

EPA & OSHA Asbestos Links & A Variety of Free Asbestos Documents

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Recently I put this information together for clients of The Environmental Institute as a service to them. I thought I would also share it here too. This page is a variety of links and not a detailed article. I have explained a few things where that would be helpful. *This was written in an informal style for simplicity.* It starts out with federal asbestos regulatory issues (I'll not cover the vast array of State/Local program regulations here). This section is about the most common aspects, not a matter of trying to include all minutiae found within asbestos regulatory compliance work. Then I have included a variety of links for free documents that you may find helpful. I hope that you find this useful to your work.

So...for those that work on asbestos issues I have to ask...when is the last time you actually read any of these regulations or "regs" ...EPA, OSHA or States/Local rules? The reason I ask is after more than 30 years in the classroom environment it's obvious to me (and others in the training business) that far too many think the PowerPoints we use in classes cover "everything" they need to know. Hardly. PowerPoints are only the basics that we project (and put in course notebooks) to cover the most important items in a reg. They NEVER supplant actually reading the regulation. Your clients expect you to know these regulations on an expert basis...so please give them a read if it has been a while...or for some perhaps, ever. I have to re-read them often and I always find nuggets I've forgotten. And do not forget...**read those State/Local regs too!!!**

Also...when it comes to **EPA clarification letters**, you really need to know what you are reading. There are some that are in conflict with others, others are woefully out of date...a few are technically wrong based on modern knowledge of issues. Also...clarification letters are **not** changes to regulations. They are guidance at best. If you find a clarification letter on line that meets a particular issue, it would be best to work with local regulators so that they can agree with your determination. Always know, in most cases, clarification letters get kicked out the door when an enforcement action occurs. With EPA enforcement cases it's only what is in a federal reg or an agency-issued guidance document. You cannot invoke clarifications after the fact...perhaps some have, but that's not been my experience with EPA enforcement actions. **OSHA clarifications** are used by the agency and can be part of enforcements if applicable. Their clarifications are usually nothing more than a re-statement of what is in regs to begin with.

Asbestos regulations...the important stuff for day-to-day work

EPA first...

EPA main laws/regs page: <https://www.epa.gov/asbestos/asbestos-laws-and-regulations> I'll pull from these pages...do look here...there are some issues I will not hit below.

EPA – asbestos NESHAP 40 CFR Part 61, Sub. M.

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol8/pdf/CFR-2011-title40-vol8-part61-subpartM.pdf>

The asbestos NESHAP regulation drives most of the work we do. Knowledge of this regulation is essential. I'll give you a **shortcut** for your reading assignment with this detailed reg. Many sections have no bearing on day-to-day asbestos management issues. For most, the 3 following sections are must reads:

61.141 Definitions...this is a MUST-READ. There are many issues described here that are not in the body of the reg itself (you should ALWAYS read definitions section in any reg...but it's really important here). Do you know the definition of what constitutes RACM? (hint; these are the materials that must be removed prior to demo/renovation...it's not just "friable" stuff)...and many other issues.

61.145...three subsections (a), (b) and (c)

(a) Applicability...read it...especially the first part....learn how the 160 ft², 260 linear feet and 35 ft³ matter. Also...the very first line is where "thorough inspections" are required.

(b) Notifications...if your State/Local program has a well-defined notification procedure and forms...you can skip this...just follow what the program requires. If oddities ever show up in your work...call the State/Local program, they can advise you! PS...poor planning is never an emergency when notifications are required.

(c) Emission Controls...or bka...the removal requirements...what's required, various options etc....this is a MUST READ. This is where required removal lives...not OSHA! NESHAP gets us to the removal work and although NESHAP does talk about control issues, most of work practice requirements are covered by the OSHA asbestos construction standard.

61.150 Waste Disposal...just read it...not a complicated section. Waste shipment record issues are important here.

*** If you deal with landfill issues**...also see 61.151 (inactive waste sites) and 61.154 (active waste sites)

It never hurts to read through an entire reg...but for most, a good working knowledge of 141, 145 and 150 will put one in a better place with your knowledge base.

Also; looking through these can help greatly too with NESHAP knowledge.

The NESHAP pre-amble: here you'll find the history of Category 1 and 2 definitions...this helps! A hint...see page 48408 and in the first column "Demolition and Renovation"

<https://www.epa.gov/sites/production/files/2016-03/documents/55fedreg48406.pdf>

Common Questions on the Asbestos NESHAP (worth reading...a quick read)

http://www.kernair.org/Applications_Forms/Asbestos_Forms/Asbestos%20NESHAP%20Common%20Questions.pdf

A Guide to Normal Demolition Practices Under the Asbestos NESHAP (how Cat 1 & 2 become RACM during demo and other issues)

<https://www.epa.gov/sites/production/files/2014-09/documents/epa-340-1-92-013-199209.pdf>

EPA AHERA “Asbestos in Schools” 40 CFR Part 763, Subpart E

<https://www.epa.gov/asbestos/asbestos-laws-and-regulations#schools>

At this link you’ll find the body of the Asbestos in Schools rules (K-12, **40 CFR Part 763, Subpart E**)...also...

- The TEM final clearance air sampling and analysis appendix (Note: do know to also look in the reg at “Response Actions”; § 763.90 (i)...there are must know issues here too for final clearance air sampling)
- The Model Accreditation Plan (Appendix C)
- The MANDATORY PLM analysis method (Appendix E)
- The waste issues...go to NESHAP 61.150...AHERA was written before NESHAP was updated in 1990...check with your state/local program is you have questions here.

EPA Asbestos Worker Protection Rule

<https://www.epa.gov/asbestos/asbestos-laws-and-regulations#phaseout>

The EPA extends worker protection requirements to state and local (city, county) government employees involved in asbestos work who were not previously covered by the OSHA asbestos regulations.

You can also find the **Ban & Phase Out Rule** (remanded) on the main EPA page, but this is also very helpful on that issue. Please know that we have not banned all abestos use in the US...yet the linked page describes these issues: <https://www.epa.gov/asbestos/us-federal-bans-asbestos#notbanned>

If you care to wander through a somewhat complicated web page where the **EPA clarifications can be found...it’s called the Applicability Determination Index (ADI)**. You put in search words and cite a regulation and see what you find. This is a really old school way of searching a web page...so you may have to change up your search phrases...we keep finding stuff we didn’t even know existed. A lot of it is historical stuff that often has no applicability to today’s regs...but you can find real gems that actually apply to today’s work too. Remember...NESHAP was rewritten in 1990-94 and OSHA was 94-95...stuff older than that often does not apply today.

The EPA ADI: <https://cfpub.epa.gov/adi/>

Here is a **treasure trove of historical EPA documents**...some old...some useful...but lots of them!!

<http://tinyurl.com/yb7psuo2>

EPA link to State asbestos programs: <https://www.epa.gov/asbestos/state-asbestos-contacts>

Then the OSHA stuff...

There are 3 OSHA asbestos standards; general industry (29 CFR 1910.1001), construction (29 CFR 1926.1101) and shipyard employment (29 CFR 1915.1001).

On a practical basis think of general industry as those working around asbestos but not necessarily disturbing it as part of their work (think workers in a coal fired power plant that work around asbestos covered pipes all day, but they are not disturbing it as part of their assigned duties). The brake/friction product issues are general industry as is your janitorial crew (flooring maintenance) as examples. There are numerous items in General Industry that may not apply to your circumstances...just read past those issues. Construction; this is where asbestos disturbing activities live and this rule applies to most of our work (Class I-IV work); here you have to read the whole regulation, there are no shortcuts. The Shipyard standard is very similar to Construction...if the Shipyard standard applies to your work, do read it, there are a few small difference to Construction.

The linked pages are loaded with info; the regs, appendices (do know which are mandatory!!), clarifications (Note: OSHA's clarifications are used by OSHA!), pre-ambls etc...it's really worthwhile to wander these pages...but do read the actual regs!

General Industry and Shipyard Employment

<https://www.osha.gov/SLTC/asbestos/standards.html>

Construction

<https://www.osha.gov/SLTC/asbestos/construction.html>

ALSO...the Respiratory Protection Standard (29 CFR 1910.134)(numerous MANDATORY appendices here...App. A "Fit Testing" is really important)

<https://www.osha.gov/SLTC/respiratoryprotection/standards.html>

Now...The FREE stuff!

Caveat: I offer these free docs as a service to you. It's up to you to determine accuracy and applicability. Hope they help!!

National Institute of Building Sciences (NIBS): Guidance Manual Asbestos Operations & Maintenance Work Practices

NIBS has made this document free to the public. I finally tracked down a page where it can be found. Hope this may be of assistance to those writing asbestos O&M plans. Be careful about cutting and pasting from this document as it's common to have cross references made across various sections.

<http://docplayer.net/7597376-Guidance-manual-asbestos-operations-maintenance-work-practices.html>

The Whole Building Design Guide (WBDG)

There is a web page you should take the time to wander through. It's called "Whole Building Design Guide" which is a free web page where many US government agencies have posted documents regarding all manners of construction, construction design and construction management. Within these pages one can also find many items on asbestos and many other environmental issues.

The Whole Building Design Guide: <https://www.wbdg.org/>

From that page I've cut out some things that you may find of interest...

US Army Center for Public Works; Installation Asbestos Program Management; This document is from 1998 and it is the perspectives of a particular agency...but it might be helpful info to use.

http://www.wbdg.org/FFC/ARMYCOE/PWTB/pwtb_420_70_8.pdf

UNIFIED FACILITIES GUIDE SPECIFICATIONS; ASBESTOS ABATEMENT:

<http://wbdg.org/FFC/DOD/UFGS/UFGS%2002%2082%2013.00%2010.pdf>

UNIFIED FACILITIES GUIDE SPECIFICATIONS; ENGINEERING CONTROL OF ASBESTOS CONTAINING MATERIALS:

<http://wbdg.org/FFC/DOD/UFGS/UFGS%2002%2082%2016.00%2020.pdf>

Veterans Administration (VA) traditional asbestos removal: <http://wbdg.org/FFC/VA/VAASC/VA028211.pdf>

VA roofing removal: <http://wbdg.org/FFC/VA/VAASC/VA02821321.pdf>

VA floor tile/mastic removal: <http://wbdg.org/FFC/VA/VAASC/VA02821319.docx>

VA glove bag removal: <http://wbdg.org/FFC/VA/VAASC/VA02821313.docx>

VA asbestos removal for whole building demo:
<http://wbdg.org/FFC/VA/VAASC/VA02821341.pdf>

VA transite (asbestos cement) removal: <http://wbdg.org/FFC/VA/VAASC/VA02821331.pdf>

There are likely many more to be found at the WBDG site...if you have some time try different search phrases to see what you come up with.

If any of the links do not come across as hyperlinks...just copy and paste the link into your browser...it should work...I hope!!

I hope you have found this posting useful....and read those regulations!!