MassDEP Asbestos Regulation
(310 CMR 7.15)

MEHA Yankee Conference
Hotel 1620 Plymouth Harbor, Plymouth, MA
September 12, 2019
Fundamentals of Asbestos Program focus on Demolition and Renovation Projects

• Performance standards:
  – Prevent air emissions
  – Protect public health, safety and environment

• Essential Elements of Program:
  – Notification prior to work
  – Asbestos abatement work practice standards
  – Asbestos-containing waste material must be properly managed

• Must also comply with DLS requirements:
  – Worker qualifications/training
  – Work practices/worker safety
  – Final clearance monitoring

MassDEP Asbestos Webpage

http://mass.gov/dep/asbestos
Asbestos Abatement Project Requirements
Front-End through Removal

- **Survey Requirements**
- **Notification Requirements**
  - Asbestos Notification Form (AQ04-ANF-001)
  - Exemptions for certain small jobs and homeowners; however must follow applicable work practices
- **Work Practice Standards**
  - Adequate Wetting
  - Containment/Ventilation
  - Decon, Removal and Cleanup
- **Final Visual Inspection**
Asbestos Abatement Project Requirements
Material Specific Work Practices

- Asphaltic Roofing and Siding
- Window Glazing and Caulking Compounds
- Exterior Cement Shingles, Siding and Panels
- Underground Asbestos-Cement Pipe*
- Incidental Maintenance
  - Floor tile
  - Gypsum Wallboard/Joint Compound systems

* Note: Added in July 2019 Amendments
Asbestos Abatement Project Requirements
Managing Asbestos Containing Waste Material (ACWM)

• Packaging
• Transportation
• Storage & Disposal
• Waste Shipment Record

Image Source: ILC Dover
“Spiral” of Non-compliance

- Failure to perform thorough asbestos survey is often the first step down a path of non-compliance
- Cleanup of non-compliant activities requires approval of site-specific work plan
  - Project delays and increased project costs
- All affected C&D debris must be disposed as ACWM
- Occupants often must be relocated during decon
- Civil administrative penalties may be imposed
- AG may seek civil or criminal charges
Survey Requirements

• Required prior to **ANY** demolition/renovation project
  – ANY structure of ANY age
  – Exception: Owner of a single-family house conducting work on non-friable asbestos themselves in the home they live in

• **DLS-certified Asbestos Inspector** must conduct “thorough” inspection of all suspect ACM
  – Identify all material containing asbestos in any amount (including <1%) in area to be worked on
  – Destructive survey (inspect/sample behind wall cavities, through floor layers, above ceilings)
  – Must use of approved analytical methods
    • EPA Method for the Determination of Asbestos in Bulk Building Materials (EPA/600/R-93/116) - Polarized Light Microscopy (PLM)
      – Any suspect ACM not analyzed must be identified as ACM

• Keep the Survey Report for at least two years (preferably longer)
“Suspect Asbestos-Containing Material”

• MassDEP Definition: Products reasonably likely to contain asbestos based on appearance, composition, and use

• Includes (but is not limited to):

<table>
<thead>
<tr>
<th>Non-fiberglass insulation (e.g., pipe, boiler, duct work)</th>
<th>Mastic (flooring or cove base adhesive or damp-proofing)</th>
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</thead>
<tbody>
<tr>
<td>Spray-on fire proofing</td>
<td>Vinyl floor and wall tiles</td>
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<tr>
<td>Asphalt roofing and siding (shingles, roofing felts, tars, etc.)</td>
<td>Vinyl sheet flooring</td>
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<tr>
<td>Cement/transite shingles</td>
<td>Wallboard Joint Compound</td>
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<tr>
<td>Cement/transite pipes</td>
<td>Plaster</td>
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<tr>
<td>Cement sheets (corrugated and decorative)</td>
<td>Ceiling tiles</td>
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<tr>
<td>Cloth vibration dampers or duct work</td>
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</tbody>
</table>
Asbestos Products still Available in Commerce

The manufacture, importation, processing and distribution in commerce of these building products are **not banned** (partial list):

- Asphalitic roofing shingles, felts, flashing
- Cement shingles/panels
- Cement pipe
- Vinyl floor tile
- Millboard
- Gaskets
- Adhesives/mastics
- Friction materials (auto, truck, rail, industrial)

Reference: [https://www.epa.gov/asbestos/us-federal-bans-asbestos](https://www.epa.gov/asbestos/us-federal-bans-asbestos)
Suggested Checklist for Building Officials
Asbestos Survey/Removal Requirements

1. Was the structure, or the portion of structure where work will be performed, thoroughly surveyed by a DLS-certified asbestos inspector prior to ANY demolition or renovation activity?
   – Ask for copy of asbestos survey report.

2. Did survey identify any Asbestos-Containing Material (ACM)?
   – Note: Any suspect ACM not analyzed must be managed as ACM

3. If ACM was identified, has it been removed?
   – Ask for copy of Asbestos Notification Form (ANF)
   – Ask for evidence of project completion
     • Final clearance monitoring report, or
     • Waste Shipment Record (WSR).
Reminder of Construction/Demolition Notification Requirement

• Submit 10 working-days before start of construction or demolition of a building:
  – Industrial/Commercial/Institutional
  – Residential buildings ≥ 20 units
    (EPA requires notification for demo of any residence >4 units)

• Use MassDEP form BWP AQ 06 Notification Prior to Construction or Demolition

• Prevent release of dust or other hazardous pollutants (e.g. asbestos)

• Notification form asks about:
  – Asbestos survey
  – Survey results
  – Any asbestos abatement activities

https://www.mass.gov/how-to/aq-06-constructiondemolition-notification
Suggested Checklist for Building Officials
Notification Prior to Construction/Demolition

1. Does the project involve an institutional, commercial or industrial structure, or any portion of such a structure?
2. Does the project involve of a residential structure, or any portion of such a structure, with 20 or more dwelling units?
3. Does the project involve the demolition of a residential structure with more than 4 dwelling units?
4. If yes to any of above, then the owner/operator is required to submit an AQ06 Notification Prior to Construction or Demolition.
   – 10 working-days (ca. two weeks) prior to start of any activity
   – MassDEP can grant emergency waiver upon request
Asbestos Project Look-up Tool

https://eeaonline.eea.state.ma.us/portal#!/search/asbestos
For More Information:

• MassDEP Asbestos Regulation – July 2019:  
  – Questions about Asbestos Regulations and Policy:  Mike Elliott, email:  
    michael.elliott@mass.gov, telephone: 617/292-5575  

• Regional MassDEP Asbestos Contacts:  
  – Central:  Gregg Levins (gregory.levins@mass.gov, 508/767-2768)  
  – Northeast:  John MacAuley (john.macauley@mass.gov, 978/694-3262)  
  – Southeast:  Cynthia Baran (cynthia.baran@mass.gov, 508/946-2887)  
  – Western:  Marc Simpson (marc.simpson@mass.gov, 413/755-2115)  

• Find your region:  
  https://www.mass.gov/service-details/massdep-regional-offices-by-community  

• Asbestos Project Lookup Tool (via EEA Data Portal):  
  https://eeaonline.eea.state.ma.us/portal#!/search/asbestos  

• MassDEP Asbestos Website:  
  http://mass.gov/dep/asbestos