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Subject: Progress update – Colorado Regulation No. 8, Part B - ongoing stakeholder process in drafting documents.

In January 2021, the Air Quality Control Commission held a Rulemaking Hearing for Colorado Regulation No. 8, Part B. As part of the Rulemaking, the Commission:

- Revised regulatory language and added forms to standardize required information
- Determined that specificity requested by stakeholders belonged in guidance documents, not in regulation
- Added asbestos spill delineation as a topic that must be covered during the initial Air Monitoring Specialist (AMS) course
- Encouraged the Division to commence meaningful stakeholder processes in the drafting of guidance.

The Commission requested that Division staff continue to work on the items above, and provide a progress update to the Commission in October of 2021

During the stakeholder process leading up to the January 2021 rulemaking hearing, Division staff held a number of meetings and worked with members of the regulated community who submitted written comments on the proposed regulatory changes. From stakeholders, the Division received requests to add language to some sections of the regulation specifying exact details on how compliance with the regulation would be achieved. Division staff were concerned that adding too much specificity might be inappropriate for certain situations and inadequate for others; might create confusion; could impose a higher burden on regulated entities; or inadvertently result in less protection of public health and the environment. Where appropriate, the Division recommended and the Commission adopted specific rule language to sections to clarify what an entity must do to comply. At the Rulemaking Hearing, Division staff committed to additional work with stakeholders in order to develop new forms specified in regulation and guidance documents intended to help the regulated community understand and comply with regulatory requirements.

Over the years, the regulated community has asked the Division for consistency in the information the Division requires to be submitted in order to obtain notices or permits for abatement, renovation or demolition. It has been a common practice for the Division to develop and update forms to ensure consistency in what each entity is providing. During the rulemaking, the Commission adopted language regarding five new forms. These forms establish the information the Division requires in order to verify compliance with the regulation, helping to reduce confusion and improve consistency.

The five new forms drafted by Division staff are: the Major Asbestos Spill Notification, the Request for the Waiver of the 10-Working Day Notification Period, the Request for Asbestos Inspection Exemption and the Asbestos Training Course Instructor Initial and Renewal Applications. These drafts were sent to stakeholders for comments, the forms were then revised where necessary and put into use by March 17, 2021. During this process, Division staff and stakeholders identified other forms, currently in use, that might also benefit from revision. The Division continues to review and update existing forms.

Division staff internally started to develop draft guidance documents. The large number of potential scenarios and varying factors have proved to be a challenge in developing clear, complete, correct, and concise written guidance that will provide certified individuals and companies the ability to utilize professional judgment based on the specific situation encountered without requiring extensive volumes of

examples and procedures based on individual scenarios. Division staff continue to provide guidance to the regulated community on an individual basis as needed.

The Division anticipates beginning outreach to stakeholders during the first quarter of 2022 on both guidance documents and course curriculum updates. Division staff have had less time and resources than expected to devote to the development process. At the conclusion of the Regulation 8, Part B Rulemaking, Division staff began two major tasks in addition to its regular duties. The first was beginning a stakeholder process to review and update Colorado Regulation No. 19 – The Control of Lead Hazards and the second, the Asbestos Control Act Sunset Review by the Department of Regulatory Agencies. The Division previously had several staff vacancies and has lost two additional staff members during this period.

The rulemaking for Colorado Regulation No. 19 is anticipated to be finished in November of this year. The Colorado Office of Policy, Research and Regulatory Reform (COPRRR) recently completed its research on the Program and the Division has just completed its review of the draft report to the legislature which will be the basis for COPRRR's oral testimony before the 2022 legislative committee. It is anticipated that the conclusion of these two activities will help staff to allocate additional time to work with stakeholders and Training Providers to draft guidance documents and update the AMS course curriculum.

The Division will work with registered Training Providers who offer AMS training to update their course curricula. The Commission added asbestos spill delineation to II.D.3.a.(i)(A) as a topic that must be covered during the AMS initial course. Training providers must submit to the Division, for review and approval, such changes to any of their asbestos training course curricula.