Massachusetts Department of Labor Standards

New England Region and NEHA Affiliates

57th Annual Environmental Health Yankee Conference

2019 - Plymouth, MA
What is asbestos?

• Asbestos is a natural mineral (6 types)
  – Cheap, durable, heat and chemical resistant
  – For a long time considered a “miracle”
  – At the height of its use, asbestos could be found in over 3,000 consumer products.
What is the health hazard?

• When inhaled or ingested, the microscopic asbestos fibers work their way into the lining of the lungs, abdomen or heart. Over a period of 10 to upwards of 50 years, the fibers can cause inflammation and scarring, which can develop into mesothelioma or other diseases.
Asbestos Regulations, 453 CMR 6.00

• DLS is responsible for the regulation of occupational asbestos exposure in the Commonwealth.
  – Worksite visits
  – License asbestos operations
  – Provides oversight of labs and training providers
  – Assists with technical information.

• DLS regulates when work is being done that disturbs, or could disturb, asbestos.
  – Worker health

• DEP regulates it everywhere else.
  – Public health and environment
Asbestos Licensing

• On an asbestos abatement job everyone has to have training AND a DLS license.
  – At least one supervisor ON SITE.
  – Anyone else handling asbestos has to have training and a DLS license of some kind.
Asbestos Inspections

- Pre-Demolition
  - DEP Requirement
- Final Clearance
  - Visual
  - Vigorous air sample
Friability

• Asbestos-Containing Material (ACM) - Any material containing more than one percent asbestos (>1%).

• Friable - Any material which, when dry, may be crumbled, pulverized or reduced to powder by hand pressure.

• Non-Friable – Anything else with asbestos. Building materials typically include, but are not limited to: asbestos cement pipe, sheathing siding and shingles; vinyl asbestos building materials, such as floor tiles.
Why Friability Matters

• If the material is friable or made friable then there is a risk to the workers, residents, building occupants and general public of breathing in asbestos particles.

• Non-friable does NOT mean safe.
  – Cutting, grinding, sanding, breaking etc... can make non-friable asbestos friable and airborne.
When to contact DLS

• Health Department and Inspectional Services are vital partners in stopping asbestos exposure.
  – First responders to illegal and improper work practices.

• Regardless of friability, contact DLS any time work on asbestos containing material is creating dust, being broken, scraped, sheared, or otherwise damaged.

• If you encounter any unlicensed personnel (asbestos workers/supervisors/project monitors/inspectors) during an active abatement.

• Also contact DLS any time you receive a complaint regarding a possible asbestos violation

• Call: 617-626-6960
Asbestos in Schools

• Under authority delegated by the United States - Environmental Protection Agency, DLS administers and enforces the Asbestos-Containing Materials in Schools Rule, 40 CFR 763, Subpart E, commonly known as the Asbestos Hazard Emergency Response Act (“AHERA”).

• AHERA requires that schools:
  – Inspect buildings that they own, lease or rent for asbestos-containing building materials (“ACBMs”);
  – Create and execute written plans for managing ACBMs in a manner that minimizes asbestos exposure hazards;
  – Abate asbestos hazards that cannot be controlled through operations and maintenance (“O&M”) procedures;
  – Carry out certain recordkeeping and notification functions; and
  – Ensure that the mandatory elements of a management plan are present.
Vermiculite/Zonolite Attic Insulation

• Vermiculite is harmless, but 70% pre-1990 is contaminated with asbestos

• If there is Zonolite insulation, the Environmental Protection Agency recommends that you:
  – Do not store boxes or other items in your attic if it contains vermiculite insulation.
  – Do not allow children to play in an attic with vermiculite insulation.
  – Do not attempt to remove the insulation yourself.
  – Hire a professional asbestos contractor if you plan to remodel or conduct renovations that would disturb the vermiculite.
Zonolite Attic Insulation Trust

• Eligible claimants will be reimbursed only for costs to remove Zonolite and reinsulate.
• Claimants must prove their eligibility by opening a claim and submitting a sample of the Zonolite.
• The ZAI Trust will have the sample analyzed to determine if the sample is Zonolite. The analysis does not test for the presence of asbestos.
• Trust provides reimbursement of up to 55% of a total maximum bill of $7,500 for abatement and re-insulation.
Lead Safe Renovation (LSR)

• Regulations are applicable under following conditions:
  – Home/residential building built before 1978
  – Child occupied facility, including preschools and kindergartens built before 1978
  – When disturbing greater than six square feet of painted surfaces in a room for interior projects, more than twenty square feet of painted surfaces for exterior projects, any window replacement projects or any projects resulting in the demolition of painted surfaces.

• Not Deleading
  – Not intended for Letter of Compliance (LOC).
  – No notification or inspection required
Roles of DLS and DPH

• DLS – worker health
  – Site work, active renovation, clean up, or any recent work

• DPH – child health (under 6)
  – No such restrictions
LSR Licensing

• Licensed firm and only need one supervisor
  – Supervisor trains workers

• No special waste stream like asbestos

• Visual clearance only
When to call DLS

• If building meets criteria, and
• If you see paint chips or painted surface debris during renovation, or
• Power sander, pressure washer or other tool creating dust or chips is being used, or
• Anytime you receive a complaint regarding possible lead paint violations.
• Call 617-626-6960