with the Act and this chapter (for a public building) or accredited under the MAP (for a nonpublic building) to perform a survey; or	evidence acceptable to the municipality that an asbestos survey, as required by this Act, of all parts of the building affected by the planned renovation or demolition has been completed by a person licensed under this Act to perform a survey; or	CHANGE: Adds requirement for evidence to be "written"
<i>Subchapter L: General Requirements, and Practices and Procedures for Asbestos Abatement in a Public Building</i>		
§296.211. General Requirements for Asbestos Abatement in a Public Building.	§295.58. Operations: General Requirements for Public Buildings	
§296.211(b)(1) (page 148)	§295.58(b) (page 48)	

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Project supervision and monitoring.	Supervision.	CHANGE: Clarifies supervisory and monitoring requirements for each type of practice and procedure affecting asbestos-containing material and adds subparagraphs A-E that covers these requirements for the new alternative procedures
§296.211(b)(2)(C) (page 149)	§295.58(b)(2) (page 48)	
A licensed asbestos consultant or... enter and inspect the containment daily before the start... and throughout the day...	n/a	NEW: Specifies when the licensed consultant or project manager must enter containment to monitor project compliance
§296.211(e) (page 150)	§295.58(e) (page 49)	
Inspections and investigations.	Compliance inspections.	NEW: Clarifies that RFCI contractors and building owners must assist and cooperate with DSHS inspectors during compliance inspections or investigations
§296.211(f) (page 150)	§295.58(f) (page 49)	
Respiratory protection program.	Respiratory protection program.	CHANGE: Clarifies that employers of employees performing asbestos-related activities are responsible for respiratory protection programs in accordance with federal regulations, and the program must be worksite-specific
§296.211(f)(1) (page 151)	§295.60(m)(3) (page 55)	

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The employer shall provide for personal air monitoring...	Air monitoring.	NEW: Clarifies that employers must perform personal air monitoring unless the employer has a negative exposure assessment, and that both monitoring and assessment must be done in accordance with OSHA
§296.211(f)(2) (page 151)	§295.58(g) (page 49)	
The employer must maintain, in a safe working condition, ...	Individual respirator fit.	CHANGE: Clarifies that both employers and employer representatives are responsible for proper respirator use and that employees with facial hair who are performing asbestos-related activities must use a positive pressure or supplied-air respirator
§296.211(h) (page 151)	§295.58(i) (page 50)	
Project monitoring.	Project monitoring.	CHANGE: Clarifies that the consultant must specify the duties of the project manager or air monitoring technician in writing, that any air sampling done when using an alternative procedure must be performed in accordance with NIOSH 7400, and moves the one-cassette requirement to §296.211(h)(1)
§296.211(h)(1) (page 151)	§§295.58(i), (i)(1)(A), (i)(2)(A), (i)(3)(C), and (i)(3)(E) (page 50)	
Ambient air sampling.	(General sampling procedures from the listed sections)	CHANGE: Relocates and combines the air sampling procedures from §§295.58(i), (i)(1)(A), (i)(2)(A), (i)(3)(C), and (i)(3)(E)
§296.211(h)(1)(A)(i) (page 152)	§295.58(i)(1)(A) (page 50)	

Baseline air samples must be collected before the start of any asbestos...	The asbestos consultant shall insure that baseline samples are collected...	CHANGE: Clarifies the locations that baseline samples must be taken, and that the samples must be taken from locations that can be compared to the locations of air sampling taken during the project
§296.211(h)(1)(A)(ii) (page 152)	§295.58(i)(1)(B) (page 50)	
Baseline air samples must be kept for no fewer than 30 days after clearance is achieved.	These samples may be analyzed or archived at the consultant's discretion. The samples shall be preserved for no less than 60 days following achieving clearance.	CHANGE: Moves reference to analysis to §296.211(h)(1)(A)(i), and reduces the retention period for samples from 60 days to 30 days
§296.211(h)(1)(B)(ii) (page 152)	§295.58(i)(2)(B) (page 50)	
Ambient air samples must be collected: (I) inside containment adjacent to the abatement activities; ...	Ambient samples will be collected: ...	CHANGE: Clarifies the areas that air samples must be collected by providing more detail, such as, adjacent to abatement, not directly in the airstream, and within 10 feet of unobstructed exhaust, and includes the single cassette requirement from §295.58(i)
§296.211(h)(1)(B)(iii) (page 152)		
No later than the next notified project work day after the date of sampling, the applicable licensed contractor shall post, ...		NEW: Adds posting requirements of the next notified work day for samples analyzed on-site, and the third notified day after analysis for friable ACBM analyzed off-site, and the option for the consultant to specify a deviation from the timeframe
§296.211(h)(2) (page 153)	§295.60(m)(3) (page 55)	
Personal air monitoring.	Air monitoring.	CHANGE: Moves personal air monitoring into a new section
§§296.211(h)(3)(A) & (B) (page 153)	§295.58(i)(3)(B) (page 50)	

<p>Initial visual inspection. Final visual inspection.</p>	<p>A visual inspection of the abatement area shall be made upon completion...</p>	<p>CHANGE: (A) Specifies that the asbestos abatement supervisor designated by the abatement contractor must conduct an initial visual inspection, and the consultant or project manager designated by the consultant must conduct a visual inspection to verify that the ACM to be removed, encapsulated, or enclosed was addressed as specified (B) Specifies that the contractor must abate any ACM and remove ACWM found during the final visual inspection</p>
<p>§296.211(i) (page 154)</p>	<p>§295.58(j) (page 51)</p>	
<p>Posting documents.</p>	<p>Posting of documents.</p>	<p>CHANGE: Clarifies license types required to post documents, and added a posting requirement for the results of ambient air monitoring within the required time periods</p>
<p>§296.212. Standard Asbestos Abatement Practices and Procedures in a Public Building.</p>	<p>§295.60. Operations: Abatement Practices and Procedures for Public Buildings.</p>	
	<p>§295.60(a)(1) (page 52)</p>	
<p>n/a</p>	<p>Federal work practices for asbestos abatement...</p>	<p>CHANGE: Deletes section (applicability of federal regulations is referenced in §296.2)</p>
<p>§296.212(a)(1) (page 155)</p>	<p>§295.60(a)(2) (page 52)</p>	

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<p>An asbestos abatement project design must be prepared by a licensed asbestos consultant as required...</p>	<p>An asbestos project consultant, who is licensed...</p>	<p><u>NEW:</u> Clarifies the requirements for preparation of a project design as it relates to standard and alternative practices and procedures, adds basis of conclusion documentation requirement for consultants specifying work practices that vary from the rule, and requires that, if the design is submitted and/or approved then the specifications must be followed</p>
<p>§296.212(a)(5) (page 156)</p>	<p>§295.60(a)(4) (page 52)</p>	
<p>Except as otherwise provided in this paragraph or by other applicable law, access to the regulated area must be limited...</p>	<p>Only licensed persons, responding emergency personnel...</p>	<p><u>CHANGE:</u> Allows authorized personnel in accordance with OSHA, and a building owner or owner's representative under certain conditions access into the regulated area</p>
<p>§296.212(b)(2) (page 157)</p>	<p>§295.60(c) (page 52)</p>	
<p>Objects within containment.</p>	<p>Movable objects.</p>	<p><u>CHANGE:</u> Clarifies that moveable objects must be removed before abatement starts, that nonporous items must be decontaminated, and porous items must be disposed of as ACWM</p>
<p>§296.212(b)(3) (page 157)</p>	<p>§295.60(b) (page 52)</p>	
<p>Critical barriers.</p>	<p>Critical barriers.</p>	<p><u>CHANGE:</u> Clarifies that a critical barrier is needed when a lay-in ceiling opens to adjacent areas</p>
<p>§§296.212(b)(4) & (5) (page 157)</p>	<p>§295.60(d) (page 52)</p>	

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Floor preparation. Wall preparation.	Floor and wall preparation.	CHANGE: Deletes specific requirements for tear resistance of machine direction (MD) and transverse direction (TD) and dart impact, and requires at least one viewing window unless the consultant specifies a viewing window is not feasible
§296.212(b)(6) (page 157)	§§295.32(78)(A), 295.58(i)(2)(B), 295.59(b)(2), 295.60(a)(4) (page 9, 50, 51, 52)	
Bag-out area.	n/a only references made to bag-out	NEW: Clarifies what is required in the construction of a bag-out area and that it should be used when a consultant specifies the use of a bag-out area
§296.212(b)(7) (page 158)		
Prohibited activities in a regulated area.		NEW: Adds prohibited activities in accordance with OSHA
§296.212(b)(8) (page 158)	§295.60(e) (page 53)	
Decontamination area.	Decontamination system.	CHANGE: Adds minimum dimensions of 30" x 30" wide and 75" tall for each room for guidance, and adds a requirement for soap and water, where feasible, hot and cold water with temperature adjustment, and clarifies when a consultant may specify a remote decontamination area in accordance with OSHA, and that the supervisor must ensure that the decontamination area is fully operational before and during abatement
§296.212(b)(9) (page 158)	§295.60(f) (page 53)	

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HVAC equipment.	Heating, ventilation, and air conditioning system equipment (HVAC).	CHANGE: Deletes the requirement to shut down the HVAC system, clarifies that the system must be isolated from the regulated area, and deletes the requirement for 6-mil sheeting
§296.212(b)(10) (page 158)	§295.60(g) (page 53)	
Warning signs.	Warning signs.	CHANGE: Clarifies the areas where warning signs are to be posted by giving examples, and clarifies that caution tape may not be used in place of warning signs
§296.212(b)(11) (page 159)	§295.60(h) (page 53)	
Cleaning.	High-efficiency particulate air (HEPA) cleaning.	CHANGE: Clarifies that the HEPA vacuum must be operated and maintained in accordance with the manufacturer's instructions
§296.212(b)(12) (page 159)	§295.60(i) (page 53)	
Containment-area ventilation.	Containment-area ventilation.	CHANGE: Clarifies that the exhaust must be unrestricted
§296.212(c)(1) (page 159)	§295.60(j)(1) (page 53)	
All ACBM must be adequately wetted before removal or other handling...	all ACBM shall be adequately wetted prior to removal or other...	CHANGE: Clarifies that amended water must be used, clarifies when a consultant can specify not to use a surfactant, replaces "leak-tight drum" with "fiberboard drum" throughout, and no longer specifies tear resistance
§296.212(c)(2) (page 159)	§295.60(j)(2) (page 54)	

<p>A bag must not be filled to a level that tears or breaks the bag...</p>	<p>in order to double bag the asbestos-contaminated waste...</p>	<p>CHANGE: Deletes restriction on filling bags more than half full and clarifies that the bag must be not be filled to a level that tears or breaks the bag, and that bags must be rinsed or HEPA-vacuumed in the bag-out area</p>
<p>§296.212(c)(7) (page 160)</p>		
<p>At the conclusion of the removal, the asbestos abatement contractor shall...</p>		<p>NEW: Adds the requirement for the contractor to conduct a visual inspection after abatement ends</p>
<p>§296.212(c)(8) (page 160)</p>	<p>§295.60(j)(9) (page 54)</p>	
<p>Temporary storage of ACWM must be provided...</p>	<p>proper temporary storage of asbestos-containing waste...</p>	<p>CHANGE: Clarifies that the storage container must be dedicated for temporary storage of ACWM, that it should be sealed to prevent unauthorized access, and it must be kept leak tight</p>
<p>§296.212(c)(9) (page 160)</p>		
<p>Vehicles used to transport ACWM must be marked...</p>		<p>NEW: Adds the requirement to mark transport vehicles in accordance with NESHAP</p>
<p>§296.212(c)(10) (page 160)</p>		
<p>For all ACWM transported by a licensed asbestos transporter off...</p>		<p>NEW: Adds the requirement to dispose of material in accordance with NESHAP</p>
<p>§296.212(d)(1) (page 160)</p>		
<p>Any product used for encapsulation must be clearly labeled...</p>		<p>NEW: Specifies that to encapsulate ACBM the encapsulant must be designed or tested using ASTM E1494-12 for that use</p>

§296.212(d)(2) (page 161)		
Any encapsulations must be performed within a containment.	n/a	NEW: Adds a requirement for performing encapsulation in containment and moves §295.60(k)(1) to §296.212(d)(3)
§296.212(f)(1) (page 161)	§295.60(m)(1) (page 55)	
Fire safety.	Fire safety.	CHANGE: Adds requirements for an extinguisher at each entrance, an annual inspection, and to proportionately distribute extinguishers and mark their locations in accordance with OSHA
§296.213. Asbestos Operations and Maintenance (O&M) Practices and Procedures for O&M Licensees in a Public Building. (page 162)	§295.59. Operations: Operations and Maintenance (O&M) Requirements for Public Buildings (page 51)	
		CHANGE: Clarifies the TAHPA requirement for O&M work to be conducted by workers that are employed by the building owner, and SSSD procedures in the version of AHERA, Appendix B in effect when TAHPA was written (and which no longer exists) was incorporated
<i>Subchapter M: Alternative Asbestos Abatement Practices and Procedures in a Public Building</i>		

<p>§296.231. Alternative Practices and Procedures for Removal of Asbestos-Containing Resilient Floor-Covering Material in a Public Building.</p> <p>(§296.171. Removal of Resilient Floor-Covering Material. (page 135))</p>	<p>§295.36(a) (page 18)</p>	
<p>§296.231(c)(1) (page 169)</p>	<p>§§295.36(a)(3)-(5) (page 18)</p>	
<p>An individual engaged in removal of resilient floor-covering material according to the RFCI work practices...</p>	<p>all those engaged in removal of resilient floor coverings shall have received training in an eight-hour course which...</p>	<p>NEW: Adds an additional four-hour training requirement for consistency with the RFCI guidance document</p>
<p>§296.232. Alternative Asbestos Abatement Practices and Procedures for Certain Nonfriable Asbestos-Containing Building Material (ACBM) in a Public Building. (page 170)</p>		
	<p>n/a</p>	<p>NEW: Adds new alternative practice/procedure for licensees performing abatement of nonfriable packings, gaskets, cements, and mastics</p>
<p>§296.233. Alternative Asbestos Practices and Procedures for Small Projects and Repetitive Tasks in a Public Building. (page 172)</p>		
	<p>n/a</p>	<p>NEW: Adds new alternative practice/procedure for licensees performing small repetitive tasks affecting ACBM</p>

<p>§296.234. Alternative Practices and Procedures for Removal of Whole Components of Intact Asbestos-Containing Material (ACM) in a Public Building. (page 176)</p>		
	n/a	NEW: Adds new alternative practice/procedure for licensees performing removal of whole intact ACM
<p>Subchapter N: Notifications</p>		
<p>§296.251. Notifications.</p>	<p>§295.61. Operations: Notifications.</p>	
<p>§296.251(a) (page 179)</p>	<p>§295.61(c) (page 56)</p>	
<p>General provisions.</p>	<p>Timeliness of notification.</p>	CHANGE: Adds the option to submit notifications online
<p>§§296.251(c)(2), & (e)(2) (page 180)</p>	<p>§295.61(f) (page 181)</p>	
<p>The building owner or the delegated agent, or the facility owner...</p>	<p>Start-date/stop-date (completion date) requirement.</p>	CHANGE: Adds the requirement to amend a phased schedule and the time
<p>§§296.251(f), (g), (h), (i), (p) (page 181, 182, 185)</p>	<p>§§295.61(d), (e), (f) (page 56)</p>	
<p>Start date change to an earlier date. Stop date change to an earlier date. Start date change to a later date. Stop date change to a later date. Notification of asbestos abatement and demolition.</p>		CHANGE: Adds requirement to fax or email a copy of the amendment to the regional office and limits telephone requirement to hard-copy notifications and specifies to contact the regional office
<p>§296.251(j) (page 182)</p>		
<p>Cancellation.</p>	n/a	NEW: Clarifies the requirements for cancelling a notified project
<p>§§296.251(k)(1) & (l) (page 182, 183)</p>	<p>§295.61(g) (page 56)</p>	

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<p>Consolidated notification of nonscheduled asbestos O&M activities in a public building. Consolidated...facility that is not a public building.</p>	<p>Consolidated notifications of small operations.</p>	<p>CHANGE: Clarifies that 35 cubic feet is the volume off facility components that could not be measured, clarifies that consolidated notifications are for a single building or group of buildings at one site under the control of one owner or operator, and adds a requirement to notify the regional inspector before each O&M activity</p>
<p>§296.251(m) (page 184)</p>	<p>§295.61(h) (page 56)</p>	
<p>Notification of emergency renovation operations.</p>	<p>Provision for emergency.</p>	<p>CHANGE: Clarifies that the notification form must include documentation of the emergency, adds a requirement to notify the regional office of the emergency by telephone and fax, or email that includes a description of the emergency and a copy of the notification</p>
<p>§296.251(n) (page 184)</p>		
<p>Addition of asbestos abatement or demolition to an existing notification.</p>		<p>NEW: Clarifies the time frame and requirements for adding a demolition or renovation activity to a notification</p>
<p>§296.251(o) (page 184)</p>	<p>§295.61(i) (page 57)</p>	
<p>Notification of ordered demolitions for structurally unsound buildings.</p>	<p>Demolition notifications.</p>	<p>CHANGE: Deletes architects and clarifies that government officials must be qualified to determine what an unsound building is, adds a requirement to submit the order with the notification, provides a pathway for an owner that does not have an order, and adds a requirement to notify the regional office by telephone and fax or email with documentation</p>
<p>§296.251(p) (page 185)</p>		

Notification of asbestos abatement and demolition.	n/a	NEW: Adds subsection to incorporate current abatement/demolition on one notification procedure and clarifies requirements for notification
§296.251(q) (page 185)		
Notification of a phased project for asbestos abatement, demolition, or abatement and demolition in a public building or facility.	n/a	NEW: Adds subsection to incorporate current phased notification policy and clarifies requirements for notification
§296.251(r) (page 185)	§295.61(j) (page 57)	
Asbestos notification fees.	Asbestos notification fees.	CHANGE: Reorganizes the subsection for clarity (r)(1) Adds delegated agent or facility owner or operator to pay for notification, and an explanation of the subscription fee (r)(2) Adds an option to pay online or request an invoice when notifying online, and a timeframe for mailing the invoice (r)(3) Clarifies the calculation of fees and that adding demolition to a notified abatement does not incur an additional fee (r)(4) Increases the number of days to request a refund from 5 to 10 days after the notified end date or timely cancellation, increases the administrative fee from \$55 to \$57 to account for the subscription fee, and limits reimbursement requests to less than \$62
Subchapter O: Inspections and Investigations		
§296.271. Inspections and Investigations.	§295.68. Compliance: Inspections and Investigations.	

<p>§296.271(c) (page 188)</p>	<p>§295.68(c) (page 68)</p>	
<p>In order to inspect and investigate for compliance with this chapter, ...</p>	<p>A department representative, upon presenting...</p>	<p>CHANGE: Clarifies DSHS access during an inspection or investigation by adding "facility," as a building type, copies, photographs, and samples as types of activities DSHS may take, and §295.68(f) (page 69) moved to recordkeeping (§296.291, page 189)</p>
<p><i>Subchapter P: Recordkeeping</i></p>		
<p>§296.291. Recordkeeping</p>	<p>§295.62. Operations: Recordkeeping</p>	
<p>§296.291(b) (page 189)</p>	<p>§296.62(c) (page 58)</p>	
<p>Asbestos abatement contractors, asbestos O&M contractors, and RFCI contractors.</p>	<p>Asbestos contractors.</p>	<p>CHANGE: Clarifies that the recordkeeping requirements are for projects in public buildings, and that the requirement include O&M and RFCI contractors</p>
<p>§296.291(b)(2) (page 190)</p>	<p>§§295.58(k) & 295.62(c)(2) (page 51, 59)</p>	
<p>On site.</p>	<p>Documents required to be on-site are as follows: ...</p> <p>On site.</p>	<p>CHANGE:</p> <p>(k) Moves on-site requirement to recordkeeping, clarifies that contractors are responsible for their employees' documents to be on-site</p> <p>(c)(2) Adds requirement for the contractor's license and standard operating procedures, names of supervisor, project manager, and waste transporter for the project, copy of notification, copy of TAHPR, copy of federal regulations that apply, EPA O&M publication, RFCI recommended work practices, violation notification poster, and any asbestos-related order be on-site, Deletes requirement for social security numbers</p>
<p>§§296.291(c), (d), (f), & (g)</p>		

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(page 191, 192)		
Asbestos management planners. Asbestos management planner agencies. Asbestos consultant agencies. Asbestos air monitoring technicians.	n/a	NEW: Clarifies recordkeeping requirements for asbestos management planners, management planner agencies, consultant agencies, and air monitoring technicians (including elements to demonstrate AMT competency in the field)
§296.291(e) (page 192)	§§295.62(e) & (f) (page 59, 60)	
Asbestos consultants.	Consultants. Operations and maintenance manual.	CHANGE: Adds recordkeeping requirement for asbestos management plans, O&M plans, asbestos abatement designs, specifications and plans, and each written designation of a project manager and the project manager's responsibilities and authority
§296.291(h) (page 192)	§295.62(d) (page 59)	
Asbestos laboratories.	Analytical services.	CHANGE: Clarifies that samples from a public building must be kept for 30 days after analysis, deletes requirement with respect to inspection and completion of the project, and adds requirement for sample grids to be maintained for 1 year after analysis and individual analyst records for 3 years after date of calculation
§296.291(i) (page 193)	§295.62(b) (page 57)	
Asbestos training providers.	Training providers.	CHANGE: Clarifies that records must be maintained in a central location, and moves verification of certificate information to licensee responsibilities
Subchapter Q: Compliance		
§296.311. Disciplinary Action. (page 195)		

	n/a	NEW: Adds new section describing DSHS compliance authority
§296.312. Action against Accreditation. (page 195)	§295.66 Compliance: Deaccreditation. (page 68)	
DSHS may reprimand...	After notice to the accredited person of an opportunity for a...	CHANGE: Clarifies reasons for taking action against accreditation
	§295.67 Compliance: Policy of the Texas Department of Health (page 68)	
n/a	The department's policy is to gain compliance...	CHANGE: Deletes section
	§295.69 Compliance: Reprimand, Suspension, Revocation, Probation. (page 69)	
§296.313. Denial, Suspension, or Revocation of License or Reprimand of Licensee. (page 196)	§295.69(c) (page 69)	
DSHS may take disciplinary action if it finds that a person regulated under...	After notice to the licensee or registrant of an opportunity for...	NEW: Adds provisions for a licensee that refuses to provide information to the licensing authority, fails to comply with the requirements of a probation period, and fails to pay a required or assessed fee
§296.314. Emergency Suspension. (page 197)	§§295.69(a) & (b) (page 69)	
DSHS may suspend a license, registration, accreditation, or approval...	After notice to the licensee or registrant...	CHANGE: Moves emergency suspension provisions to new section
§296.315. Suspension of License for Failure to Pay Child Support or Comply with a Court Order. (page 198)		

Every license or registration of a person who is a licensee or registrant under this chapter is subject to suspension...	n/a	NEW: Adds requirement from Texas Family Code, Chapter 232, Suspension of License
§296.316. Probation. (page 200)	§296.69(e) (page 69)	
DSHS may place on probation a person whose license or registration is...	Probation.	CHANGE: Moves provisions to a new section
§296.317. Denial, Revocation or Withdrawal, or Suspension of Approval of a Training Course. (page 200)	§295.65(d)(3) (page 66)	
	Withdrawal of training course approval.	CHANGE: Moves training course approval into a new section
§296.318. Administrative Penalty. (page 201)	§295.70. Compliance: Administrative Penalty. (page 70)	
DSHS may impose an administrative penalty against a person who violates...	If a person violates the Texas Asbestos Health Protection Act (Act), ...	CHANGE: Deletes base penalty amounts and examples of violations to implement more transparent penalty matrix to be developed and posted online, and moves hearing information to §296.320
§296.319. Revocation of Asbestos Abatement Supervisor's License. (page 201)		
This section applies to an asbestos abatement supervisor against whom...	n/a	NEW: Adds requirement from TAHPA
§296.320. Notice and Violation. (page 202)	§295.69(d) (page 69)	
		CHANGE: Moves hearing information to new section