

**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 MassDEP Bureau of Air & Waste. It was last revised in April 2016 and will be periodically updated.

Massachusetts Asbestos Contacts

Federal

U.S. Environmental Protection Agency (EPA) New England Office... .. (617) 918-1111
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 (MassDEP)
 Bureau of Waste Prevention (BWP) and Bureau of Waste Site cleanup (BWSC)
 MassDEP Web Site <http://www.mass.gov/dep>
 Boston Office..... (617) 292-5500
 Emergency Releases reported on weekends and holidays..... 1-888-304-1133
 MassDEP 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 Labor Standards (DLS)
 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	
FDERAL	
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 MassDEP and DOS.
MASSACHUSETTS	
MassDEP-BAW	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).
MassDEP-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 MassDEP and DOS asbestos regulations. Regulations: 105 CMR 410.353 (Sanitary Code), 105 CMR 670 (Community Right-to-Know).
DLS	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 DLS. Regulations: 453 CMR 6.00 Lists: http://www.mass.gov/lwd/labor-standards/asbestos-safety/license-lists/
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 (MassDEP) 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 Department of Labor Standards (DLS) certified asbestos consultant to determine if asbestos is present and whether removal/repair is necessary. If the building is a state-owned facility, contact the Department of Capital Asset Management (DCAM) and DLS. DLS provides a list of licensed asbestos abatement contractors and consultants. You may wish to ask about a contractor's history of violations. Only DLS licensed and DLS 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 DLS for a list of certified labs. DLS 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 DLS licensing and certification to do this.

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

DLS 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 DLS for a list.

7. Should I remove Asbestos myself?

It is strongly recommended that only a DLS certified worker do asbestos handling on behalf of homeowners. Asbestos fibers pose a serious health threat. There are MassDEP 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, DLS 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 MassDEP and DLS. MassDEP requires notification for any asbestos handling project including demolition and disposal at least ten (10) **working days** prior to conducting any asbestos removal work. DLS 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 MassDEP or DLS 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 the MassDEP web site: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#2>

The notification fee required by MassDEP regulations 310 CMR 4.00 (Timely Action Schedule and Fee Provisions) for asbestos removal is \$100 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 (\$100), 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 MassDEP 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 MassDEP's form **BWP AQ-06**. A notification fee (\$100) 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 the MassDEP web site: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#2>

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 MassDEP solid waste regulations. Asbestos and material that contains or is contaminated with asbestos requires special handling and transporting as set out in MassDEP 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 MassDEP, DLS, 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 MassDEP to accept asbestos-containing waste materials (special waste). Contact the closest MassDEP 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?

One Massachusetts landfill is currently permitted to accept asbestos-containing wastes:

Waste Management Fitchburg/Westminster Sanitary Landfill

165 Fitchburg Road (Route 31)
Westminster, MA 01473
Telephone: 800-963-4776

Some out-of-state landfills and transfer stations are also permitted by their state's environmental agencies to accept asbestos-containing wastes generated in Massachusetts. Two in bordering states are

Waste Management Turnkey Landfill

90 Rochester Neck Road
Rochester, NH 03839
Telephone: 800-963-4776

RED Transfer & Logistics

173 Pickering Street
Portland, CT 06480
Telephone: 860-342-1022

Before taking asbestos to a landfill or transfer station, contact the facility to determine if, when, and under what conditions the facility will accept asbestos. Asbestos abatement contractors who are licensed by the Massachusetts Department of Labor Standards (DLS) can be hired to remove asbestos and take it to an approved disposal facility.

Call the Massachusetts Department of Labor Standards at 617-626-6960 or visit the DLS web site (<http://www.mass.gov/lwd/labor-standards/asbestos-safety/license-lists>) for a list of licensed abatement contractors. Asbestos wastes may not be sent to a municipal solid waste combustion facility or to a construction and demolition (C&D) material processor.

Intact and unbroken vinyl asbestos tile (VAT) and asbestos containing asphaltic roofing and siding material that are removed in accordance with MassDEP regulations can be managed as "solid waste" and may be disposed of in any landfill permitted by MassDEP to accept solid waste.

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 MassDEP. 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. MassDEP 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 MassDEP or DLS office and your Local Board of Health. On weekends and holidays, call 1-888-304-1133 to reach state emergency response personnel.

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

DLS 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 to be trained by a DLS 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 web site: <http://www.epa.gov/asbestos>.