

MEMORANDUM

TO: Joseph Oros, Legislative Liaison
Department of Public Health
Office of Government Relations

FROM: Ronald Skomro, Supervising Environmental Sanitarian
Department of Public Health
Asbestos Program

DATE: May 22, 2003

SUBJECT: Summary of Comments Concerning Proposed Regulations: Notification of Demolition Activity

This memorandum serves to summarize the comments received by the Department of Public Health (DPH) concerning the proposed regulations entitled "Notification of Demolition Activities". The notification of intent to revise these regulations was originally published in the Connecticut Law Journal on January 7, 2003. A second notice regarding a public hearing concerning these regulations was published in the Connecticut Law Journal on March 4, 2003. The public hearing concerning these regulations was held on March 10, 2003. The period for public comment concerning these regulations closed at the close of business on March 14, 2003.

Summary of Comments

1. Home Builders Association of Connecticut, Inc.: A comment was provided expressing concern that the requirement for notification would be overly burdensome and cumbersome. Activities such as changing a medicine cabinet or removal of studs to place a header for a new window or door would require the demolition notice contemplated by the proposed regulations.

DPH Response: The proposed definition of the term "demolition" is consistent with that found under the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) found at 40 CFR Part 61, Subpart M. In the proposed regulations demolition means "the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of the facility." The activities described would be renovations. Even though, to some degree, they involve the wrecking or removal of a load supporting structural member, the intent is not to destroy the facility or facility member, but to alter it or resupport it. This interpretation is consistent with an applicability determination made by the U.S. Environmental Protection Agency regarding the asbestos NESHAP (Applicability Determination Index Control Number: A930027). As renovations, such activities would not be subject to the notification requirements of the proposed regulations, unless such activities resulted in the disturbance of asbestos-containing material.

2. Home Builders Association of Connecticut, Inc.: A comment was provided indicating that the DPH could not handle the volume of notices that would be required by the residential remodeling industry.

DPH Response: The DPH anticipates receiving an additional 1,500 notifications annually related to demolition activities under the proposed regulations. This increase in the number of notifications can be addressed by existing program staff.

3. Home Builders Association of Connecticut, Inc.: A comment was provided questioning whether the proposed regulations would require that an inspection of a facility by a licensed asbestos inspector or inspector/management planner prior to commencement of a residential remodeling activity.

DPH Response: The DPH does not have the authority to require that a licensed inspector or inspector/management planner inspect a facility prior to commencement of a residential remodeling activity. No requirement for such an inspection is found within the proposed regulations.

4. Connecticut Abatement Professionals Association (CAPA): Comments were received supporting the proposed revised regulations. CAPA indicated that the proposed regulation would help to ensure that, prior to demolition, any environmental hazards in a building would be evaluated and remediated before the building is demolished.

DPH Response: The proposed regulations do not require the evaluation and remediation of all environmental hazards that may be present in a facility before it is demolished. The proposed regulations are intended to address the presence of asbestos-containing materials prior to commencement of demolition of the facility. The DPH has no authority to require that a facility be inspected to determine the presence of asbestos prior to commencement of the demolition of a facility. However, as part of the notification required for demolition activities, the DPH will require that a statement be provided whether a licensed asbestos inspector or inspector/management planner has inspected the facility. This statement will help to identify those facilities where the potential for the presence of asbestos has not been considered prior to the intended demolition of the facility. This information can be utilized by the DPH to prioritize its inspection activities and help to reduce the potential for disturbance of asbestos-containing materials in noncompliance with the DPH asbestos regulations.