

Federal Facility Compliance with the Asbestos NESHAP

- This compliance advisory reminds federal facilities of their obligations under the Clean Air Act (CAA) Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).
- Exposure to asbestos can increase the risk of developing lung disease, including mesothelioma, asbestosis and lung cancer. The Asbestos NESHAP program protects the public by minimizing the release of asbestos fibers during renovation and demolition activities.
- Any demolition or renovation in a facility, including federal facilities, must comply with the Asbestos NESHAP.

Asbestos NESHAP and Federal Facilities

Section 118 of the CAA requires federal facilities to “comply with federal, state, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner and to the same extent as any nongovernmental entity.” These requirements include the Asbestos NESHAP regulated under Section 112 of the CAA and at [40 CFR Part 61, Subpart M](#). Noncompliance with the Asbestos NESHAP may subject federal facilities to enforcement by EPA and/or the delegated state.

The Asbestos NESHAP applies to owners or operators of demolitions and renovations, which means:

- any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated, **and/or**
- any person who owns, leases, operates, controls, or supervises the demolition or renovation operation.

“Person” under the CAA includes any agency, department, or instrumentality of the United States, and its officers, agents, and employees. Accordingly, demolition and renovation activities that occur at federal facilities or under the supervision or control of federal facilities must comply with the Asbestos NESHAP.

What are demolition and renovation activities?

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 any facility.

Renovation means altering a facility or one or more components in any way, including the stripping or removal of Regulated Asbestos Containing Material (RACM) from a facility component.

Demolition and renovation activities subject to the asbestos NESHAP may include removal of RACM. Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Federal facilities that may be subject to requirements under the Asbestos NESHAP include, but are not limited to, military installations and military housing, federally owned or operated ships, post office buildings, federal prisons, and structures, installations, and buildings owned or leased by the United States General Services Administration.

Determining Applicability of the Asbestos NESHAP

The Asbestos NESHAP applies to demolitions and renovations of regulated facilities that contain asbestos.

Thorough Inspection

The owner or operator must use the sampling and testing methods specified in [40 C.F.R. Part 763](#) to determine the presence and quantity of friable and Category I and Category II nonfriable asbestos containing material prior to the commencement of demolition or renovation activities at the facility. When providing notice prior to a demolition or renovation, the required notice must include the analytical methods employed to detect the presence of RACM.

In addition to the requirements under the Asbestos NESHAP, under the Toxic Substances Control Act (TSCA), asbestos inspections in public and commercial buildings must be performed by an accredited asbestos contractor. "Public and commercial building" means any building which is not a school, except the term does not include any residential apartment building of fewer than 10 units. Accordingly, federal facilities with public or commercial buildings must ensure asbestos inspections are performed by an accredited asbestos contractor.

Additional training and certification requirements may also be required under the Occupational Safety and Health Administration's (OSHA) Asbestos Standards.

Regulated Facilities

A regulated facility could be any institutional, commercial, public, industrial, or residential structure; installation; building; ship; or active or inactive waste disposal site. As explained above, regulated facilities include federal facilities.

RACM Thresholds

The Asbestos NESHAP requires a thorough inspection of the affected facility or the part of the facility where the demolition or renovation activities will occur for the presence and quantity of asbestos. The owner or operator must perform this inspection regardless of the age or renovation history of the facility to determine which requirements of the Asbestos NESHAP apply. The inspection should determine whether the combined amount of RACM present is at or above the following threshold limits:

- 80 linear meters (260 linear feet) of RACM on pipes
- 15 square meters (160 square feet) of RACM on other facility components
- 1 cubic meter (35 cubic feet) for RACM that is already off facility components where the length or area could not be measured

Compliance Obligations Under the Asbestos NESHAP

Like private facilities, federal facilities are required to perform a thorough inspection prior to a demolition or renovation of a facility. Depending on the amount of RACM present, notification and emissions control requirements may apply. For emergency renovation operations or where a facility is being demolished under an order of a state or local government agency because the facility is structurally unsound or in danger of collapse, certain notification and emissions control requirements may not apply.

Notification Requirements

Federal facilities must comply with the notification requirements at [40 C.F.R. § 61.145](#). Notification to the delegated authority (either EPA or an authorized state agency) is required at least 10 days prior to start of a demolition of a facility where RACM is present, or a renovation where the amount of RACM disturbed is at or above the threshold limits. The information required in the notice depends on whether the activity is a demolition or renovation and the amount of RACM present. The notice must be updated as necessary, especially when the start date of the demolition or renovation operation changes.

Emissions Control Requirements

All RACM must be removed prior to any renovation activity that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. Before a demolition, all RACM may need to be removed depending on whether it is Category I or II nonfriable ACM; it is encased in concrete or

similarly hard material and is adequately wet whenever exposed during demolition; or it was not accessible for testing and not discovered until after the demolition began and as a result of the demolition cannot be safely removed.

All RACM must be adequately wet until collected and contained or treated in preparation for disposal. Wetting may not be required if the temperature at the point of wetting is below 0 °C (32 °F), or if the owner or operator has obtained prior written approval from the administrator and the owner or operator uses approved emissions control methods. RACM should be lowered carefully to the ground or floor, and for RACM that is more than 50 feet above ground level, leak-tight chutes or containers should be used to lower RACM to the ground or floor.

Wetting may also not be required when a component that contains or is covered or coated in RACM has been removed from the facility as a unit if the component is contained in leak-tight wrapping. Alternatively, the RACM must be stripped from the component, which requires the RACM to be adequately wet and the use of a local exhaust ventilation and collection system designed and operated to capture particulate asbestos materials.

Waste Disposal Requirements

Owners and operators must also comply with waste disposal requirements at [40 C.F.R. § 61.150](#), which includes additional requirements to avoid emissions to the outside air. Asbestos-containing waste may need to be adequately wet, sealed in leak-tight containers, and properly labeled. Waste shipment records must be maintained for all asbestos-containing waste material transported off the facility site.

Helpful Resources

FedCenter

FedCenter.gov is the federal government's home for comprehensive environmental stewardship and compliance assistance information for federal facility managers and their agencies. FedCenter can be found at: www.fedcenter.gov, and is a collaboration of the U.S. EPA, U.S. Corps of Engineers, and numerous other federal agencies.

- [FedCenter Asbestos NESHAP Information](#)

EPA Websites

For more information on the Asbestos NESHAP visit:

- [EPA Asbestos Homepage](#)
- [EPA Asbestos NESHAP Overview](#)
- [Rule Summary and Additional Resources](#)

If you have any questions please reach out to Taylor Murphy (Murphy.Taylor@epa.gov, 202-564-0113) or Chelsea Dixon (Dixon.Chelsea@epa.gov, 202-564-2592), at the U.S. EPA Federal Facilities Enforcement Office in the Office of Enforcement and Compliance Assurance.

Disclaimer

This Compliance Advisory/Enforcement Alert addresses select provisions of EPA regulatory requirements using plain language. Nothing in this Compliance Advisory/Enforcement Alert is meant to replace or revise any EPA regulatory provision, or any part of the Code of Federal Regulations, the Federal Register, or the Clean Air Act.