Overview - NC Asbestos & Lead Hazard Management Rules & Regulations

(We Are Not OSHA-But!)

(919) 707-5950
Topics

• NC Asbestos Program Overview (State specific Stuff)

• NC Lead-Based Paint Program(s) Overview

• Questions/ Discussion
Overview of the NC Asbestos Hazard Management Program Rules

10A NCAC 41C .0600
Asbestos Hazard Management Program

- Accredit Individuals who Conduct Asbestos Management Activities
- Approve Asbestos Training Courses
- Permit Asbestos Abatement & Demolition Projects
- Approve Asbestos Management Plans and Review Reinspection Reports Statewide for Public, Charter and Private Schools (non-profit)
- Conduct Compliance Inspections of Asbestos Abatement, Demolition Projects, and Asbestos in Schools for EPA (AHERA)
- Provide Compliance Assistance / Education & Outreach through Consultative Services
Applicable Regulations

• Asbestos Hazard Management Program
  • Article 19, N.C. Gen. Stat. § 130A-444-451
  • 10A NCAC 41C .0600

• National Emissions Standards for Hazardous Air Pollutants (NESHAP) - (Renovations/Demolition)
  • 40 CFR Part 61, Subpart M

• Asbestos-Containing Materials in Schools (AHERA)
  • 40 CFR Part 763
Will Address 3 Specific Questions

1. How much are state fees for asbestos removal projects, and/or how are the fees determined?
   Answers: on Slides 16, 17, 18, & 19

2. Are there any state-specific requirements for removing Category II nonfriable ACM?
   AHMP Answer: No, unless it becomes RACM – more on slide #’s 29 & 30
   OSHA – Yes, Controls for Class II work – i.e., (Competent person, training, HEPA vac, wet methods, prompt cleanup, HazCom, material specific work practices, etc.)
3 Specific Questions

3. Are there any state-specific requirements for drywall/joint compound compositing?

Answer: No, State Specific – follow EPA NESHAP Guidance (thoroughly inspect).

Key: 1st Determine if it is a JC/Wallboard system vs. a Multi-layered ACM System

Follow EPA clarifications:

a. FR Jan 5, 1994 Asbestos NESHAP Clarification Regarding Analysis of Multi-layered Systems

c. And finally the December 19, 1995 clarification for all multi-layered systems [Plaster/Stucco, Add-on Materials, etc.] other than Wallboard Systems where asbestos-containing joint compound is used only at the joints & nail holes.
NC Administrative Code, Chapter 10-A, Subchapter 41C – Occupational Health

Section .0600 – Asbestos Hazard Management Program

- .0601 General (Definitions)
- .0602 Accreditation
- .0603 Approval of Training Courses
- .0604 Asbestos Management Plans
- .0605 Asbestos Containing Materials Removal Permits
- .0606 Fees
- .0607 Asbestos Exposure Standard for Public Areas
- .0608 Training Course Instructor Qualifications
- .0609 Asbestos NESHAP for Renovations and Demolitions
- .0610 Local Air Pollution Programs
- .0611 Requirements for asbestos Roofing Training Courses
.0602 - Accreditation

• No person shall conduct asbestos management activities unless accredited

  • exception: small scale short duration activities

  • homeowners in their personal residence

  • government regulatory personnel
.0602 - Accreditation

• Requirements for accreditation
  • Training and work experience

• Nine disciplines
  • Worker *
  • Supervisor
  • Inspector
  • Management Planner *
  • Designer
  • Air Monitor
  • Supervising Air Monitor (SAM)
  • Roofing Worker *
  • Roofing Supervisor

* - no work experience required, all others must have 3 month’s experience as or under an accredited professional for that discipline.
**NC Accredited Asbestos Disciplines**

Disclaimer: The information provided by this search feature is to be used as a resource only and is subject to change. All accreditations should be verified as current before beginning any activities that require accredited professionals. This information is provided as a service and is not intended to be an endorsement by the HHCU of the companies or individuals named.

<table>
<thead>
<tr>
<th>Discipline:</th>
<th>Sort By:</th>
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<tbody>
<tr>
<td>Supervisor</td>
<td>City</td>
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<tr>
<td>Roofing Supervisor</td>
<td>County</td>
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<tr>
<td>Inspector</td>
<td>Name</td>
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<tr>
<td>Project Designer</td>
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<tr>
<td>Air Monitor</td>
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<tr>
<td>Supervising Air Monitor</td>
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<td>Management Planner</td>
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</tbody>
</table>
What is needed for Documenting Experience?

• Related Work Experience – appropriate to requested discipline

• Detailed descriptions of work experience should include enough projects to **quantify** 3 month’s of experience, name and phone number of accredited supervisor, start and completion dates of projects, and a **detailed** descriptions of your specific responsibilities on those projects, material removed, etc..
North Carolina
Asbestos Accreditation

EXPIRATION
12-31-2007

DOB  | SEX | HT  | WT
-----|-----|-----|----
06-17-1958 | M | 5'6" | 210

CLASS  | #  | EXP
-------|----|-----
INSPECTOR | 12046 | 12-07
MGMT PLANNER | 20857 | 12-07
SUPERVISOR | 33594 | 12-07

Donald F Chaney
1413 Old McKenzie Dr
Holly Springs, NC 27540

This accreditation identification card has been issued pursuant to Chapter 130A, Article 19 of the NC General Statutes and is subject to revocation if the holder fails to comply with the requirements of 10A NCAC 19C Section .0600 or if the accreditation was issued based upon incorrect or inadequate information. This card is nontransferable and will become invalid if loaned or given to another person for identification. This card will also be invalid if altered or defaced.

This card is the property of the North Carolina Department Health and Human Services. It must be returned to the Department if the holder’s accreditation is revoked or if this card is invalidated. Any person performing regulated asbestos activities without current accreditation shall be subject to legal sanction.

YOU MUST HAVE THIS IDENTIFICATION CARD WITH YOU ON THE JOB.

For information or corrections, direct all inquiries to the following:
Health Hazards Control Unit
NC Department of Health and Human Services
Division of Public Health
1912 Mail Service Center Raleigh, NC 27699-1912
(919) 707-5950
0605 - ACM Removal Permits

• Permit required for removal of more than 35 cubic feet, 160 square feet, and 260 linear feet (RACM)

• Applications submitted ten working days in advance

• Requirements for specific projects conducted in public areas
G.S. § 130A-450 & .0606 – Fees

Question #1 - How much are state fees for asbestos removal projects, and/or how are the fees determined?

• Removal Fee shall not to exceed 1% of the contracted price or 20 cents ($0.20) per square foot or linear foot of ACM removal whichever is greater - (RACM by Rule .0605) – same fees since 1994/96.

• No fee for Demolitions in state jurisdictions – notification is not required to the state if demolition is in local program jurisdiction (unless seeking cap).
  (Buncombe, Forsyth & Mecklenburg Counties)
.0606 – Fees (Question #1)

RACM Removal fee “Capped” for buildings being Demolished – fees same as above, not to exceed $1,500.00 (fee revised July 2008)

Requires notification of demolition on the Removal permit application or a Removal permit application with letter from Building Owner (original signature) stating the building will be demolished.
.0606 - Fees (On permit Application) (Question #1)

- Floor tile, Cementitious Wallboard/Panels, Roofing, Ceiling tile, JC Wallboard System
  - (1% contract or $0.10 SF whichever is greater)

- Surfacing material, Thermal System Insulation and other ACM
  - (1% contract or $0.20 SF/LF whichever is greater)
Calculating Fees (Question #1)

• Refer to the removal permit application

• Refer to “Common Questions”- dated 09/2016

Questions #’s 30 – 39

Has examples/procedures that clarify calculating fees for RACM CAT I roofing, joint compound, refunds, etc.
ASBESTOS PERMIT APPLICATION AND NOTIFICATION FOR DEMOLITION/RENOVATION

16. AMOUNT OF ACM NOT TO BE REMOVED (Indicate whether LF, SF, or CF)

<table>
<thead>
<tr>
<th>Category I:</th>
<th>Category II:</th>
</tr>
</thead>
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17. RACM MATERIALS TO BE REMOVED AND ASSESSMENT OF FEES

<table>
<thead>
<tr>
<th>TYPE OF RACM</th>
<th>AMOUNT X $.10 = FEE</th>
<th>TYPE OF RACM</th>
<th>AMOUNT X $.20 = FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flooring/Mastic:</td>
<td>_______ sf x .10 = $_______</td>
<td>Pipe Insulation (TSI): _______ lf x .20 = $_______</td>
<td></td>
</tr>
<tr>
<td>Ceiling Tile:</td>
<td>_______ sf x .10 = $_______</td>
<td>Boiler Insulation (TSI): _______ sf x .20 = $_______</td>
<td></td>
</tr>
<tr>
<td>Cementitious - Roofing/Siding/Panels:</td>
<td>_______ sf x .10 = $_______</td>
<td>Surfacing Material: _______ sf x .20 = $_______</td>
<td></td>
</tr>
<tr>
<td>Roofing:</td>
<td>_______ sf x .10 = $_______</td>
<td>Other: _______ sf/cf x .20 = $_______</td>
<td></td>
</tr>
<tr>
<td>Other: (e.g., drywall/joint compound Wallboard System)</td>
<td>_______ sf/cf x .10 = $_______</td>
<td>TOTAL (A): _______ sf x .10 = $_______</td>
<td>TOTAL (B): _______ lf/sf/cf x .20 = $_______</td>
</tr>
</tbody>
</table>

18. TOTAL LF TO BE REMOVED: TOTAL SF TO BE REMOVED: TOTAL CF TO BE REMOVED:

19. FEES DUE

(a) TOTAL # 17(A) + # 17 (B) = $

(b) ASBESTOS REMOVAL CONTRACT PRICE = $_______ x 01 (1%) = $

(c) TOTAL FEE DUE = $_______ (Whichever is greater, (a) or (b) above)
Requirements for projects (overview)

- Revisions in writing/using HHCU Form 3768-R, Revised: 09/2016 (fax-OK)

- Permitted removals conducted IAW:
  - AHMP – reference 40 CFR Part 61 (NESHAP) and 40 CFR Part 763, Subpart E (AHERA) – where applicable
  - Example: Design & Clearance by TEM for response action >160 SF/260 LF in a school vs. Design & Clearance >3,000 SF/1,500 LF RACM in a public area
Requirements for projects (overview)

• Maintained & immediately available on site
  • Copy of permit & all revisions
  • Copy of design or project monitoring plan (if applicable)
  • Photo id cards issued for accredited personnel
Requirements for projects (overview) cont.

• Permitted removals – accredited supervisor on-site at all times during removal activities

• Design & Air Monitoring Plan prepared for RACM projects >3,000 SF, 1,500 LF, or 656 CF in public areas

• Waste Shipment Record submission to Program w/45 days of completion
.0607 - Asbestos Exposure Standard for Public Areas

• Allowable ambient asbestos levels in the air (0.01 f/cc PCM, ≤70 s/mm² TEM, Z-Test ≤ 1.65 TEM)

• Clearance Analysis of air samples (RACM >3,000 SF/1,500 LF/ 656 CF - TEM)

• All other permitted projects in public areas analyzed by TEM or PCM, including removals with scheduled demo exceeding 3,000 SF, 1,500 SF, or 656 CF)
0607 - Asbestos Exposure Standard for Public Areas (cont.)

• Ambient air sampling in public area adjacent to work area
  • Initial sampling 1st day of RACM removal
  • Continued daily, unless SAM specifies
  • PCM done on-site, individual must be proficient AIHA AAR program
  • Labs analyzing (PCM/TEM) must meet P.L. 99-519 & 40 CFR 763, Labs doing PCM- proficient rating AIHA PAT Program, unless all microscopists are AAR proficient
.0607 - Asbestos Exposure Standard for Public Areas (cont.)

- Final visual by accredited air monitor or SAM

- Anyone performing ambient or clearance air or visual inspection shall be retained by the building owner.

- Neither the accredited SAM or air monitor shall be employed by the removal contractor. (unless disclosed and approved by owner in writing)
.0609 - Asbestos NESHAP for Renovations and Demolitions

• Each owner or operator of a renovation or demolition activity must comply with NESHAP

• Inspect for ACM & notify of demolition even if “no” asbestos.
Category II Non-friable ACM

Question #2 - Are there any state-specific requirements for removing Category II nonfriable ACM?

• Any material, excluding Category I non-friable ACM, containing more than 1% asbestos, that when dry can not be crumbled, pulverized, or reduced to powder by hand pressure

• Examples: asbestos cement products, such as siding or roofing shingles
Regulated Asbestos Containing Materials (RACM) Subject to AHMP Rules-permitting

(>1% asbestos = Asbestos Containing Material = ACM)

✓ Friable
✓ Category I Non-friable ACM that has become Friable
✓ Category I Non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading
✓ 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 during a demolition or renovation
#54. Is the removal of asbestos-containing *floor tile regulated by the Asbestos Hazard Management Program Rules?

As long as asbestos-containing floor tile is removed substantially intact - no small fragments or dust generated - it is not considered regulated asbestos-containing material.

Removal of non-regulated asbestos-containing material does not require the use of accredited asbestos abatement personnel or an asbestos removal permit.

If the asbestos containing floor tile is not removed substantially intact, then it is considered a regulated material and all accreditation and permitting/notification requirements apply. (01/04/95).
#55. Is the removal of asbestos-containing siding regulated by the Asbestos Hazard Management Program Rules?

If this material is in good condition and can be removed substantially intact - no small fragments or dust generated - then it is not considered regulated asbestos-containing material and does not require the use of accredited personnel or an asbestos removal permit.

Minor breakage that may occur during careful removal of the siding does not result in the material becoming regulated; however, if the siding is not removed substantially intact, and it becomes regulated then all accreditation and permitting/notification requirements apply. (1/5/95)
When removing cementitious asbestos-containing siding and shingles or transite panels containing ACM on building exteriors (other than roofs, where paragraph (g)(8)(ii) of this section applies) the employer shall ensure that the following work practices are followed:

(A) Cutting, abrading or breaking siding, shingles, or transite panels, shall be prohibited unless the employer can demonstrate that methods less likely to result in asbestos fiber release cannot be used.

(B) Each panel or shingle shall be sprayed with amended water prior to removal.

(C) Unwrapped or unbagged panels or shingles shall be immediately lowered to the ground via covered dust-tight chute, crane or hoist, or placed in an impervious waste bag or wrapped in plastic sheeting and lowered to the ground no later than the end of the work shift.

(D) Nails shall be cut with flat, sharp instruments.
Other Applicable NC Regulations

- **OSHA**
  - 29 CFR 1926.1101
- **Solid Waste Disposal**
  - 10 N.C.A.C. 10G .0505
- **Transportation**
  - 49 CFR 173.1090
NC Lead-Based Paint Hazard Management Programs

Presented by Don Chaney
Industrial Hygienist
Phone: 919-707-5950
Presentation Overview

• Regulatory overview / Background
• NC Lead Hazard Management Programs
  10A 41C – Occupational health
  (Abatement .0800 vs. Renovation/RRP .0900)
• Focus on LHMP-RR&P Applicability / Exceptions
• Firm Certification / Renovator Certification
• Information Distribution (Pre-Reno Education)
• Questions
Regulatory Overview

• TSCA – Title X – Residential Lead-Based Paint Hazard Reduction Act of 1992
  • (EPA) 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures
    • Subparts
      ✤ D - Lead-Based Paint Hazards (2000)
      ✤ F - Disclosure of known LBP and/or LPB Hazards Upon Sale or Lease of Residential Property (1996)
      ✤ L - Lead-Based Paint Activities (inspections, abatement, risk assessment, project design)(1996)
      ✤ Q - State and Indian Tribal Programs(1996)
What is the Lead Renovation, Repair and Painting Program (RRP)?

• Federal regulatory program that applies nationally to all renovations performed for compensation in target housing & child-occupied facilities constructed before 1978. Effective June 2008, Fully Effective April 22, 2010 in EPA-run states

• NC received EPA authorization (January 21, 2010) – enabling NC to administer the NC LHMP-RRP in lieu of EPA (state-run state vs. EPA-run state)

• NC General Statutes approved August 26, 2009 (effective January 1, 2009)

• State Rules adopt federal regulation and include some state specific pre-renovation education requirements, training, firm & renovator certification, work practice requirements and recordkeeping - Permanent Rules effective November 1, 2010
Target housing – Any housing constructed prior to 1978.

Child–Occupied Facility (COF)

- A building, or portion of a building, constructed prior to 1978, visited regularly by the same child under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours.

- Child-occupied facilities may include, but are not limited to, day care centers, preschools, and kindergarten classrooms.

- Child-occupied facilities (COF) may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings, the COF encompasses those common areas, both interior and exterior, routinely used by children under age 6.
They are separate and distinct!

• Different purposes (“Intent” - permanent elimination vs. disturbance)
• Separate Rules and Regulations
• Different work practices (with some similarities)
• Clearance Testing vs. Cleaning Verification
• Different pre-education requirements
• Different recordkeeping requirements
• Different training courses
• Different certification requirements
• If you do both, you will need both certifications
• Asbestos work in Target Housing-COF – Need RRP!
What is Renovation?

• Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement and demolition of painted surface areas.

• Work that disturbs painted surfaces
  • > 6 square feet per room – interior work
  • > 20 square feet – exterior work
6 Exceptions
(RRP does not apply to):

1. Housing built in 1978 or later.

2. Housing for elderly or disabled persons, unless children under 6 reside or are expected to reside there.

3. Zero-bedroom dwellings – living area not separated from the sleeping area (i.e., studio apartments, dormitories, etc.).

4. Housing or components determined to contain lead-based paint that is less than 1.0 milligram/cm² or 0.5% by weight.
How components are “determined to have lead-based paint or coatings” under the RR&P rule

- **Certified LBP Inspector or Risk Assessor** makes **written** determination - no lead-based paint/coatings on components affected by the renovation - **firm** performing renovation **obtains copy** of determination

- **Certified Renovator uses EPA recognized Lead Test Kit** or takes paint chip samples - no lead-based paint/coatings on components affected by the renovation - **firm** must provide **documentation** to person contracting renovation **prior to start of renovation**. (.0907)
Exceptions Continued
(RRP does not apply to:)

5. Minor repair and maintenance

• 6 square feet or less/room - interior
• 20 square feet or less - exterior

And

• where no prohibited / restricted work practices are used and work does not include window replacement or demolition of painted surface areas
Last of the Exceptions (Partial Exemption)

6. Emergency Renovations – Not planned, result from sudden unexpected event – if not immediately attended to presents safety/public health hazard or threatens equipment or property damage.

- Exempt from Information Distribution
- Emergency Reno’s are exempt from warning signs, containment, waste handling, training and certifications to the extent necessary to respond to the emergency
- Not Exempt from cleaning requirements
  - Must clean per rule / Must use certified firm, renovator and trained workers
  - Perform cleaning verification (done only by certified renovator) or optional dust sampling (by certified Inspector/RA)
NC Certification Requirements

**Abatement Activities**
- NC Certified Abatement Worker/Supervisor/Inspector/Risk Assessor/Designer – certify annually ($50/$150)
- NC Certified Abatement Activity Firm – certify annually ($50)

**Renovation Activities**
- NC Renovator Certification - certify once every 5 years (no fee)
- NC Certified Renovation Firm – in order to perform, offer or claim to perform renovation activities
  - Apply annually, ($300)
  - Identify certified renovators employed (used) by firm when renewing
How do I become a **NC** certified renovator?

• Take an EPA or state authorized program accredited **“Initial-8 hr.”** Certified Renovator Course then,

• Submit a completed NC Application to become a NC Certified Renovator (Note: Applicant must identify the NC Certified Renovation Firm for which they work)

• **Refresher Course**” (4-hr.) every 5th Year and re-submit application to become re-certified.
NC Specific Information Distribution Requirement

• All certified renovation firms using USEPA-recognized test kits, must provide in writing to the person who contracted for the renovation, the identifying information as to the manufacturer and model of the test kits used, a description of the components that were tested including their locations, and the test kit results. This information must be provided prior to the start of the renovation activities.
Information Distribution Before Starting Renovation

• EPA RR&P Pre-renovation Education Sample Forms can be found in the back of Renovate Right Pamphlet

• Firm must retain records for minimum three years
Available on NC LHMP’s and/or EPA’s websites

September 2011
SAMPLE PRE-RENOVATION FORM

This sample form may be used by renovation firms to document compliance with the Federal pre-renovation education and renovation, repair, and painting regulations.

Occupant Confirmation

Pamphlet Receipt

☐ I have received a copy of the lead hazard information pamphlet informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed Name of Owner-occupant

Signature of Owner-occupant             Signature Date

Renovator's Self Certification Option (for tenant-occupied dwellings only)

Instructions to Renovator: If the lead hazard information pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below.

☐ Declined – I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below at the date and time indicated and that the occupant declined to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

☐ Unavailable for signature – I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit by sliding it under the door or by (fill in how pamphlet was left).

Printed Name of Person Certifying Delivery             Attempted Delivery Date

Signature of Person Certifying Lead Pamphlet Delivery

Unit Address

Note Regarding Mailing Option — As an alternative to delivery in person, you may mail the lead hazard information pamphlet to the owner and/or tenant. Pamphlet must be mailed at least seven days before renovation. Mailing must be documented by a certificate of mailing from the post office.
Health Hazards Control
Lead-Based Paint Management

The North Carolina Department of Health and Human Services, Division of Public Health, Health Hazards Control Unit (HHCU) administers two Lead-Based Paint Hazard Management programs in the state of North Carolina in lieu of EPA: one for Abatement Activities (LHMP) and the other for Renovation, Repair and Painting (LHMP-RRP).

Through these programs, the HHCU provides information to the public and to business and industry about the health hazards of lead-based paint and ways to control or prevent lead poisoning. The HHCU certifies firms and individuals conducting lead-based paint abatement activities and/or renovation activities, accredits training providers and courses, and issues permits for lead-based paint abatement projects that occur in child-occupied facilities and housing built before 1978. The HHCU also inspects lead-based paint abatement and renovation projects.

For more information on the management of lead-based paint hazards in North Carolina, contact the Health Hazards Control Unit at (919) 707-5950.

Learn more:

- N.C. Lead Hazard Management Program for Abatement Activities (LHMP)
- N.C. Lead Hazard Management Program for Renovation, Repair and Painting (LHMP-RRP)
- Find Certified Lead Professionals in North Carolina
- Rules and Regulations
- Forms and Applications
- Find Approved Certification Training Providers in N.C.

For Additional Information

- What Volunteers Should Know about Lead-Based Paint and Health (PDF, 678KB)
- The Lead-Safe Certified Guide to Renovate Right (PDF, 6.2MB)
- Guía De Prácticas Acreditadas Seguras Para Trabajar Con El Plomo Para Remodelar Correctamente (Spanish PDF, 4.7KB)
- Contact Health Hazards Control: (919) 707-5950 or fax (919) 870-4808
Physical Location:
2nd Floor
5505 Six Forks Road
Raleigh, North Carolina 27609-3806

Mailing Address:
1912 Mail Service Center
Raleigh, North Carolina 27699-1912

FAX #  (919) 870-4808
Questions

• Use “Recently Updated Forms & Applications - 09/2016”

• Phone (919)-707-5950

• HHCU websites:

  http://epi.publichealth.nc.gov/asbestos/ahmp.html

  http://epi.publichealth.nc.gov/lead/lhmp.html