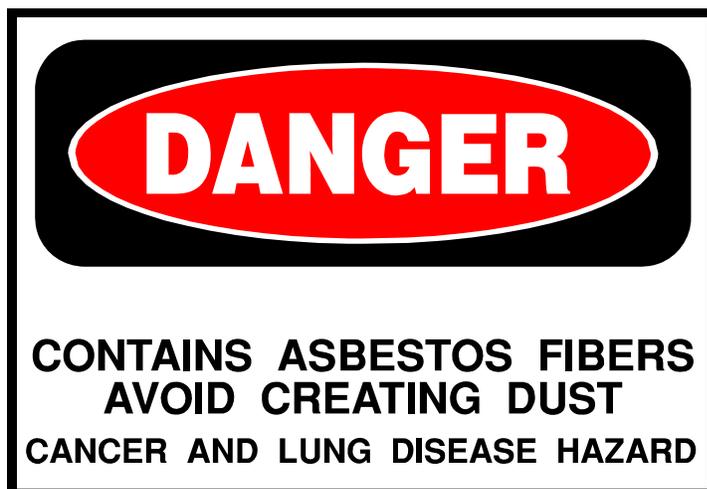


Building Owners' Responsibilities for Asbestos



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Building owners' responsibilities for asbestos

The general industry and construction asbestos standards (29 CFR 1910.1001 and 1926.1101) establish specific requirements for building owners because most asbestos-related construction activities involve previously installed building material. Building owners are often the best or only sources of information concerning asbestos. Building owners, along with employers of potentially exposed employees, must inform employees and retain information related to asbestos in accordance with the new standards.

The following are some of the definitions found in the standards.

Presumed asbestos containing material (PACM): Thermal system insulation and surfacing material found in buildings constructed no later than 1980, unless tests conducted under the requirements of the two standards determine it does not contain asbestos.

Surfacing material: Material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members or other materials on surfaces for acoustical, fireproofing and other purposes).

Thermal system insulation (TSI): Asbestos containing materials (ACM) applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat loss or gain.

Building owners and employers must identify as PACM any TSI and sprayed or troweled-on surfacing materials that were installed in buildings no later than 1980, unless they have determined using the methods specified in the standards that the

material is not asbestos-containing. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos-containing unless the building owner and/or employer has determined it is not. Also, if the building owner and/or employer has actual knowledge that materials are asbestos-containing, or should have known through the exercise of due diligence, those materials must also be treated as asbestos.

Building, facility owners duties

1. Before beginning work subject to the asbestos standards, building and facility owners shall determine the presence, location and quantity of ACM and/or PACM at the worksite.
2. Building and/or facility owners shall notify the following people of the presence, location and quantity of ACM or PACM at the worksites in their buildings and facilities:
 - prospective employers applying or bidding for work whose employees can be expected to work in or adjacent to areas containing such material (under Minnesota Rules 5207.0035, any contractor overseeing construction work must have a written copy of this information before beginning work);
 - employees of the owner who will work in or adjacent to areas containing such material;
 - on multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials.

- tenants who will occupy areas containing such material; and
- employers of any employees performing housekeeping activities in areas that contain ACM and/or PACM.

Notification shall either be in writing or in person between the owner and the person to whom notification must be given or their authorized representatives.

3. Before construction work subject to the asbestos standards is performed, contractors that will perform asbestos work shall inform the following people of the location and quantity of ACM and/or PACM present in the area and the precautions to be taken to ensure airborne asbestos is confined to the area:
 - owners of the building/facility; and
 - employees who will perform such work and employers of employees who work and/or will be working in adjacent areas.

Note: Within 10 days of the completion of such work, the employer whose employees have performed work subject to the asbestos standards must inform the building/facility owner and any employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the area and any final monitoring results.

In addition, all employers that discover ACM and/or PACM on a worksite must convey information concerning the presence, location and quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the site within 24 hours.

4. If the housekeeping staff is employed by the building owner, the building owner must provide an annual asbestos training course for the employees working in the areas with ACM and/or PACM. This training must include the health effects of asbestos, the locations of the ACM and/or PACM, recognition of ACM and PACM damage and deterioration, the requirements in the 1910.1001 standard related to housekeeping and proper response to fiber release episodes. The building owner must also make a copy of the standard and appendices available to the affected employees, as well as self-help smoking cessation program material.
5. Special care must be taken with maintenance of asbestos-containing flooring materials. Such flooring material cannot be sanded, and burnishing or dry buffing may be performed only on flooring that has sufficient finish so the pad cannot contact the asbestos-containing material. The stripping of finishes from this flooring must be conducted using low-abrasion pads at speeds lower than 300 rpm and using wet methods.

Building owners can use one of the following methods to demonstrate that the installed material is not asbestos-containing.

- Conduct an inspection pursuant to the requirements of the federal Asbestos Hazard Emergency Response Act (AHERA) (40 CFR Part 763, Subpart E) that demonstrates the material is not ACM.
- Perform tests of the material containing PACM to demonstrate no ACM is present in the material. The tests, evaluation and sample collection must

be conducted by an inspector certified by the Minnesota Department of Health and must include the analysis of bulk samples collected in accordance with AHERA (40 CFR 763.86). The analysis of the samples must be done by a person or a laboratory participating in a nationally recognized testing program.

The PACM can be reclassified as not asbestos-containing only if the results show the material does not contain more than 1 percent asbestos.

Note: Where the building owner and the employer have relied on data to demonstrate the PACM is not asbestos-containing, such data must be maintained for as long as they are relied upon to rebut the presumption that the material is not asbestos-containing. The building owner must also maintain a record of all information communicated and received concerning the identification, location and quantity of ACM and PACM. The building owner must transfer the record to successive owners of such buildings or facilities.

The building owner and/or employer who has identified previously installed PACM and/or ACM shall affix or post labels or signs to notify employees of what materials contain PACM and/or ACM. The building owner and/or the employers must post signs in areas where employees can be expected to enter, such as mechanical rooms, which contain ACM and/or PACM. The building owner and/or employer must post signs identifying the material that is present, its location and appropriate work practices that will ensure that ACM and/or PACM will not be disturbed. The building owner and/or employer must attach labels to all installed asbestos products where feasible. The label shall contain the following information:

**DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE
HAZARD**

(Signs may be posted in lieu of labels as long as they contain information required by labeling.)

Building and facility owners should also note that Minnesota Rules 5205.0660, subp. 3 that requires exposed friable ACM on ceilings, beams, pipes, boilers, tanks and similar areas must be repaired, replaced, removed, enclosed or encapsulated.

For more information about or copies of the asbestos standards for general industry and construction, contact Minnesota OSHA at (651) 284-5050, 1-877-470-6742 or the address on the inside front cover.

Other regulations

The Asbestos unit at the Minnesota Department of Health also has regulations that affect building owners. The Asbestos Abatement Act (Minnesota Statutes 326.70 through 326.81) and related rules require that building owners use licensed contractors, and trained and certified workers to perform any asbestos-related work. Asbestos-related work is defined under the statute as the preparation, enclosure, removal or encapsulation of ACM at or above 260 linear feet, 160 square feet or 35 cubic feet in a facility. Conducting air monitoring is also considered asbestos-related work. Asbestos-related work conducted in residences is also regulated at lower levels but it should be noted these rules vary slightly for a single- or multi-family (up to a fourplex) dwelling.

Building owners must use certified individuals when:

- a building inspection is conducted for ACM;
- a management plan is developed; or
- an asbestos-related work project is designed.

The building owner should ensure contractors use good work practices and must keep records for at least three years about the amount of asbestos-containing material that is removed, enclosed and encapsulated. Precautions are also required when a building is demolished. For more information about the asbestos abatement requirements, contact the Asbestos Program at (651) 201-4620.