

**Interagency Agreement
between the
Oregon Department of Environmental Quality (DEQ)
and the
Oregon Department of Consumer and Business Services, Occupational Safety
and Health Division (OR-OSHA)**

I. Purpose

This agreement is entered into between the Oregon Department of Environmental Quality (DEQ) and the Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (OR-OSHA) for the purpose of delineating the responsibilities and activities to be performed by each agency pursuant to its authority to regulate asbestos-containing materials. This agreement is intended to promote cooperative efforts between DEQ and OR-OSHA and effective regulation of asbestos hazards in Oregon.

II. Roles and Authorities

Under ORS 654, and as the Federal Occupational Safety and Health Administration's (OSHA) designee, OR-OSHA is responsible for protecting workers in the State of Oregon. OR-OSHA's workplace asbestos regulations are implemented by Oregon Occupational Safety and Health Division (OR-OSHA). Under ORS 468 and as the Federal Environmental Protection Agency's (EPA) delegate in administering the Clean Air Act, DEQ is responsible for protecting the public and the environment. DEQ's asbestos regulations are implemented by the Asbestos Control Program of its Air Quality Division.

An exception to DEQ's statewide jurisdiction for air quality is in Lane County. The Lane Regional Air Protection Agency (LRAPA) has jurisdiction for air quality issues in Lane County.

III. Enforcement

A. Referrals

1. OR-OSHA and DEQ will notify each other of asbestos compliance or enforcement situations involving hazards and possible violations of laws or regulations. The intent is to provide notification to the other agency's field enforcement officer as early in the process as possible, before any possible citation timeframes have lapsed. This may require pre-warning or pre-enforcement notices be send to the other agency.

2. Referrals will be provided within the week, and may be accomplished in person, by telephone, FAX, or email.
3. A copy of the report by the enforcing agency will be provided to the other agency on completion.

B. Common Inspections

1. When inspecting or responding to a complaint relating to the same project or situation, DEQ and OR-OSHA will assist each other to the extent possible and allowed by law by sharing information regarding potential violations of asbestos regulations.
2. Both DEQ and OR-OSHA will maintain strict confidentiality concerning the other agency's inspection, compliance or enforcement plans or actions. As required by law, OR-OSHA confidential information will not be communicated to DEQ. Such information may include scheduling lists, employer business trade secrets, discrimination complainant identity, and other items.
3. During inspections and compliance meetings, OR-OSHA and DEQ representatives will each clearly communicate their regulatory responsibilities to the inspected party. For example, a DEQ inspector will only communicate violations of DEQ regulations, and refer all potential worker protection violations to OR-OSHA personnel, and vice versa.

IV. Transfer of Information

A. Project Notification Information

1. DEQ will provide OR-OSHA field offices with a summary of current asbestos project notifications. See Appendix A for a current web link of the DEQ asbestos project database.
2. OR-OSHA may call the asbestos program (through DEQ field staff contacts) for daily updates on the status of projects. Because project schedules may change continually, this contact is highly advised. See Appendix A for a current contact list.
3. DEQ will notify OR-OSHA promptly when emergency situations are discovered, and there is potential worker exposure to asbestos.

B. Enforcement Information

1. DEQ and OR-OSHA may, upon request, provide each other with copies of enforcement actions relating to asbestos. These actions may include, but are not limited to: Citations, Warning Letters, Notices of Noncompliance, Notices of Intent to Assess Civil Penalty, Civil Penalty Assessments, and Clean-Up Orders.
2. Upon request, DEQ and OR-OSHA will provide each other, as allowed by law, with relevant historical enforcement information such as database reports and file copies.

V. Public Information

A. Communication with the News Media

1. When communicating with the news media concerning asbestos violations or hazards, representatives of DEQ and OR-OSHA will clearly state that OR-OSHA exercises jurisdiction over worker protection issues, and that DEQ exercises jurisdiction over public and environmental protection issues.
2. Representatives of DEQ and OR-OSHA will not make statements to the news media concerning the other agency's asbestos regulations, inspections or possible violations. Statements that a situation has been referred to DEQ or OR-OSHA are appropriate.

B. Issuing Press Releases

DEQ and OR-OSHA will notify and gain approval from the other agency's media coordinator/s prior to issuing any press release containing information on the other agency's asbestos regulations, inspections or possible violations.

C. Technical Publications

Prior to releasing technical publications (including online material) regarding asbestos issues, an advance review copy will be forwarded to the other agency.

VI. Training

A. DEQ Accredited Asbestos Worker Training

To assure accurate and competent teaching of OR-OSHA asbestos regulations at DEQ accredited worker training classes, DEQ will forward proposed training materials relating to OR-OSHA regulations to OR-OSHA when accreditation applications are submitted. OR-OSHA, to the extent possible, will review training materials and return to DEQ if feasible, within 15 days of receipt. OR-OSHA representatives may audit accredited training providers.

B. Interagency Training

Representatives from DEQ and OR-OSHA will conduct training sessions to educate the other agency's affected staff on asbestos regulations, policies and procedures.

VII. Legislation & Rulemaking

A. Legislation

1. OR-OSHA and DEQ will communicate proposed legislation affecting asbestos regulation to each other as early in the legislative process as possible.
2. In developing asbestos legislation, both OR-OSHA and DEQ will strive for interagency compatibility and avoid unnecessary duplication.

B. Rulemaking

1. OR-OSHA and DEQ will provide each other with drafts of proposed Oregon Administrative Rules on asbestos as early as possible in the rulemaking process, but in all cases prior to the beginning of the public notice and comment period.
2. In developing asbestos regulations, both OR-OSHA and DEQ will strive for interagency compatibility and avoid unnecessary duplication.
3. Either agency may convene an advisory group in an ad hoc fashion, where required, and provide notification to the other agency.

VIII. Effective Date

This agreement will be effective upon signature by the Director of the Department of Environmental Quality and the Administrator of the Oregon Occupational and Safety Division of the Department of Consumer and Business Services.

IX. Provisions for Review and Updating

At least annually, OR-OSHA and DEQ will review items contained in this agreement, update it where necessary, and exchange relevant program information. Review meetings will be held if needed.

X. Agreement Termination

This agreement will remain in force until terminated by either party given thirty days' notice by the other.

Appendix A

OR-OSHA contacts:

Chris Ottoson – Health Field Operations Manager, Portland Field Office
(503) 947-7388 [chris.ottoson@state.or.us]

Penny Wolf-McCormick – Health Enforcement Manager, Portland Field Office (503) 229-5910
[penny.l.wolf-mccormick@state.or.us]

Stan Thomas – Health/Safety Enforcement Manager, Bend Field Office
(503) 633-2052 [stanton.e.thomas@state.or.us]

Barry Sandgren – Health/Safety Enforcement Manager, Salem Field Office
(503) 378-4705 [barry.d.sandgren@state.or.us]

Mary Anne Minyard – Health/Safety Enforcement Manager, Eugene Field Office
(541) 686-7813 [mary.anne.minyard@state.or.us]

Chuck McFarland – Health/Safety Enforcement Manager, Medford Field Office
(541) 776-6030 [chuck.d.mcfarland@state.or.us]

Policy Manager – Marilyn Schuster (503) 947-7445 [marilyn.k.schuster@state.or.us]

Technical Services and Resource Center Manager – Peggy Munsell (503) 947-7446
[peggy.a.munsell@state.or.us]

Consultation and Public Education Manager – Roy Kroker (503) 947-7434
[roy.c.kroker@state.or.us]

Public Information Officer – Melanie Mesaros (503) 947-7428 [melanie.l.mesaros@state.or.us]

DEQ contacts:

Kevin McCrann-NWR Gresham Office; (503) 667-8414 x 55018

Susan Patterson-NWR Gresham Office; (503) 667-8414 x 55022

Dottie Boyd-WR Salem Office; (503) 378-8240 x 272

Steve Croucher-WR Medford Office; (541) 776-6010 x 235

Martin Abts-WR Coos Bay Office; (541) 269-2721 x 22

Frank Messina-ER Bend Office; (541) 388-6146 x 226

Tom Hack-ER Pendleton Office; (541) 278-4626

Tom Freeman-LRAPA Eugene Office; (541) 726-2514 x 222

E-mail addresses to be obtained from the “Global Address List” in Microsoft Outlook.

Public Information Officer

Nina DeConcini-Headquarters Office Portland; (503) 229-6271

Regional Media contacts:

Jennifer Boudin-WR Eugene Office; (541) 686-7838 x 235

Phil Hodgen-ER Pendleton Office; (541) 278-4609

Marcia Danab-NWR Portland Office; (503) 229-6488

E-mail addresses to be obtained from the “Global Address List” in Microsoft Outlook.

DEQ Asbestos project database

The current asbestos project database is at the following address:

www.deq.state.or.us/aq/asbestos/index.htm (click on ‘Asbestos Projects Report’)

Information current as of June 2006.

Appendix A updated December 2011