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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Virginia Building Officials
Apartment & Office Building Association
Associated Builders & Contractors, Inc.
Virginia Society of the American Institute of Architects
Virginia Building Code Officials Association
Virginia Plumbing and Mechanical Inspectors Association

FROM: Emory Rodgers, Deputy Director 
Division of Building and Fire Regulation

DATE: November 30, 2009

SUBJECT: Virginia Asbestos Regulations

In cooperation with the Department of Labor and Industry (DOLI), the DHCD is sending out this notice from DOLI with their requirements for notification and inspections for asbestos containing materials where a building is undergoing renovation or demolition regardless of age of the building. This cooperative arrangement doesn't require the building department to have a certification from a licensed asbestos contractor for post-1985 buildings. The Virginia Uniform Statewide Building Code-Virginia Construction Code does require for buildings constructed prior to January 1, 1985 to have a certificate from a licensed asbestos contractor prior to the issuance of a building permit.

Questions regarding the notification and permit processes required by DOLI and the specifics about the required inspections, coverage and the state plan should be addressed to the DOLI Asbestos Program by calling 804-786-9865.

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www.dhcd.virginia.gov

Virginia Department of Labor & Industry

Asbestos FACT Sheet



Asbestos Containing Materials

Asbestos is the name given to a group of naturally occurring minerals used in certain products to resist heat and corrosion. Common products that contain asbestos include, but are not limited, to pipe and boiler insulation, spray-on insulation, floor tiles, ceiling tiles, patching and joint compound, roofing material and transite shingles and siding.

The primary characteristic that makes asbestos a concern is its ability to separate into microscopic needle-like fibers. Once these fibers become airborne, (usually by disturbing the product in which they are contained), they can be inhaled into the lungs. The inhalation of asbestos fibers can cause serious diseases of the lungs and other organs that may not appear until years after the exposure has occurred.

Background

The Virginia Department of Labor and Industry (DOLI) has comprehensive regulations to control the hazards of asbestos. DOLI regulates asbestos through enforcement of the Virginia Occupational Safety and Health (VOSH) regulations, enforcement of the U.S. Environmental Protection Agency's (EPA) Asbestos National Emission Standard for Hazardous Air Pollutants (Asbestos NESHAP), and enforcement of the Asbestos Notification regulations found in the Labor Laws of Virginia.

VOSH Asbestos Regulations

The State Plan agreement between the Federal Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor and Virginia gives DOLI authority to regulate occupational safety and

health for construction related activities. The VOSH Asbestos Construction standard, Part 1926.1101, regulates exposure to asbestos during demolition activities when asbestos containing material (ACM) is present, removing or encapsulating ACM, and renovation operations where ACM is present or could be potentially disturbed.

Asbestos NESHAP

The EPA established the Asbestos NESHAP as part of the Clean Air Act to protect the general public by minimizing the release of asbestos fibers when buildings or facilities which contain ACM are demolished or renovated. DOLI has been authorized by the EPA to provide direct enforcement in Virginia of certain parts of the Asbestos NESHAP including demolition and renovation activities.

Asbestos Contractor Notification Requirements

DOLI's Asbestos Notification and Permit Program regulations require written notification by licensed asbestos contractors for any asbestos abatement project that is at least ten linear or ten square feet. A notification is not required for nonfriable asbestos containing roofing, flooring, or siding materials which when installed, encapsulated, or removed do not become friable. Notifications must be submitted 20 calendar days prior to starting the asbestos project. Notifications should be sent to the address below by certified mail or hand delivery. Notifications may also be sent by facsimile (FAX) transmission for projects that do not require a fee or projects with fees paid by credit card.

A notification form can be obtained online from DOLI at:

http://www.doli.virginia.gov/leadasbestos/leadasbestos_forms.html or by contacting the Department in writing at the address below:

Asbestos Program
Department of Labor and Industry
Powers-Taylor Building
13 South Thirteenth Street
Richmond, VA. 23219
Phone (804) 786-9866
Fax (804) 371-7634

The EPA must also be notified for any asbestos projects that are least 160 square or 260 linear feet and essentially for all demolition projects, regardless of whether asbestos containing materials are present in the structure or facility. Notifications required by the EPA must be sent to the Department as described above except the notification period is 10 working days.

*Note: The EPA does not allow FAX transmission. NESHAP required notifications must be mailed to the EPA at the address below:

Asbestos Coordinator
USEPA
Region III
Mail Code 3WC32
1650 Arch St.
Philadelphia, PA 19103-2029

Building Inspection Requirements

Building owners often are the only or best sources of information concerning asbestos hazards within their building. They along with employers of potentially exposed employees are assigned specific duties under the DOLI asbestos regulations. To comply with these regulations, a thorough inspection must be conducted prior to the start of

any demolition or renovation activity which may disturb ACM.

The EPA and DOLI have specific requirements for public and commercial buildings where renovation or demolition are to take place. Prior to the renovation or demolition, there must be an inspection for suspect ACM **regardless of the age of the building.**

The VOSH 1926.1101 Asbestos construction standard also requires that building owners and employers determine the presence of asbestos prior to any work that may disturb ACM. Thermal system insulation (TSI) and sprayed or troweled on surfacing material must be presumed to contain asbestos until testing indicates otherwise. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing until testing determines that it is not.

If an appropriate building inspection has not been conducted for asbestos, an accredited asbestos inspector who has been licensed by the Virginia Department of Professional and Occupational Regulation (DPOR) should be obtained to conduct an inspection.

Demolition Projects

All demolition projects, with the exception of some residential structures, require notification 10 working days in advance **even if no asbestos is present.**

RENOVATION and DEMOLITION OF A BUILDING/FACILITY



No Asbestos

Requirements

- No VOSH Asbestos Requirements
- VOSH 1926 Construction Industry Safety Standard Requirements
- NESHAP Requirements (10 Day Notification for Demolition)

*Respirators

- Mandatory if
 - Non-intact removal, or
 - No NEA, or
 - > PEL, or
 - Dry removal (except for intact roofing where NEA obtained), or
 - In emergencies, or
 - Class I

**Medical Surveillance

- Mandatory if
 - Wearing negative-pressure respirator, or
 - Exposed >= PEL >= 30 days of work/year, or
 - Class I, II, or III work >= 30 days/yr.

***PPE

- Mandatory if
 - Class I if > 25' or 10 ft², or
 - < 25' or 10 ft² and No NEA, or
 - > PEL

Key:

- **ACM:** Asbestos-containing material
- **PACM:** Presumed asbestos-containing material
- **HEPA:** High Efficiency Particulate Air
- **NEA:** Negative Exposure Assessment
- **>PEL:** Greater than the Permissible Exposure Limits
- **>=PEL:** Greater than or equal to Permissible Exposure Limits
- **PPE:** Personal Protective Equipment
- **TSI:** Thermal System Insulation

Requirements for Class I

- **TSI & Surfacing Materials**
- Licensed asbestos abatement contractor
- Project notification if project >= 10' or 10 ft²
- 40-hour initially trained/accredited competent person and 8-hour annual refresher training/accreditation
- 32-hour initially/accredited trained worker(s) and 8-hour annual refresher training/accreditation
- Regulated area (restrict access to work site)
- Personal air monitoring or NEA
- Wet methods
- Decontamination unit (shower > 25' or 10 ft², drop cloth, & HEPA vacuum < 25' or 10 ft²)
- Respirators*
- Medical surveillance**
- PPE***
- Waste Disposal (sealed, impermeable bags/containers)
- Engineering controls for partial interior demolition and pre-building demolition interior removals [isolation/containment See 1926.1101(g)(4) and (5)]
- Engineering controls for demolition of building where ACM remains [see 1926.1101(g)(6)]
- **NESHAP Requirements**

Requirements for Class II

- **1 Non-Intact Class II ACM** (i.e., roofing materials, flooring materials, siding materials, ceiling tiles, or transite materials)
 - Licensed asbestos abatement contractor if friable
 - Project notification of friable project > = 10' or 10 ft²
 - 40-hour initially trained/accredited competent person and 8-hour annual refresher training
 - 8 or more hours initial worker training and annual refresher training
 - Regulated area (restrict access to work area)
 - Personal air monitoring or NEA
 - Wet methods
 - Decontamination unit (drop cloth + HEPA vacuum) if no NEA
 - Respirators*
 - Medical surveillance**
 - PPE***
 - Waste Disposal (sealed, impermeable bags/containers)
 - Engineering controls for partial interior demolition and pre-building demolition interior removals [isolation/containment, see 1926.1101(g)(7) and (8)(i)-(v) for specific controls]
 - Engineering controls for demolition of building where ACM remains [see 1926.1101(g)(8)(vi)]
 - **NESHAP Requirements**
- **More than 1 Non-Intact Class II ACM** (i.e., roofing materials, flooring materials, siding materials, ceiling tiles, or transite materials)
 - Licensed asbestos abatement contractor if friable
 - Project notification of friable project > = 10' or 10 ft²
 - 40-hour initially trained/accredited (if friable) competent person and 8-hour annual refresher training/accreditation
 - 32-hour initially trained/accredited worker(s) and 8-hour annual refresher training/accreditation on friable projects > 8 hours initial worker training and annual refresher training on non-friable projects
 - Regulated Area (restrict access to work area)
 - Personal air monitoring or NEA
 - Wet methods
 - Decontamination unit (drop cloth + HEPA vacuum) if no NEA
 - Respirators*
 - Medical surveillance**
 - PPE***
 - Waste Disposal (sealed, impermeable bags/containers)
 - Engineering controls for partial interior demolition and pre-building demolition interior removals [isolation/containment, see 1926.1101(g)(7) and (8)(i)-(v) for specific controls]
 - Engineering controls for demolition of building where ACM remains [see 1926.1101(g)(8)(vi)]
 - **NESHAP Requirements**

Definitions:

- Intact:** means that the ACM has not crumbled, been pulverized, or otherwise deteriorated so that asbestos in no longer likely to be bound to its matrix.
- Friable:** means ACM that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.
- Asbestos-Containing Material:** means any material containing more than one percent asbestos.
- Accredited:** means individuals have successfully completed a training program approved by the Virginia Board for Asbestos, Lead, and Home Inspectors to engage in asbestos abatement.
- Demolition:** means wrecking or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos material.
- Class I Asbestos Work:** means activities involving the removal of TSI and surfacing ACM or PACM.
- Class II Asbestos Work:** means activities involving the removal of ACM which is not TSI or surfacing material.