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State of California

Department of Industrial Relations

Division of Occupational Safety and Health

ASBESTOS

CONSULTANT

&

SITE SURVEILLANCE TECHNICIAN

CERTIFICATION

APPLICATION PACKAGE

Revised July 2012

Application Background

Beginning July 1, l992, State law has required Asbestos Consultants and Site Surveillance Technicians to be certified by the Division of Occupational Safety and Health if they contract to provide professional health and safety services relating to asbestos containing construction materials which comprise 100 or more square feet of surface area. The regulations pertaining to certification are contained in Title 8, California Code of Regulations Division 1, Chapter 4, Subchapter 4, Section 1529 and Chapter 3.2, Article 2.6, Section 341.15.

This application is for Asbestos Consultants and Site Surveillance Technicians who are required to become certified or for qualified individuals who voluntarily wish to become certified. Enclosed are the necessary application forms, instructions for completing the forms and information needed to start the certification review process.

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Application For Examination and Certification of Asbestos Consultants and Site Surveillance Technicians

A. ELIGIBILITY REQUIREMENTS

CITIZEN STATUS

Eligibility for certification as an Asbestos Consultant or Site Surveillance Technician is limited to United States citizens or nationals and to qualified aliens. In order to establish eligibility for the benefit of certification, it is necessary for applicants to complete and sign a "Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits", form Cal/OSHA-W-1 (Attachment B). A copy of this form is included as an attachment with the Application Packet. The signed form and required documentation of status are a mandatory part of the certification process. The regulation which deals with eligibility for certifications is found in Title 8 of the California Code of Regulations, Section 344.85.

REQUIRED FEE, AHERA CERTIFICATES, EXPERIENCE, AND EDUCATION

CERTIFIED ASBESTOS CONSULTANT (CAC)

Any person who contracts to provide professional health and safety services relating to asbestos containing construction material, which comprises 100 square feet or more of surface area, as defined in Title 8 California Code of Regulations 1529. The activities of an Asbestos Consultant include building inspection, abatement project design, contract administration, sample collection, preparation of asbestos management plans, clearance monitoring, and supervision of Site Surveillance Technicians.

Required Fee: $500 (Payable to the Asbestos Consultant Certification Fund)

Possession of Valid AHERA Training Certificates including:

Initial Management Planner, Abatement Project Designer, and Abatement Contractor/Supervisor, as well as all subsequent annual refresher courses. (To be accredited as a Management Planner, the EPA requires Building Inspector accreditation as a prerequisite).

The AHERA training requirement can be fulfilled only by taking courses in the specified disciplines from a California DOSH approved trainer. This requirement is considered fulfilled if at least the most recent refresher certificates submitted with the application are issued by a DOSH approved training provider. All subsequent certificates submitted with renewal requests must likewise be from a DOSH approved trainer.

Required Professional Work Experience and Education consisting of any one of the following:

A. One year of asbestos related experience and a Bachelor of Science degree in Engineering, Architecture, Industrial Hygiene, Construction Management, or a related biological or physical science; or

B. Two years of asbestos related experience and a Bachelor's degree; or

C. Three years of asbestos related experience and an Associate of Arts degree in Engineering, Architecture, Industrial Hygiene, Construction Management, or a related biological or physical science; or

D. Four years of asbestos related experience and a High School Diploma or its equivalent.

NOTE: Asbestos related work experience cannot be credited until the first approved AHERA initial course has been completed.

CERTIFIED SITE SURVEILLANCE TECHNICIAN (CSST)

Any person who acts as an independent on site representative of an Asbestos Consultant. The Site Surveillance Technician monitors the asbestos abatement activities of others, provides asbestos air monitoring services for area and personal samples, and performs building surveys and contract administration at the direction of an Asbestos Consultant.

Required Fee: $400 (Payable to the Asbestos Consultant Certification Fund)

Possession of valid AHERA Training Certificates including:

Initial Building Inspector and Abatement Contractor/Supervisor, as well as all subsequent annual refresher courses.

A. ELIGIBILITY REQUIREMENTS (continued)

The AHERA training requirement can be fulfilled only by taking courses in the specified disciplines from a California DOSH approved trainer. This requirement is considered fulfilled if at least the most recent refresher certificates submitted with the application are issued by a DOSH approved training provider. All subsequent certificates submitted with renewal requests must likewise be from a DOSH approved trainer.

Required Work Experience and Education including:

Six (6) months of asbestos related work experience under the supervision of a certified Asbestos Consultant and a High School Diploma or equivalent education. After three (3) months of qualifying work experience, an applicant may request to sit for the certification exam. However, the additional three (3) months of qualifying experience must be completed before the certification card can be issued to that person. The additional experience must be verified by the individual(s) having direct knowledge of the applicant's experience and must use form BP 7180A.

B. APPLICATION INSTRUCTIONS

INSTRUCTIONS FOR COMPLETING FORM BP 7180 (ATTACHMENT A)

Please complete all items of the application form and provide all attachments as explained below; incomplete applications will delay the processing of your application. Please type or print legibly, in ink.

BP 7180 Item 1: Please indicate the type of certification you are applying for; i.e., Certified Asbestos Consultant or Certified Site Surveillance Technician. Check only one box.

BP 7180 Items 2 through 11: are self-explanatory.

BP 7180 Item 12: Indicate your preferred location for taking the exam.

BP 7180 Item 14: List where and when your qualifying experience was obtained, and the specific duties you were assigned. If you have more than one employer where you obtained your experience, make additional copies of the second page (the signature page) of the application form. Use a separate sheet and complete Item 14 for each employer. Fill in Page __of__ at the top of each sheet. Only technical work associated with asbestos consulting or site surveillance activities is considered qualifying experience. For example, secretarial, bookkeeping, or sales promotional work in an asbestos consulting firm is not considered qualifying experience. Estimate the percentage or your employment time that you performed technical work in Part B. For example, if you did bookkeeping work one half of the time and inspection work the remaining time, the percentage would be 50%. Your cumulative qualifying experience must meet the required duration of experience needed to qualify.

In Item 14-C, describe the technical duties you performed during this employment. Please have the individual(s) who will verify your qualifying work experience complete Form # BP 7180A.

BP 7180 Item 15: Please sign and date the application on the last page of the application form. Also fill in the city and state where you signed this application. Make sure that all pages have been appropriately numbered by filling in Page __of__ at the top of each sheet completed.

Please mail the completed application with all the required attachments to:

Division of Occupational Safety and Health
Asbestos Consultant Certification Unit
2424 Arden Way, Suite 485
Sacramento, CA 95825-2417

INSTRUCTIONS FOR COMPLETING FORM BP 7180A (ATTACHMENT A)

Ask the individual(s) verifying your professional work experience to complete form BP 7180A. Make additional copies of this form if you have more than one employer for your qualifying experience and use a separate sheet for each employer. The individuals may be former clients, associates, employer, supervisor, etc. The items to be completed on BP 7180A are self-explanatory.

B. APPLICATION INSTRUCTIONS (continued)

Additional Requirements for the Applicant

A. Please attach payment of the required fee specified above. **Make the check or money order payable to: Asbestos Consultant Certification Fund**

B. Attach copies of your **initial and subsequent refresher AHERA training Certificates** for all the training courses specified for the type of certification you are applying for.

C. Attach **proof** that you possess the **required educational qualifications** specified above. Acceptable proof is a copy of your diploma or official transcript indicating your graduation date and type of degree.

D. Attach proof that you possess the **required work experience** specified above by completing Item 14 of the application form BP 7180. If you use more than one sheet, fill in Page __ of __ at the top of each sheet. Ask the individual(s) verifying your experience to complete Form BP 7180A.

E. Please attach **two 1 ½ by 1 ½ inch, passport type only, color photographs, (no Polaroid film or other lightweight stock please)** of yourself taken within the past thirty days. Please write your name on the back of your photographs.

F. Supporting documents, transcripts, diplomas, etc. that is not written in English must be accompanied by a certified translation to be used for evaluation. **Note: The Division will recognize any of the following as equivalent to possessing a high school diploma: 1) a GED (General Education Development) High School Equivalency Certificate; or 2) submittal of a transcript showing completion of 12 semester units of college level work; or 3) certification from a State Department of Education, local school board, or high school authorities that the applicant is considered to have education equivalent to graduation from high school.**

If you pass the written examination, you will receive a certification card. The certification card will include the identity of the person certified, his/her photograph, the type of certification that the person is qualified for, his/her certification number, and the expiration date of the certification. The certification must be renewed on an annual basis to remain valid.

Please Note: Be sure to keep originals and/or copies of all documents you send us for your records!

C. ADDITIONAL INFORMATION ABOUT APPLICATIONS

1. Processing of submitted Applications.

Within 15 business days of receipt of your submitted application for certification, the Division will notify you that your application is complete, or that your application is incomplete and the Division will specify what additional information or documentation is needed. Within 45 business days from the date that the Division determined that your application is complete, the Division will send you a notice stating that you meet the qualification requirements to take the written examination, or that your application for certification is denied. The notice will also state the date, time, and location of your examination, or the reason for denial of your application.

2. Refund requirements.

The Division may refund 75% of the fee when an application is withdrawn by the applicant within 15 business days of the initial submission of the application. The Division may refund 50% of the fee when the Division determines that the applicant is not qualified to take the examination. The Division shall make no refund of the fee when a qualified applicant fails the written examination.

3. Certification card.

If you pass the written examination, you will receive a certification card. The certification card will include the identity of the person certified, his/her photograph, the type of certification that the person is qualified for, his/her certification number, and the expiration date of the certification. The certification must be renewed on an annual basis to remain valid.

4. Reexamination requirements.

Any applicant who fails the examination may take the next scheduled examination. The request shall be made to the Division in writing and must be accompanied by a reexamination fee in the amount of 50% of the application and examination fee specified in subsection (g) section 341.15, Article 2.6 of T8CCR. If an applicant fails the re-examination, and wants to continue seeking certification, a new application must be submitted.

D. INFORMATION ABOUT THE EXAMINATION

Bring the invitation letter scheduling your examination and current picture identification when you appear for the examination.

Prior to the examination mail any application documents which will go into your file; do not bring any application documents with you to the examination.

The examination is a closed book, multiple choice examination. There are 200 questions on the Asbestos Consultant Examination and 176 questions on the Site Surveillance Technician Examination. The time allowed for both examinations (excluding the check in and check out times) is 3 hours 40 minutes. The examination questions pertain to the subjects described in (q)(2)(A) and (q)(3)(A) of section 1529 of Title 8 of the California Code of Regulations. (See Section G of this application packet.) The minimum passing score is correctly answering 70% of all the questions in the examination.

The examination questions are based on a variety of sources such as applicable regulations, AHERA training coursework materials, U.S. EPA guidance documents, and experiential knowledge expected of practicing Asbestos Consultants and Site Surveillance Technicians.

Below are three questions, which are examples of what you may find in the examination; select the BEST answer for each question.

1. EXAMPLE: You are conducting air clearance sampling using PCM after abatement of 110 square feet of ACBM in a sixth grade classroom. You draw 1000 liters of air through each filter at five liters per minute. You collect five samples from inside your work site. One field blank and one laboratory blank are included for analysis. According to EPA, you have proceeded:

   a. correctly.
   b. (X)* incorrectly -- the total volume being drawn through each filter is too low.
   c. incorrectly--the volume being drawn through each filter per minute is too low.
   d. incorrectly--not the correct analytical procedure.

2. EXAMPLE: A negative pressure is one in which the pressure in an enclosed work area is less than that of the outside environment.

   a. (X)* static: lower
   b. static: higher
   c. dynamic: lower
   d. dynamic: higher

3. EXAMPLE: Which of the following statements about securing asbestos contaminated materials for disposal is true?

   a. Loaded bags should be dry-wiped before placement into second bags.
   b. (X)* Loaded bags should be cleaned before entry into the load-out area.
   c. Loaded bags should be placed into second bags in the clean room.
   d. A worker moving clean bags to a transport vehicle does not need to wear a respirator.

* (X) denotes the correct answer

F. EXAMINATION BIBLIOGRAPHY

Please do not contact the Division of Occupational Safety and Health for any of the following references.

For your Information, Title 8 regulations may be obtained from Barclays Law Publishers or free of charge by the Department of Industrial Relations from its web site at www.dir.ca.gov/dosh and www.epa.gov/asbestos . The telephone number of Barclays is (800) 888-3600. Other references may be obtained from the agencies authoring the reference; i.e., U.S. EPA, NIOSH, local air quality management districts, etc., through the internet or from a major public library.

California Code of Regulations. (It is by no means complete.)

A. Sections 341 through 341.15. Permits Regulations for Asbestos related work, etc.
B. Division 1, Chapter 4, Subchapter 4. Construction Safety Orders (especially Section 1529, Asbestos).
C. Section 3203. Injury and Illness Prevention Program.
D. Division 1, Chapter 4, Subchapter 7, Group 16. Control of Hazardous Substances.

U. S. EPA guidance documents; e.g., White Book, Purple Book, Green Book, Pink Book, etc.

Public Law; e.g., Asbestos Hazard Emergency Response Act (AHERA), ASHAA, etc.

South Coast Air Quality Management District Rule 1403, Bay Area Air Quality Management District, etc.

Applicable building and fire codes; e.g., UBC, NFPA, etc.

NIOSH/OSHA analytical methods.

U.S. Department of Health and Human Services. Public Health Service. Centers for Disease Control. National Institute for Occupational Safety and Health. An Evaluation of Glove Bag Containment in Asbestos Removal DHHS(NIOSH) Publication No. 90-119. October 1990.

U.S. Environmental Protection Agency. Office of Solid Waste. Asbestos Waste Management Guidance - Generation, Transport, Disposal EPA/530-SW-007. May 1985.

U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials EPA 560/5-85-030a. October 1985.

U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Office of Pesticides and Toxic Substances, Measuring Airborne Asbestos Following An Abatement Action EPA 600/4-85-049 November 1985

U.S. Environmental Protection Agency, Air and Radiation A Guide to the Asbestos NESHAP As Revised November 1990, EPA 340/1-90-015 November 1990.

U.S. Environmental Protection Agency, Office of Toxic Substances Guidelines for Conducting the AHERA TEM Clearance Test to Determine Completion of an Asbestos Abatement Project EPA 560-589-001 May 1989.

U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Asbestos Action Program A Guide to Respiratory Protection for the Asbestos Abatement Industry EPA-560-OPTS-86-001 September 1986.

U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances, Guidance for Controlling Asbestos-Containing Materials in Buildings EPA 560/5-85-024 June 1985.

U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-799) Managing Asbestos in Place-A Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Materials 20T-2003 July 1990.

U.S. Environmental Protection Agency, Air and Radiation (EN-341) EPA Common Questions on the Asbestos NESHAP 340/1-90-021 December 1990.

U.S. Environmental Protection Agency, Air and Radiation (EN-341), Reporting and Record keeping Requirements for Waste Disposal A Field Guide EPA 340/1-90-016 November 1990.

U.S. Environmental Protection Agency, Office of Toxic Substances, Toxic Substances, Assessing Asbestos Exposure in Public Buildings, EPA 560/5-88-002 May 1988. Edition McGraw-Hill Book Company TP151 .C52 1973.

F. EXAMINATION BIBLIOGRAPHY (continued)

McGraw-Hill, Dictionary of Scientific and Technical Terms, Third Edition Q123 .M34 REF

Cherry, Kenneth F. Asbestos Engineering, Management, and Control, Lewis Publishers, Inc. 1989 TD 83.1.G63 1989.

Stein, J. Stewart, Construction Glossary, John Wiley & Sons TH9.S78.

Toenjes, Leonard P. Building Trades Dictionary, American Technical Publishers, Inc. 1989 TH9.T585 1989 REF.

Leidel, Nelson A., Busch, Kenneth A., Lynch, Jeremiah, Occupational Exposure Sampling Strategy Manual, U. S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health DHEW (NIOSH) Publication No. 77-173 January 1977.

NIOSH, Guide to Industrial Respiratory Protection, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication No. 87-116 September 1, 1987.

Leidel, Nelson A. & Busch, Kenneth -- NIOSH Technical Information, Statistical Methods for the Determination of Noncompliance with Occupational Health Standards, U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health. HEW Publication No. (NIOSH) 75-159 April 1975.

Svensen, Carl Lars, Drafting for Engineers, D. Van Nostrand Company, Inc. T353.S945 1935

Evaluating Office Environmental Problems, American Conference of Governmental Industrial Hygienists TD883.2.E94 1984.

Merritt, Frederick S., Building Design and Construction Handbook Fourth Edition, McGraw- Hill Book Company TH151 .B825 1982.

Peters, George A. & Peters, Barbara J., Asbestos Medical Research Volume 4 of the Sourcebook on Asbestos Diseases: Medical, Legal and Engineering Aspects, Garland Law Publishing RC965.A7P47 1986

Peters, George A. & Peters, Barbara J., Sourcebook on Asbestos Diseases: Medical, Legal and Engineering Aspects Volume 3, Garland Law Publishing RC965.A7P47 1986.

Peters, George A. & Peters, Barbara J., Sourcebook on Asbestos Diseases: Medical, Legal and Engineering Aspects, Volume 2, Garland Law Publishing RC965.A7P47 1986.

Peters, George A. & Peters, Barbara J., Sourcebook on Asbestos Diseases: Medical, Legal and Engineering Aspects, Garland Law Publishing RC775.A8P47 1980.

Clayton, George D., Clayton, Florence E., Patty's Industrial Hygiene and Toxicology, Third Revised Edition Volume I General Principles, John Wiley & Sons RC967 .P37 1977 REF.

U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, NIOSH A Technical Report

A Guide to Industrial Respiratory Protection, DHEW (NIOSH) Publication No. 76-189 (Reprinted April 1979).

Revised Recommended Asbestos Standard, DHEW (NIOSH) Publication No. 77-169, December 1978.

F. REGULATORY TEXT FROM 8CCR 341.15.

Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)
Subchapter 2. Regulations of the Division of Occupational Safety and Health
Article 2.6. Asbestos Consultants and Site Surveillance Technicians

§341.15. Certification of Asbestos Consultants and Site Surveillance Technicians.

(a) Scope and Application.

Any individual performing services as an asbestos consultant or site surveillance technician as referenced and defined in section 1529(q) of Title 8 of the California Code of Regulations must apply for and obtain a certification pursuant to this article.

Note: This does not apply to individuals who perform preliminary site assessments or other such building inspection activities which may identify asbestos-containing construction materials but which are not for the primary purpose of finding asbestos-containing construction materials in buildings and evaluating the materials for the need of asbestos abatement.

(b) Application for Examination and Certification.

(1) Any individual desiring to be certified as set forth in subsection (a) of this section must submit an application for examination and certification as set forth herein. The application and all information and attachments shall be submitted under penalty of perjury, and accompanied by all applicable fees as set forth herein. No application will be accepted for processing by the Division unless accompanied by all required fees as set forth in subsection (c) herein.

Applications may be obtained from any District Office for the Division and shall be filed by mailing the completed application to the following address:

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
P.O. BOX 420603
SAN FRANCISCO, CA 94142
ATTENTION: ASBESTOS CONSULTANT CERTIFICATION

The application shall include:

(A) Type of certification desired: Asbestos Consultant or Site Surveillance Technician.

(B) Full name of the applicant including the name under which the individual will be conducting business under the certification, and any other names the applicant has used to conduct business as an asbestos consultant within five years previous to the date of the application.

(C) Birthdate and Social Security Number.

(D) Address (Employment and Home).

(E) Telephone Number (Work and Home).

(F) 2 copies of 1 ½" x 1 ½" current color photograph of applicant (passport type taken within the past 30 days).

(G) Copies of valid certificates from AHERA training providers approved by the Division.

Note: The Division will publish a list of approved AHERA training providers.

(1) Asbestos consultant applicants shall submit copies of AHERA training certificates for management planner, abatement project designer, abatement contractor and supervisor, and all subsequent annual refresher courses.

(2) Site surveillance technician applicants shall submit copies of AHERA training completion certificates for inspector, and abatement contractor and supervisor, and all subsequent annual refresher courses. Certificates for abatement worker and abatement project designer may be submitted in lieu of the abatement contractor and supervisor certificate.

(H) Required fee(s).

(I) Description of qualifications as required pursuant to section 1529(o) of Title 8 of the California Code of Regulations outlining the applicant's educational qualifications, (attach copy of diploma, official transcript, or other proof), and description of qualifying work experience as specified in Business and Professions Code sections 7184 and 7185. Qualifying work experience includes technical work associated with asbestos consulting activities.

F. REGULATORY TEXT FROM 8CCR 341.15. (continued)

Written references attesting to the applicant's qualifying work experience which are certified under the penalty of perjury are required.

(c) Examination Requirements for Certification.

(1) All applicants must pass a written examination as set forth herein.

(2) The examination shall be a closed book written examination pertaining to the subjects described in (o)(6)(A) and (o)(7)(A) of section 1529 of Title 8 of the California Code of Regulations. The minimum passing score shall be correctly answering 70% of all the questions in the written examination.

(3) The examination shall be conducted at various locations as determined by the Division and administered at least annually or at other intervals when necessary.

(d) Fees for Certification and Renewal.

(1) Fees for asbestos consultant:

Application and Examination Fee	$500
Annual Renewal Fee	$325

(2) Fees for site surveillance technician:

Application and Examination Fee	$400
Annual Renewal Fee	$270

(3) All fees must be paid at the time the application is filed with the Division. Except as set forth in Part (5) of this subsection, all fees are non-refundable.

(4) All required fees shall be made payable to the Asbestos Consultant Certification Fund.

(5) The Division may refund 75% of the fee when an application is withdrawn by the applicant within 15 business days of the initial submission of the application. The Division may refund 50% of the fee when the Division determines that the applicant is not qualified to take the examination. The Division shall make no refund of the fee when a qualified applicant fails the written examination.

(e) Processing of Application.

(1) Within 15 business days of receipt of an application for certification, the Division shall inform the applicant in writing of its determination either that the application is complete or that it is deficient. The notice shall specify what additional information or documentation is necessary.

(2) Within 45 business days from the date the Division has determined an application is complete the Division shall:

(A) Inform the applicant that the application for certification is denied, specifying the reasons for the denial; or

(B) Inform the applicant that the qualification requirements of this article have been satisfied and that the applicant may take the required written examination; and,

(C) Inform the applicant of the date, time, and location of the examination.

(f) Provisional Certification.

(1) The Division may issue a provisional certification to an applicant when:

(A) The applicant has submitted a completed application and is qualified to take the written examination.

(B) The Division is not able to schedule an examination and issue the certification within 45 business days after the Division has found the application to be complete as set forth in subsection (c) above.

(2) The provisional certification card will authorize the applicant to perform services as an asbestos consultant or site surveillance technician. The provisional certification shall expire 15 days after the scheduled examination date of the applicant who receives the provisional certification.

(3) Only one provisional certification may be issued to an applicant.

F. REGULATORY TEXT FROM 8CCR 341.15. (continued)

(g) Re-examinations.

Within 30 days of notification, any applicant who fails the examination may take the next scheduled examination. The request shall be made to the Division in writing and accompanied by a re-examination fee in the amount of 50% of the application and examination fee specified in subsection (d) above. Any applicant who fails is entitled to retake the examination one time. If an applicant fails the examination twice the request for certification will be denied and the applicant must submit a new application.

(h) Renewal or Replacement of Certification.

(1) A certification issued pursuant to this article shall be valid for one year from the date of issuance as designated on the certification. Any individual certified under this article may renew the certification by filing a request for renewal with the Division at least 60 days prior to the expiration date of the certification. Any individual who fails to renew as required herein must submit a new application for certification.

(2) All requests for renewal must be submitted with a current photograph, copies of required AHERA refresher training certificates, and the required renewal fee specified in subsection (d) above.

(3) Any person whose certification card has been lost or mutilated may request a replacement card from the Division. Such request shall be in writing and accompanied with a current photograph and replacement fee in the amount of 30% of the annual renewal fee specified in (d) of this section.

(i) Denial, Suspension, or Revocation of Certification.

(1) The Division may for good cause deny certification to an applicant. Good cause shall be deemed to exist when the applicant does not satisfy the qualification requirements of this article or has failed the written examination.

(2) The Division may for good cause and after notice suspend or revoke the certification of a person certified pursuant to this section. Good cause shall be deemed to exist if the person certified has committed gross negligence or fraud, or engaged in repeated acts of negligence during the performance of activities subject to the certification.

(3) All procedures for denial, suspension or revocation will follow the General Rules of Practice and Procedure in sections 340.40 through 340.52.

(4) The affected party may appeal the action of the Division following the General Rules of Practice and Procedures in sections 340.40 through 340.52.

Note: Authority cited: Section 7180, Business and Professions Code; and Sections 60.5, 6308 and 9021.5, Labor Code. Reference: Sections 7184 and 7185, Business and Professions Code; Sections 9021.5, 9021.6 and 9021.8, Labor Code; and Section 1529, Title 8, California Code of Regulations.

HISTORY

1. New article 2.6 and section filed 8-6-92; operative 8-6-92 (Register 92, No. 32).

2. Amendment of subsections (d)(1)-(2) filed 11-19-2001 as an emergency; operative 11-19-2001 (Register 2001, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-19-2002 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 11-19-2001 order transmitted to OAL 3-4-2002 and filed 3-28-2002 (Register 2002, No. 13).

4. Amendment filed 5-20-2011; operative 6-19-2011 (Register 2011, No. 20).

G. REGULATORY TEXT FROM 8CCR 1529

(q) Certified Asbestos Consultants and Certified Site Surveillance Technicians.

(1) The following definitions are applicable to subsection (q) only:

"Asbestos consultant" means any person who contracts to provide professional health and safety services relating to asbestos- containing construction material as defined in this subsection, which comprises 100 square feet or more of surface area. The activities of an asbestos consultant include building inspection, abatement project design, contract administration, sample collection, preparation of asbestos management plans, clearance monitoring, and supervision of site surveillance technicians as defined in this subsection.

"Asbestos-containing construction material" means any manufactured construction material which contains more than one tenth of 1 percent asbestos by weight.

"Certified asbestos consultant" means any asbestos consultant certified by the Division pursuant to this section.

"Certified site surveillance technician" means any surveillance technician certified by the Division pursuant to the section.

"Division" means the Division of Occupational Safety and Health of the California Department of Industrial Relations.

"Site surveillance technician" means any person who acts as an independent on-site representative of an asbestos consultant. The site surveillance technician monitors the asbestos abatement activities of others, provides asbestos air monitoring services for area and personal samples, and performs building surveys and contract administration at the direction of an asbestos consultant.

"State-of-the-art" means all asbestos abatement and control work procedures currently in use which have been demonstrated to be the most effective, reliable, and protective of workers health. As new procedures are developed which demonstrate greater effectiveness, reliability, and worker protection and thereby come into use, they become state-of-the-art.

(2) Certified Asbestos Consultant Criteria.

To obtain certification, an asbestos consultant must apply to the Division and complete all application requirements specified in Section 341.15. In order to qualify as an asbestos consultant, the applicant must meet all of the following requirements:

(A) Achievement of a passing score as determined by the Division on an examination approved or administered by the Division including, but not limited to, the following subjects:

1. The physical characteristics of asbestos;

2. The health effects of asbestos;

3. The regulatory requirements of the Division, the Federal Occupational Safety and Health Administration, the U.S. Environmental Protection Agency, air quality management districts, and the Department of Health Services, including protective clothing, respiratory protection, exposure limits, personal hygiene, medical monitoring, disposal, and general industry safety hazards;

4. State-of-the-art asbestos abatement and control work procedures;

5. Federal Asbestos Hazard Emergency Response Act training information and procedures for inspectors, management planners, and supervisors, as provided for under Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code, or the equivalent, as determined by the Division; and

6. Information concerning industrial hygiene sampling methodology, including asbestos sampling and analysis techniques and recordkeeping.

(B) Providing such documentation and other information as the Division shall require to substantiate:

1. The possession of a valid and appropriate federal Asbestos Hazard Emergency Response Act [Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code] certificate, or its equivalent, as determined by the Division; and

2. Any one of the following combinations of education and experience:

G. REGULATORY TEXT FROM 8CCR 1529 (continued)

A. One year of asbestos-related experience and a bachelor of science degree in engineering, architecture, industrial hygiene, construction management, or a related biological or physical science;

B. Two years of asbestos-related experience and a bachelor's degree;

C. Three years of asbestos-related experience and an associate of arts degree in engineering, architecture, industrial hygiene, construction management, or a related biological or physical science; or

D. Four years of asbestos-related experience and a high school diploma or its equivalent.

(3) Certified Site Surveillance Technician Criteria.

To obtain certification, a site surveillance technician must apply to the Division and complete all application requirements specified in Section 341.15. In order to qualify as a site surveillance technician, the applicant must meet all of the following requirements:

(A) Achievement of a passing score as determined by the Division on an examination approved or administered by the Division including, but not limited to, the following subjects:

1. The physical characteristics of asbestos;

2. The health effects of asbestos;

3. The regulatory requirements of the Division, the Federal Occupational Safety and Health Administration, the U.S. Environmental Protection Agency, air quality management districts, and the Department of Health Services, including protective clothing, respiratory protection, exposure limits, personal hygiene, medical monitoring, disposal, and general industry safety hazards;

4. State-of-the-art asbestos abatement and control work procedures.

5. Information concerning industrial hygiene sampling methodology, including sampling techniques and recordkeeping.

(B) Providing such documentation and other information as the Division shall require to substantiate all of the following:

1. Possession of a valid federal Asbestos Hazard Emergency Response Act [Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code] certificate for the type of work being performed, or its equivalent, as determined by the Division.

2. Six (6) months of asbestos-related experience under the supervision of an asbestos consultant.

3. Possession of a high school diploma or equivalent.

(4) No employer shall engage the services of an asbestos consultant or site surveillance technician unless that person provides proof of certification by the Division.

H. BUSINESS AND PROFESSIONS CODE SECTION 7180-7189.7

7180.

(a) No person shall, on or after July 1, 1992, engage in the practice of an asbestos consultant as defined in Section 7181, or as a site surveillance technician as defined in Section 7182, unless he or she is certified by the Division of Occupational Safety and Health pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code.

(b) Certification as an asbestos consultant or site surveillance technician shall not be required when a licensed contractor or registered asbestos abatement contractor takes no more than 12 bulk samples of suspected asbestos-containing material that is required to be removed, repaired, or disturbed as part of a construction project in a residential dwelling solely for any of the following purposes:

(1) Bid preparation for asbestos abatement;

(2) Evaluating Exposure to its own employees during construction or asbestos abatement; or

(3) Determining for its own purposes or for the purpose of communicating whether or not a contract for asbestos abatement has been satisfactorily completed. Persons taking samples for the purposes described in this section shall be certified building inspectors under the Asbestos Hazard Emergency Response Act, as specified in Section 763 of Title 40 of the Code of Federal Regulations, appendix (c) to subpart (e). No licensed contractor or asbestos abatement contractor may provide professional health and safety services or perform any asbestos risk assessment. A bid for asbestos abatement may communicate the results and location of sampling for the presence of asbestos and how the asbestos will be abated. This section does not affect the requirement that asbestos abatement contractors be registered under Section 6501.5 of the Labor Code, nor does it permit a licensed contractor or asbestos abatement contractor to perform clearance air monitoring following asbestos abatement, unless otherwise permitted by law.

7180.5.

When a building owner or operator engages the services of a person to perform asbestos consulting or site surveillance technician activities as defined in Sections 7181 and 7182 after July 1, 1992, the building owner or operator shall contract with a person who is certified by the Division of Occupational Safety and Health pursuant to the regulations required by subdivision (b) of Section 9021.5 of the Labor Code.

7181.

An "asbestos consultant," as used in this chapter, means any person who contracts to provide professional health and safety services relating to asbestos-containing material, as defined in subdivision (b) of Section 6501.8 of the Labor Code, including building inspections, abatement project design, contract administration, supervision of site surveillance technicians as defined in Section 7182, sample collections, preparation of asbestos management plans, and clearance air monitoring.

7182.

A "site surveillance technician" means any person who acts as an independent onsite representative of an asbestos consultant who monitors the asbestos abatement activities of others, provides asbestos air monitoring services for area and personnel samples, and performs building surveys and contract administration at the direction of an asbestos consultant.

7183.

(a) Within 15 days of receipt of an application for certification pursuant to this article, the division shall inform the applicant in writing either

(1) That the application is complete and accepted, or

H. BUSINESS AND PROFESSIONS CODE (continued)

(2) That it is deficient and that additional information, documentation, or examination, specified in the notification, is required to complete the application. Within 45 days of the date of filing of a completed application, the division shall issue to each person who qualifies for certification pursuant to this article, a certification card which shall identify the holder thereof and the type of certification for which he or she has qualified. If the division cannot comply with the notification deadlines specified in this section, the division shall issue a provisional certification card until all procedures specified in this section are completed.

(b) The certification required by this article shall satisfy all certification requirements of the division for asbestos consultants and site surveillance technicians.

7183.5. The division shall enforce this article. In the event the division determines that a certified asbestos consultant or site surveillance technician obtained certification under false pretenses, or that a certified asbestos consultant or site surveillance technician acted in a grossly negligent or fraudulent manner, or engaged in repeated acts of negligence, the division shall revoke that person's certification. The division shall only revoke a certification after complying with all of the procedural requirements of Chapter 5 (commencing with Section 11500) of Division 3 of Part 1 of Title 2 of the Government Code.

7184. A person shall qualify as a certified asbestos consultant by meeting all of the following requirements:

(a) Having any one of the following:

(1) One year of asbestos-related experience, and a bachelor of science degree in engineering, architecture, industrial hygiene, construction management, or a related biological or physical science.

(2) Two years of asbestos-related experience, and a bachelor's degree.

(3) Three years of asbestos-related experience, and an associate of arts degree in engineering, architecture, industrial hygiene, construction management, or a related biological or physical science.

(4) Four years of asbestos-related experience and a high school diploma or its equivalent.

(b) Possession of a valid federal Asbestos Hazard Emergency Response Act (Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code) certificate for the type of work being performed, or its equivalent, as determined by the division.

(c) Demonstration of proficiency by achieving a passing score as determined by the division on an examination approved or administered by the division including, but not limited to, the following subjects:

(1) Physical characteristics of asbestos.

(2) Health effects of asbestos.

(3) Federal Occupational Safety and Health Administration, Division of Occupational Safety and Health, Environmental Protection Agency, air quality management districts, and State Department of Health Services regulatory requirements, including protective clothing, respiratory protection, exposure limits, personal hygiene, medical monitoring, disposal, and general industry safety hazards.

(4) State-of the art asbestos abatement and control work procedures. The division shall define and incorporate into the certification standard the term "state-of-the-art" for purposes of this article, in the regulations required by subdivision (b) of Section 9021.5 of the Labor Code.

(5) Federal Asbestos Hazard Emergency Response Act training information and procedures for inspectors, management planners, and supervisors, as provided for under Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code, or the equivalent, as determined by the division.

H. BUSINESS AND PROFESSIONS CODE (continued)

(6) Information concerning industrial hygiene sampling methodology, including asbestos sampling and analysis techniques and recordkeeping.

7185. A person shall qualify as a certified site surveillance technician by meeting all of the following requirements:

(a) Having six months of asbestos-related experience under the supervision of an asbestos consultant.

(b) Possession of a high school diploma or equivalent.

(c) Possesion of a valid federal Asbestos Hazard Emergency Response Act (Subchapter II (commencing with Section 2641) of Chapter 53 of Title 15 of the United States Code) certificate for the type of work being performed, or its equivalent, as determined by the division.

(d) Demonstration of proficiency by achieving a passing score, as determined by the division, on an examination approved or administered by the division covering the following subjects:

(1) Physical characteristics of asbestos.

(2) Health effects of asbestos.

(3) Federal Occupational Safety and Health Administration, Division of Occupational Safety and Health, Environmental Protection Agency, air quality management districts, and State Department of Health Services regulatory requirements, including protective clothing, respiratory protection, exposure limits, personal hygiene, medical monitoring, and general industry safety hazards.

(4) State-of-the-art asbestos abatement and control work procedures.

(5) Industrial hygiene sampling methodology, including sampling techniques and recordkeeping.

7187. When a building owner or operator contracts with an asbestos consultant or site surveillance technician for performance of the activities described in Sections 7181 and 7182, that asbestos consultant or site surveillance technician shall not have any financial or proprietary interest in an asbestos abatement contractor hired for the same project. However, this section shall not preclude the hiring of a consultant by a contractor for the purpose of providing health and safety services for the personnel of the contractor. This section shall not apply when a licensed contractor or registered asbestos abatement contractor takes no more than 12 bulk samples of suspected asbestos-containing material that is required to be removed, repaired, or disturbed as part of a construction project in a residential dwelling solely for any of the following purposes:

(1) bid preparation for asbestos abatement;

(2) evaluating exposure to its own employees during construction or asbestos abatement; or

(3) determining for its own purposes or for the purpose of communicating whether or not a contract for asbestos abatement has been satisfactorily completed. Persons taking samples for the purposes described in this section shall be certified building inspectors under the Asbestos Hazard Emergency Response Act, as specified in Section 763 of Title 40 of the Code of Federal Regulations, appendix (c) to subpart (e). No licensed contractor or asbestos abatement contractor may provide professional health and safety services or perform any asbestos risk assessment. A licensed contractor or asbestos abatement contractor may seek compensation for bid preparation, including the cost of laboratory analysis of asbestos-containing material.

It is the intent of the Legislature in enacting this section to make certain that the asbestos-related work performed by a consultant, including, but not limited to, clearance air monitoring, project design, and contract administration, is performed in a manner which provides for independent professional judgment undertaken without consideration of the financial or beneficial interest of the contractor.

7189. Any person who engages in the practices of an asbestos consultant or a site surveillance technician, who is not certified pursuant to this article, or who violates Section 7187, is subject to one of the following penalties:

H. BUSINESS AND PROFESSIONS CODE (continued)

(a) Conviction of a first offense is an infraction punishable by a fine of not less than one thousand dollars ($1,000) or more than three thousand dollars ($3,000).

(b) Conviction of a subsequent offense is a misdemeanor requiring revocation or suspension of any asbestos consultant's or site surveillance technician's certification, and a fine not not less than three thousand dollars ($3,000) or more than five thousand dollars ($5,000), or imprisonment in the county jail not exceeding one year, or both the fine and imprisonment.

The division shall only impose these penalties after complying with all of the procedural requirements of Chapter 5 (commencing with Section 11500) of Division 3 of Part 1 of Title 2 of the Government Code.

7189.5. This article shall apply to asbestos abatement projects within the meaning of asbestos-related work as defined in Section 6501.8 of the Labor Code, and which involves 100 square feet or more of surface area of asbestos containing material.

7189.7.

(a) Nothing in this article shall be construed to require agencies of the state to contract with asbestos consultants or site surveillance technicians who are not employees of the state as long as employees of the state who are assigned to perform the activities described in Sections 7181 and 7182 have been certified by the division pursuant to the regulations required by subdivision (b) of Section 9021.5 of the Labor Code. Where feasible, the state shall assign a state civil service classification of associate industrial hygienist or senior industrial hygienist to carry out asbestos consultation activities as described in Section 7181 for state-owned and leased buildings. The individuals in the classification assigned shall be certified as required in this article before performing these activities.

(b) Nothing in this article shall be construed to require attorneys who provide legal advice on asbestos-related matters to building owners or operators to be certified by the division pursuant to the regulations required by subdivision (b) of Section 9021.5 of the Labor Code.

State of California
Department of Industrial Relations
Division of Occupational Safety and Health

Application for Examination and Certification of Asbestos Consultant or Site Surveillance Technician

A completed application, including all required attachments, must be received three weeks before the date of the exam in order to assure admission to an examination. There is no assurance of admission to the exam when any of the required materials is received later than that, whether by fax or any other means. Follow accompanying instructions when completing this form. Type or print legibly in ink.

1. **Application for:** ☐ **Certified Asbestos Consultant** ☐ **Certified Site Surveillance Technician**

2. **Type:** ☐ **New/Never Certified** ☐ **Previously Certified** ☐ **Upgrade (from Technician to Consultant)**

3. **Name:** _____
   Last First Middle Initial

4. **Other names or aliases used by Applicant during past five years:** (If none, write none)

   Other: _____
   Last First Middle Initial

5. **Social Security Number:** _____-_____-_____

6. Please enter **both** home/work addresses below; and check your **preferred** mailing address: ☐**Home** or ☐**Work**

   Home Address: _____
   Street City State Zip Code

7. **Home Telephone:** (___) _____-_____ **Home E-mail:** _____

8. **Employer:** _____
   Name of Employer or if self-employed, Business Name

   Work Address: _____
   Street City State Zip Code

9. **Work Telephone:** (_____) _____-_____ **Ext:**_____ **Fax:** (_____) _____-_____.

10. **Work E-mail:** _____

11. **Birthdate:** _____/_____/_____.

12. **Preferred location to take the exam** (check one): ☐**Northern California** ☐**Southern California**

13. **Required Supporting Document Checklist:**

    a) ☐ **Required Fee**: $500.00 for Consultants and $400.00 for Site Surveillance Technicians
    b) ☐ **Photographs**: Two 1 ½" x 1 ½" color, passport type taken within the past 30 days
    c) ☐ **Form BP 7180**: Completed by applicant with original signature
    d) ☐ **Form BP 7180A**: Completed by each individual verifying your experience with original signature
    e) ☐ **AHERA Management Planner**: Copies of Initial and Refresher Certificates (Required for Consultants only)
    f) ☐ **AHERA Project Designer**: Copies of Initial and Refresher Certificates (Required for Consultants only)
    g) ☐ **AHERA Contractor/Supervisor**: Copies of Initial and Refresher Certificates
    h) ☐ **AHERA Building Inspector**: Copies of Initial and Refresher Certificates
    i) ☐ **Diploma** or **Transcript** Copies
    j) ☐ **Form Cal/OSHA-W-1**: Original signature with copies of supporting documentation attached

14. **DESCRIPTION OF YOUR QUALIFYING WORK EXPERIENCE:**

List where and when your qualifying experience was obtained, and the specific duties you were assigned. If you have more than one employer where you obtained your experience, make additional copies of the next page and submit a separate page for each employer. Fill in Page__ of __ at the top of each page.

A. Company name of employer or, if self-employed, business name where experience was obtained:

Address: _____
Street City State Zip Code

Name of Supervisor: _____

Telephone No.: ( ) - Ext:

Employment Dates:

From: ___/___/___ To : ___/___/___ = _____
Month Day Year Month Day Year TOTAL MONTHS

B. Estimated percentage of employment time consisting of qualifying work associated with asbestos consulting or site surveillance activities = _____.%

C. Describe your specific duties associated with this employment:

15. Declaration and Signature of Applicant:

I hereby affirm under penalty of perjury that the information contained in this completed application including attachments is true and correct.

Dated at: _____ this ____ day of _____ , 20___.
City State

Signature of applicant: _____

NOTE: Mail completed application forms with all required attachments to:

Division of Occupational Safety and Health
Asbestos Consultant Certification Unit
2424 Arden Way, Suite 485
Sacramento, CA 95825-2417

State of California
Department of Industrial Relations
Division of Occupational Safety and Health

VERIFICATION OF WORK EXPERIENCE
of Applicant for Asbestos Consultant or Site Surveillance Technician Certification
(Please type or print legibly in ink.)

I. Individual completing this Form and attesting to the applicant's qualifying work experience:

A. Name: _____
Last First Middle Initial

B. Address: _____

_____
City State Zip Code

C. **Day time telephone number:** (_____) _____-_____.

D. **Relationship of Individual to Applicant:** _____

E. **Dates and percentage of time performing asbestos related work experience described in III below:**

From: To ____/____/____ To ____/____/____ Time spent: = _____%
Month Day Year Month Day Year

II. Name of Applicant: _____
Last First Middle Initial

III. Please review the definition of Asbestos Consultant and Site Surveillance Technician and describe your knowledge of Applicant's Qualifying Work Experience and the percentage of time devoted to qualifying work associated with asbestos consulting or site surveillance activities: (If more space is required, please continue on the back of this form)

IV. Declaration and Signature of Individual:

I hereby affirm under penalty of perjury that the above statements are true and correct.

Dated at: _____ this ____ day of _____, 20 ____ .
City State Day Month Year

Signature: _____. Name: _____
Type or Print

CAC number (if applicable): _____

Cal/OSHA-W-1

STATEMENT OF CITIZENSHIP, ALIENAGE, AND IMMIGRATION STATUS FOR STATE PUBLIC BENEFITS

Name of Applicant: _____ Date: _____
Last First Middle

State Public Benefits to Citizen and Aliens

Citizens and nationals of the United States, who meet all eligibility requirements for the benefits described in subsection 344.85 (b)(1)-(b)(6), must fill out Sections A and D.

Aliens, who meet all eligibility requirements for the benefits, as described in subsection 344.85 (b)(1)-(b)(6), must complete SECTIONS A, B, C, and D of this form.

Section A: Citizenship/Immigration Status Declaration

1. Is the applicant a citizen or national of the United States? Yes ☐ No ☐
   - If the answer to the above question is yes, where was he/she born? _____ City/State
2. To establish citizenship or nationality, please submit one of the documents on List A (attached hereto) which is legible and unaltered to establish proof.
   - ***IF YOU ARE A CITIZEN OR NATIONAL OF THE UNITED STATES, GO DIRECTLY TO SECTION D.***
   - ***IF YOU ARE AN ALIEN, PLEASE COMPLETE SECTION B, OR IF APPLICABLE, SECTION C.***

Section B: Alien Status Declaration

IMPORTANT: Please indicate the applicant's alien status below, and submit documents evidencing such status. The alien status documents listed for each category are the most commonly used documents that the United States Immigration and Naturalization Service (INS) provides to aliens in those categories. You can provide other acceptable evidence of your alien status even if not listed below.

1. ☐ An alien lawfully admitted for permanent resident under the Immigration and Naturalization Act (INA). Evidence includes:
   - ☐ INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card"); or
   - ☐ Unexpired Temporary 1-551 stamp in foreign passport or on INS Form 1-94
2. ☐ An alien who is granted asylum under section 208 of the INA. Evidence includes:
   - ☐ INS Form 1-94 annotated with stamp showing grant of asylum under section 208 of the INA;
   - ☐ INS Form 1-688B (Employment Authorization Card) annotated "274a. 12(a)(5)";
   - ☐ INS Form 1-766 (Employment Authorization Document) annotated "A5";
   - ☐ Grant letter from the Asylum Office of INS,
   - ☐ Order of an immigration judge granting asylum.
3. ☐ A refugee admitted to the United States under section 207 of the INA. Evidence includes:
   - ☐ INS Form 1-94 annotated with the stamp showing admission under section 207 of the INA;
   - ☐ INS Form 1-688B (Employment Authorization Card) annotated "274a 12(a)(3)";
   - ☐ INS Form 1-766 (Employment Authorization Document) annotated "A3"; or
   - ☐ INS Form 1-571 (Refugee Travel Document).

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4. ☐ An alien paroled into the United States for at least one year under section 212(d)(5) of the INA. Evidence includes:

   - ☐ INS Form 1-94 with stamp showing admission for at least one year under section 212(d)(5) of the INA. Applicant cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

5. ☐ An alien whose deportation is being withheld under section 243(h) of the INA (as in effect immediately prior to September 30, 1998) or Section 241 (b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104-208). Evidence includes:

   - ☐ INS Form 1-688B (Employment Authorization Card) annotated "274a.12(a)(10)";
   - ☐ INS Form 1-766 (Employment Authorization Document) annotated "A10",
   - ☐ Order from an immigration judge showing deportation withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under section 241(b)(3) of the INA.

6. ☐ An alien who is granted conditional entry under section 203(A)(7) of the INA as in effect prior to April 1, 1980. Evidence includes:

   - ☐ INS Form 1-94 with stamp showing admission under section 203(a)(7) of the INA;
   - ☐ INS Form 1-688B (Employment Authorization Card) annotated "274a.12(a)(3)";
   - ☐ INS Form 1-766 (Employment Authorization Document) annotated "A3."

7. ☐ An alien who is Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980). Evidence includes:

   - ☐ INS Form 1-551 (Alien Registration Receipt Card, commonly known as "green card") with the code CU6, CU7, or CH6;
   - ☐ Unexpired temporary 1-551 stamp in foreign passport or on INS Form) 1-94 with the code CU6 or CU7;
   - ☐ INS Form 1-94 with stamp showing parole as "Cuban/Haitian Entrant" under section 212(d)(5) of the INA.

8. ☐ An alien paroled into the United States for less than one year under section 212(d)(5) of the INA. (Evidence includes INS Form 1-94 showing statues.)

9. ☐ An alien not in categories 1 through 8 who has been admitted to the United States for a limited period of time (a non-immigrant). Non-immigrants are persons who have temporary status for a specific purpose. (Evidence includes INS Form 1-94 showing this status.)

SECTION C: Declaration for Battered Aliens

Important: Complete this section if the applicant, the applicant's child or the applicant child's parent has been battered or subjected to extreme cruelty in the United States.

Has the INS or the EOIR granted a petition or application filed by or on behalf of the applicant, the applicant's child, or the applicant's child's parent under the INA or found that a pending petition sets forth a prima facie case? Evidence includes one of the documents on List B (attached hereto).

Has the applicant, the applicant's child, or the applicant child's parent been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a spouse's or parent's family member living in the same house (where the spouse or parent consented to, or acquiesced in the battery or cruelty)?

SECTION D:

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE ANSWERS I HAVE GIVEN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature: _____ Date: _____

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LIST A

A person who is a citizen or national of the United States.

A. Primary Evidence

☐ A birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S.

Note: If the document shows that the individual was born in Puerto Rico, the U.S. Virgin Islands or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen-see Paragraph C below.

☐ United States passport (except limited passports, which are issued for periods of less than five years);

☐ Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens);

☐ Certificate of birth (FS-545) (issued by a Foreign Service post) or Certification of Report of Birth (DS-1350) (issued by the Department of State), copies of which are available from the Department of State;

☐ Certificate of Naturalization (N-550 or N-570) (issued by the INS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized; the N-570 is a replacement certificate issued when the N-550 has been lost or mutilated or the individual's name has been changed);

☐ Certificate of Citizenship (N-560 or N-561) (issued by the INS to individuals who derive U.S. citizenship through a parent; the N-561 is a replacement certificate issued when the N-560 has been lost or mutilated or the individual's name has been changed);

☐ United States Citizen Identification Card (I-197) (issued by the INS until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974);

☐ Northern Mariana Identification Card (issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 3, 1986);

☐ Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (this is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS- 1350); or

☐ American Indian Card with a classification code "KIC" and a statement on the back (identifying U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).

B. Secondary Evidence

If the applicant cannot present one of the documents listed in A above, the following may be relied upon to establish U.S. citizenship or nationality:

☐ Religious record recorded in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917)), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) within three months after birth showing that the birth occurred in such jurisdiction and the date of birth or the individual's age at the time the record was made;

☐ Evidence of civil service employment by the U.S. government before June 1, 1976;

☐ Early school records (preferably from the first school) showing the date of admission to the school, the child's date and place of birth, and the name(s) and place(s) of birth of the parent(s);

☐ Census record showing name, U.S. citizenship or a U.S. place of birth, and date of birth or age of applicant;

☐ Adoption Finalization Papers showing the child's name and place of birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction) or, where or adoption is not finalized and the State or other jurisdiction listed above in which

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the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth in one of such jurisdictions (NOTE: the source of the information must be an original birth certificate and must be indicated in the statement); or

☐ Any other document that establishes a U.S. place of birth or in some way indicates U.S. citizenship (e.g., a contemporaneous hospital record of birth in that hospital in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (unless the person was born to foreign diplomats residing in such a jurisdiction).

C. Collective Naturalization

If the applicant cannot present one of the documents listed in A or B above, the following will establish U.S. citizenship for collectively naturalized individuals:

Puerto Rico:

☐ Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; or

☐ Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

U.S. Virgin Islands:

☐ Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927;

☐ The applicant's statement indicating resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or

☐ Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S, a U.S. possession or territory or the Canal Zone on June 28, 1932.

Northern Mariana Islands (NMI) [formerly part of the Trust Territory of the Pacific Islands (TTPI)]:

☐ Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

☐ Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

☐ Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

D. Derivative Citizenship

If the applicant cannot present one of the documents listed in A or B above, you should make a determination of derivative U.S. citizenship in the following situations:

Applicant born abroad to two U.S. citizen parents:

☐ Evidence of the U.S. citizenship of the parents and the relationship of the applicant to the parents, and evidence that at least one parent resided in the U.S. or an outlying possession prior to the applicant's birth.

Applicant born abroad to a U.S. citizen parent and a U.S. non-citizen national parent:

☐ Evidence that one parent is a U.S. citizen and that the other is a U.S. non- citizen national, evidence of the relationship of the applicant to the U.S. citizen parent, and evidence that the U.S. citizen parent resided in the U.S., a U.S. possession, American Samoa or Swain's Island for a period of at least one year prior to the applicant's birth.

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Applicant born out of wedlock abroad to a U.S. citizen mother:

☐ Evidence of the U.S. citizenship of the mother, evidence of the relationship to the applicant and, for births on or before December 24, 1952, evidence that the mother resided in the U.S. prior to the applicant's birth or, for births after December 24, 1952, evidence that the mother had resided, prior to the child's birth, in the U.S. or a U.S. possession for a period of one year.

Applicant born in the Canal Zone or the Republic of Panama:

☐ A birth certificate showing birth in the Canal Zone on or after February 26, 1904 and before October 1, 1979 and evidence that one parent was a U.S. citizen at the time of the applicant's birth; or

☐ A birth certificate showing birth in the Republic of Panama on or after February 26, 1904 and before October 1, 1979 and evidence that at least one parent was a U.S. citizen and employed by the U.S. government or the Panama Railroad Company or its successor in title.

All other situations where an applicant claims to have a U.S. citizen parent and an alien parent, or claims to fall within one of the above categories but is unable to present the listed documentation:

☐ If the applicant is in the U.S., refer him or her to the local INS office for determination of U.S. citizenship;

☐ If the applicant is outside the U.S., refer him or her to the State Department for a U.S. citizenship determination.

E. Adoption of Foreign-Born Child by U.S. Citizen

☐ If the birth certificate shows a foreign place of birth and the applicant cannot be determined to be a naturalized citizen under any of the above criteria, obtain other evidence of U.S. citizenship;

☐ Since foreign-born adopted children do not automatically acquire U.S. citizenship by virtue of adoption by U.S. citizens, refer the applicant to the local INS district office for a determination of U.S. citizenship if the applicant provides no evidence of U.S. citizenship.

F. U.S. Citizenship by Marriage

A woman acquired U.S. citizenship through marriage to a U.S. citizen before September 22, 1922. Ask for: Evidence of U.S. citizenship of the husband, and evidence showing the marriage occurred before September 22, 1922.

Note: If the husband was an alien at the time of the marriage, and became naturalized before September 22, 1922, the wife also acquired naturalized citizenship. If the marriage terminated, the wife maintained her U.S. citizenship if she was residing in the U.S. at that time and continued to reside in the U.S.

LIST B

A. Documentation Evidencing an Approved Petition or Application

☐ If an alien claiming approved status presents a code different than those enumerated, or if you cannot determine the class of admission from the I-551 stamp, file INS Form G-845, and the G-845 Supplement (mark item six on the Supplement) along with a copy of the document(s) presented, with the local INS office in order determine whether the applicant gained his or her status because he or she was the spouse, widow, or child of a U.S. citizen or the spouse, child, or unmarried son or daughter of a LPR (lawful permanent resident).

☐ INS Form I-551 ("Resident Alien Card" or "Alien Registration Receipt Card", commonly known as a "green card") with one of the following INS class of admission ("COA") codes printed on the front of a white card or the back of a pink card: AR1, AR6, C20 through C29, CF1, CF2, CR1, CR2, CR6, CR7, CX1 through CX3, CX6 through CX8, F20 through F29, FX1 through FX3, FX6 through FX8, IF1, IF2, IR1 through IR4, IR6 through IR9, IW1, IW2, IW6, IW7, MR6, MR7, P21 through P23, or P26 through P28.

☐ INS Form I-551 with one of the following COA codes stamped on the lower left side of the back of a pink card: IB1 through IB3, IB6 through IB8, B11, B12, B16, B17, B20 through B29, B31 through B33, B36 through B38, BX1 through BX3, or BX6 through BX8.

☐ INS Form I-551 with COA code Z13.

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☐ Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94 with one of the COA codes specified in the Subsections (1)-(3), above.

☐ • INS Form I-797 indicating approval of an INS I-130 petition (only I-130 petitions describing the following relationships may be accepted: husbands or wives of U.S. citizens or LPRs, unmarried children under 21 years old of U.S. citizens or LPRs, or unmarried children 21 or older of LPRs), or approval of an I-360 petition (only I-360 approvals based on status as a widow/widower of a U.S. citizen or as a self-petitioning spouse or child of an abusive U.S. citizen or LPR may be accepted).

☐ A final order of an Immigration Judge or the Board of Immigration Appeals granting suspension of deportation under section 244(a)(3) of the INA as in effect prior to April 1, 1997, or cancellation of removal under section 240A(b)(2) of the INA.

B. Documentation demonstrating that the Applicant has established a Prima Facie Case

☐ INS Form I-797 indicating that the applicant has established a prima facie case; or

☐ An immigration court or Board of Immigration Appeals order indicating that the applicant has established a prima facie case for suspension of deportation under INA section 244(a)(3) as in effect prior to April 1, 1997, or cancellation of removal under section 240A(b)(2) of the INA.

C. Documentation indicating that the Applicant has filed a Petition or that a Petition has been filed on the Applicant's Behalf, as Applicable, but with no Evidence of Approval of the Petition or Establishment of a Prima Facie Case.

The benefit provider shall determine from the documentation when the petition was filed and take the actions set forth below:

☐ Applicants with petitions filed before June 7, 1997 should have an INS Form I-797 indicating filing of the I-360 petition by "self-petitioning spouse [or child] of abusive U.S.C. or LPR," a file-stamped copy of the petition, or another document demonstrating filing (including a cash register or computer- generated receipt indicating filing of Form I-360).

☐ Applicants with petitions filed after June 7, 1997 should have an INS Form I-797 indicating filing of the I-360 petition.

D. Documentation indicating that the Applicant has filed a Petition or that a Petition was filed on His or Her Behalf, as Applicable

The following must indicate that the applicant is the widow/widower of a U.S. citizen, the husband or wife of a U.S. Citizen or LPR, the unmarried child under age 21 of a U.S. citizen or LPR, or the unmarried child age 21 or older of an LPR):

☐ For aliens on whose behalf a petition has been filed: INS Form I-797 indicating filing of an INS I-130 petition, a file-stamped copy of the petition, or another document demonstrating filing (including a cash register computer-generated receipt indicating filing of Form I-130) (a sample copy of Form I-130 is attached to this Exhibit).

☐ For self-petitioning widows or widowers: a file-stamped copy of the INS I-360 petition, or another document demonstrating filing (including a cash register or computer-generated receipt indicating filing of Form I-360).

E. Documentation Indicating that the INS has Initiated Deportation or Removal Proceedings in which Relief may be Available

☐ an "Order to Show Cause";
☐ a "Notice to Appear"; or
☐ a "Notice of Hearing in Deportation Proceedings."

F. Minimal or no Documentation Regarding the Claimed Filing

If the applicant has some documentation, but it is insufficient to demonstrate filing, establishment of prima facie case or approval of a petition, fax the INS Request Form on your agency letterhead, as well as a copy of any document(s) provided by the applicant, to the INS Vermont Service Center in order to determine the applicant's status. If the applicant has no documentation, but is certain that a petition has been filed by his or her spouse or parent, you should fax the INS Request Form to the INS Vermont Service Center.