

Asbestos

Common Questions on the Asbestos NESHAP



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purposes ONLY, and may not in any way be interpreted to alter or replace the coverage or requirements of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP),

40 CFR Part 61, Subpart M. Any mention of product names does not constitute endorsement by the U.S. Environmental Protection Agency.

Introduction

The Clean Air Act (CAA) requires the U. S. Environmental Protection Agency (EPA) to develop and

enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. In accordance with Section 112 of the CAA, EPA established National Emissions Standards for Hazardous Air Pollutants (NESHAP) to protect the public. Asbestos was one of the first hazardous air pollutants regulated under Section 112. On March

31, 1971, EPA identified asbestos as a hazardous pollutant, and on April 6, 1973, EPA first promulgated the Asbestos NESHAP in 40 CFR Part 61.

In 1990, a revised NESHAP regulation was promulgated by EPA. Information contained in this pamphlet is consistent with the amended regulation. This pamphlet answers the most commonly asked questions about the Asbestos NESHAP for demolitions and renovations. Many of the questions included in this pamphlet have been raised by demolition and renovation contractors in recent years. Most questions relate to how a demolition or renovation contractor or building owner

can best comply with the regulation. The responses assume that the questioner has a basic understanding of the Asbestos NESHAP and demolition and renovation practices. A brief glossary

of terms is also included at the back of the pamphlet.

The Asbestos NESHAP regulations protect the public by minimizing the release of asbestos fibers during activities involving the processing, handling, and disposal of asbestos-containing material.

Accordingly, the Asbestos NESHAP specifies work practices to be followed during demolitions and

renovations of all structures, installations, and buildings (excluding residential buildings that have

four or fewer dwelling units). In addition, the regulations require the owner of the building and/or the

contractor to notify applicable State and local agencies and/or EPA Regional Offices before all demolitions, or before renovations of buildings that contain a certain threshold amount of asbestos.

For more information about the Asbestos NESHAP or for answers to questions not covered in this

pamphlet, contact the delegated State or local agency or the appropriate EPA Regional Office.

General Information

What is the purpose of the Asbestos NESHAP regulation?

The purpose is to protect the public health by minimizing the release of asbestos when facilities which contain asbestos-containing materials (ACMs) are demolished or renovated.

How much regulated asbestos-containing material (RACM) is disposed of annually from demolition/renovation operations?

Approximately 5.7 million cubic feet of RACM is disposed of annually. In accordance with the regulation, most RACM is taken to landfills, where it is covered by soil or other debris in order to keep it from releasing asbestos fibers.

What is the difference between demolishing a facility and renovating it?

"Demolition" and "renovation" are defined in the regulation. You "demolish" a facility when you remove or wreck any load-supporting structural member of that facility or perform any related operations; you also "demolish" a facility when you burn it. You "renovate" a facility when you alter any part of that facility in any other manner. Renovation includes stripping or removing asbestos from the facility.

What percentage of asbestos related activities involve demolitions?

Demolitions comprise approximately 10% of all reported asbestos-related activities.

Is there a numeric emission limit for the release of asbestos fibers during renovations or demolitions in the asbestos NESHAP regulation?

No, the Asbestos NESHAP relating to demolitions or renovations is a work practice standard. This means that it does not place specific numerical emission limitations for asbestos fibers on asbestos demolitions and removals. Instead, it requires specific actions be taken to control emissions. However, the Asbestos NESHAP does specify zero visible emissions to the outside air from activity relating to the transport and disposal of asbestos waste.

Who is responsible for enforcing the Asbestos NESHAP standards?

Under Section 112 of the Clean Air Act, Congress gave EPA the responsibility for enforcing regulations relating to asbestos renovations and demolitions. The CAA allows EPA to delegate this authority to State and local agencies. Even after EPA delegates responsibility to a State or local agency, EPA retains the authority to oversee agency performance and to enforce NESHAP regulations as appropriate.

How many States have primary responsibility for implementing the Asbestos NESHAP regulations?

As of October 1990, approximately 45 states.

NESHAP Jurisdiction

What is a "facility?"

As defined in the regulation, a "facility" is any institutional, commercial, public, industrial or residential structure, installation or building (including any structure, installation or building containing condominiums, or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; or any active or inactive waste disposal site. Any building, structure or installation that contains a loft used as a dwelling is not considered residential. Any structure, installation, or building that was previously subject to the Asbestos NESHAP is not excluded, regardless of its current use or function.

If I renovate several two-family units, are the units defined as a "facility?"

Residential buildings which have four or fewer dwelling units are not considered "facilities" unless they are part of a larger installation (for example, an army base, company housing, apartment or housing complex, part of a group of houses subject to condemnation for a highway right-of-way, an apartment which is an integral part of a commercial facility, etc.).

Are mobile homes or mobile structures regulated by the Asbestos NESHAP?

Mobile homes used as single-family dwellings are not subject to Asbestos NESHAP. Mobile structures used for non-residential purposes are subject to NESHAP.

Are Federal facilities regulated by the Asbestos NESHAP?

Yes.

Are single-family private residences regulated by the Asbestos NESHAP?

No.

How much asbestos must be present before the Asbestos NESHAP work practice standards apply to renovation projects?

Asbestos NESHAP regulations must be followed for all renovations of facilities with at least 80 linear meters (260 linear feet) of regulated asbestos-containing materials (RACM) on pipes, or 15 square meters (160 square feet) of regulated asbestos-containing materials on other facility components, or at least one cubic meter (35 cubic feet) of regulated asbestos-containing materials on other facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping.

These amounts are known as the "threshold" amounts.

How much asbestos must be present before the Asbestos NESHAP work practice standards apply to demolition projects?

Asbestos NESHAP regulations must be followed for demolitions of facilities with at least 80 linear meters (260 linear feet) of regulated asbestos-containing materials (RACM) on pipes, 15 square meters (160 square feet) of regulated asbestos-containing materials on other facility components, or at least one cubic meter (35 cubic feet) of regulated asbestos-containing materials on other facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping.

However, all demolitions must notify the appropriate regulatory agency, even if no asbestos is present at the site, and all demolitions and renovations are "subject" to the Asbestos NESHAP insofar as owners and operators must determine if and how much asbestos is present at the site.

Are homes that are demolished or renovated to build non-residential structures regulated by the Asbestos NESHAP?

Yes. For example, homes which are demolished as part of an urban renewal project, a highway construction project, or a project to develop a shopping mall are regulated by the Asbestos NESHAP.

A single home which is converted into a non-residential structure is also regulated by the Asbestos NESHAP. For example, if someone buys a house and converts it into a store, the renovation is subject to the Asbestos NESHAP.

If a renovation site is abandoned, is the site still regulated by the Asbestos NESHAP?

Yes. Even after a renovation site is abandoned, it is still regulated by the Asbestos NESHAP.

What is encapsulation, and is it regulated by the Asbestos NESHAP?

Encapsulation is the application of a material with a sealant to stop it from releasing fibers. Normally, encapsulation is not regulated by the Asbestos NESHAP unless it involves removing or stripping asbestos. However, if encapsulation is done using methods that damage asbestos and release fibers it would be covered. For example, high pressure spraying to apply encapsulant could damage asbestos. Also, if friable RACM is encapsulated, the RACM is still covered by the Asbestos NESHAP if renovation or demolition occurs.

Are offshore oil rigs regulated in terms of asbestos removal and demolition?

Yes. Federal jurisdiction extends to the continental shelf (100 miles). When EPA delegates authority to State or local agencies, the State and local agencies are usually considered to have authority only in territorial waters (12 miles). The Department of the Interior is still evaluating whether States may extend their jurisdiction beyond territorial waters. EPA currently enforces the NESHAP between territorial waters and the continental shelf.

Notifications

What is a notification?

A notification is a written notice of intent to renovate or demolish. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion date of the work, the location of the site, the names of operators or asbestos removal contractors, methods of removal and the amount of asbestos, and whether the operation is a demolition or renovation. See Section 61.145(b) of the Asbestos NESHAP regulation.

Whom do I notify?

You should notify the delegated State/Local Pollution Control Agency in your area and/or the EPA Regional Office of the demolition or renovation operations subject to NESHAP. Some EPA Regions require that both the EPA Regional Office and the local delegated agency be notified, while

some
require notice only to the delegated State or local agency. If the program is not delegated, notify
the
EPA Regional Office.

How do I notify?

Mail or hand-deliver the notification to the appropriate agency.

Are telefaxed or telephone notifications acceptable?

No. Telefaxed notifications are not accepted. Telephone notifications are only acceptable in
emergency situations at the discretion of the EPA Regional Office or delegated agency and must
be
followed with a written copy by the following working day.

*Who is responsible for submitting a notification -- the owner of the building which is being
demolished or renovated, or the contractor?*

The NESHAP regulation states that either the owner of the building or operator of the demolition
or
renovation operation can submit the notification. Usually, the two parties decide together who
will
notify. If neither provide adequate notice, EPA can hold either or both parties liable.

*When a condominium complex is being renovated, who as owner, is responsible for submitting a
notification?*

While owners and operators share responsibility for proper notification, the condominium or co-
op
board is responsible as the owner. The board should ensure that they are told when work takes
place
on individual units, so that they can comply with notification (and other EPA) requirements,
especially if multiple operators are involved.

Is there a form or format for notifications?

Yes, there is a suggested form for notifications. You can obtain a form, and instructions on how
to
fill it out, from your delegated State or local agency or from your EPA Regional Office.

Do demolitions of facilities in which no asbestos is present require notification?

Yes. All demolitions that meet the definition of facility must notify.

When I notify regarding a renovation, what date do I consider the start date?

For a renovation, the start date is the day that the removal of asbestos-containing material, or any other asbestos-handling activities, including precleaning, construction of containment, or other activities that could disturb the asbestos, will begin.

When I notify regarding a demolition, do I give the start date of the demolition or of the asbestos removal? Which date do I use to determine whether I've met the 10-day waiting period?

For a demolition, the start date is the date that the removal or related activity begins. The date the demolition starts also must be reported. The waiting period should be calculated based on the start date of the removal or the demolition, if no removal is required. The waiting period is necessary to give inspectors time to visit the site before activity begins.

Does the 10-day notification requirement refer to "calendar" days or "working" days?

The Asbestos NESHAP regulation specifies "working days." Holidays that fall between Monday and Friday count as "working days."

What is a "nonscheduled renovation operation"?

A "nonscheduled renovation operation" is a renovation operation that is caused by the routine failure of equipment which is expected to occur based on past operating experience, but for which an exact date cannot be predicted.

Do I have to notify for non-scheduled operations? When?

Yes, if you can predict based on past experience that renovations will be necessary during the calendar year and the amount of asbestos is likely to exceed the jurisdictional amount, notification is required. This notification must be submitted at least 10 working days before the end of the calendar year preceding the year for which notice is being given.

Note: Single renovation projects which exceed the threshold amount are not covered by this type of notice. A separate notification is required for these projects.

Must I notify the agency again if I know that a specific renovation project involving more than the threshold amount (including the work covered by the calendar year notice for non-scheduled operations) is about to occur at a specific time?

Yes.

What constitutes an emergency renovation?

An emergency renovation is a renovation that was not planned, but results from a sudden, unexpected event that either immediately produces unsafe conditions, or that, if not quickly remedied, could be reasonably foreseen to result in an unsafe or detrimental effect on health or is necessary to protect equipment and avoid unreasonable financial burden. The term includes renovations necessitated by non-routine equipment failures. For example, the explosion of a boiler in a chemical plant might require emergency renovations, since such an explosion would disrupt normal operations. However, renovations involving routine repairs are not emergencies.

Under what conditions must I notify for emergency renovations? When must I notify?

First, inspect the facility and determine the amount of RACM that may have to be removed or disturbed to repair the facility. (If you don't have the time to have samples analyzed, you should assume that all insulation is RACM.) Then, if the amount of RACM is in excess of the threshold amount, you should mail or deliver a notification as soon as possible, but certainly no later than the following workday. A notification which is postmarked more than one working day after the emergency will be considered in violation of the notification requirements. EPA recommends that you send the notice by overnight express mail, and that you phone in a notification as well to the delegated agency and/or EPA Regional Office.

When does a notification need to be revised?

A notification must be revised if information contained in the original notice has changed. For example, you must revise the notification if you change the start date of an operation. If the change relates to the amount of RACM involved, you need only revise the notification if the amount changes by more than 20 percent.

When do I submit a revised notification?

You should telephone EPA as soon as possible after you realize the revision is necessary, and should then mail or hand deliver a written notice. If you delay the start date of a project, EPA must receive the revised notification no later than the original start date. If you plan to begin work before the date

specified in the original notice, EPA must receive the revised notice at least 10 working days before the revised start date.

Removal

Does the Asbestos NESHAP require a building owner or operator to remove damaged or deteriorating asbestos-containing material?

No. Not unless a renovation of the facility is planned which would disturb the ACM and it exceeds the threshold amount.

What does "adequately wet" mean?

To "adequately wet" ACM means to sufficiently mix or penetrate the material with liquid to prevent the release of particulates. If visible emissions are observed coming from ACM, then the material has not been adequately wetted. However, the absence of visible emissions is not evidence of being adequately wet.

If a contractor puts water in the bottom of a bag, then strips the friable asbestos material dry and lets it fall into the water, is this a violation of the Asbestos NESHAP standards?

Yes. The regulation states that friable asbestos-containing material must be "adequately wet" during stripping operations. The material must remain wet until disposal.

Section 61.145(c)(6)(iii) states that the operator must "transport the materials to the ground via dust tight chutes or containers if it has been removed or stripped more than 50 feet above ground level." Can a room sealed with plastic and a negative air system be considered a dust tight chute?

No, the area in which removal is being conducted (the containment area) cannot be considered a dust tight chute in order to comply with 61.145(c)(6)(iii).

Ordered Demolitions

If a facility is being demolished under an order of a State or local government because the facility is structurally unsound, and therefore unsafe, do all the normal regulations covering demolitions apply?

No. The regulations which do apply are specified in 61.145 (a)(3) of the regulation.

If a facility is being demolished under an order of a State or local government, must all the debris be treated as asbestos-contaminated waste?

If, for safety reasons, the RACM in the facility is not removed prior to demolition, the RACM must be kept adequately wet during the wrecking operations. After wrecking, all the contaminated debris must be kept adequately wet until disposal. All contaminated debris which cannot be segregated and cleaned should be disposed of as asbestos waste.

Friable and Non-Friable Asbestos

What is friable asbestos-containing material?

Friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

What is non-friable ACM?

Non-friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. Under the Asbestos NESHAP, non-friable ACM is divided into two categories. Category I non-friable ACM are asbestos-containing resilient floor coverings (commonly known as vinyl asbestos tile (VAT)), asphalt roofing products, packings and gaskets. These materials rarely become friable. All other non-friable ACM are considered category II non-friable ACM.

Must I remove category I non-friable material prior to demolition or renovation?

Under normal circumstances, category I non-friable materials need not be removed prior to demolition or renovation, because generally these materials do not release significant amounts of asbestos fibers, even when damaged. This is not, however, a hard and fast rule. If category I materials have become friable or are in poor condition, they must be removed. Also, if you sand, grind, abrade, drill, cut or chip any non-friable materials, including category I materials, you must treat the material as friable, if

more than the jurisdictional amount is involved.

Must I remove category II non-friable materials prior to demolition or renovation?

These materials should be evaluated on a case-by-case basis. If category II non-friable materials are likely to become crushed, pulverized or reduced to powder during demolition or renovation, they should be removed before demolition or renovation begin. For example, A/C (asbestos cement) siding on a building that is going to be demolished with a wrecking ball should be removed, because it is likely that the siding will be pulverized by the wrecking ball.

Does non-friable waste, if broken, damaged, etc., have to be wetted and contained?

Non-friable ACM that has been damaged during a demolition or renovation operation such that some portions of the material are crumbled, pulverized or reduced to powder is covered by the Asbestos NESHAP if the facility contains more than the threshold amount of RACM. However, category II non-friable ACM that has a high probability of being damaged by the demolition or renovation forces expected to act on the materials such that it will be crumbled, pulverized, or reduced to powder must be removed prior to the demolition or renovation operation. It is the owner's or operator's responsibility to make these determinations.

Transport and Disposal

How should I handle bulk waste from a facility that contained RACM and that was not found until after demolition began?

The demolition debris must be treated as asbestos-containing waste. Adequately wet the demolition debris until collected for disposal and during loading, transport it in covered vehicles and emit no visible emissions to the outside air as required by 61.150. The waste must be deposited at an acceptable waste disposal site.

Can I transport bulk asbestos waste without placing it in containers as long as I keep the waste pile wet?

No. After wetting, seal all asbestos-containing waste material in leak-tight containers while wet and

label with the appropriate signs and labels. If the waste will not fit into containers, it must be placed in leak-tight wrapping.

However, for facilities that are demolished without removing the RACM and for ordered demolitions, the material must be adequately wet after the demolition has occurred and again when loading the material for transport to a disposal site. RACM covered by this paragraph may be transported in bulk without being placed in leak-tight containers or wrapping.

How should I label asbestos-containing waste that is being taken away from the facility?

You should label the containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. An OSHA warning label must also be used.

Does EPA license landfills for asbestos waste?

The EPA does not license asbestos landfills under the Clean Air Act.. However, it has established asbestos disposal requirements for active and inactive disposal sites under the NESHAP, and general requirements for solid waste disposal under the Resource Conservation and Recovery Act (RCRA). In addition, State and/or local agencies usually require asbestos landfills to be approved or licensed.

Where can I obtain a list of licensed landfills?

State and local agencies which require handling or licensing procedures can supply a list of "approved" or licensed asbestos disposal sites upon request. Solid waste control agencies are listed in local telephone directories under State, county or city headings.

What should the owner or operator of a waste disposal site do if it is determined that there is a discrepancy between the amount of waste that left the facility and the amount of waste that was delivered to the site?

The waste site owner or operator must contact the demolition/renovation owner or operator, and attempt to reconcile the discrepancy. If they cannot do so within 15 days after the waste was received, the waste site owner or operator must notify both the delegated agency responsible for the facility from which the waste was removed, and the delegated agency responsible for the area in which the waste was disposed.

Can water be considered "six-inch compacted non-asbestos cover"? In other words, could asbestos covered components be dropped in the ocean?

No.

Monitoring and Sampling

Does the NESHAP regulation require air monitoring during renovation or removal?

No.

Does the Asbestos NESHAP regulation require me to inspect my property for asbestos?

No, not unless demolition or renovation is planned. The only Federal regulation which requires general inspections are the AHERA regulations, which mandate that schools must be inspected for asbestos. The NESHAP regulation requires that you inspect for asbestos before demolition or renovation.

What is the acceptable exposure/ambient air standard for asbestos?

EPA does not specify an acceptable exposure/ambient air standard.

What is a bulk sample?

A bulk sample is a solid quantity of insulation, floor tile, building material, etc., that is suspected of containing asbestos fibers that will be analyzed for the presence and quantity of asbestos.

Will EPA test my building for asbestos for me?

No. Owners and operators are responsible for getting their buildings tested.

Does EPA accredit laboratories that test for asbestos?

No. EPA, under 40 CFR Part 763, requires local education agencies to use laboratories accredited by the National Institute of Standards and Technology (NIST) in its National Voluntary Laboratory Accreditation Program (NVLAP). It is recommended for NESHAP related projects that NIST accredited laboratories be used.

How can I find someone to do the testing?

NIST publishes a yearly listing of accredited laboratories enrolled in the NVLAP. Then, on a quarterly

basis NIST publishes updates to the master list detailing labs newly accredited, labs which have had their accreditation suspended, etc. Contact NIST NVLAP for a current listing of accredited labs. The NIST NVLAP number is listed at the end of this pamphlet, along with other contact numbers.

How do laboratories analyze bulk samples?

Laboratories analyze bulk samples a number of ways. Most laboratories use Polarized Light Microscopy (PLM). Some laboratories use Transmission Electron Microscopy (TEM). However, there is currently no published method for bulk analysis using TEM.

How much does it cost to have a bulk sample analyzed?

The cost varies with the method. The cost of PLM analysis ranges from \$20.00 to \$100.00. The average cost is \$30.00. TEM analysis is more expensive.

Inspections

Does an inspector have the right to enter any facility and the containment area?

Yes. All inspectors have the right under the Clean Air Act to inspect any facility and the containment area. Inspectors are trained and equipped to do this safely.

If I can see ACM dust inside the containment area or inside a glovebag, is this a violation of the Asbestos NESHAP?

The observation of ACM dust will be used as evidence of a violation of the "adequately wet" requirement. This is consistent with the definition of adequately wet that requires enough wetting "to prevent the release of particulates."

Is visible asbestos-containing debris on the ground outside a removal job considered a "visible emission," and a violation of the NESHAP?

Yes. Dry friable asbestos insulation on the ground violates the "adequately wet" requirement, and can be considered evidence of a visible emission.

Is it appropriate for an inspector to open any bags outside the designated contaminated area?

Yes. The inspector may open any bags outside the designated contaminated area to inspect them. The inspector may use a glovebag or other control techniques. The inspector will then properly reseal the bag, or request that the operator do so.

Must an inspector witness improper removal of more than 160 square feet or 260 linear feet of asbestos-containing material to prove a violation of the NESHAP regulation?

No. First, the inspector must gather information about the quantity of asbestos to prove that the project is subject to the NESHAP standards. Second, the inspector must prove that there has been improper removal. The two tasks are distinct from each other.

Are inspectors required to have medical examinations to ensure that they are medically fit to wear respirators?

Yes. Several Federal provisions under OSHA, EHSD, and NIOSH require people to be examined by a doctor and pronounced physically fit before they are permitted to wear respirators.

Must inspectors have personnel monitoring conducted on them during inspections to comply with OSHA requirements for workers?

No. The inspectors do not have to comply with the work practice safety standards required by OSHA for personnel monitoring.

Do inspectors need to follow facility training requirements including fit testing?

No.

Training

Do contractors and employees need to be accredited?

As of November, 1991 the Asbestos NESHAP requires a person trained in the provisions of this rule and the means of complying with them to be on-site when asbestos-containing material is stripped, removed or disturbed. Under AHERA, all contractors and employees involved in the removal and disposal of asbestos-containing material from schools must be accredited. Additionally, many States require that all workers be accredited before they remove asbestos from any facility.

How can I qualify as an asbestos contractor/worker/consultant under AHERA?

You must attend and pass an EPA accredited training course. A list of training courses approved by EPA is published quarterly in the Federal Register, and is available through the TSCA hotline. The

TSCA number is printed at the end of this pamphlet, along with other contact numbers. Contact your State or local agency for more information.

Do supervisors need to be trained?

Beginning on November 20, 1991, the Asbestos NESHAP requires at least one trained supervisor to be present at any site at which RACM is stripped, removed, or otherwise disturbed at any facility which is being demolished or renovated and is regulated by NESHAP. Evidence of the training must be posted and made available for inspection at the demolition or renovation site. Training includes, at a minimum: applicability, notification, material identification, control procedures, waste disposal, reporting and record keeping, asbestos hazards and worker protection.

Completion of an AHERA accredited course constitutes adequate training. Every 2 years the trained individual is required to receive refresher training. Information about both the training and refresher courses is available through EPA or delegated State or local agencies.

Violations and Penalties

What will happen if I violate the Asbestos NESHAP?

Sanctions vary. In some cases, Notices of Deficiency (NOD) -- written warnings -- or Notices of Violation (NOV's) are issued to owners or operators who violate notification requirements. Or, depending upon the offense, EPA recommends fines up to \$25,000 per day per violation.

Violators of the work practice or disposal standards may be subject to either written warnings, administrative orders or civil penalties up to \$25,000 per day per violation, depending upon the seriousness of the violation. EPA may also bring criminal charges against violators. Some owners and operators who have knowingly violated the Asbestos NESHAP have been sentenced to prison terms.

For more information on penalties and enforcement, see the EPA Public Information Document entitled "Asbestos NESHAP Enforcement."

What is the maximum penalty which can be assessed for NESHAP violations?

\$25,000 per day, per violation, with no absolute maximum. However, some NESHAP violators may also be liable under CERCLA, and if so, the maximum penalty may be much higher.

How are penalties calculated?

Penalties are computed on a case-by-case basis. The amount of asbestos involved, the number of previous violations, the duration of the offense, the economic benefit that accrued to the owner or operator as a result of the violation, and similar considerations are taken into account.

What is "contractor listing?"

Contractors who have shown a pattern of violation, or who have been convicted of a criminal violation, may be placed on a list of violators who are prohibited from contracting for any jobs involving Federal money (grants, contracts, sub-grants, etc.).

Can a corporation that has changed its name, but is owned by an individual who has been listed be subject to contractor listing?

Yes.

NARS

What is NARS?

NARS stands for "National Asbestos Registry System." NARS is a computerized database established by EPA in April, 1989. NARS stores data on the compliance history of firms doing demolition or renovation work subject to the Asbestos NESHAP.

What is the purpose of NARS?

NARS is used by EPA Regional Offices as well as State and local agencies to "target" inspections of contractors with poor compliance histories, and to monitor activity subject to the NESHAP regulations.

Can I get NARS information?

Yes. NARS information is available through EPA Regional Offices under the provisions of the Freedom of Information Act.

Are there any penalties for being listed in NARS as a violator?

No. NARS is only an information system. Contractors who have violations listed in NARS may, however, be inspected more frequently than contractors who have no violations.

Why does EPA recommend inspection targeting?

Delegated agencies receive over 60,000 notifications of planned renovation or demolition projects each year. Because all projects cannot be inspected, EPA recommends targeting inspections so that agencies can make better use of their inspection resources.

Can firms avoid future inspections based on past good performance?

Past performance is an important criterion for targeting inspections; however, other criteria are also used. As a result of EPA guidance to State and local air pollution agencies, many asbestos removal contractors will be inspected at least once per year.

How many contractors and owners are currently listed in NARS?

As of October 1990, there were approximately 7,000 contractors and owners in NARS.

How does information get into NARS?

Information on the number of notifications, inspections, and violations for each contractor or owner is submitted by delegated State and local air pollution agencies and is reported through the EPA Regional NARS Coordinators to EPA Headquarters where the report is compiled.

Additional Information

You can obtain more information about the Asbestos NESHAP by contacting your EPA Regional Office's NESHAP coordinator. You can obtain more information about AHERA by contacting your Regional Asbestos Coordinator (RAC).

You may also call the EPA Toxic Substances Control Act (TSCA) Hotline to ask general questions about asbestos, or to request asbestos guidance documents. The Hotline number is (202) 554-1404.

The EPA Public Information Center can send you information on EPA regulations. You can reach the Center at (202) 382-2080 or (202) 475-7751.

The EPA has an Asbestos Ombudsman to provide information on the handling and abatement of asbestos in schools, the workplace and the home. Also, the EPA Asbestos Ombudsman can help citizens with asbestos-in-school complaints. The Ombudsman can be reached toll-free at (800) 368-5888, direct at (703) 557-1938 or 557-1939.

To obtain a current listing of accredited labs contact NIST NVLAP at (301) 975-4016.

Glossary of Terms

AHERA - The Asbestos Hazard Emergency Response Act, passed by Congress in 1986

CAA - Clean Air Act

CERCLA - The Comprehensive Environmental Response Compensation and Liability Act. Also known as the "Superfund."

EPA - The United States Environmental Protection Agency

EHSD - Environmental Health and Safety Division, U.S. EPA

Friable Asbestos Material - Any material containing more than one percent asbestos, as determined using the method specified in Appendix A, subpart F 40 CFR part 763, section 1, Polarized Light Microscopy, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos by point counting using PLM.

Glovebag - A sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

NARS - National Asbestos Registry System

NESHAP - The National Emission Standard for Hazardous Air Pollutants found in Title 40 CFR Part 61 promulgated under Section 112 of the Clean Air Act.

NIOSH - National Institute for Occupational Safety and Health

NIST - National Institute of Standards and Technology

NVLAP - National Voluntary Laboratory Accreditation Program

OSHA - Occupational Safety & Health Administration

Particulate Asbestos material - Finely divided particles of asbestos or material containing asbestos.

PLM - Polarized light microscopy, as defined in Appendix A, subpart F, 40 CFR part 763, section 1

RACM - Regulated Asbestos-Containing Material. RACM means (a) Friable asbestos material,

(b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by the Asbestos NESHAP.

RCRA - Resource Conservation and Recovery Act

TSCA - Toxic Substances Control Act

Visible Emissions - Any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos- containing waste material, or from any asbestos milling, manufacturing, or fabricating operation.



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