

**Massachusetts Department of Environmental Protection
Bureau of Waste Prevention**

Asbestos Information and Resource Guide

Included in this document are:

1. **Asbestos Contacts** - a list which includes Federal, State, Local, and other contacts with telephone numbers.
2. **Asbestos Regulators** - an outline of regulatory authority including the roles of the Federal, State, and Local agencies.
3. **Common Asbestos Inquiries** - a list of common asbestos inquiries and answers.

This guide was prepared by the Business Compliance Division of the DEP Bureau of Waste Prevention. It was last revised in May 2008 and will be periodically updated.

Massachusetts Asbestos Contacts

Federal

Environmental Protection Agency (EPA) New England Office
Wayne Toland (NESHAP).....(617) 918-1852
James Bryson (TSCA/AHERA).....(617) 918-1524
EPA National Asbestos Hotline.....(800) 368-5888
EPA Web Site <http://www.epa.gov/asbestos>
Occupational Safety and Health Administration (OSHA)
Regional Office - Fred Malaby.....(617) 565-9855
Area Offices
Methuen.....(617) 565-8110
Braintree.....(617) 565-6924
Springfield.....(413) 785-0123
Consumer Products Safety Commission.....(800) 638-2772
Department of Transportation (DOT).....(617) 494-2770

State

Department of Environmental Protection (DEP)
Bureau of Waste Prevention (BWP) and Bureau of Waste Site cleanup (BWSC)
DEP Web Site <http://www.mass.gov/dep>
Boston Office.....(617) 292-5500
Emergency Releases reported on weekends and holidays..... 1-888-304-1133
DEP REGIONAL OFFICES -Asbestos Compliance and Enforcement Staff
Central Regional Office (includes Worcester).....(508) 792-7650
Northeast Regional Office (includes Greater Boston).....(978) 694-3200
Southeast Regional Office (includes Cape and Islands).....(508) 946-2700
Western Regional Office (includes Springfield).....(413) 784-1100

Division of Occupational Safety (DOS) of the Department of Labor and Workforce Development
Licenses and Notifications.....(617) 626-6975
Enforcement -Brian Wong.....(617) 727-3982
Branch Offices
Boston.....(617) 626-6975
West Newton (consultation & regulatory interpretation).....(617) 727-3982
Haverhill.....(978) 372-9797
New Bedford.....(508) 984-7718
Westborough.....(508) 792-7225
Springfield.....(413) 781-2676
Pittsfield.....(413) 448-8746

Executive Office of Administration and Finance (A & F)
Division of Capital Asset Management (DCAM).....(617) 727-4050

Department of Public Health (DPH).....(617) 983-6761

Local

Boards of Health , Building Departments, Fire Departments Call City or Town
Boston Public Health Commission, Office of Environmental Health.....(617) 534-5965

	Asbestos Regulations
	Federal
OSHA	Regulates worker protection standards and exposures. Regulations: 29 CFR Parts 1910 & 1926.
DOT	Regulates transportation of asbestos waste under title 49, section 173.1090.
EPA	Regulates asbestos as an air pollutant under National Emissions Standards for Hazardous Air Pollutants (NESHAP) : 40 CFR Part 61 Subpart M. Regulates asbestos in schools and public and commercial buildings under the Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763 and the Asbestos School Hazard Revitalization Act (ASHARA) promulgated under the Toxic Substances Control Act (TSCA). In Massachusetts, EPA delegates asbestos programs to DEP and DOS.
	Massachusetts
DEP-BWP	Requires notification and work practices to avoid fiber release for asbestos handling, removal, storage, transport, and disposal; inspects demolition/renovation and manufacturing operations; regulates storage, handling, and special waste landfilling of asbestos and asbestos-containing material. Regulations: 310 CMR 4.00 (Air Quality notification approval timelines and fees), 7.00, 7.09(5), 7.15 (AQ asbestos regulation) and 310 CMR 19.061 (disposal requirements) and 310 CMR 16.00 (landfill siting; asphalt-brick-concrete recycling).
DEP-BWSC	Regulates cleanup of oil and hazardous materials; material containing asbestos must be reported if released to the environment or poses a threat of release. Regulations: 310 CMR 40.0000.
DPH	State Sanitary code: Residential owners must maintain asbestos in good repair; repair and removal of asbestos must be done in accordance with all DEP and DOS asbestos regulations. Regulations: 105 CMR 410.353 (Sanitary Code) 105 CMR 670 (Community RTK).
DOS	Prescribes training, certification and/or licensing requirements for persons and firms engaged in asbestos work, for inspectors, management planners, project designers and project monitors, laboratories and training providers. Prescribes project notification and work practice requirements for asbestos work. EPA has delegated program for AHERA and ASHARA to DOS. Regulations: 453 CMR 6.00 Lists: <u>Asbestos Contractors, Training Providers and Analytical Labs</u>
DCAM	Contract standards for asbestos removal and repair in state-owned buildings.
	Local
Local Boards Of Health	Local bylaw authority to correct any condition that may affect the health or safety of the general public.

Common Asbestos Inquiries

1. What is Asbestos? Is it hazardous to your health?

Asbestos is a naturally occurring, mostly fibrous mineral and may consist of any one of a number of silicates. Asbestos is used in a variety of products because of its physical properties, which make it resistant to heat, fire, and many caustic chemicals. Asbestos has been used extensively as fireproofing, an insulating agent, and for decorative purposes, among many other uses.

The physical properties that give asbestos its resistance to heat and decay are linked with several adverse human effects. Asbestos tends to break into a dust of microscopic fibers. Because of their size and shape, these tiny fibers can remain suspended in the air for long periods of time and can easily penetrate bodily tissue when inhaled. Because of their durability, these fibers can remain in the body for many years.

Asbestos is known to cause asbestosis and various forms of cancer. **Asbestosis** is a chronic disease of the lungs which makes breathing progressively more difficult, and can lead to death. Cancer can result from breathing asbestos fibers and **lung cancer** is the most frequent. **Mesothelioma**, an incurable cancer of the chest and abdominal membranes, almost never occurs without exposure to asbestos. Asbestos related diseases have a long latency period and do not show up until 10 to 40 years after exposure. Each exposure increases the likelihood of developing an asbestos-related disease.

Material containing 1% asbestos fibers or more by weight is regulated. For this guide the term asbestos includes asbestos containing material and waste materials contaminated with asbestos.

2. Does Asbestos have to be removed?

If asbestos is in good condition and it does not pose a health hazard, no laws or regulations require that it be removed. However, building owners are required to keep asbestos in good repair to prevent releases of visible or particulate asbestos emissions under state and federal regulations. If a demolition/renovation or repair activity could cause damage to asbestos-containing material, then it is required that the asbestos be removed prior to the activity. Demolition of a building requires that all asbestos be removed prior to demolition.

3. Do I need to conduct a thorough asbestos inspection prior to any renovation or demolition activity?

All residential, commercial and institutional buildings are subject to Massachusetts Department of Environmental Protection's asbestos regulations at 310 CMR 7.15. Therefore, owners and/or operators (e.g. building owners, renovation and demolition contractors, plumbing and heating contractors, flooring contractors, etc.) need to determine all asbestos containing materials (both non-friable and friable) that are present at the site and whether or not those materials will be impacted by the proposed work prior to conducting any renovation or demolition activity.

Examples of commonly found asbestos containing materials include, but are not limited to, heating system insulation, floor tiles and vinyl sheet flooring, mastics, wallboard, joint compound, decorative plasters, asbestos containing siding and roofing products and fireproofing.

Failure to identify and remove all asbestos containing material prior to its being impacted by renovation or demolition activities can result in significant penalty exposure, and higher clean-up, decontamination, disposal and monitoring cost.

4. How do I choose an asbestos consultant and contractor?

Hire a DOS certified asbestos consultant to determine if asbestos is present and whether removal/repair is necessary. If the building is a state-owned facility, contact DCAM and DOS. DOS provides a list of licensed asbestos abatement contractors and consultants. You may wish to ask about a contractor's history of violations. Only DOS licensed and DOS certified asbestos abatement contractors and consultants may be hired to perform asbestos-related work in Massachusetts.

5. Are there any laboratories that test material to determine if the material contains Asbestos?

There are many private testing laboratories that will perform asbestos bulk sample analysis to determine whether or not a material contains asbestos. Contact DOS for a list of certified labs. DOS will test materials submitted by public agencies. Before any testing is done, a sample must be collected utilizing proper work practices to minimize disturbance of any asbestos-containing material and to prevent the release of asbestos emissions to the inside and outside environments. Private contractors and consultants must receive DOS licensing and certification to do this.

6. Are there any state agencies that test the air for Asbestos?

DOS will perform a hazard inspection for non-federal public workplaces, but air monitoring is limited to buildings occupied by municipal, state and county employers. Owners or tenants of other buildings may hire a licensed asbestos abatement inspector and testing laboratory. Call DOS for a list.

7. Should I remove Asbestos myself?

It is strongly recommended that only a DOS certified worker do asbestos handling on behalf of homeowners. Asbestos fibers pose a serious health threat. There are DEP requirements for anyone handling asbestos, including special supplies and equipment, specific work practices including setting up a containment area, air filtration equipment, packaging and labeling of waste. If the area is contaminated by improper handling of asbestos, cleanup procedures specific to the job are required. For public and worker protection, DOS requires that any entity or individual engaged in the business of asbestos abatement or containment be licensed and certified.

8. Does anyone have to be notified of asbestos removal? Are there any notification fees?

There is a single notification form to file for DEP and DOS. DEP requires notification for any asbestos handling project including demolition and disposal at least ten (10) **working days** prior to conducting any asbestos removal work. DOS requires notification for any asbestos handling project including demolition and disposal at least ten (10) **calendar days** prior to conducting any asbestos removal work. In order to properly notify of an asbestos removal job, contact either DEP or DOS to receive a copy of the "**Commonwealth of Massachusetts Asbestos Notification Guide**" and form (**ANF-001 also called BWP AQ-04**) which may be used for notifying both agencies. The Notification Guide and forms are also available on DEP's website at www.state.ma.us/dep/ by going to "Permit Applications".

The notification fee required by DEP regulations 310 CMR 4.00 (Timely Action Schedule and Fee Provisions) for asbestos removal is \$85 per notification. However, work on owner-occupied residential properties with four or fewer units, and work on behalf of cities, towns, counties,

districts of the Commonwealth, municipal housing authorities, the MBTA and state agencies do **not** pay the fee. Public authorities and public entities not specifically listed as exempt by statute pay the fee. Owners of residential property being converted to non-residential use pay the fee. Commercial, industrial, institutional, and charitable entity owners pay the fee.

Asbestos removal notifications require a decal to be attached before filing. Notification decals may be purchased from the Commonwealth (\$85), or received upon request for fee exempt work, and affixed to the **Asbestos Notification Form ANF-001**. Decals may be purchased by filling out and mailing the "**Purchase Request**" form attached to the "**Asbestos Notification Guide**."

Additionally, under DEP regulations, most construction/demolition projects require a ten (10) working day notification prior to beginning the job regardless of whether the job involves asbestos. Notification must be made using DEP's form **BWP AQ-06**. A notification fee (\$85) or exempt decal must be affixed to the AQ-06 form. Residential buildings containing 1 to 20 units are not required to file a notification for construction/demolition work when no asbestos is involved. Residential buildings of any size must notify when asbestos is involved.

Both asbestos removal and general construction notification forms are available on DEP's website at www.state.ma.us/dep/ by going to "Permit Applications".

Check with the local Board of Health, Fire Department, and Building Inspector for requirements for local notice prior to beginning the work.

9. Is Asbestos a hazardous waste or a solid waste?

Asbestos is classified as a "special waste" under the DEP solid waste regulations. Asbestos and material that contains or is contaminated with asbestos requires special handling and transporting as set out in DEP regulations. It can only be disposed of in landfills that have been approved to accept asbestos-containing waste materials. Mishandling of asbestos may also be a violation of regulations other than air and solid waste.

10. How do I dispose of Asbestos-Containing cement shingles, cementitious siding, and cement products?

As with all asbestos waste materials, these must be sealed into leak tight containers prior to disposal. The containers must also display the proper identifying and warning labels required by DEP, DOS, OSHA, EPA, and DOT. These materials are regulated as a special waste and must be disposed in an approved landfill that accepts asbestos-containing waste material. All regulatory notification and work practice requirements apply to these materials.

11. What special handling is required for disposal of Asbestos?

Before asbestos can be disposed of, it must be wetted and sealed in leak-tight, properly labeled containers (i.e. sealed in drums or "double-bagged" by placing the asbestos in a plastic bag (6 mil) which is then placed in another plastic bag (6 mil)). Contaminated clothing and equipment must also be handled this way. Each bag or container must be individually labeled with all information required by regulation.

12. Where can Asbestos Waste be disposed?

Asbestos waste that is thoroughly wetted, properly packaged and labeled can be disposed of in a Massachusetts landfill that is specifically permitted by the DEP to accept asbestos-containing

waste materials (special waste). Contact the closest DEP regional office for information on two very limited exceptions for Vinyl Asbestos Tile (VAT) and asphaltic roofing materials.

13. Where do I find a disposal facility?

The only landfill in Massachusetts currently permitted to accept asbestos wastes, the Waste Management landfill in Chicopee, has decided, at least for now, not to accept asbestos waste. Some out-of-state landfills, such as the Waste Management Turnkey Landfill in Rochester, New Hampshire (603-330-2165) are permitted by their states to accept asbestos. Before taking asbestos to a landfill, contact the facility to determine if, when, and under what conditions the facility will accept asbestos. Licensed asbestos abatement contractors can be hired to remove asbestos and take it to an approved disposal facility. Contact the DOS for a list. Asbestos wastes may not be sent to an incinerator or resource recovery facility.

14. Do I need a waste shipment record for Asbestos?

The revised EPA National Emission Standards for Hazardous Air Pollutants (NESHAP) of 1990 for asbestos requires that all asbestos waste transport be documented by a waste shipment record (WSR). The WSR must be signed by the asbestos waste generator (the facility owner), asbestos abatement contractor, transporter, and final disposal site operator. The asbestos abatement contractor must send a copy of the WSR back to the asbestos waste generator within 35 days. If the asbestos waste generator does not receive the WSR, notify DEP. The Federal Department of Transportation (DOT) requires that transporters carry identification papers for all quantities of asbestos greater than 1 pound. The state police enforce this requirement.

15. Can asphalt, brick, or concrete rubble that contains asbestos be sent to a crusher?

No. Asphalt, brick, or concrete (ABC) rubble containing asbestos may not be crushed regardless of whether the asbestos is separate debris, a component of the rubble, contained in a coating or otherwise adhered onto the rubble. DEP solid waste regulations define asphalt, brick and concrete rubble and regulate crushing operations.

16. May Asbestos go to an incinerator or resource recovery facility?

No. Asbestos, any material containing 1% or more asbestos by weight, and waste materials contaminated by asbestos may not be sent to an incinerator or a resource recovery facility.

17. Whom do I notify if I suspect illegal asbestos removal, disposal, dumping, or release to the environment ?

Contact the nearest DEP or DOS office and your Local Board of Health. On weekends and holidays call 1-888-304-1133, the emergency response system.

18. Do I have to train or certify my employees? Who issues licenses and certifications?

DOS requires the licensing of companies and certification of asbestos abatement contractors, supervisors, workers, inspectors, management planners, project designers, trainers and laboratories. "Asbestos associated workers" need only be trained by a DOS certified training provider.

19. Are there products being sold that contain asbestos?

Yes, products containing regulated amounts of asbestos are being sold in retail stores. Material Safety Data Sheets should be available from the manufacturer, but if the product label does not identify that it contains asbestos, you may wish to ask the manufacturer. Examples of products containing asbestos include floor tile, mastic, and roofing tar. A more detailed list is available on the EPA website at <http://www.epa.gov/asbestos>.