

***Project Designs* for asbestos abatement and compliance with the Asbestos Hazard Emergency Response Act (“AHERA”)**

What is a *Project Design*?

The Department of Labor Standards (DLS) defines a *Project Design* in 454 CMR 28.02 as “a site-specific work plan describing the means and methods for asbestos removal, enclosure, encapsulation, or repair projects that exceed three linear or square feet of asbestos-containing material in facilities, required for facilities subject to AHERA. The *Project Design* will describe the types, quantities, and locations of ACM affected, and any specific characteristics related to the work site, and must be developed by a licensed Project Designer.”

A *Project Design*, as opposed to a project specification, will emphasize how the work is to be conducted and will include the specifics of the abatement plan tailored to a particular building. There is no boilerplate *Project Design* because the specifications must be adapted to the site parameters. Sometimes referred to as Means and Methods Specifications, the *Project Design* will specify the types, quantities, and locations of ACM to be removed, the method of removal of each type of ACM, and method of transport of the asbestos containing waste from the point of generation within the facility to the storage location.

A specification submitted by a contractor as part of a proposal or contract, particularly one focused on deliverables, such as the work to be performed and the coverings to be abated, is not necessarily a *Project Design*. Specifications containing generic information pertaining to safety and health programs, and the reiteration of regulatory requirements not tailored to a specific site, will not be considered a *Project Design*.

When is a *Project Design* required?

A *Project Design* must be prepared for all Asbestos Response Actions conducted in AHERA facilities in advance of the work being carried out.

- Asbestos Response Actions involve more than three linear or square feet of asbestos-containing material (or more than the amount of material that can be contained by a single pre-fabricated glove bag) for the purpose of removing, repairing, enclosing, or encapsulating ACM, and to protect human health and the environment.
- The Local Education Agency (“LEA”) would need to carry out renovation or repair work as a Response Action when more than the threshold amounts of three linear or square feet of asbestos-containing material is disturbed.
- The cleanup of asbestos debris, or a remedial cleaning following a major fiber-release episode involving greater than three square or linear feet of asbestos-containing material must be conducted as a Response Action.

DLS does not require that a *Project Design* be prepared for asbestos abatement projects conducted in non-AHERA facilities.

What must be included in a *Project Design*?

A *Project Design* will tailor the general specifications to the particular building and work site. This may require communication between the Project Designer and the Asbestos Contractor, the architect and the General Contractor. A *Project Design* will address some key elements:

- if the building will be occupied or unoccupied, and any special precautions instituted if the building is occupied, such as additional air filtration units
- if work will occur only during nights and weekends, which may increase the amount of time needed for completion of the abatement
- if the work will occur in phases, a description of each phase including the types, locations, and amounts of ACM that will be removed, the method(s) of removal, and method of clearance air sampling.
- if there are special considerations that must be explored, such as the effects of extreme heat or cold on the integrity of the containment and critical barriers.
- if gas or propane fueled equipment will be used within the work area barriers (carbon monoxide hazard).
- if noxious fumes will be generated within the work area barriers as a result of solvents or chemicals used during the abatement (chemical hazard).
- if cutting torches will be used within the work area barriers (fire hazard).
- if there are penetrations within the work area barriers, such as floor penetrations for pipes, which may act as a conduit for air and water.
- if portions of any building systems will be affected, such as fire alarm systems, electrical systems subject to lock out/tag out, portions of the HVAC system that must be shut down or sealed off.
- the locations where background air samples will be collected.
- the type of replacement materials, if any, specified as non-asbestos containing.

From a technical standpoint, “state of the art” methods and equipment shall be employed. Regulatory requirements should be viewed as minimal requirements, as regulations rarely keep pace with the evolving advancements in industry and technology.

Who prepares the *Project Design*?

Any *Project Design* must be prepared by a certified Asbestos Project Designer. The Project Designer must complete the required training course and possess a current Project Designer license issued by DLS.

Project Designer must sign his/her name to the design, and include the current Project Designer license number.

Is a *Project Design* required to be in writing?

A *Project Design* is required in advance of the work being performed. A *Project Design* that is prepared prior to the start of the response action will facilitate the bidding process, and minimize change orders once the project is underway. It is also confirmation to the Local Education Agency of compliance with AHERA 40 CFR 763.90(g) and with Massachusetts regulatory requirements in 454 CMR 28.00.

When a *Project Design* is not presented in writing, compliance with the design may be unsuccessful. Prior to a renovation, Local Education Agencies are required to obtain a comprehensive written *Project Design* that is based on the results of a thorough building inspection performed pursuant to the National Emissions Standard for Hazardous Air Pollutants (“NESHAP”), 40 CFR Part 61, Subpart M. The NESHAP inspection will identify types, amounts, and locations of asbestos materials in the areas that will be subject to renovation or demolition. The Local Education Agency should not rely on previous AHERA reinspection reports, which may be incomplete or outdated.

Regardless of the size of the job, whether it is public or private, a written set of project specifications is essential for any asbestos abatement project. The *Project Design* that has been adapted to the site parameters will require less subjective interpretation than general standard specifications.

What other agencies may require a *Project Design*?

In addition to the Asbestos NESHAP and AHERA regulations, asbestos activities are also governed by the Massachusetts Department of Labor Standards under 454 CMR 28.00, the Massachusetts Department of Environmental Protection under 310 CMR 7.15 and OSHA Construction Standard for Asbestos under 29 CFR 1926.1101. The federal and state regulations are not mutually exclusive, and multiple regulations may apply concurrently. Many state regulations are more stringent than the federal laws. Contact a representative at each specific agency for clarification on their requirements.

The DLS website, mass.gov/dols, can provide additional guidance documents.