

Massachusetts Department of Labor Standards

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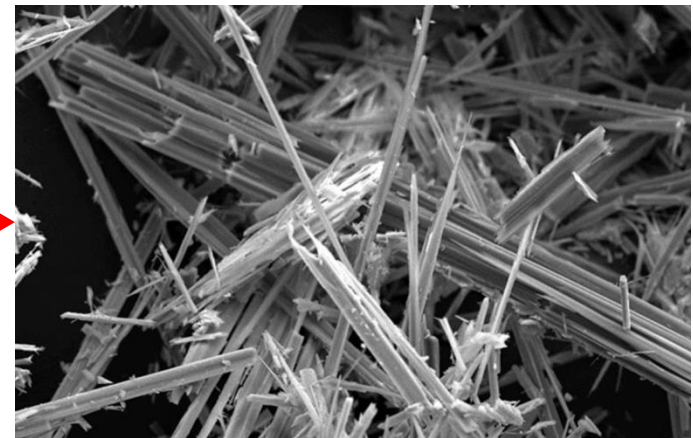
What is asbestos?

- Asbestos is a natural mineral (6 types)
 - Cheap, durable, heat and chemical resistant
 - For a long time considered a “miracle”
 - At the height of its use, asbestos could be found in over 3,000 consumer products.



What is the health hazard?

- When inhaled or ingested, the microscopic asbestos fibers work their way into the lining of the lungs, abdomen or heart. Over a period of 10 to upwards of 50 years, the fibers can cause inflammation and scarring, which can develop into mesothelioma or other diseases.



Asbestos Regulations, 453 CMR 6.00

- DLS is responsible for the regulation of occupational asbestos exposure in the Commonwealth.
 - Worksite visits
 - License asbestos operations
 - Provides oversight of labs and training providers
 - Assists with technical information.
- DLS helps coordinate OSHA, EPA and Multi-State regulatory authorities along with the Consortium of North East States (CONES) in the common goal of protecting the public from long term damage from asbestos exposure



DLS 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.
- Non-Friable Asbestos-Containing Building Materials (Non-Friable ACBM) - Any material containing more than one per cent asbestos bound by a matrix which cannot, when dry, be crumbled, pulverized, or reduced to powder by hand pressure. The class of non-friable asbestos-containing building materials typically includes, but is not limited to: asbestos cement pipe, sheathing siding and shingles; vinyl asbestos building materials, such as floor tiles.

DLS Definitions: Non-friable

- 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.
- 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.

Why Friability Matters

- 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 ACM) **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 453 CMR 6.00 is applicable; licensing of the contractor, trained and certified personnel, and safe work practices.



If less than 1%

- DLS no longer has jurisdiction, but OSHA does.
- OSHA 29 CFR 1926.1101 Safety & Health Regulations for Construction - Asbestos
- 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.

Asbestos Sampling

- Bulk Sampling

- Must be taken by an accredited certified inspector following approved methodology
- Must be analyzed by an accredited certified laboratory following approved methodology



- Air Sampling

- Final part of abatement, following thorough visual inspection to determine if the job is complete. Air sampling determines completeness of abatement activity before containment is removed



Asbestos in Schools



- Under authority delegated by the United States - Environmental Protection Agency, DLS administers and enforces the Asbestos-Containing Materials in Schools Rule, **40 CFR 763, Subpart E**, commonly known as the **Asbestos Hazard Emergency Response Act** (“AHERA”).
- AHERA requires that schools:
 - Inspect buildings that they own, lease or rent for asbestos-containing building materials (“ACBMs”);
 - Create and execute written plans for managing ACBMs in a manner that minimizes asbestos exposure hazards;
 - Abate asbestos hazards that cannot be controlled through operations and maintenance (“O&M”) procedures;
 - Carry out certain recordkeeping and notification functions; and
 - Ensure that the mandatory elements of a management plan are present.

DLS Asbestos Responsibilities

Delegated from US EPA:

- Model Accreditation Plan (MAP)
 - Licensing of :
 - Training Providers
 - Contractors
 - Supervisors
 - Workers
 - Consultants
 - Inspectors
 - Management Planners
 - Project Monitors
 - Project Designers
 - Asbestos Analytical Services (Labs)
- Asbestos Hazard Emergency Response Act (AHERA)
 - *Pursuant to the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos-Containing Materials in Schools rule requires local education agencies to inspect their school buildings for asbestos-containing building material, prepare asbestos management plans and perform asbestos response actions to prevent or reduce asbestos hazards. Public school districts and non-profit private schools, including charter schools and schools affiliated with religious institutions (collectively called local education agencies) are subject to the rule's requirements.*
 - Oversight Inspection of K-12 Schools in Mass.

Vermiculite/Zonolite Attic Insulation

- Vermiculite harmless, but 70% pre-1990 is contaminated with asbestos
- If an there is Zonolite insulation, Environmental Protection Agency recommends:
 - Do not store boxes or other items in your attic if it contains vermiculite insulation.
 - Do not allow children to play in an attic with vermiculite insulation.
 - Do not attempt to remove the insulation yourself.
 - Hire a professional asbestos contractor if you plan to remodel or conduct renovations that would disturb the vermiculite.



Zonolite Attic Insulation Trust

- Eligible Claimants will be reimbursed 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.
- The ZAI Trust will have the sample analyzed to determine if the sample is Zonolite. 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 re-insulation.