

### **10A NCAC 41C .0603 APPROVAL OF TRAINING COURSES**

(a) Pursuant to Rule .0602 of this Section, applicants for accreditation and reaccreditation are required to successfully complete training courses approved by the Program. Training courses:

- (1) Required or recommended by 40 CFR Part 763, Subpart E, Appendix C and approved for a specific training provider by the Environmental Protection Agency or by a state with an Environmental Protection Agency-approved accreditation program, or by a state that has a written reciprocating agreement with the Program and meeting the requirements under Paragraph (g) of this Rule shall be deemed approved by the Program unless approval is suspended or revoked in accordance with Paragraph (I) of this Rule;
- (2) Required or recommended under 40 CFR Part 763, Subpart E, Appendix C and having no prior Program approval as specified in Subparagraph (a)(1) of this Rule shall meet the requirements of 40 CFR Part 763, Subpart E, Appendix C, I and III, and this Rule; or
- (3) Other than those covered in Subparagraphs (1) and (2) of this Paragraph which are required for North Carolina accreditation purposes shall meet the requirements of this Rule. Roofing worker or roofing supervisor courses taught prior to the effective date of these Rules and after August 10, 1994, that met the requirements of Rule .0611 of this Section shall be considered acceptable for accreditation purposes.

(b) Refresher training courses shall review and discuss changes in the Federal and State regulations, developments in the state-of-the-art procedures, and key aspects of the initial courses outlined under 40 CFR Part 763, Subpart E, Appendix C or Rule .0611 of this Section, as applicable.

(c) At the completion of the refresher training courses in all disciplines, the training provider shall administer a written closed book examination, approved by the Program. The requirements for the examination shall consist of a minimum of 25 multiple choice questions. For successful completion of the course the applicant shall pass the exam with a minimum score of 70 percent.

(d) Training courses shall be evaluated to maintain approval by the Program for course administration, course length, curriculum, training methods, instructors' qualifications, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 763, Subpart E, Appendix C, Rules .0608 and .0611 of this Section, or NIOSH 582 curriculum, as applicable, which are hereby incorporated by reference, including any subsequent amendments and editions. These documents are available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915. Copies of 40 CFR Part 763, Subpart E, Appendix C may be obtained by writing to the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty-six dollars (\$26.00). Copies of the NIOSH 582 curriculum may be obtained by writing the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915 at a cost of thirty-five dollars (\$35.00).

(e) Training course providers shall submit the following for evaluation and approval by the Program:

- (1) a completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
  - (A) name, address, and telephone number of the training provider, and name and signature of the contact person;
  - (B) course title, location and the language in which the course is to be taught;
  - (C) a student manual and an instructor manual for each course and a content checklist that identifies and locates sections of the manual where required topics are covered;
  - (D) course agenda;
  - (E) a copy or description of all audio/visual materials used;
  - (F) a description of each hands-on training activity;
  - (G) a copy of a sample exam;
  - (H) a sample certificate with the following information; and
    - (i) Name and social security number of student;
    - (ii) Training course title specifying initial or refresher;
    - (iii) Inclusive dates of course and applicable examination;
    - (iv) Statement that the student completed the course and passed any examination required;
    - (v) Unique certificate number as required;

- (vi) For courses covered under 40 CFR Part 763, Subpart E, Appendix C, certificate expiration date that is one year after the date the course was completed and the applicable examination passed;
  - (vii) Printed name and signature of the training course administrator and printed name of the principal instructor;
  - (viii) Name, address, and phone number of the training provider;
  - (ix) Training course location;
  - (x) For courses required under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act; and
  - (xi) For training courses taught in languages other than English, the certificate shall indicate the language of the course.
- (I) a list of training currently being provided.
  - (2) A list of instructors and their qualifications in accordance with Rule .0608 of this Section.
- (f) An application for course approval shall be processed as follows:
- (1) The Program shall review the application and supporting documentation submitted pursuant to Paragraph (e) of this Rule and advise the applicant of any deficiencies;
  - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit; of a training course taught in North Carolina; approval of submitted documentation does not constitute course approval;
  - (3) If the Program determines, as a result of the audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet these requirements, the Program shall notify the applicant of the deficiencies and advise that applicant that it may request one additional audit, which shall be held no more than six months from the date of the first audit; a request for audit after that time shall require a new application and fee;
  - (4) If the Program determines, as a result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may not reapply for course approval for the audited course for a period of six months from the date of the last audit;
  - (5) The Program shall not accept certificates pursuant to Rule .0602 of this Section for a training course that is not approved or deemed approved pursuant to this Rule.
- (g) Training course providers shall perform the following in order to maintain approval of all initial and refresher courses:
- (1) Issue a certificate of training meeting the requirements of Part (e)(1)(H) of this Rule to any student who completes the required training and passes the applicable examination.
  - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina asbestos accreditation purposes if the course is to be taught in North Carolina or if requested by the Program. Notices for training courses, except asbestos worker, shall be postmarked or received 10 working days before the training course begins. Notices for asbestos worker training courses shall be postmarked or received five working days before the training course begins. If the training course is canceled, the training course provider shall notify the Program at least one working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
    - (A) Training provider name, address, phone number and contact person;
    - (B) Training course title;
    - (C) Inclusive dates of course and applicable exam;
    - (D) Start and completion times;
    - (E) Identify whether the course is public offering, contract training, or for the training provider's employees;
    - (F) Location and directions to course facility;
    - (G) Language in which the course is taught; and
    - (H) Principal instructor.

- (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, training course administrator or contact person. The changes must be approved by the Program in order for the course to be acceptable for accreditation purposes.
  - (4) Submit to the Program information and documentation for any course approved under Subparagraph (a) of this Rule if requested by the Program.
  - (5) Ensure that all instructors meet the requirements of Rule .0608 of this Section and are approved by the Program.
  - (6) Ensure that all training courses covered under this Rule meet the following requirements:
    - (A) All initial training courses shall have a maximum of 40 students;
    - (B) A day of training shall include at least six and one-half hours of direct instruction, including classroom, hands-on training or field trips;
    - (C) Regular employment and instruction time shall not exceed 12 hours in a 24 hour period;
    - (D) A training course shall be completed within a two-week period;
    - (E) All instructors and students shall be fluent in the language in which the course is being taught;
    - (F) An interpreter shall not be used;
    - (G) Upgrading worker accreditation to that of supervisor by completing only one day of initial training is not permitted. Separate initial training as a supervisor is required;
    - (H) A single instructor is allowed only for a worker course. Other initial disciplines shall have a minimum of two instructors;
    - (I) Instructor ratio for hands-on shall be no more than 10 students per instructor;
    - (J) All course materials shall be in the language in which the course is being taught;
    - (K) Each training course required by 40 CFR Part 763, Subpart E, Appendix C, shall be discipline specific;
    - (L) Students shall be allowed to take an examination no more than twice for each course. After two failures, the student shall retake the full course before being allowed to retest; and
    - (M) Training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.
  - (7) Verify, by photo identification, the identity of any student requesting training.
  - (8) For each course approved or deemed approved by the Program under Paragraph (a) of this Rule and taught in North Carolina, the training provider shall submit a completed renewal application on a form provided by the Program. Effective January 1, 1995, a renewal application shall be submitted prior to the next course offering and annually thereafter. If an annual training course renewal lapses, the provider shall submit a renewal application prior to offering the course again in North Carolina. Training courses approved by the Program under Paragraph (f) of this Rule shall be taught at least once every three years in North Carolina.
  - (9) Training courses required or recommended under 40 CFR Part 763, Subpart E, Appendix C, shall meet the requirements therein.
  - (10) Work practice and worker protection demonstrations and hands-on exercises, including, but not limited to respirator fit testing, presented in all training courses covered under this Rule shall be conducted following the procedures provided in 29 CFR 1926.1101 which is incorporated by reference in Rule .0601(c) of this Section.
- (h) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with 40 CFR Part 763, Subpart E, Appendix C and these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.
- (i) In accordance with G.S. 130A-23, the Program may revoke approval for a training course for violation of this Rule and shall revoke approval upon revocation of approval by the Environmental Protection Agency or by any state with an Environmental Protection Agency-approved accreditation program. A training provider whose approval has been revoked by the Program shall not be eligible for reapproval for a period of one year from the date of revocation. The Program shall also revoke course approval for all courses taught by a training provider upon a

finding that the training course provider has issued one or more certificates to an individual who did not actually attend the course, either initial or refresher, and pass the examination. When course approval is revoked for improper issuance of certificates, the training course provider shall not be eligible for reapproval for a period of three years from the date of revocation.

*History Note:* Authority G.S. 130A-5(3); 130A-447; P.L. 99-519;  
Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1989;  
Eff. February 1, 1990;  
Amended Eff. October 1, 1994; August 1, 1991;  
Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. July 1, 1996; January 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.