

## Asbestos - Lead- Mold

To file Asbestos, Lead, or Mold Concern- Please contact Facility Planning and Management's, Asbestos Coordinator with your concerns. 581-7069 or Work Control 581-3416.

The information in this handout should serve as a brief explanation of the rules and regulations that pertain to asbestos and lead based paint. For a complete guide of the rules and regulations please refer to, the Code of Federal Regulations; 40 CFR Part 61 and Part 763, for asbestos and 40 CFR Part 745, for lead.

### Asbestos

#### **I have some Asbestos Containing Building Materials, how should I manage this?**

If the asbestos containing material is in good condition, it is best to leave it alone. Careless removal can leave airborne asbestos levels three to four times higher than before the asbestos was disturbed. In 1973, U.S. EPA promulgated the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) in the 40 CFR Part 61 regulations. The asbestos NESHAP regulations protect the public by minimizing the release of asbestos fibers during activities involving the processing, handling and disposal of asbestos-containing material. Accordingly, the asbestos NESHAP specifies work practices to be followed during demolitions and renovation of all structure, installations and building (excluding residential buildings that have four or fewer dwelling units). In addition, the regulations require to owner of the building and/or the contractor to notify applicable state and local agencies and/or EPA regional offices before any demolition or renovation where a certain threshold amount of asbestos (160 f2, 260 LF, 35 f3) is removed.

Pursuant to Title II of the Toxic Substances Control Act (TSCA), the U.S. EPA adopted the Asbestos Model Accreditation Plan (MAP) in 1994. The MAP requires that all persons who inspect for asbestos-containing materials (ACM) or design or conduct response actions with respect to friable ACM in public and commercial buildings must obtain accreditation. Accreditation must be obtained by completing a prescribed training course and passing an exam. Persons who perform such work without the proper accreditation, or who employ such persons and fail to provide them with the required accreditation are in violation of the MAP as well as its underlying statute (15 U.S.C. 2647).

State and local regulations may be more stringent than federal standards and may change frequently. Building owners should periodically check with the appropriate federal, state, and local authorities to determine whether any new asbestos regulations have been developed or whether current regulations have been amended. Specific EPA regulations that may affect asbestos-related tasks an/or workers are listed here:

- National Emission Standard for Asbestos (NESHAP) (40 CFR Part 61, Subpart M)
- Asbestos Abatement Projects (40 CFR Part 763, Subpart G)
- Asbestos Model Accreditation Plan (40 CFR Part 763, Subpart E, Appendix C).

#### **What is an O&M program?**

The EPA recommends a pro-active, in place Operations and Maintenance (O&M) program, whenever asbestos is discovered. The main objective of an O&M program is to minimize exposure of all building occupants to airborne asbestos fibers.

#### **What should be identified in an O&M program?**

An effective O&M program should address all types of ACM in a building; these include:

- Surfacing materials (any ACM that has been sprayed or troweled onto surfaces)
- Thermal System Insulation (ACM that has been applied to pipes, boilers, tanks, ducts, etc.)
- Miscellaneous ACM, containing more than 1% asbestos.

#### **What does a successful O&M program include?**

- Surveillance- Assess and document any changes in the ACM condition
- Controls- regulate and monitor activities which might disturb ACM
- Work practices- avoid or minimize fiber release during activities in the vicinity of ACM
- Record Keeping- document O&M activities
- Worker Protection- maintain medical and respiratory protection programs
- Training- ensure initial and subsequent training is accomplished of all personnel.

## **Lead**

#### **This rule applies to "target housing" only. What is "target housing"?**

Universities are subject to Section 1018 for target housing, which they own or manage. With certain exceptions, target housing is defined as "...any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling."

The rule also exempts short-term leases of 100-days or less, where no lease renewal or extension can occur. Universities which own or manage apartment housing containing one or more bedroom which have leases or rental agreements running more than 100 days are subject to Section 1018 for those apartment units. Dormitory, efficiencies and studio lofts are considered 0- bedroom housing and not subject to the Disclosure Rule.

#### **What requirements must sellers and landlords fulfill concerning lead-based paint?**

Requirements in 40 CFR Part 745 Subpart F:

- Disclose lead-based paint and lead-based paint hazards to renter's whether actually known or not.
- Provide available inspection reports, records, or test results, to buyers or renters.
- Provide a purchaser or renter with a federally approved lead-based paint hazard information pamphlet; Protect Your Family from Lead in Your Home (EPA pamphlet 747-K-00-001)
- Sales contracts and leasing agreements must include in writing, certain notifications and disclosure statements regarding lead-based paint and/ or lead based paint hazards.
- Maintain the tenant and landlord signed notification and disclosure form on file for 3 years
- Notify all tenants in the building, if lead based paint is present in common areas of the building
- If selling or leasing a target house a Lead warning statement must be included in the contract, This statement must be verbatim in accordance with 40 CFR part 745.113 (a) 1 or 40 CFR part 745.113(b)1

#### **What is the Lead Warning Statement as read from the 40 CFR part 745.113 (b) 1?**

"Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, the owner must disclose the presence of lead-based paint and/ or lead-based hazards in the dwelling. Lessees must also receive a federally approved pamphlet on the lead poisoning prevention."