

# Town of Westwood

Commonwealth of Massachusetts



## Asbestos Information Sheet

As of June 20, 2014, MassDEP revised the asbestos regulations including a clarification that all renovations and demolitions require an asbestos survey prior to site work. Specifically, owners/operators need to determine all asbestos containing materials at the site that will be impacted by the proposed work prior to conducting any renovation or demolition activity. Except as exempted pursuant to 310 CMR 7.15 (4), an asbestos survey is required regardless of the age of the building. *A letter from the property owner or manager may not be substituted for an asbestos survey.*

310 CMR 7.15 "Survey Requirements..." "With the exception of an owner-occupied, single-family residence who performs asbestos abatement activities at the owner's residence involving solely non-friable ACM, the operator of a facility...shall, prior to conducting any demolition or renovation,...engage an asbestos inspector to thoroughly inspect the facility...where the demolition or renovation will occur to identify the presence, location and quantity of any ACM...and to prepare a written asbestos survey report." (Asbestos Inspector means a person certified by the Commonwealth; Asbestos Survey Report means a written report resulting from a thorough inspection using EPA approved procedures...to determine whether materials to be worked on, renovated or demolished...contain asbestos.)

## Answers to Common Asbestos Questions

### Do I need to conduct a thorough asbestos inspection prior to any renovation or demolition activity?

All residential, commercial and institutional buildings are subject to Massachusetts Department of Environmental Protection (MassDEP) asbestos regulations at 310 CMR 7.15. Therefore, owners and/or operators (e.g. building owners, renovation and demolition contractors, plumbing and heating contractors, flooring contractors, etc.) need to determine all asbestos containing materials (both non-friable and friable) that are present at the site and whether or not those materials will be impacted by the proposed work prior to conducting any renovation or demolition activity.

Examples of commonly found asbestos containing materials include, but are not limited to, heating system insulation, floor tiles and vinyl sheet flooring, mastics, wallboard, joint compound, decorative plasters, asbestos containing siding and roofing products and fireproofing.

Failure to identify and remove all asbestos containing material prior to its being impacted by renovation or demolition activities can result in significant penalty exposure, and higher clean-up, decontamination, disposal and monitoring cost.

### Are there products being sold that contain asbestos?

Yes, products containing regulated amounts of asbestos are being sold in retail stores. Material Safety Data Sheets should be available from the manufacturer, but if the product label does not identify that it contains asbestos, you may wish to ask the manufacturer. Examples of products containing asbestos include floor tile, mastic, and roofing tar.

### How do I know if my building contains Asbestos? How do I choose a contractor?

Hire a Department of Labor Standards (DLS) certified asbestos consultant to determine if asbestos is present and whether removal/repair is necessary. If the building is a state-owned facility, contact the Department of Capital Asset Management (DCAM) and DLS. DLS provides a list of licensed asbestos abatement contractors and consultants. You may wish to ask about a contractor's history of violations. Only DLS licensed and DLS certified asbestos abatement contractors and consultants may be hired to perform asbestos-related work in Massachusetts. Visit <http://www.mass.gov/lwd/labor-standards/asbestos-safety/license-lists/> for a list of MA licensed Asbestos contractors.

### **Are there any laboratories that test material to determine if the material contains Asbestos?**

There are many private testing laboratories that will perform asbestos bulk sample analysis to determine whether or not a material contains asbestos. Contact DLS for a list of certified labs. DLS will test materials submitted by public agencies. Before any testing is done, a sample must be collected utilizing proper work practices to minimize disturbance of any asbestos-containing material and to prevent the release of asbestos emissions to the inside and outside environments. Private contractors and consultants must receive DLS licensing and certification to do this.

### **Are there any state agencies that test the air for Asbestos?**

DLS will perform a hazard inspection for non-federal public workplaces, but air monitoring is limited to buildings occupied by municipal, state and county employers. Owners or tenants of other buildings may hire a licensed asbestos abatement inspector and testing laboratory. Call DLS for a list.

### **Should I remove asbestos myself?**

It is strongly recommended that only a DLS certified worker do asbestos handling on behalf of homeowners. Asbestos fibers pose a serious health threat. There are MassDEP requirements for anyone handling asbestos, including special supplies and equipment, specific work practices including setting up a containment area, air filtration equipment, packaging and labeling of waste. If the area is contaminated by improper handling of asbestos, cleanup procedures specific to the job are required. For public and worker protection, DLS requires that any entity or individual engaged in the business of asbestos abatement or containment be licensed and certified.

### **Does anyone have to be notified of asbestos removal? Are there any notification fees?**

There is a single notification form to file for MassDEP and DLS. MassDEP requires notification for any asbestos handling project including demolition and disposal at least ten (10) working days prior to conducting any asbestos removal work. DOS requires notification for any asbestos handling project including demolition and disposal at least ten (10) calendar days prior to conducting any asbestos removal work. In order to properly notify of an asbestos removal job, contact either DEP or DLS to receive a copy of the "Commonwealth of Massachusetts Asbestos Notification Guide" and form (ANF-001 also called BWP AQ-04) which may be used for notifying both agencies.

The notification fee required by MassDEP regulations 310 CMR 4.00 (Timely Action Schedule and Fee Provisions) for asbestos removal is \$100 per notification. However, work on owner-occupied residential properties with four or fewer units, and work on behalf of cities, towns, counties, districts of the Commonwealth, municipal housing authorities, the MBTA and state agencies do not pay the fee. Public authorities and public entities not specifically listed as exempt by statute pay the fee. Owners of residential property being converted to non-residential use pay the fee. Commercial, industrial, institutional, and charitable entity owners pay the fee.

Asbestos removal notifications require a decal to be attached before filing. Notification decals may be purchased from the Commonwealth (\$100), or received upon request for fee exempt work, and affixed to the Asbestos Notification Form ANF-001. Decals may be purchased by filling out and mailing the "Purchase Request" form attached to the "Asbestos Notification Guide."

Additionally, under MassDEP regulations, most construction/demolition projects require a ten (10) working day notification prior to beginning the job regardless of whether the job involves asbestos. Notification must be made using MassDEP's form BWP AQ-06. A notification fee (\$100) or exempt decal must be affixed to the AQ-06 form. Residential buildings containing 1 to 20 units are not required to file a notification for construction/demolition work when no asbestos is involved. Residential buildings of any size must notify when asbestos is involved.

### **Is asbestos a hazardous waste or a solid waste?**

Asbestos is classified as a "special waste" under MassDEP solid waste regulations. Asbestos and material that contains or is contaminated with asbestos require special handling and transporting as set out in MassDEP regulations. It can only be disposed of in landfills that have been approved to accept asbestos-containing waste materials. Mishandling of asbestos may also be a violation of regulations other than air and solid waste

### **For more information please contact MassDEP at:**

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