



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 16 1991

OFFICE OF
PESTICIDES AND TOXIC
SUBSTANCES

Dale L. Keyes, Ph.D., President
Environmental Sciences, Inc.
105 E. Speedway Boulevard
Tucson, Arizona 85705

Dear Dr. Keyes:

Bob McNally has forwarded your recent inquiry regarding the sale and transfer of AHERA training accreditation to me for reply.

With respect to the letter you received from Mr. Daniel Parisi of the Parex Development Company, I would begin by stating that the transfer of ownership of an approved training course is sometimes permissible, while the transfer of ownership of "accreditation" is not. This is an important distinction in the AHERA Training Program because the Environmental Protection Agency (EPA) approves training courses, not providers per se. Whereas the sale of private corporations is a frequent and widespread occurrence, the EPA has generally recognized corporate name changes where all other training-course-specific factors have remained the same. If the ownership of an EPA-approved training course is sold and transferred to another entity, EPA may, at its discretion, allow and recognize the transfer of accreditation where the course will continue essentially unchanged (i.e., the course materials, instructors, examination and facilities will all remain the same). Where the Agency has received adequate assurance that this will be the case, it will then change its records to reflect the name change.

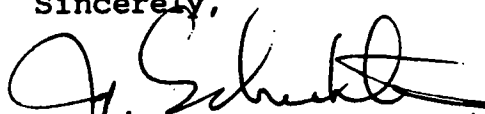
If on the other hand, a training entity acquires ownership of an existing training provider with EPA approval for certain AHERA courses and the acquiring entity will be changing these approved courses in any significant way, the Agency will generally not recognize the transfer, and will terminate the accreditation status of those courses. In this instance, the acquiring entity would then have to apply for a new course approval from any of the 25 state accreditation programs which currently have EPA authorization to approve AHERA-accredited training courses.

The other issue raised by your letter related to the potential for conflict-of-interest where a firm would be training its own workers. Although the potential for conflict can exist in these circumstances, our greatest concern is that asbestos control professionals get the quality training they need. Large agencies

and corporations with many employees who work with asbestos will sometimes provide accredited in-house training as a means of increasing its availability and lowering its cost. We do not believe this practice to be either illegal or inappropriate because these courses are subject to audit and compliance monitoring in the same way that other courses are.

Thank you for sharing your concerns with us. I hope this response will clarify the issues you have raised. If we can be of further assistance, please contact Phil King, of my staff, at (202) 382-7849.

Sincerely,



Joseph A. Schechter, Chief
Technical Assistance Section (TS-799)
Assistance Programs Development Branch
Environmental Assistance Division

cc: Bob McNally
Phil King
Accreditation File
Asbestos Coordinators
Regions I - X

Environmental sciences inc.

January 8, 1991

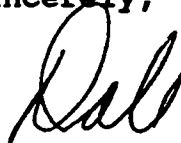
Mr. Bob McNally (TS-799)
U.S. EPA
401 M Street S.W.
Washington, D.C. 20460

Dear Bob:

I am in receipt of a letter from Parex Corporation of New York and New Jersey expressing interest in our AHERA training accreditation. A copy of the letter is attached. On the surface, this interest appears to be highly irregular. As reflected by the last sentence of the letter, it appears that they are primarily interested in purchasing our accreditation, that is our paper certificate and therefore the license to train their own workers. It strikes me as most inappropriate if not illegal.

I would appreciate your reaction to this inquiry from Parex. Is it appropriate, and if not, what action on EPA's part is called for? Thank you and I look forward to your response.

Sincerely,



Dale L. Keyes, Ph.D.
President

DLK:ap
attached
cc: Jo Ann Semones, EPA Region IX
Jim Bryson, EPA Region I

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