

ASBESTOS: NOT GONE AND NOT FORGOTTEN

Wonder Makers specializes in dealing with situations associated with the indoor environment. Although that is a narrow slice of the entire environmental movement, it is still a broad and exciting area that encompasses challenges such as mold, infectious agents, lead dust hazards, and asbestos building materials. The potential dangers of mold have received substantial publicity over the last decade, with more yet to come as an ever-growing stack of reports links exposure to fungal agents to significant health problems. The H1N1 pandemic of 2009 forced people to focus on controlling the transmission of infections, and that emphasis has continued, particularly in the health care arena. The 2010 lead paint regulations designated as the *Renovation, Repair, and Painting* (RRP) rules created quite an industry stir and the aggressive, but uneven, enforcement efforts by the EPA are keeping contractors and building owners aware of that particular indoor hazard.

Asbestos Risks for Building Owners and Contractors

But asbestos materials in buildings, and the debilitating diseases caused by exposure to fibers from those materials has flown under the radar for many years. Publicity about this deadly material has been so sparse that many people have been lulled into thinking that either there is no asbestos in their building or it is not a problem. This is a risky misconception for building owners as the regulations that control this dangerous material make building owners responsible for any violations, even if the infringements are caused by contractors.

The risks to building owners are further magnified by the fact that there is no statute of limitations on asbestos violations. If work that disturbed asbestos-containing materials was done without proper controls one or two years ago, and a complaint arises from an employee or occupant who thinks they were exposed, an investigation can proceed. In such a situation, the documentation related to the incident had better be airtight since citations can be written based on paperwork deficiencies as well as current site conditions.

Asbestos risks are further complicated by the fact that multiple government agencies at both the federal and state levels have jurisdiction over different aspects of asbestos exposure and abatement activities. To make matters worse, even individual agencies have multiple sets of rules that govern asbestos exposure. For example, at the federal level the EPA has a general asbestos rule that prohibits dispersal of asbestos fibers to the outside air (NESHAP) and a second major initiative that specifically addresses asbestos in schools (AHERA). This situation is replicated at the state level. Michigan, for instance, has multiple sets of asbestos rules including the *Michigan*

Occupational Safety and Health Act, the Asbestos Abatement Contractors Licensing Act, and the Asbestos Workers Accreditation rules.

Problems with Asbestos Abatement Activities

An article in a newsletter put out by the Michigan OSHA program (MIOSHA) highlighted some of the most common improper work practices or procedures involving asbestos abatement or uncontrolled disturbance. Their top seven asbestos violations included:

1. Asbestos debris still present after a job is completed.
2. Lack of properly trained and accredited individuals on site.
3. Lack of required documentation, such as licenses or asbestos surveys.
4. Failure to designate a competent person responsible for the asbestos abatement project.
5. Improper decontamination, such as exiting without showering and wearing contaminated clothing outside the regulated area.
6. Inadequate recordkeeping, such as incomplete medical surveillance forms and air monitoring records. The air monitoring records must include the worker's activities and times monitored.
7. Medical records must include the asbestos-specific medical questionnaire required by Part 602, *Asbestos Standards for Construction*.

This list highlights why Wonder Makers Environmental still provides detailed inspections for asbestos materials and offers project oversight services for building owners when abatement is necessary. Although our Environmental Specialists collect and analyze asbestos air samples during the project to ensure that engineering controls and work practices are not spreading contamination to other parts of the building, they also do much more so that the building owner does not have to worry about possible violations years after the project has been completed. Our on-site services have been honed through decades of experience and our detailed recordkeeping ensures that the abatement contractor meets all obligations. This prevents the building owner from getting tagged with citations similar to those detailed in the MIOSHA top seven.

Additional Responsibilities for Schools

School personnel must remember that they operate under a stricter set of EPA regulations than any other type of facility. Many contractors and consultants are so used to dealing with private residences and commercial venues that they neglect to address the specific details of the EPA's AHERA regulations in their bids and their abatement performance. Worse, some firms think they are in compliance with these regulations when, in fact, they are putting themselves and the schools at risk because they do not have a thorough understanding of the rules.

We have been called in to assist many schools over the years that have been on the receiving end of an asbestos enforcement inspection. The paperwork we have reviewed has made it clear that

there is confusion about the necessity for independent third party air monitoring and the required documentation for asbestos abatement projects. For schools, the absence of an independent review/testing of the work can result in citations and fines for building owners, even if the asbestos abatement work is done properly. If a building owner goes through the effort and expense of conducting an asbestos inspection and abatement project the decision makers need to make sure that they receive the services and documentation required under the asbestos regulations. These records are critical, because when the work is done, the paperwork is all that is left to prove that an organization followed the rules.

The Choice for Asbestos Expertise

With the stakes so high in regards to both health damage from exposure to fibers and financial damage from regulatory inspections, property owners and managers need to have asbestos work done right. Since the law requires that asbestos be removed prior to demolition or renovation, and those inspections be conducted in structures where asbestos could be present in order to provide adequate safety information to occupants and workers, experts need to be involved. Contact Wonder Makers for assistance in understanding the intricacies of the overlapping asbestos regulations. We can offer a common sense solution for all asbestos-related situations and manage those projects for a fair price.

About the Author

Michael Pinto is the CEO of Wonder Makers Environmental; a multi-faceted organization that assists individuals dealing with indoor environmental concerns. Wonder Makers specializes in resolving problems related to asbestos, lead, mold, micro-organisms, chemicals, and mysterious IAQ situations. Michael has earned a number of professional titles beyond his doctoral level education in environmental engineering including Certified Safety Professional, Safety Management Specialist, Certified Mold Professional, and Certified Forensic Operator. He has authored 6 books and more than 220 published articles. During his 39 years in the industry Michael has supported the industry by volunteering and developing guidance documents with EIA, ECA, NSC, ASTM, IICRC, RIA, CIRI, BioPTO, and others. He can be reached at 888-382-4154, or at info@wondermakers.com.