

Asbestos Program – Frequently Asked Questions

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1. What is asbestos?

Asbestos is a naturally occurring fibrous mineral and deposits of asbestos are found throughout the world, including the United States. Because of its fiber strength and heat resistance, asbestos has been used in a variety of building construction materials for insulation and as a fire retardant. Asbestos has also been used in a wide range of manufactured goods, building materials (roofing shingles, ceiling and floor tiles, paper products, and cement products), friction products (automobile clutch, brake, and transmission parts), heat resistant fabrics, packaging, gaskets, and coatings.

2. Hasn't asbestos been banned in the USA?

On July 12, 1989, the EPA issued a final rule under Section 6 of the Toxic Substances Control Act (TSCA) banning most asbestos containing products in the United States and instituting a Phase-Out Rule. In 1991, the rule was vacated and remanded by the Fifth Circuit Court of Appeals. As a result, most of the original ban on the manufacture, importation, processing, or distribution in commerce for most of the asbestos containing product categories originally covered in the 1989 final rule was overturned. Only the bans on corrugated paper, roll board, commercial paper, specialty paper, flooring felt, and the portion prohibiting new uses for asbestos remained intact and banned under the 1989 rule. In 2019, the EPA issued a final rule to ensure that discontinued asbestos products are no longer on the market. These materials must first be evaluated by the Agency to put in place any restrictions or prohibitions necessary to protect public health. December 2020 saw a Final Risk Evaluation for Chrysotile asbestos which found it posed unreasonable risk to human health. In 2024, the EPA finalized a rule for the risk management of Chrysotile asbestos. This will help

protect people from lung cancer, mesothelioma, ovarian cancer, laryngeal cancer, and other health problems caused by asbestos exposure.

Because asbestos is a naturally occurring mineral, the only way to know for sure if a building is free of asbestos is to properly sample.

3. How can I be exposed to asbestos?

Asbestos fibers may be released into the air by the disturbance of asbestos-containing material during product use, demolition work, building or home maintenance, repair, and remodeling. In general, exposure may occur only when the asbestos-containing material is disturbed or damaged in some way to release particles and fibers into the air.

4. What are the health effects from exposure to asbestos?

Exposure to asbestos increases your risk of developing lung disease. Prolonged exposure to asbestos fibers can cause lung tissue scarring and shortness of breath. Asbestos-related conditions can be difficult to identify, and disease symptoms may take many years to develop following exposure. Three of the major health effects associated with asbestos exposure include lung cancer, mesothelioma, and asbestosis. Additional health risks include ovarian cancer, laryngeal cancer, and other health problems caused by asbestos exposure. In general, the greater the exposure to asbestos, the greater the chance of developing harmful health effects.

5. How do I know if I have asbestos in my home, building, or apartment?

Generally, materials that contain asbestos have no defining visual difference, odor, or taste compared to material that does not contain asbestos. Asbestos fibers are made-up of long, thin fibers that vary in length and may be straight or curled. The typical size of asbestos fibers is 0.1-10 microns, while human hair is typically 50-70 microns. In its naturally occurring form, it can be blue, green, brown or white and will look different depending on what it is mixed with or if paint has been applied.

The only way to know for sure whether a material contains asbestos is to have it tested by a qualified laboratory. Asbestos sampling should be performed by a properly trained and accredited asbestos professional who has the proper training and certifications for safe sampling practices. If you are planning to remodel your home or repair damages, you may want to have your home inspected and surveyed by a trained and accredited asbestos professional. The best rule to follow is *treat it as asbestos, unless lab results prove otherwise*.

6. What are the health risks if I have asbestos in my home, building, or apartment?

Asbestos that is in good condition and left undisturbed is unlikely to present a health risk. The risks from asbestos occur when it is damaged, disturbed, cut, sanded, or scraped causing asbestos fibers to become airborne and possibly inhaled. It is important to manage the asbestos containing materials in place and maintain them in good repair.

7. What is an asbestos survey?

An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA certified building inspector. The AHERA certified building inspector must use the procedures found in Code of Federal Regulations 40 CFR 763.86. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos

8. How do I find someone to remove the asbestos containing materials from my home, building, or apartment?

A list of known certified asbestos consultants and asbestos removal contractors is available on the "Asbestos Program" page of the AQMD website, OurCleanAir.com.

9. Why can't I take my own samples?

Asbestos consultants, or inspectors, are trained and certified to identify suspect asbestos containing materials. They follow safe and controlled removal methods to limit exposure risk. District Board of Health Regulations Governing Air Quality Management require that sampling be performed by an AHERA certified person.

10. When is an asbestos survey required?

An asbestos survey is required when there will be disturbance to or removal of any suspect asbestos containing materials which may include wall systems, flooring, thermal system insulation (TSI), cement products (Transite), roofing materials, and structural concrete.

11. What is a regulated facility?

Facility is defined in the Asbestos NESHAP as "any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function". A single family residence will be considered a regulated facility when the demolition of the residence will later result in the new construction of a facility.

12. What is an installation?

40 C.F.R. Section 61.141 defines installation as: any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control). A group of residential buildings under the control of the same owner or operator is considered an installation according to the definition of "installation" and is, therefore, covered by the rule.

13. I live in a condominium, but my building does not touch any other buildings. Do I still need to have an asbestos survey performed?

Yes. It is the condominium association's responsibility to ensure compliance with the Asbestos NESHAP rule. The condominium board is therefore responsible for communicating to each individual unit owner to establish that each unit owner acknowledges and understands their respective responsibility to comply with these rules.

14. When a condominium is being renovated, who is responsible for submitting notification?

Owners and operators share responsibility for submitting adequate notification; however, the condominium or co-op board is responsible as the owner. The condominium or co-op board should be aware of what work is taking place in individual units, so that they can ensure compliance with the requirements.

15. Are mobile homes or mobile structures regulated by the Asbestos NESHAP?

Mobile structures used for non-residential purposes are subject to the NESHAP. Renovation of mobile structures used as single-family dwellings does not require notification under the NESHAP unless it is part of a larger installation; however, demolition of a single-family mobile structure does require notification.

16. Are single-family residences regulated under the Asbestos NESHAP?

Renovation of a single-family dwelling is not subject to the NESHAP; however, if a single-family dwelling is demolished or renovated as part of a larger project or installation, it is regulated under the NESHAP.

17. Why does a new building have to be surveyed for asbestos?

On July 12, 1989, the EPA issued a final rule under Section 6 of the Toxic Substances Control Act (TSCA) banning most asbestos containing products in the United States. In 1991, the rule was vacated and remanded by the Fifth Circuit Court of Appeals. As a result, most of the original ban on the manufacture, importation, processing, or distribution in commerce for most of the asbestos containing product categories originally covered in the 1989 final rule was overturned. Corrugated paper, roll board, commercial paper, specialty paper, flooring felt, and any new uses of asbestos remained banned under the 1989 rule. The only way to know for sure whether a material contains asbestos is to have it surveyed and tested by a qualified professional.

18. What is the definition of Demolition?

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.

19. What is the definition of Renovation?

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos-containing materials (RACM) from a facility component.

20. What is the definition of Emergency Renovation Operation?

Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

21. When do I have to notify the AQMD of asbestos removal?

Notification is required when greater than the regulatory threshold of 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos-containing material (RACM) will be removed from a regulated facility. A complete notification must be postmarked, or hand delivered to the AQMD at least 10 working days prior to the start of asbestos removal. A notification is considered complete when it contains all the required information and includes the appropriate fee.

22. Who is responsible for submitting a renovation or demolition notification – the owner of the building, or the contractor?

The NESHAP regulation states that either the owner or operator shall submit a notification. Typically, the two parties may decide together who will be responsible for notification. Either or both parties may be held liable for providing inadequate notice.

23. When does a notification waiting period begin?

The 10-working day notification waiting period begins on the day a complete notification is postmarked or received by the AQMD. A 10-working day notification period means an asbestos project or demolition can begin on day 11 (ex., a complete notification is hand delivered or postmarked on 6/23/2023; therefore, the project may begin on 7/7/2023 or after). The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the asbestos removal and/or demolition project start date and/or completion date is listed as “To Be Determined”, when types and quantities of asbestos to be removed are unknown, etc.).

24. Can I request a waiver of the 10-working day notification waiting period?

The AQMD is no longer requiring a waiver request to move forward with an Emergency Renovation, provided the emergency meets the criteria in 40 CFR 61 Subpart M (Asbestos NESHAP), and the Emergency Renovation section of the Renovation Application is completed. The AQMD will review the applications as they come in and respond if there are any question or concerns. Applications and payment should be submitted before the renovation starts when possible. In the event of an after-hours emergency where removal of asbestos containing materials (ACM) or presumed ACM is required, the notification can be submitted the following day. Please see relevant sections from the Asbestos NESHAP below.

- 40 CFR 61.141 “Emergency renovation operation” means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.
- 40 CFR 61.145(b)(3)(iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section or, if the operation is a renovation described in paragraph (a)(4)(iv) of this section.

25. What if the renovation or demolition is canceled?

Submit a copy of the original notification to AQMDAsbestos@nnph.org notifying cancellation of project.