September 1, 2026

Frequently Asked Questions for 454 CMR 28.00

i. Project monitors cannot clear the work area until there is no visible debris remaining; and

ii. Project monitors should be aware that the final air clearance monitoring exemption (28.10(11)) only applies when no other trades (e.g., plumbers, electricians, carpenters, laborers, etc.) will be working in the building prior to demolition.

1. **Do I need to get Massachusetts Department of Labor Standards (DLS) permission every time I file a *Non-Traditional Work Plan* with MassDEP?**

   a. No, but Massachusetts Department of Environmental Protection (DEP) will inform you, for instance, when you need permission from DLS for exemptions to 454 CMR 28.00 when a *Non-Traditional Work Plan* is implemented.

2. **Do I need to contact the Director with questions or requests for regulatory exemptions?**

   a. Regional Inspectors are Agents of the Director and may answer on behalf of the Director. Contact the Asbestos Enforcement Supervisor at (351) 204-2349

3. **If I am an Asbestos Contractor, can I still conduct asbestos surveys/asbestos inspections?**

   a. Yes, however, the new regulations require that firms, corporations, businesses, or entities performing asbestos consulting services, such as asbestos inspections for O&M purposes, obtain a *Certificate for Asbestos Consulting Services* (i.e., *Asbestos Consulting Company License*) annually. However, Asbestos Contractors cannot provide **Inspector, Project Monitor, Management Planner,** or **Designer** services for projects in which they are performing as an Asbestos Contractor?

4. **Can a General Contractor (or other entity that is not the facility owner/operator) hire both the Asbestos Contractor and Asbestos Project Monitor for clearance on the same project?**

   a. DLS does not permit the Asbestos Contractor to subcontract the Asbestos Project Monitor for clearances directly. An entity such as a General Contractor may hire both the Asbestos Contractor and the Asbestos Project Monitor for the same project.

5. **For insurance work, it is difficult for the insurance carrier to issue payment to both the Asbestos Contractor and Asbestos Project Monitor for clearances. Is there an exemption that would allow the Asbestos Contractor to subcontract the Asbestos Project Monitor for clearances directly? What about emergency projects?**

   a. There is no exemption to permit an Asbestos Contractor to subcontract the Asbestos Project Monitor for clearances on insurance projects. For emergency situations, exemptions may be granted by the Director or Agents of the Director. Contact the Asbestos Enforcement Supervisor at (351) 204-2349

6. **DLS has a new records retention requirement that requires me to keep my paperwork for 30 years. Do I have to keep my paperwork from asbestos projects taking place before DLS's new regulations became effective on April 2, 2021?**

    a. Any asbestos records and/or documents in your possession as of April 2, 2021, must be kept for 30 years after the date of project or activity completion (or 15 years for the abatement of Asbestos-Containing shingles, siding, or panels). If your firm is going out of business, you must contact the Director to determine your records retention options.

7. **Does my company need to have a Certificate as an Asbestos Contractor (i.e., Asbestos Contractor Company License) to abate non-friable ACMs such as: asbestos-cement pipe, floor tiles, or roofing?**

    a. DLS does not require the firm or individual to obtain a Certificate as an Asbestos Contractor (Asbestos Contractor Company License) for Response Actions associated with non-friable ACMs such as Operations and Maintenance Work (i.e., less than 10 square feet or less than 25 linear feet).

8. **Sometimes a plumbing contractor or electrician needs to enter an active work area. What is the minimum training requirement for a plumbing contractor to enter a Regulated Asbestos Abatement Work Area?**

    a. All Regulated Asbestos Abatement Work Area entrants must have at least 16 hours of asbestos training and be accompanied by a Competent Person (i.e., 40 hours of asbestos training).

9. **What level of training do excavator operators performing bulk loading activities need?**

    a. Excavator operators must have 16 hours asbestos training and be accompanied by a Competent Person (40 hours training) on asbestos projects.

10. **Do I really need lockers in the cleanroom of the Decontamination Facility?**

    a. Yes, however the lockers or other appropriate storage containers may be located just outside of the Decontamination Facility.

11. **Can an Asbestos Inspector send bulk samples (i.e., Polarized Light Microscopy (PLM) samples) back to their home laboratory for analysis?**

    a. An Asbestos Inspector may have their own Asbestos Analytical Laboratory analyze bulk samples for all projects, except for projects subjected to AHERA requirements. For AHERA projects, the Asbestos Inspector must be independent of the Asbestos Analytical Service analyzing the samples.

12. **Do friable and non-friable ACMs have to be identified in AHERA inspection reports and Management Plans?**

    a. Yes, AHERA inspection reports and Management Plans must identify both friable and non-friable ACMs and suspect asbestos-containing material (SACMs).

13. **Do I have to analyze non-friable bulk samples by Transmission Electron Microscopy (TEM)?**

    a. No, DLS requires all bulk samples to be analyzed by PLM, but we permit and recommend that non-friable bulk samples are analyzed by TEM.

14. **Do I need to collect 1 bulk sample per pipe fitting for AHERA inspections?**

    a. 28.13 (3)(b)(3) – "At least one sample per fitting." The regulations state that the inspector must collect 1 sample per fitting in Schools

15. **Do non-friable Response Actions in facilities subjected to AHERA require a Work Plan Design?**

    a. Yes, non-friable Asbestos Response Actions in buildings subject to AHERA require Work Plan Designs, with the exception of activities performed under the Operations and Maintenance program or for emergency work.