Rules and Regulations of the State of Georgia

Department 52 ASBESTOS LICENSING BOARD

Current through Rules and Regulations filed through October 27, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment was filed and its effective date.

Chapter 52-1, entitled "Organization," containing Rules 52-1-.01 through 52-1-.04, was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-2, entitled "Definitions," containing Rules 52-2-.01, was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-3, entitled "Licensing and Certification," containing Rules 52-3-.01 through 52-3-.04, was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-4, entitled "Asbestos Abatement Training Criteria," containing Rule 52-4-.01, was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-5, entitled "Licensing or Certification by Reciprocity," containing Rule 52-5-.01, was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-6, entitled "Fees," containing Rule 52-6-.01, was filed on March 24, 1987; effective April 13, 1987. 8.

Chapter 52-7, entitled "Enforcement," containing rules 52-7-.01 through 52-7-.03, was filed on March 24, 1987; effective April 13, 1987.

Rule 52-2-.01 has been amended by the adoption of subparagraphs (r), (s) and (t). Filed September 13, 1988; effective October 3, 1988.

Rule 52-3-.04 has been repealed and a new Rule adopted. Filed September 13, 1988; effective October 3, 1988.

Rules 52-3-.05, 52-3-.06 and 52-3-.07 have been adopted. Filed September 13, 1988; effective October 3, 1988.

Rule 52-4-.02 has been adopted. Filed September 13, 1988; effective October 3, 1988.

The Asbestos Licensing Board has been abolished by Act no. 614 of the General Assembly (Ga. Laws 1996, Pg. 238). Approved April 1, 1996.

Cite as Ga. Comp. R. & Regs. R. dept. 52, ADMINISTRATIVE HISTORY

Chapter 52-1. REPEALED (52-1-.01 thru 52-1-.04).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-1

Rule 52-1-.01. Organization.

(1) The Asbestos Licensing Board will be organized and constituted as stated in the Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1, *et seq.*

(2) The Board shall consist of seven members appointed in accordance with the Act.

(3) The Board shall elect a chairperson and a vice-chairperson from among the members at the first meeting of the Board held in each calendar year, or by a vote of the Board whenever a vacancy in such position exists.

Cite as Ga. Comp. R. & Regs. R. 52-1-.01
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12.12-1,et seq.
History. Original Rule entitled "Organization" was filed on March 24, 1987; effective April 13, 1987.

Rule 52-1-.02. Administrative Agent.

The Director of the Environmental Protection Division shall act as the administrative agent for the Board and shall perform such duties as may be prescribed by the Board or by law.

Cite as Ga. Comp. R. & Regs. R. 52-1-.02
Authority: The Georgia Asbestos Safety Act. O.C.G.A. section 12-12-1,et seq.

History. Original Rule entitled "Administrative Agent" was flied on March 24, 1987; effective April 13, 1987.

Rule 52-1-.03. Meetings.

The Board shall meet at least twice a year to carry out regular business. The chairperson, vice-chairperson or the Director may call additional regular or special meetings as necessary. Notice of meetings shall be given to all members at least ten days prior to the date of the meeting.

Cite as Ga. Comp. R. & Regs. R. 52-1-.03
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Meetings" was filed on March 24, 1987; effective April 13, 1987.

Rule 52-1-.04. Order of Business.

The order of business shall be as follows:

(a) The chairperson or vice-chairperson shall call the meeting to order; or if neither person is present, the Board shall choose a temporary chairperson from the attendees to conduct the meeting;

(b) Quorum check, four members shall constitute a quorum;

(c) Approval of minutes of previous meetings;

(d) Correspondence;

(e) Reports of the Director or his designee;

(f) Reports of Committees;

(g) Unfinished business;

(h) New business;

(i) Consideration of applications for approval;

(j) Announcements; and

(k) Adjournment.

Cite as Ga. Comp. R. & Regs. R. 52-1-.04
Authority: The Georgia Asbestos, Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Order of Business" was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-2. REPEALED (52-2-.01).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-2

Rule 52-2-.01. Definitions.

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act's definitions control; and provided, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

(a) "Act" means the "Georgia Asbestos Safety Act", O.C.G.A. Section 12-12-1*et seq.*

(b) "Asbestos" means any naturally-occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbesti-form varieties of serpentine, chrysotile; cummingtomite-grunerite, amosite; riebeckite, crocidolite; anthophyllite; tremolite; and actinolite.

(c) "Asbestos Foreman" means any individual who is employed or engaged by a contractor to supervise the removal, encapsulation, cleaning, or disposal of friable asbestos-containing materials.

(d) "Board" means the Asbestos Licensing Board.

(e) "Contractor" means any person who contracts with an owner or operator of a facility or residential dwelling to perform the removal or encapsulation of friable asbestos-containing material from any such facility or residential dwelling. "Contractor" shall not include any employee of such owner or operator.

(f) "Department" means the Department of Natural Resources of the State of Georgia.

(g) "Director" means the director of the Environmental Protection Division of the Department of Natural Resources of the State of Georgia or his designee.

(h) "Division" means the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

(i) "Encapsulation" means to coat, bind, or resurface walls, ceilings, pipes, or other structures with a sealant to prevent friable asbestos from becoming airborne.

(j) "Facility" means any institutional, commercial, or industrial structure, installation, or building, including apartment buildings having more than four dwelling units.

(k) "Friable Asbestos-Containing Material" means any material which is applied onto ceilings, walls, structural members, piping, boilers, tanks, pumps, ductwork or any other part of the building containing more than 1 percent asbestos, by weight, and which when dry may be crumbled, pulverized, or reduced to powder by hand pressure.

(l) "Person" means any individual, partnership, association, trust, firm, corporation, county, municipality, or other entity, including the state and federal governments.

(m) "Potentially Friable" means asbestos-containing materials (ACMs) which become friable or brittle as the result of cutting, tearing, breaking, wrecking and physically disturbing non-friable ACMs, to cause or create visible emissions of asbestos fibers into the ambient (outside) air.

(n) "Removal" means to take out, strip, clean up, or dispose of friable or potentially friable asbestos-containing materials from any facility or residential dwelling as defined by this Chapter.

(o) "Residential Dwelling" means any family residence or apartment building with four or fewer dwelling units.

(p) "Structural Member" means any load supporting member of a facility, such as beams and load supporting walls; or any nonload supporting member, such as ceilings and nonload supporting walls.

(q) "Supervise" means having physical on-site control over employees of a contractor and their performance in removal and encapsulation of friable or potentially friable asbestos-containing material.

(r) "Asbestos-Containing Roofing Material" means any material or any combination of materials which form an assembly of interacting components designed to weatherproof a building's top surface and contains more than one percent asbestos, by weight, as an applied system, but shall not include aggregate surfacing.

(s) "Asbestos Roofing Contractor" means any person who contracts with an owner or operator of a facility or residential dwelling to perform services involving the removal, encapsulation or disposal of friable or potentially friable asbestos-containing roofing material from any such facility or residential dwelling. "Asbestos Roofing Contractor" shall not include any employee of such owner or operator.

(t) "Asbestos Roofing Foreman" means any individual who is employed or engaged by a contractor to supervise the removal, encapsulation, or disposal of friable or potentially friable asbestos-containing roofing material.

Cite as Ga. Comp. R. & Regs. R. 52-2-.01
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Definitions" was filed on March 24, 1987; effective April 11, 1987.

Filed September 13, 1988; effective October 3, 1988.

Chapter 52-3. REPEALED (52-3-.01 thru 52-3-.07).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-3

Rule 52-3-.01. Licensing and Certification.

The Board shall license contractors and certify asbestos foremen whose qualifications meet or exceed the criteria set forth in 52-3-.02 or 52-3-.03. Any contractor or asbestos foreman may apply to the Board through the Division for licensing or certification on forms provided by the Board. The Director shall review any such application and recommend to either grant or deny the application. If the application contains insufficient information for the Director to make a recommendation, the Director may request additional information from the applicant, in which case the Director shall recommend action on the application upon receipt of the necessary information. Any license or certification granted in accordance with this Rule or the Act shall be valid for a period of time not to exceed 12 months. The Board shall be authorized up until October 1, 1987 to grant temporary licenses and certificates, which shall be effective for six months. Application for renewal shall be made 30 days prior to expiration of existing license or certificate.

Cite as Ga. Comp. R. & Regs. R. 52-3-.01
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Licensing and Certification" was flied on March 24, 1987; effective April 13, 1987.

Rule 52-3-.02. Criteria for Licensing of Contractors.

To become licensed under this Rule, the contractor shall submit documentation meeting the following criteria:

(a) Satisfactory completion of a training course in the removal and abatement of asbestos as described in Rule 52-4-.01. This training course to have been completed within 48 months prior to submittal of application;

(b) Reliability in performance of general contracting activities;

(c) Prior experience in performing asbestos abatement activities as demonstrated through the submission of information that the applicant has successfully completed or supervised three previous asbestos abatement projects. Performance under a temporary license will be evaluated as the basis for a full license;

(d) Current in use satisfactory written standard operating procedures for employee respiratory protection, overall work practices, worker and public protection practices and bulk and air sampling procedures for asbestos abatement activities;

(e) Factors to be considered. In assessing an applicant's competence in the performance of asbestos abatement activities, the Board shall consider the following information which shall be provided in the application:

1. Description of any asbestos abatement activities conducted by the applicant that have been terminated prior to completion including the circumstances of the termination;

2. A list of any contractural penalties that the applicant has paid for breach or noncompliance with contract specifications for asbestos abatement activities;

3. Identification of any citations levied against the applicant by any Federal, State, or local governmental agencies for violations relating to asbestos abatement; and

4. A description of all legal proceedings, law suits, or claims that have been filed or levied against the applicant for asbestos-related activities;

5. Training process for applicant's employees in the hazards and procedures of asbestos abatement activities;

6. The availability of personal and public protective equipment appropriate to asbestos abatement activity.

Cite as Ga. Comp. R. & Regs. R. 52-3-.02
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Criteria for Licensing of Contractors" was filed on March 24, 1987; effective April 13, 1987.

Rule 52-3-.03. Criteria for Certification of Asbestos Foremen.

To become certified under this Rule, the asbestos foreman shall submit documentation meeting the following criteria:

(a) Satisfactory completion of a training course in the removal and abatement of asbestos as described in Rule 52-4-.01. This training course to have been completed within 48 months prior to submittal of application.

Cite as Ga. Comp. R. & Regs. R. 52-3-.03
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Criteria for Certification of Asbestos Foreman" was filed on March 24, 1987; effective April 13, 1987.

Rule 52-3-.04. Licensing of Asbestos Roofing Contractors and Certification of Asbestos Roofing Foremen.

The Board shall license asbestos roofing contractors and certify asbestos roofing foremen whose qualifications meet or exceed the criteria set forth in 52-3-.05 or 52-3-.06. Any asbestos roofing contractor or asbestos roofing foreman may apply to the Board through the Division for licensing or certification on forms provided by the Board. The Director shall review any such application and recommend to either grant or deny the application. If the application contains insufficient information for the Director to make a recommendation, the Director may request additional information from the applicant, in which case the Director shall recommend action on the application upon receipt of the necessary information. Any license or certification granted in accordance with this Rule or the Act shall be valid for a period of time not to exceed 12 months. The Board shall be authorized to grant temporary licenses and certificates in accordance with the provisions of Rule 52-3-.07, which shall be effective for six months from the date of issuance. Application for renewal shall be made 30 days prior to expiration of existing license or certificate.

Cite as Ga. Comp. R. & Regs. R. 52-3-.04
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Criteria for Temporary Licensing and Certification" was filed on March 24, 1987; effective April 13, 1987.
Rule repealed and a new Rule entitled "Licensing of Asbestos Roofing Contractors and Certification of Asbestos Roofing Foremen" adopted. Filed September 13, 1988; effective October 3, 1988.

Rule 52-3-.05. Criteria for Licensing Asbestos Roofing Contractors.

To become licensed under this Rule, the contractor shall submit documentation meeting or exceeding the following criteria:

(a) Satisfactory completion of a training course in the removal and encapsulation of friable and potentially friable asbestos-containing material as described in Rule 52-4-.01. This training course to have been completed within 48 months prior to submittal of application;

(b) Reliability in performance of general contracting activities;

(c) Prior experience in performing asbestos roofing activities as demonstrated through the submission of information that the applicant has successfully completed or supervised three previous asbestos roofing projects. Performance under a temporary license will be evaluated as the basis for a full license;

(d) Current in use satisfactory written standard operating procedures for employee respiratory protection, overall work practices, worker and public protection practices and bulk and air sampling procedures for asbestos roofing activities.

(e) Factors to be Considered. In assessing an applicant's competence in the performance of asbestos roofing activities, the Board shall consider the following information which shall be provided in the application:

1. Description of any asbestos roofing activities conducted by the applicant that have been terminated prior to completion including the circumstances of the termination;

2. A list of any contractural penalties that the applicant has paid for breach or noncompliance with contract specifications for asbestos roofing activities;

3. Identification of any citations levied against the applicant by any Federal, State, or local governmental agencies for violations relating to asbestos abatement;

4. A description of all legal proceedings, law suits, or claims that have been filed or levied against the applicant for asbestos-related activities.

5. Training process for applicant's employees in the hazards and procedures of asbestos roofing activities.

6. The availability of personal and public protective equipment appropriate to asbestos roofing activity.

Cite as Ga. Comp. R. & Regs. R. 52-3-.05
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. 12-12-1,et seq.
History. Original Rule entitled "Criteria for Licensing Asbestos Roofing Contractors" was filed on September 13, 1988; effective October 3, 1988.

Rule 52-3-.06. Criteria for Certification of Asbestos Roofing Foreman.

To become certified under this Rule, the asbestos roofing foreman shall submit documentation meeting or exceeding the following criteria:

(a) Satisfactory completion of a training course in the removal and encapsulation of friable and potentially friable asbestos-containing material as described in Rule 52-4-.01. This training course to have been completed within 48 months prior to submittal of application.

Cite as Ga. Comp. R. & Regs. R. 52-3-.06
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. 12-12-1,et seq.
History. Original Rule entitled "Criteria for Certification of Asbestos Roofing Foreman" was, filed on September 13, 1988; effective October 3, 1988.

Rule 52-3-.07. Criteria for Temporary Licensing and Certification of Asbestos Roofing Contractor's and/or Asbestos Roofing Foremen.

To obtain a temporary license or certification, the applicant must submit documentation that the applicant has attended and passed an exam for an approved training course or that the applicant

has supervised asbestos-related work. The applicant must also submit documentation requested under 52-3-.02(e).

Cite as Ga. Comp. R. & Regs. R. 52-3-.07
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. 12-12-1,et seq.
History. Original Rule entitled "Criteria for Temporary Licensing and Certification of Asbestos Roofing Contractors and/or Asbestos Roofing Foremen" was filed on September 13, 1988; effective October 3, 1988.

Chapter 52-4. REPEALED (52-4-.01 thru 52-4-.02).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-4

Rule 52-4-.01. Asbestos Abatement Training Criteria.

In order for a contractor to be licensed or asbestos foreman to be certified, the applicant must have completed an approved course in supervision of asbestos abatement projects and have satisfactorily completed an examination with a passing grade of at least 70 percent. To be approved, the training shall meet or exceed the following criteria:

(a) An initial training course of 32 hours or more to have been attended within 48 months prior to submittal of application;

(b) A review and update course of 8 hours or more taken within 12 months prior to submittal of renewal application (for renewals only);

(c) The initial training course shall provide, at a minimum, information on the following topics:

1. The physical characteristics of asbestos including fiber size, aerodynamic characteristics and physical appearance;

2. The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period for disease and health basis for standards;

3. Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedures, methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair), the components of a proper respiratory protection program, selection and use of personal protective clothing, use, storage and handling of launderable clothing, non-slip footwear, gloves, eye-protection and hard hats, procedures and requirements including under

OSHA 29 CFR 1926.58 and 29 CFR 1910.134, additional recommended procedures and tests, benefits of medical monitoring and employee access to records;

4. Air monitoring procedures and requirements included under OSHA 29 CFR 1926.58 including a description of equipment and methods, reasons for air monitoring, types of samples and current standards with proposed changes;

5. State-of-the-art work practices for asbestos abatement activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually;

6. Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area;

7. Additional safety hazards that may be encountered during abatement activities and how to deal with them including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces and noise.

(d) The requirements, procedures and standards established by:

1. EPA 40 CFR Part 61, Subpart M; EPA 40 CFR Part 763, Subpart G;

2. OSHA 29 CFR 1926.58 and 29 CFR 1910.134;

3. Division and/or Asbestos Licensing Board.

(e) The yearly review and update course shall be 8 hours and at a minimum, adequately review the topics in 52-4-.01(c), update information on state-of-the-art procedures and equipment and review regulatory changes and interpretations. Specific topic coverage may be requested by the Board.

(f) Persons responsible for the conduct of any asbestos abatement training course and examination who desire approval of the course from the Board shall submit adequate documentation of the course content and coverage, as well as examination practices, to enable the Board to determine that the course meets the requirements of 52-4-.01(a),(b),(c),(d) and (e) above as set forth in EPA's model course entitled "Interim Procedures and Practices for Asbestos Abatement Projects," in effect 1986. Approval will

be granted by a letter from the Board, with any conditions or effectiveness times deemed appropriate by the Board to maintain a knowledge of the acceptability of such course.

Cite as Ga. Comp. R. & Regs. R. 52-4-.01
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Asbestos Abatement Training Criteria" was, filed on March 24, 1987; effective April 13, 1987.

Rule 52-4-.02. Asbestos Roofing Training Criteria.

In order for an asbestos roofing contractor to become licensed or an asbestos roofing foreman to become certified, the applicant must have completed an approved training course in the supervision of asbestos projects and have satisfactorily completed an examination with a passing grade of at least 70 percent. To be approved, the training course shall meet or exceed the following criteria:

(a) For issuance of new licenses or certifications, an initial training course to have been attended within 48 months prior to submittal of application.

(b) For renewal of existing licenses or certifications, a review and update course taken within 12 months prior to submittal of renewal application.

(c) The initial training course shall provide, at a minimum, information on the topics listed in 52-4-.01(c)1.,2.,3.,4.,7., and (d), and the following:

1. State-of-the-art work practices for asbestos roofing activities purpose, posting of warning signs, ventilation system lock-out, proper working techniques of minimizing fiber release, use of wet methods and surfactants, use of HEPA vacuums, decontamination procedures, proper clean-up and disposal procedures. Work practice requirements as they apply to removal, encapsulation, enclosure and repair shall be discussed individually.

2. Personal hygiene including entry and exit procedures for the work area, use of HEPA vacuum for decontaminating protective clothing and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.

(d) The yearly review and update course shall adequately review the topics in 52-4-.01(c), update information on state-of-the-art procedures and equipment and review regulatory changes and interpretations. Specific topic coverage may be requested by the Board.

(e) Persons responsible for the conduct of any asbestos training course and examination who desire approval from the Board shall submit documentation required in paragraph 52-4-.01(c).

Cite as Ga. Comp. R. & Regs. R. 52-4-.02
Authority: The Georgia Asbestos Safety Act, O.C.G.A. Sec. 12-12-1,et seq.
History. Original Rule entitled "Asbestos Roofing Training Criteria" was filed on September 13, 1988; effective October 3, 1988.

Chapter 52-5. REPEALED (52-5-.01).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-5

Rule 52-5-.01. Licensing or Certification by Reciprocity.

(1) Any person requesting licensing or certification by reciprocity shall complete and submit an approved application form, together with a copy of the applicant's valid license or certificate or equivalent issued by another State, territory or possession of the United States.

(2) Reciprocity privileges are granted to contractors or asbestos foremen holding valid licenses or certificates from outside the State of Georgia only when the standards of such licenses are not less than those in Georgia, and reciprocity privileges are granted to licensed contractors or asbestos foremen of Georgia.

Cite as Ga. Comp. R. & Regs. R. 52-5-.01
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Licensing or Certification by Reciprocity" was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-6. REPEALED (52-6-.01).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-6

Rule 52-6-.01. Fees.

The following fees are hereby established:

(a) To file an application for a license or certification-$100; (Temporary license fee shall be $50)

(b) To file an application for a license or certification by reciprocity-$100;

(c) To obtain a duplicate copy of licenses or certification-$10;

(d) To file an application for a renewal of a license or certification-$100.

Cite as Ga. Comp. R. & Regs. R. 52-6-.01
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Fees" was filed on March 24, 1987; effective April 13, 1987.

Chapter 52-7. REPEALED (52-7-.01 thru 52-7-.03).

Cite as Ga. Comp. R. & Regs. R. dept. 52, ch. 52-7

Rule 52-7-.01. Refusal, Suspension and Revocation of License or Certificate.

The Board, after notice and opportunity for a hearing, may refuse to grant a license or certificate to an applicant therefor or may revoke or suspend the license or certificate of a person licensed or certified by the Board upon a finding that the licensee, certificant, or applicant has:

(a) Made any false statement or given any false information in connection with an application for license or certificate, including an application for renewal thereof;

(b) Knowingly violated the act or violated any rule or regulation promulgated pursuant to the authority contained in the Act; or

(c) Failed to demonstrate the qualifications or standards for licensure or certification contained in these rules and regulations of the Board. This shall be incumbent upon the applicant to demonstrate to the satisfaction of the Board that he meets all the requirements for licensure or registration; and, if the Board is not satisfied as to the applicant's qualifications, it shall have the power to deny such licensure or certification.

Cite as Ga. Comp. R. & Regs. R. 52-7-.01
Authority: The Georgia Asbestos Safety Act. O.C.G.A Section 12-12-l,et seq.
History. Original Rule entitled "Refusal, Suspension and Revocation of License or Certificate" was filed on March 24, 1987; effective April 12, 1987.

Rule 52-7-.02. Hearings.

(1) Any notice by the Board shall be served upon the licensee, certificant, or applicant by either certified mail or personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 20 days from the date of such mailing or 15 days from the date of such personal service, through which time the licensee, certificant, or applicant shall be given the right to petition the Board in writing for a hearing. If no such request for hearing is filed with the Board during this time period, the proposed action will become final. A petition for hearing shall be considered filed on the date it is received in the Director's office.

(2) Any hearing under the Act shall be before an administrative law judge appointed by the Board. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations adopted by the Board pursuant to such Chapter. The decision of the administrative law judge shall constitute the final decision of the Board.

(3) If the administrative law judge finds that any applicant for licensure or certification is unqualified to be granted such license or certificate, he may:

(a) Deny the application for licensure or certification; or

(b) Limit or restrict any license or certificate for a definite period of time.

(4) If the administrative law judge finds that the license or certificate of any holder thereof should be revoked or otherwise sanctioned, he may take any one or more of the following actions:

(a) Suspend any license or certificate for a definite period of time;

(b) Limit or restrict any license or certificate for a definite period of time;

(c) Revoke a license or certificate; or

(d) Place a licensee or certificant on probation for a definite period of time and impose such conditions of probation as will adequately protect the public during that period.

(5) Judicial review of a final decision of the administrative law judge under this Code section shall he had in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

Cite as Ga. Comp. R. & Regs. R. 52-7-.02
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Hearings" was filed on March 24, 1987; effective April 13, 1987.

Rule 52-7-.03. Enforcement.

The Administration of the enforcement of these Rules and Regulations shall be as prescribed in the Georgia Asbestos Safety Act, O.C.G.A Section 12-12-1**et seq.** and in compliance with the applicable minimal requirements as described by the Georgia Administrative Procedures Act, O.C.G.A. 50-13-1**et seq.**

Cite as Ga. Comp. R. & Regs. R. 52-7-.03
Authority: The Georgia Asbestos Safety Act. O.C.G.A. Section 12-12-1,et seq.
History. Original Rule entitled "Enforcement" was filed on March 24, 1987; effective April 13, 1987.