

Caution: Asbestos Ahead

by Brian Freeman

These days, a renovation contractor must try even harder than usual to reduce needless project costs. The costs of complying with federal and state regulations regarding asbestos may be a tempting target. But saving money there today could put your project under water tomorrow.

Federal asbestos regulations apply to the renovation of any commercial structure and any residential structure with at least five dwelling units. In November 1990, the U.S. Environmental Protection Agency (EPA) amended these regulations to clarify that before any such structure is renovated, it must be inspected for asbestos. The revised regulations also clarify the responsibilities of owners, contractors, and other involved parties when certain amounts of asbestos-containing materials are discovered. In addition, the Occupational Safety and Health Administration (OSHA), as well as individual states, also regulate the removal of asbestos.

What Materials Are Regulated?

Federal regulations generally divide asbestos-containing materials into two groups. The first and most dangerous is "friable" asbestos material. This includes any material that contains more than 1% asbestos and that can be crumbled by hand pressure.

Second is asbestos-containing material that is ordinarily nonfriable, but that has become friable or is likely to release asbestos during renovation. This category can include older building materials such as resilient floor coverings and asbestos roofing products that will be subjected to sawing, grinding, or similar treatment during the renovation.

Although asbestos has been banned from use in most building products since the late 1970s, many buildings constructed before and even after that time contain asbestos. Potentially regulated asbestos materials include asbestos cement board and pipe (such as transite), pipe and heating duct insulation, exterior siding shingles, drywall joint compound, and plaster (see illustration).

Federal Regulations

Before any renovation work begins, EPA requires the owner or contractor to inspect the building thoroughly for the presence of asbestos-containing material. If the amount exceeds specific minimums, notification and removal requirements apply, and the contractor must file the proper EPA form. The minimum figures are 260 lineal feet for pipes, 160 square feet on any other part of the structure (including equipment), or 35 cubic feet for any structure or elements that

have been dismantled or cannot be measured for length or area. In emergency renovations, the contractor may simply estimate the total amount of regulated asbestos material.

Notification and Removal

The EPA notification and removal regulations contain two basic requirements:

- EPA must be notified of the renovation
- The asbestos must be removed according to specific procedures and safeguards

The contractor must file the relevant EPA form at the appropriate EPA regional office at least ten working days before the start of any work that would disturb the asbestos-containing material. A notice sent by regular mail must be postmarked at least ten days before the work begins. In an emergency renovation, written notice must be given as early as possible, but no later than the following work day.

The notice must also be updated when the amount of asbestos to be affected changes by at least 20% from the amount in the original notice, or if the start date for the project changes. If the start date is moved up, the same ten-day advance notice requirements apply to the new start date. Work may not begin on any day other than the one specified in the notice.

The information required on the standard EPA notice form extends far beyond the amount of asbestos materials on the premises. The contractor must also provide information on the procedure by which the asbestos material was detected; the anticipated renovation work and methods; and the procedures that will be used to ensure that no asbestos becomes airborne and to deal with any undiscovered asbestos. Other questions ask where the removed asbestos will be disposed and who will transport it. As of November 20, 1991, the notice must also certify that at least one person trained according to EPA standards will supervise the asbestos removal.

EPA removal procedures are specific, and vary according to the type of asbestos being removed. In general, the material must be thoroughly wetted, carefully lowered to the ground, and packed in leakproof containers. Because these regulations are so detailed, a contractor without expertise in this area should probably sub out the actual removal work to a qualified asbestos abatement firm. In fact, many states require this.

Other Requirements

The EPA isn't the only agency regulating asbestos. The U.S. Occupational and Safety Administration (OSHA) also enforces a set of regulations to protect workers at the site. OSHA requires safety equipment

and practices such as high-efficiency particulate accumulator (HEPA) filter respirators, polyethylene sheeting and taping of the work area, worker decontamination enclosures, ventilation, and air monitoring. Also, most states have their own asbestos regulations, which can be more stringent than the federal code.

EPA requirements similar to those for renovations also apply to demolitions. Again, regulated buildings include any commercial structure or any residential structure with at least five dwelling units. But the notification requirement for demolitions is significantly broader: EPA must be notified in advance of all demolitions of such structures, even if the initial inspection turns up no friable or potentially friable asbestos material.

Enforcement

EPA has made efforts recently to ensure that contractors know of the asbestos requirements. In New England, for example, EPA Region I encourages local building authorities to remind demolition permit holders of their obligation to notify EPA. In addition, Region I increasingly cross-checks demolition permits issued against notifications received.

In November 1990, Congress strengthened EPA's enforcement authority for asbestos and other air pollution violations. EPA can now seek and impose fines "in-house," without suing in federal court. Whether levied by EPA or by a court, fines and penalties have been getting stiffer. Last year, for example, a Connecticut demolition company official was sentenced to one year in prison and fined for asbestos notice and removal violations.

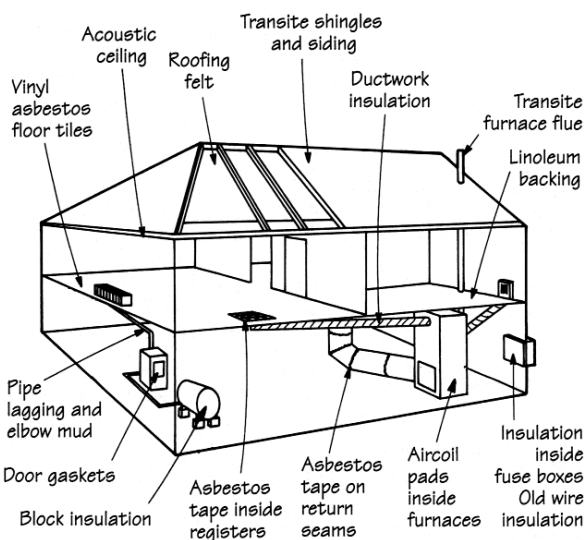
Implications for Contractors

Given the detail of the regulations and the severe penalties for their violation, a renovation contractor needs to be aware that asbestos is a potential issue on any job. The contractor should also realize that compliance with the regulations will not come cheaply. Removal costs can run about \$25 per square foot for removal from heating and ventilation equipment, \$25 per lineal foot for piping, and \$5 per square foot for floor tile.

To navigate safely through this potential minefield, a renovation contractor should assume nothing. Suspect material should be tested. Answers won't come cheaply, but to ask no questions could be far more expensive. If asbestos is detected on one of your work sites, you should consult your attorney to determine what requirements you need to meet before proceeding. ■

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Asbestos in the Home



Asbestos might be found at any number of points in the home, posing health dangers and a long list of regulatory requirements the contractor must meet.