

To: Licensed Project Designers, Licensed Asbestos Abatement Contractors and Connecticut Approved Asbestos Training Providers

From: Ronald Skomro, Supervising Environmental Sanitarian Asbestos Program

Date: April 7, 2003

Subject: Regulatory Interpretation Regarding Intact Removal of Non-Friable Asbestos-Containing Materials

A request for regulatory interpretation was made by a licensed asbestos consultant to the Department of Public Health (DPH) concerning the applicability of the DPH regulations to activities involving intact non-friable asbestos-containing materials within a facility. This memorandum addresses the DPH response to the scenarios presented. The following is a list of those activities detailed by the consultant:

- Removal of transite panels by unbolting or unscrewing and removing the panels intact;
- Removal of transite lab-type desk tops by either unbolting or unscrewing and removing the desk top intact, or complete component removal of the entire desk;
- Removal of flexible duct connectors by either unbolting or unscrewing and removing the connector intact, or complete component removal of the entire connector and small portions of the surrounding ductwork;
- Removal of countertops, backsplashes, etc., with linoleum, panel glue, or similar materials by completely removing the entire unit intact;
- Removal of sinks with pan sealant by removing the sink intact;
- Removal of window sashes with window glazing (interior or exterior) by removing the window stops and removing the entire window sash unit intact;
- Picking up loose floor tiles that have become completely disassociated with the floor and are either whole or are slightly broken but are still not considered to be Regulated Asbestos-Containing Material (RACM);
- Picking up loose miscellaneous non-friable items such as rolls of linoleum, loose gaskets, loose shingles, etc.;
- Removal of fire doors containing insulation from their hinges intact for complete component disposal;
- Attaching framing, brackets, etc., to structures by using power actuated tools to shoot/screw/bolt fasteners through the framing, brackets, etc., and through category I non-friable ACM (e.g., floor tile or mastic, cove base, waterproofing tar-like coating, asphalt roofing, gasketing, etc.). (The use of drills or similar tools to drill pilot holes or holes through the materials is not allowed.)

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It is the interpretation of the DPH that the activities that are detailed above do not constitute asbestos abatement as defined by Section 19a-332 of the Connecticut General Statutes. Given this interpretation, such activities are not subject to DPH regulation. This interpretation is provided based upon the following understandings:

1. The asbestos-containing material is undamaged and non-friable and remains undamaged and non-friable during the removal or collection of the material. In the case of floor tile characterized as “slightly broken”, a case-by-case assessment should be made to determine whether the removal of the tile constitutes asbestos abatement. The DPH shall be contacted directly when such activities are contemplated.
2. The asbestos-containing material is removed intact and without breakage or other disturbance of the material. The material is removed without the creation of a visible residue.
3. The asbestos-containing material is not subject to sanding, cutting, grinding, or abrading during the removal or collection process.
4. The asbestos-containing material does not become a RACM as defined by the asbestos National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61, Subpart M).

It should be noted that asbestos-containing waste generated as a result of these activities must be disposed of as asbestos waste at an authorized waste disposal facility. Questions regarding the disposal of asbestos-containing material within the State of Connecticut should be directed to the Connecticut Department of Environmental Protections at (860) 424-3366.

This interpretation does not relieve the owner of the facility in which these activities are performed, or the operator of these activities from complying with the provisions of all other applicable federal, state, or local regulations.