



**Commonwealth of Massachusetts  
Executive Office of Labor and Workforce Development  
Department of Labor Standards**

# Department of Labor Standards

Deleading and Lead-safe Renovation Regulations  
454 CMR 22.00

The Removal, Containment or Encapsulation of Asbestos  
453 CMR 6.00

Charles D. Baker Governor

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# Deleading and Lead-Safe Renovation Regulations, 454 CMR 22.00

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DLS's goal is to reduce the incidence and severity of lead exposures for the Commonwealth's workers and other members of the general public.

DLS's regulation of occupational exposure to lead consists of two components within one regulation:

- **Deleading** – DLS licenses contractors and individuals who perform deleading work in order to achieve compliance with the Massachusetts Lead Law. The regulation also prescribes work practices to minimize and contain lead dust and to clean the work area after the lead abatement work is done.
- **Lead-Safe Renovation** – DLS enforces the Lead-Safe Renovation regulations, which are modeled after similar regulations promulgated by the US Environmental Protection Agency. The regulation establishes licensing, training and safety standards for renovation, repair and painting work that disturbs lead paint in residences, apartments, and child-occupied facilities such as schools and day-care centers built before 1978.

# DLS Lead-Safe Renovation Effective Dates



- ▶ April 22, 2010 – EPA Renovation, Repair and Painting (RRP) Rule became effective.
- ▶ July 9, 2010 – DLS Lead-safe Renovation Rule (LSR) became effective.
- ▶ July 4, 2014 - DLS LSR amendments went into effect to incorporate some EPA changes and clarifications.







# DLS Lead-safe Renovation (LSR)

- ▶ Work conducted for **compensation** that **disturbs painted surfaces** in:

**Target Housing** (built before 1978, with some exceptions).

**Child-Occupied Facilities** - can include day care, Pre-K, elementary schools, public and commercial buildings.

- ▶ **Does not apply to minor maintenance & repair** - work that disturbs 6 or fewer sq. ft per room on interior; 20 or fewer sq. ft on exterior, except window replacement or demolition.



# Massachusetts Trades/Establishments Potentially Affected

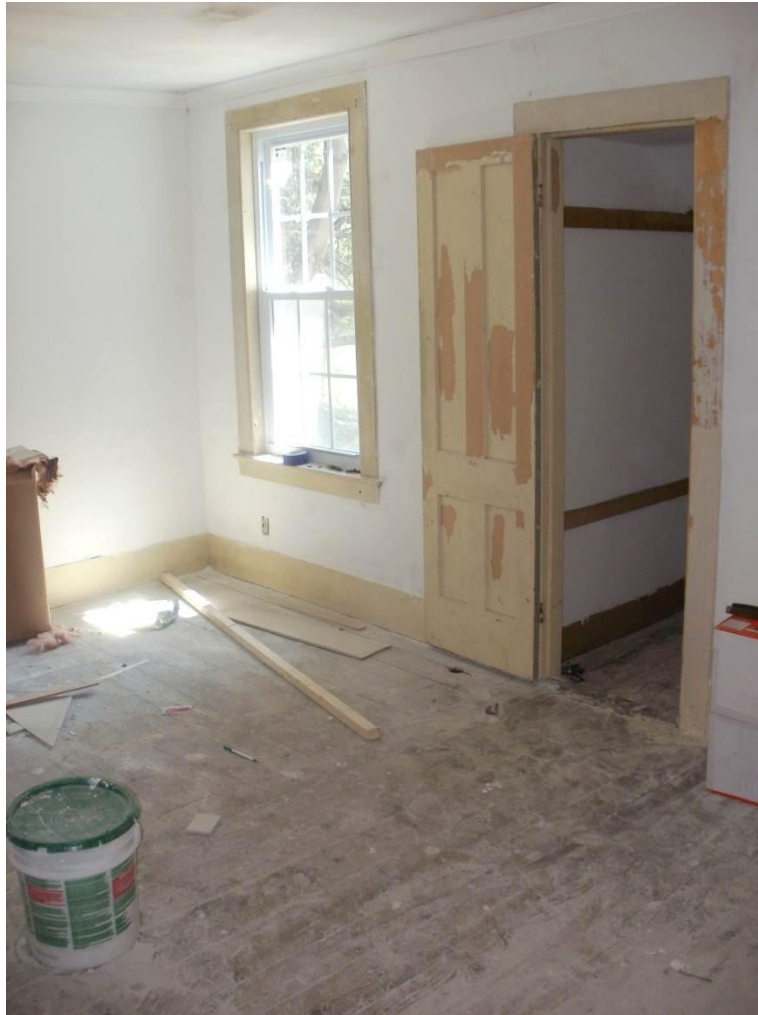


- ~ 26,000 contractors registered with OCA-BR Home Improvement Contractor (HIC) Registration Program
- ~ 60,000 Construction Supervisors licensed with the Department of Public Safety
- ~ 35,000 licensed electricians and ~ 26,000 licensed plumbers (MA Division Of Professional Licensure)
- Landlords, Property owners and their maintenance crews, Real Estate Investors
- Carpenters, painters, remodelers, window installers, general contractors





# LSR General Requirements



- ▶ Licensing of Renovation Firms.
- ▶ Training and “certification” of Renovation Supervisors
- ▶ On-the-job training for workers.
- ▶ Work pre-notification Requirements
- ▶ Work Practice Requirements
- ▶ Recordkeeping requirements



# Specified Work Practices



- ▶ On-site Certified Supervisor at all times while work is ongoing
- ▶ Remove moveable objects from work area.
- ▶ Cover and seal non-moveable objects.
- ▶ Close windows and doors.
- ▶ Cover duct openings.
- ▶ Cover floor surfaces.
- ▶ Use HEPA vac/wet methods for cleaning. Use beater bar for rugs.
- ▶ Dispose of sheeting as waste.
- ▶ Use shrouded power tools with HEPA attachment.





# DLS Enforcement Authority for Violations

- ▶ **Civil Administrative Penalty Regulations, 453 CMR 9.00,**
- ▶ DLS can issue fines for Asbestos, Lead and Employment Agency violations
- ▶ can cite up to \$5,000 per violation
- ▶ Multiplier for repeat violators
- ▶ Suspension or revocation of licenses and certifications
- ▶ Stop Work Orders





# Most Commonly Observed Violations



- ▶ Contractors are not licensed
- ▶ Supervisors are not trained
- ▶ Unauthorized Deleading
- ▶ Work practice violations, especially not covering ground and floors
- ▶ Worker personal protection
- ▶ Construction safety
- ▶ Recordkeeping



- ▶ The Department of Labor Standards (DLS) Asbestos Program is responsible for the regulation of **occupational asbestos exposure** in the Commonwealth.



# DLS Definitions:

- ▶ Definitions:
  - **Asbestos-Containing Material (ACM)** – Any material containing more than one percent asbestos ( $>1\%$ ).
  - **Friable Asbestos-Containing Material (Friable ACM)** – Any material containing more than one per cent asbestos, which when dry, may be crumbled, pulverized or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously **non-friable material** becomes damaged to the extent that when dry it may be crumbled, pulverized or reduced to powder by hand pressure.





# DLS Definitions: Non-friable ACBM



- **Category I Non-Friable Asbestos-Containing Building Material** – Asbestos-containing packings, gaskets, resilient floor coverings, and asphalt roofing products containing more than 1% asbestos as determined using the method specified in Appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy.



# DLS Definitions: Non-friable ACBM



- **Category II Non-Friable Asbestos-Containing Building Material** – Any material excluding Category I non-friable ACM containing more than 1% asbestos as determined using the method specified in Appendix A, subpart F, 40 CFR Part 763, section 1, Polarized Light Microscopy that when dry cannot be crumbled, pulverized or reduced to powder by hand pressure.





# 453 CMR 6.00

- ▶ 453 CMR 6.13(2)(a)5. If the material contains greater than 1% asbestos, and if the manner in which the material is removed (breaking, shearing, or slicing of Category I or Category II non-friable ACBM) **DOES NOT** cause the material to become friable, or **DOES NOT** result in the release of asbestos dust, then the DLS Asbestos Reg, 453 CMR 6.00, **DOES NOT APPLY**.
- ▶ If the material is made friable, or the removal method does cause it to release asbestos dust, then all aspects of our reg kicks in; licensing of the contractor, trained and certified personnel, and safe work practices.





# 453 CMR 6.00

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- ▶ If the material is less than or equal to 1% asbestos, according to our definition of an asbestos containing product in 453 CMR 6.00, we do not regulate that material. DLS would **NOT REQUIRE** that removal be done by a licensed contractor, nor by certified supervisors or workers, nor follow any safe work practices (DLS always recommends safe work practices, regardless of asbestos content).



## Safety & Health Regulations for Construction - Asbestos

- ▶ OSHA requirements would still apply, so the workers would need the appropriate level of training for the material and task they are performing - Roofing material is considered a Class II material by OSHA (not thermal or surfacing material).
- ▶ A “Competent Person” is still required, and they would still need to conduct employee exposure assessment monitoring to determine the appropriate level of respiratory protection required, and be properly trained.

# Vermiculite/Zonolite



## ► What is vermiculite insulation & where is it used?

- Vermiculite is a naturally occurring mineral composed of shiny flakes, resembling mica. When heated to a high temperature, flakes of vermiculite expand as much as 8-30 times their original size. The expanded vermiculite is a light-weight, fire-resistant, and odorless material that has been used in numerous products, including insulation for attics and walls.
- In addition to its use as an insulation product and in construction as a masonry fill, a cavity fill, & in concrete blocks, vermiculite is added to soils in horticultural applications and to cement to make a lightweight concrete swimming pool base. Vermiculite is also used in special applications such as industrial filters.
- A mine near Libby, Montana, was the source of over 90 percent of all vermiculite sold in the U.S. from 1919 to 1990. There was also a deposit of asbestos at that mine, so the vermiculite from Libby was contaminated with asbestos. Vermiculite from Libby was used in the majority of vermiculite insulation in the U.S. and was often sold under the brand name Zonolite.



# Vermiculite/Zonolite

- ▶ **What is vermiculite insulation & where is it used?**
- ▶ If you have Zonolite in your attic, assume that it is from Libby, Montana and is contaminated with asbestos.



# Vermiculite/Zonolite

- ▶ Leave vermiculite insulation undisturbed in your attic or in your walls. Any disturbance could potentially release asbestos fibers into the air.





# Zonolite Attic Insulation Trust



## Zonolite Attic Insulation Trust

- **Zonolite Attic Insulation Trust**
  - <http://www.zonoliteatticinsulation.com/>
- ▶ Vermiculite attic insulation was marketed as Zonolite Attic Insulation ("ZAI").
- ▶ W.R. Grace, which had purchased the Libby mine from the Zonolite Corporation in 1961, filed for bankruptcy in 2001. Their reorganization plan was finalized on February 3, 2014, and W.R. Grace has now funded the Zonolite Attic Insulation Trust.
- ▶ If ZAI was installed in a structure which you own or rent, or have owned or rented, and you incurred expense removing or containing ZAI (including re-insulation cost), you are entitled to submit a Claim.
- ▶ In order for your Claim to be successful, and for you to receive compensation, certain evidentiary requirements must be met.





# Zonolite Attic Insulation Trust

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- ▶ Eligible Claimants will be reimbursed for abatement claims only for costs to remove Zonolite and reinsulate their attic.
- ▶ Claimants must prove their eligibility by opening a claim and submitting a sample of the Zonolite to the Trust.
- ▶ The ZAI Trust will have the sample analyzed to determine if the sample is Zonolite, or a non-Zonolite product. The analysis does not test for the presence of asbestos.
- ▶ Trust provides reimbursement of up to 55% of a total maximum bill of \$7,500 for abatement and reinsulation.





# Agency Websites

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- **Massachusetts Department of Labor Standards**
  - [www.mass.gov/dols](http://www.mass.gov/dols)
- **Massachusetts Department of Environmental Protection**
  - [www.mass.gov/dep](http://www.mass.gov/dep)
- **United States – Environmental Protection Agency**
  - [www.epa.gov/asbestos](http://www.epa.gov/asbestos)



# Asbestos/Vermiculite/Lead-safe Renovation Information

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- **Commonwealth of Massachusetts**
- **Department of Labor Standards**
  - [www.mass.gov/dols](http://www.mass.gov/dols)

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