

Common Questions about the Asbestos NESHAP

Introduction

The Clean Air Act (CAA) requires the U. S. Environmental Protection Agency (EPA) to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. In accordance with Section 112 of the CAA, EPA established National Emissions Standards for Hazardous Air Pollutants (NESHAP) to protect the public. Asbestos was one of the first hazardous air pollutants regulated under Section 112. On March 31, 1971, EPA identified asbestos as a hazardous pollutant, and on April 6, 1973, EPA first promulgated the Asbestos NESHAP in 40 CFR Part 61.

In 1990, a revised NESHAP regulation was promulgated by EPA. Information contained in this document is consistent with the amended regulation.

Accordingly, the Asbestos NESHAP specifies work practices to be followed during demolitions and renovations of all structures, installations, and buildings (excluding residential buildings that have four or fewer dwelling units). In addition, the regulations require the owner of the building and/or the contractor to notify applicable State and local agencies and/or EPA Regional Offices before all demolitions, or before renovations of buildings that contain a certain threshold amount of asbestos. The EPA has delegated the Air Pollution Control District as their representative agency in Santa Barbara County.

For more information about the Asbestos NESHAP or for answers to questions not covered in this document, contact the Air Pollution Control District (APCD) at 805-961-8800 and ask to speak to your local Asbestos Inspector.

The following are some of the most commonly asked questions about the Asbestos NESHAP for demolitions and renovations.

Questions and answers have been arranged into the following categories:

1. General Information
2. Notifications
3. Removal
4. Ordered Demolitions
5. Friable & Non-friable Asbestos
6. Transport & Disposal
7. Surveys, Sampling, Monitoring
8. Inspections
9. Training
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1. General Information

What is the difference between demolishing a facility and renovating it?

"Demolition" and "renovation" are defined in the regulation and differ from some building department definitions. You "demolish" a facility when you remove or wreck any load-supporting structural member of that facility or perform any related operations; you also "demolish" a facility when you burn it or even simply move it to a different location. You "renovate" a facility when you alter any part of that facility in any other manner. Renovation includes stripping or removing asbestos from the facility.

What is a "facility" (a.k.a. "regulated structure")?

As defined in the regulation, a "facility" is any institutional, commercial, public, industrial or residential structure, installation or building (including any structure, bridge, installation or building containing condominiums, or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units under one roof); any ship; or any active or inactive waste disposal site. Any building, structure or installation that contains a loft used as a dwelling is not considered residential. Any structure, installation, or building that was previously subject to the Asbestos NESHAP is not excluded, regardless of its current use or function.

Additionally, regulated structures include any government building, residential facility, or building to be demolished by fire training, urban renewal, or ordered building demolition.

A "residential facility" is a residence having two or more living structures under separate roofs. The definition of residential facility also includes adjacent single family residences in the same housing project or development.

If I renovate several two-family units, are the units defined as a "facility" and regulated?

A single residential building with four or fewer dwelling units is not considered regulated unless it is part of a larger adjacent installation such as a housing complex or is adjacent to another residence on the same property.

Are mobile homes or mobile structures regulated by the Asbestos NESHAP?

Mobile homes used as single-family dwellings are not subject to Asbestos NESHAP. Mobile structures used for non-residential purposes are subject to NESHAP.

Are Federal facilities regulated by the Asbestos NESHAP?

Yes.

Are single-family private residences regulated by the Asbestos NESHAP?

In most cases, no. See the definition of residential facility, above.

Is moving a building regulated by the Asbestos NESHAP?

Yes, moving a building is considered demolition and requires an asbestos survey and filing of a demolition notification with the appropriate regulatory agency.

If a facility being renovated or demolished was built after 1975, do regulations in the Asbestos NESHAP apply?

Yes. Building materials containing asbestos continued to be sold for years after their manufacture was banned. In fact, you can still purchase certain building materials containing asbestos such as roofing sealant or tile cement. There are NO exemptions based upon the date of construction nor age of the structure.

How much asbestos must be present before the Asbestos NESHAP work practice standards apply to renovation projects?

Asbestos NESHAP regulations must be followed for all renovations of facilities with at least 260 linear feet (80 linear meters) of regulated asbestos-containing materials (RACM) on pipes, or 160 square feet (15 square meters) of regulated asbestos-containing materials on other facility components, or at least 35 cubic feet (one cubic meter) of facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping. These amounts are known as the "threshold" amounts.

How much asbestos must be present before the Asbestos NESHAP work practice standards apply to demolition projects?

All demolitions require notification of the appropriate regulatory agency, even if no asbestos is present at the site, and all demolitions and renovations are "subject" to the Asbestos NESHAP insofar as owners and operators must conduct a survey to determine if and how much asbestos is present at the site.

Asbestos NESHAP regulations must be followed for demolitions of facilities with at least 260 linear feet (80 linear meters) of regulated asbestos-containing materials (RACM) such as on pipes, 160 square feet (15 square meters) of regulated asbestos-containing materials on other facility components such as flooring, or at least 35 cubic feet (one cubic meter) of facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping.

Are homes that are demolished or renovated to build non-residential structures regulated by the Asbestos NESHAP?

Yes. For example, homes which are demolished as part of an urban renewal project, a highway construction project, or a project to develop a shopping mall are regulated by the Asbestos NESHAP. A single home which is converted into a non-residential structure is also regulated by the Asbestos NESHAP. For example, if someone buys a house and converts it into a store, the renovation is subject to the Asbestos NESHAP.

Are single family residences subject to the NESHAP regulation when being demolished by burning?

Yes. Any structure which is demolished by burning, for fire training purposes, is deemed to be a regulated structure and is subject to the NESHAP.

If a renovation site is abandoned, is the site still regulated by the Asbestos NESHAP?

Yes. Even after a renovation site is abandoned, it is still regulated by the Asbestos NESHAP.

What is encapsulation, and is it regulated by the Asbestos NESHAP?

Encapsulation is the application of a material with a sealant to stop it from releasing fibers. Normally, encapsulation is not regulated by the Asbestos NESHAP unless it involves removing or stripping asbestos. However, if encapsulation is done using methods that damage asbestos and release fibers it would be covered. For example, high pressure spraying to apply encapsulant could damage asbestos. Also, if friable RACM is encapsulated, the RACM is still covered by the Asbestos NESHAP if renovation or demolition occurs.

Are offshore oil rigs regulated in terms of asbestos removal and demolition?

Yes. Federal jurisdiction extends to the continental shelf (100 miles). When EPA delegates authority to State or local agencies, the State and local agencies are usually considered to have authority only in territorial waters (12 miles). The Department of the Interior is still evaluating whether States may extend their jurisdiction beyond territorial waters. EPA currently enforces the NESHAP between territorial waters and the continental shelf.

Are onshore oil rigs regulated in terms of asbestos removal and demolition?

Yes. Tanks, boilers, processors, and heater-treaters, are considered regulated structures (Christmas trees and grasshoppers are typically exempted).

2. Notifications

What is a notification?

A notification is a written notice of intent to renovate or demolish. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion date of the work, the location of the site, the names of operators or asbestos removal contractors, methods of removal and the amount of asbestos, and whether the operation is a demolition or renovation. See Section 61.145(b) of the Asbestos NESHAP regulation or APCD Form ENF-28.

Whom do I notify?

You should notify the delegated State/Local Pollution Control Agency in your area (APCD) of the demolition or renovation operations subject to NESHAP. Some EPA Regions require that both the EPA Regional Office and the local delegated agency be notified, while some require notice only to the delegated State or local agency. As a delegated agency only your local APCD need be notified.

How do I notify?

Mail or hand-deliver the notification to the APCD at 260 North San Antonio Road, Suite A, Santa Barbara, CA 93110.

Are faxed or telephone notifications acceptable?

No, faxed notifications are not accepted. Telephone notifications are only acceptable in emergency situations at the discretion of the EPA Regional Office or delegated agency and must be followed with a written copy by the following working day. Revisions to an original notification may also be faxed.

Who is responsible for submitting a notification -- the owner of the building which is being demolished or renovated, or the contractor?

The NESHAP regulation states that either the owner of the building or operator of the demolition or renovation operation can submit the notification. Usually, the two parties decide together who will notify. If neither provide adequate notice, EPA can hold either or both parties liable.

When a condominium complex is being renovated, who as owner, is responsible for submitting a notification?

While owners and operators share responsibility for proper notification, the condominium or co-op board is responsible as the owner. The board should ensure that they are told when work takes place on individual units, so that they can comply with notification (and other EPA) requirements, especially if multiple operators are involved.

Is there a form or format for notifications?

Yes, there is a suggested form for notifications. You can obtain a form, and instructions on how to fill it out, from your local APCD or Building Department. For projects in Santa Barbara County, you can use the form found on the Santa Barbara County APCD website at www.sbcapcd.org

What do I do if a building department requires a "sign off" prior to issuing a building permit for my project?

APCD will sign off on your project when you submit a completed application or survey certifying removal of less than 260 linear feet (80 linear meters) of regulated asbestos-containing materials (RACM) such as on pipes, 160 square feet (15 square meters) of regulated asbestos-containing materials on other facility components such as flooring, or at least 35 cubic feet (one cubic meter) of facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping.

Do demolitions of facilities in which no asbestos is present require notification? Notification for the demolition of a facility or facility component is required under the asbestos NESHAP even when no asbestos is involved. The purpose of the requirement to report even when no asbestos is found is to ensure that facilities are inspected for asbestos and that removal is performed consistent with the standard. A failure to notify, as required by the rule, is a violation, and EPA will vigorously enforce these requirements.

When I notify regarding a renovation, what date do I consider the start date?

For a renovation, the start date is the day that the removal of asbestos-containing material, or any other asbestos-handling activities, including pre-cleaning, construction of containment, or other activities that could disturb the asbestos, will begin.

When I notify regarding a demolition, do I give the start date of the demolition or of the asbestos removal? Which date do I use to determine whether I've met the 10-day waiting period?

For a demolition, the start date is the date that the removal or related activity begins. The date the demolition starts also must be reported. The waiting period should be calculated based on the start date of the removal or the demolition, if no removal is required. The waiting period is necessary to give inspectors time to visit the site before activity begins.

Does the 10-day notification requirement refer to "calendar" days or "working" days?

The Asbestos NESHAP regulation specifies "working days." Holidays that fall between Monday and Friday count as "working days." Your project may then begin on the eleventh day.

What is a "nonscheduled renovation operation"?

A "nonscheduled renovation operation" is a renovation operation that is caused by the routine failure of equipment which is expected to occur based on past operating experience, but for which an exact date cannot be predicted.

Do I have to notify for non-scheduled operations? When?

Yes, if you can predict based on past experience that renovations will be necessary during the calendar year and the amount of asbestos is likely to exceed the jurisdictional amount, notification is required. This notification must be submitted at least 10 working days before the end of the calendar year preceding the year for which notice is being given.

Note: Single renovation projects which exceed the threshold amount are not covered by this type of notice. A separate notification is required for these projects.

Must I notify the agency again if I know that a specific renovation project involving more than the threshold amount (including the work covered by the calendar year notice for non-scheduled operations) is about to occur at a specific time?

Yes.

What constitutes an emergency renovation?

An emergency renovation is a renovation that was not planned, but results from a sudden, unexpected event that either immediately produces unsafe conditions, or that, if not quickly remedied, could be reasonably foreseen to result in an unsafe or detrimental effect on health or is necessary to protect equipment and avoid unreasonable financial burden. The term includes renovations necessitated by non-routine equipment failures. For example, the explosion of a boiler in a chemical plant might require emergency renovations, since such an explosion would disrupt normal operations. However, renovations involving routine repairs are not emergencies.

Under what conditions must I notify for emergency renovations? When must I notify?

First, inspect the facility and determine the amount of RACM that may have to be removed or disturbed to repair the facility. (If you don't have the time to have samples analyzed, you should assume that all insulation is RACM.) Then, if the amount of RACM is in excess of the threshold amount, you should mail or deliver a notification as soon as possible, but certainly no later than the following workday. A notification which is postmarked more than one working day after the emergency will be considered in violation of the notification requirements. EPA recommends that you send the notice by overnight express mail, and that you phone in a notification as well to your local APCD.

When does a notification need to be revised?

A notification must be revised if information contained in the original notice has changed. For example, you must revise the notification if there is a change in one of the contractors or if the amount of RACM involved changes by more than 20 percent. You must also revise your notification if you change the start date of your project.

When do I submit a revised notification?

A revision should be submitted immediately upon becoming aware of the change. You should telephone the APCD as soon as possible after you realize the revision is necessary and should fax a copy of the revised notification. If you change the start date of a project, the APCD must receive the revised notification no later than the original start date. You may delay the start date without problem, but in no case can you move up the start date to begin with less than 10 days advance notice.

Who is responsible for submitting a revision?

The individual that submitted the original notification should be continually aware of the project status and should submit any revision(s) as necessary. Be advised that if someone else submits a revision on their behalf it does not eliminate the responsibility of the original notifier, the owner or the operator to comply with the provisions of the NESHAP.

3. Removal

Does the Asbestos NESHAP require a building owner or operator to remove damaged or deteriorating asbestos-containing material?

No, Not unless a renovation of the facility is planned which would disturb the ACM and the disturbed material exceeds the threshold amount.

What does "adequately wet" mean?

To "adequately wet" ACM means to sufficiently mix or penetrate the material with liquid to prevent the release of particulates. If visible emissions are observed coming from ACM, then the material has not been adequately wetted. However, the absence of visible emissions is not evidence of being adequately wet.

If a contractor puts water in the bottom of a bag, then strips the friable asbestos material dry and lets it fall into the water, is this a violation of the Asbestos NESHAP standards?

Yes. The regulation states that friable asbestos-containing material must be "adequately wet" during stripping operations. The material must remain wet until disposal.

4. Ordered Demolitions

If a facility is being demolished under an order of a State or local government because the facility is structurally unsound, and therefore unsafe, do all the normal regulations covering demolitions apply?

No. The regulations which do apply are specified in 61.145 (a)(3) of the regulation.

If a facility is being demolished under an order of a State or local government, must all the debris be treated as asbestos-contaminated waste?

If, for safety reasons, the RACM in the facility is not removed prior to demolition, the RACM must be kept adequately wet during the wrecking operations. After wrecking, all the contaminated debris must be kept adequately wet until disposal. All contaminated debris which cannot be segregated and cleaned should be disposed of as asbestos waste.

5. Friable & Non-friable Asbestos

What is friable asbestos-containing material?

Friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

What is non-friable ACM?

Non-friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. Under the Asbestos NESHAP, non-friable ACM is divided into two categories. Category I non-friable ACM are asbestos-containing resilient floor coverings (commonly known as vinyl asbestos tile (VAT), asphalt roofing products, packings and gaskets. These materials rarely become friable. All other non-friable ACM are considered category II non-friable ACM.

Must I remove category I non-friable material prior to demolition or renovation?

Under normal circumstances, category I non-friable materials need not be removed prior to demolition or renovation, because generally these materials do not release significant amounts of asbestos fibers, even when damaged. This is not, however, a hard and fast rule. If category I materials have become friable or are in poor condition, they must be removed. Also, if you sand, grind, abrade, drill, cut or chip any non-friable materials, including category I materials, you must treat the material as friable, if more than the jurisdictional amount is involved.

Must I remove category II non-friable materials prior to demolition or renovation?

These materials should be evaluated on a case-by-case basis. If category II non-friable materials are likely to become crushed, pulverized or reduced to powder during demolition or renovation, they should be

removed before demolition or renovation begin. For example, A/C (asbestos cement) siding on a building that is going to be demolished with a wrecking ball should be removed, because it is likely that the siding will be pulverized by the wrecking ball.

Does non-friable waste, if broken, damaged, etc., have to be wetted and contained?

Non-friable ACM that has been damaged during a demolition or renovation operation such that some portions of the material are crumbled, pulverized or reduced to powder is covered by the Asbestos NESHAP if the facility contains more than the threshold amount of RACM. However, category II non-friable ACM that has a high probability of being damaged by the demolition or renovation forces expected to act on the materials such that it will be crumbled, pulverized, or reduced to powder must be removed prior to the demolition or renovation operation. It is the owner's or operator's responsibility to make these determinations.

What ACM materials must be removed prior to a demolition accomplished by burning?

ALL ACM, both friable and non-friable must be removed prior to a demolition by burning regardless of the amount.

6. Transport & Disposal

How should I handle bulk waste from a facility that contained RACM and that was not found until after demolition began?

The demolition debris must be treated as asbestos-containing waste. Adequately wet the demolition debris until collected for disposal and during loading, transport it in covered vehicles and emit no visible emissions to the outside air as required by 61.150. The waste must be deposited at an acceptable waste disposal site.

Can I transport bulk asbestos waste without placing it in containers as long as I keep the waste pile wet?

No. After wetting, seal all asbestos-containing waste material in leak-tight containers while wet and label with the appropriate signs and labels. If the waste will not fit into containers, it must be placed in leak-tight wrapping.

However, for facilities that are demolished without removing the RACM and for ordered demolitions, the material must be adequately wet after the demolition has occurred and again when loading the material for transport to a disposal site. RACM covered by this paragraph may be transported in bulk without being placed in leak-tight containers or wrapping.

How should I label asbestos-containing waste that is being taken away from the facility?

You should label the containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. An OSHA warning label must also be used.

Does EPA license landfills for asbestos waste?

The EPA does not license asbestos landfills under the Clean Air Act. However, it has established asbestos disposal requirements for active and inactive disposal sites under the NESHAP, and general requirements for solid waste disposal under the Resource Conservation and Recovery Act (RCRA). In addition, State and/or local agencies usually require asbestos landfills to be approved or licensed.

Where can I obtain a list of licensed landfills?

Most local landfills will accept non-friable asbestos waste generated within their local communities. Typically you must call in advance to coordinate the materials and amounts. The only landfill in southern

California to accept friable asbestos waste is Azusa Land Reclamation Company at 1201 West Gladstone Street Azusa, CA 91702 818-334-0719

Can water be considered "six-inch compacted non-asbestos cover"? In other words, could asbestos covered components be dropped in the ocean?

No.

7. Surveys, Sampling & Monitoring

Does the Asbestos NESHAP regulation require me to inspect my property for asbestos?

No, not unless demolition or renovation is planned. The only Federal regulation which requires general inspections are the AHERA regulations, which mandate that schools must be inspected for asbestos. The NESHAP regulation requires that you inspect for asbestos before demolition or renovation.

Will EPA test my building for asbestos for me?

No. Owners and operators are responsible for getting their buildings tested.

Who is authorized to conduct a survey of my facility for asbestos containing materials?

Only certified asbestos consultants are qualified to conduct a survey and take the necessary samples.

How can I find someone to do the survey and take any required samples?

Your local APCD can provide you with a listing of suitable asbestos contractors/consultants along with their contact numbers.

What is a bulk sample?

A bulk sample is a solid quantity of insulation, floor tile, building material, etc., that is suspected of containing asbestos fibers that will be analyzed for the presence and quantity of asbestos.

How do laboratories analyze bulk samples?

Laboratories analyze bulk samples a number of ways. Most laboratories use Polarized Light Microscopy (PLM). Some laboratories use Transmission Electron Microscopy (TEM). However, there is currently no published method for bulk analysis using TEM.

How much does it cost to have a bulk sample analyzed?

The cost varies with the method. The cost of PLM analysis ranges from \$20.00 to \$100.00. The average cost is \$30.00. TEM analysis is more expensive.

Does the NESHAP regulation require air monitoring during renovation or removal?

No. Air monitoring is a requirement of the AHERA regulation regarding schools

What is the acceptable exposure/ambient air standard for asbestos?

EPA does not specify an acceptable exposure/ambient air standard.

8. Inspections

Does an inspector have the right to enter any facility and the containment area?

Yes. All inspectors have the right under the Clean Air Act to inspect any facility and the containment area. Inspectors are trained and equipped to do this safely.

If I can see ACM dust inside the containment area or inside a glovebag, is this a violation of the Asbestos NESHAP?

The observation of ACM dust will be used as evidence of a violation of the "adequately wet" requirement. This is consistent with the definition of adequately wet that requires enough wetting "to prevent the release of particulates."

Is visible asbestos-containing debris on the ground outside a removal job considered a "visible emission," and a violation of the NESHAP?

Yes. Dry friable asbestos insulation on the ground violates the "adequately wet" requirement, and can be considered evidence of a visible emission.

Is it appropriate for an inspector to open any bags outside the designated contaminated area?

Yes. The inspector may open any bags outside the designated contaminated area to inspect them. The inspector may use a glovebag or other control techniques. The inspector will then properly reseal the bag, or request that the operator do so.

Must an inspector witness improper removal of more than 160 square feet or 260 linear feet of asbestos-containing material to prove a violation of the NESHAP regulation?

No. First, the inspector must gather information about the quantity of asbestos to prove that the project is subject to the NESHAP standards. Second, the inspector must prove that there has been improper removal. The two tasks are distinct from each other.

Are inspectors required to have medical examinations to ensure that they are medically fit to wear respirators?

Yes. Several Federal provisions under OSHA, EHSD, and NIOSH require people to be examined by a doctor and pronounced physically fit before they are permitted to wear respirators.

Must inspectors have personnel monitoring conducted on them during inspections to comply with OSHA requirements for workers?

No. The inspectors do not have to comply with the work practice safety standards required by OSHA for personnel monitoring.

Do inspectors need to follow facility training requirements including fit testing?

No.

9. Training

Do contractors and employees need to be accredited?

As of November, 1991 the Asbestos NESHAP requires a person trained in the provisions of this rule and the means of complying with them to be on-site when asbestos-containing material is stripped, removed or disturbed. Under AHERA, all contractors and employees involved in the removal and disposal of asbestos-containing material from schools must be accredited. Additionally, many States require that all workers be accredited before they remove asbestos from any facility.

How can I qualify as an asbestos contractor/worker/consultant under AHERA?

You must attend and pass an EPA accredited training course. A list of training courses approved by EPA is available upon request at your local APCD.

Do supervisors need to be trained?

Beginning on November 20, 1991, the Asbestos NESHAP requires at least one trained supervisor to be present at any site at which RACM is stripped, removed, or otherwise disturbed at any facility which is being demolished or renovated and is regulated by NESHAP. Evidence of the training must be posted and made available for inspection at the demolition or renovation site. Training includes, at a minimum: applicability, notification, material identification, control procedures, waste disposal, reporting and record keeping, asbestos hazards and worker protection.

Completion of an AHERA accredited course constitutes adequate training. Every 2 years the trained individual is required to receive refresher training. Information about both the training and refresher courses is available through your local APCD.

10. Violations & Penalties

What will happen if I violate the Asbestos NESHAP?

Sanctions vary. In some cases, Notices to Comply (NTC) -- written warnings -- or Notices of Violation (NOVs) are issued to owners or operators who violate notification requirements. Violators of the work practice or disposal standards may be subject to NOVs and/or civil penalties up to \$25,000 per day per violation, depending upon the seriousness of the violation. EPA may also bring criminal charges against violators. Some owners and operators who have knowingly violated the Asbestos NESHAP have been sentenced to prison terms.

For more information on penalties and enforcement, see the EPA Public Information Document entitled "Asbestos NESHAP Enforcement."

What is the maximum penalty which can be assessed for NESHAP violations?

\$25,000 per day, per violation, with no absolute maximum. However, some NESHAP violators may also be liable under CERCLA, and if so, the maximum penalty may be much higher.

How are penalties calculated?

Penalties are computed on a case-by-case basis. The amount of asbestos involved, the number of previous violations, the duration of the offense, the economic benefit that accrued to the owner or operator as a result of the violation, and similar considerations are taken into account.

11. NARS

What is NARS?

NARS stands for "National Asbestos Registry System." NARS is a computerized database established by EPA in April, 1989. NARS stores data on the compliance history of firms doing demolition or renovation work subject to the Asbestos NESHAP.

What is the purpose of NARS?

NARS is used by EPA Regional Offices as well as State and local agencies to "target" inspections of contractors with poor compliance histories, and to monitor activity subject to the NESHAP regulations.

What is "contractor listing?"

Contractors who have shown a pattern of violation, or who have been convicted of a criminal violation, may be placed on a list of violators who are prohibited from contracting for any jobs involving Federal money (grants, contracts, sub-grants, etc.).

Can a corporation that has changed its name, but is owned by an individual who has been listed be subject to contractor listing?

Yes.

12. Glossary of Terms

AHERA - The Asbestos Hazard Emergency Response Act, passed by Congress in 1986

CAA - Clean Air Act

CERCLA - The Comprehensive Environmental Response Compensation and Liability Act. Also known as the "Superfund."

EPA - The United States Environmental Protection Agency

EHSD - Environmental Health and Safety Division, U.S. EPA

Friable Asbestos Material - Any material containing more than one percent asbestos, as determined using the method specified in Appendix A, subpart F 40 CFR part 763, section 1, Polarized Light Microscopy, that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos by point counting using PLM.

Glovebag - A sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

NARS - National Asbestos Registry System

NESHAP - The National Emission Standard for Hazardous Air Pollutants found in Title 40 CFR Part 61 promulgated under Section 112 of the Clean Air Act.

NIOSH - National Institute for Occupational Safety and Health

NIST - National Institute of Standards and Technology

NVLAP - National Voluntary Laboratory Accreditation Program

OSHA - Occupational Safety & Health Administration

Particulate Asbestos material - Finely divided particles of asbestos or material containing asbestos.

PLM - Polarized light microscopy, as defined in Appendix A, subpart F, 40 CFR part 763, sec. 1

RACM - Regulated Asbestos-Containing Material. RACM means (a) Friable asbestos material, (b) Category I non-friable ACM that has become friable, (c) Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by the Asbestos NESHAP.

RCRA - Resource Conservation and Recovery Act

TSCA - Toxic Substances Control Act

Visible Emissions - Any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos- containing waste material, or from any asbestos milling, manufacturing, or fabricating operation.