

SYNOPSIS OF APPLICABLE ASBESTOS REGULATIONS FOR RENOVATION WORK

U.S. Environmental Protection Agency (EPA) mandates, through their National Emissions Standards for Hazardous Air Pollutants (NESHAP), that Asbestos-Containing Materials (ACM) be handled properly during renovation work. Ohio Environmental Protection Agency (Ohio EPA) administers asbestos NESHAP regulations in Ohio through their Asbestos Emission Control Program Rules. EPA and Ohio EPA regulations distinguish between three types of ACM:

- Friable ACM which is defined as material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Examples of friable ACM include acoustical plaster, fireproofing, and many insulation products;
- Category I nonfriable ACM which includes asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products; and
- Category II nonfriable ACM which includes all other nonfriable ACM. Category II nonfriable ACM includes, but is not limited to: hard plaster systems, gypsum board systems, mastics, cement board, etc.

EPA and Ohio EPA regulations further distinguish between Regulated ACM and Non-Regulated ACM. Regulated ACM is defined as:

- Friable ACM or Category I nonfriable ACM that has become friable;
- Nonfriable ACM which will become friable during the course of abatement work.

Ohio EPA regulations further define Regulated ACM to include:

- Nonfriable ACM that becomes damaged by deterioration or attempts at removal or abatement activities resulting in small fragments the size of four square inches or less.

Under NESHAP, if quantity of Regulated ACM to be removed under any given project exceeds EPA's threshold amounts (260 linear feet, 160 square feet or 35 cubic feet), then EPA must be notified at least two weeks in advance of commencement of abatement work.

Renovation work in schools (K-12) must also meet requirements of EPA Asbestos Hazard Emergency Response Act (AHERA). These requirements include: sampling procedures for asbestos inspections; clearance testing; worker credentials and training; and recordkeeping.

U.S. Department of Labor's **Occupational Safety and Health Administration (OSHA)** Standards require implementation of appropriate engineering controls and work practices for renovation work where ACM is present. These controls and practices include, but are not limited to: specific methods for removal of each type of ACM; asbestos exposure monitoring; appropriate personal protective equipment; hygiene facilities; and proper containerization and disposal of asbestos waste.

Ohio Department of Health (ODH) regulations require that credentialed and licensed personnel be used for asbestos-related work (inspection, design, abatement supervision, air monitoring, abatement work, etc.). If quantity of ACM to be removed as part of any given project exceeds ODH's threshold amounts (50 linear feet or 50 square feet of friable ACM or nonfriable ACM that will become friable), then ODH must be notified of such work at least two weeks in advance of its commencement.

Under EPA, Ohio EPA, OSHA and ODH Regulations, ACM is defined as materials containing greater than 1% asbestos (using appropriate laboratory analysis). Note that while materials containing less than or equal to 1% asbestos are not ACM, OSHA regulates disturbance of such materials as follows: use of a competent person; air monitoring of employee exposures; use of wet methods; prompt clean-up and proper containerization of waste; proper training and use of

PPE when exposure monitoring shows that permissible exposure limit is exceeded; record keeping; etc. Additionally, although EPA does not regulate materials containing less than or equal to 1% asbestos, they recommend that these materials not be subject to methods which will sand, grind or abrade them.

Facility owners have certain responsibilities under OSHA and EPA regulations; these include, but are not limited to:

- Determine presence, location and quantity of ACM prior to disturbing these materials (e.g., maintenance and renovation or demolition activities);
- Notify the following persons of the presence, locations and quantity of ACM: prospective employers applying or bidding for work whose employees will work in or adjacent to areas containing ACM; employees of Owner who work in or adjacent to areas with ACM; and tenants who will occupy areas with ACM;
- Post signage at entrances to mechanical rooms/areas which provide identification and location of ACM as well as appropriate work practices to ensure that such ACM will not be disturbed, and if a school (K-12), label all ACM in routine maintenance areas;
- If a school (K-12), notify workers, building occupants, and legal guardians yearly about inspections, response actions, etc.;
- Provide proper training for employees who contact or disturb ACM; and
- Maintain records of inspections, notifications, training, medical surveillance, exposure measurements, and abatement work.

NESHAP, OSHA, and ODH Regulations require proper inspections (such as AHERA format) to identify ACM (or presumption that suspect materials are ACM) prior to renovation work. A copy of the Report of Findings of Inspection for Asbestos-Containing Materials should be kept on Site during abatement and renovation work.

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