

SECTION TWO – MIOSHA REGULATIONS

PART 2: MIOSHA HEALTH REGULATIONS

CHAPTER 21: Asbestos

The Construction Safety & Health Division's Asbestos Program was initiated in September 1986. The Asbestos Program is responsible for enforcement of the *Asbestos Abatement Contractors Licensing Act*, the *Asbestos Workers Accreditation Act*, and for meeting the state of Michigan's responsibilities under the Environmental Protection Agency's (EPA's) *Asbestos Hazard Emergency Response Act* (AHERA). The program also enforces asbestos issues related to the *Michigan Occupational Safety and Health Act* (MIOSHA). The primary function of the program is to assure that people working with asbestos are properly trained and that individuals performing asbestos abatement comply with rules governing the work activity. These rules are designed to protect not only the individual employee performing asbestos abatement work, but also the general public that occupy the area or building in which the work occurs.



21.2 Why Regulate Asbestos

Asbestos is a mineral that has been used in more than 3,000 different products over the last 100 years for its insulating, acoustical and fire protective properties. Common products that contain asbestos are pipe insulation, floor and ceiling tile, spray-on insulation, boiler wrap insulation, and electrical appliances such as your toaster and hair dryer. Asbestos-containing materials are frequently encountered in a wide range of environments, including but not limited to, industrial and commercial facilities, schools and universities, and residential properties.

Asbestos is actually the name of a group of minerals that share similar chemical and physical properties. The most common of these minerals are *Chrysotile*, *Amosite*, and *Crocidolite*. The primary characteristic that makes asbestos a reason for concern is its ability to separate into microscopic needle-like fibers. Once these fibers become airborne (usually by disturbing the product in which they are contained), they are easily inhaled into the lungs. Once in the lungs, these needle-like fibers can penetrate the lung tissue and the lining that holds the lung in place (pleura). This begins the process that can eventually lead to one of the three commonly associated diseases of asbestos:

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- *Asbestosis* - A scarring and hardening of the lung tissue
- *Lung cancer* - Malignant tumor of the lung tissue
- *Mesothelioma* - A scarring or malignant tumor of the lung lining

All of these diseases can lead to death. Exposure to asbestos is also associated with increased incidences of gastrointestinal cancer. Further, epidemiological studies indicate that the risk of lung cancer among exposed workers who smoke cigarettes is greatly increased over the risk of lung

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cancer among non-exposed smokers or exposed nonsmokers. Therefore, *smoking among asbestos workers is strongly discouraged.*

The key to preventing occupational illnesses/diseases involving asbestos is to initially recognize products that may contain asbestos and assure that employees are properly trained, protected and equipped to work with these products in a safe manner.

21.3 Who Is Exposed

Nationwide, an estimated 1.3 million employees in construction and general industry potentially face significant asbestos exposure on the job. Heaviest exposures occur in the construction industry, particularly during building renovation or demolition activities where asbestos is disturbed or removed. Employees may also be exposed during custodial/maintenance activities in a building containing asbestos, during the manufacture of asbestos products (such as textiles, friction products, insulation, and other building materials) and during automotive brake and clutch repair work.

21.3.1 Employer's Responsibilities

If your work involves asbestos-containing materials, it is important to recognize an employer's responsibilities under the Michigan Occupational Safety and Health Act (MIOSHA) concerning exposure monitoring, regulated areas, engineering controls and work practices, respiratory protection, protective clothing, hygiene facilities for employees, communication of the hazards associated with asbestos in construction activities, housekeeping, medical exams, and record keeping.

Pursuant to Part 305, the Asbestos for General Industry Standard, section (j)(2)(iii), '...employers shall inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and or PACM...' Section (j)(7)(iv) also requires an employer to provide asbestos awareness training to the custodial and/or janitorial staff. Asbestos awareness training assists custodial and janitorial staff in identifying asbestos-containing material (ACM) and/or presumed asbestos-containing material (PACM) and in understanding the information contained within the survey. Asbestos awareness training helps ensure that employees do not inadvertently disturb asbestos-containing materials. It also addresses requirements under the standard pertaining to housekeeping activities.

21.3.2 Building Owner's Responsibilities

Building owners often are the only or best sources of information concerning asbestos hazards within their building(s). Therefore, they, along with employees, are assigned specific conveying and retention duties under the asbestos regulations. To comply with these regulations, a thorough asbestos inspection must be conducted of all pre-1981 building facilities. This survey must identify the presence, location, and quantity of ACM/PACM within the building.

If the building owner does not have a survey, the building owner should contact an environmental consulting firm that has Michigan accredited asbestos building inspectors to conduct an asbestos building survey.

If an employer leases space and the building owner does not have a survey, an option for the employer would be to hire an accredited asbestos inspector to conduct an asbestos survey of the leased area. This limited survey will help ensure the safety and health of employees in the leased area. It is important to recognize, however, that the building owner is legally obligated to complete a comprehensive building survey for all asbestos materials in the building.

The information obtained from a comprehensive asbestos building survey will assist a building owner in fulfilling their notification obligations pertaining to construction and maintenance work activities [i.e., Part 602, (Asbestos Standards for Construction) 29 CFR 1926.1101 (k)(2)(ii)] and also to building housekeeping personnel [i.e., Part 305, 29 CFR 1926.1001 (j)(2)(iii)].

In summaries, a building owner must:

- ✓ Have building surveyed by an accredited inspector.
- ✓ Maintain ACM in a safe manner.
- ✓ Have all employees appropriately trained.
- ✓ Notify all contractors or parties who may contact or be exposed to ACM at their facility.

21.4 General Requirements

The Asbestos Program is responsible for the enforcement of most Michigan asbestos regulations. The Asbestos Program has the following six (6) major areas of responsibility:

21.4.1 Approval of Asbestos Training Courses

In order for individuals performing asbestos-related work to become accredited, they must successfully complete a designated training course that is recognized or approved by the Environmental Protection Agency (EPA) or the Asbestos Program. For the 32-hour asbestos abatement worker, 40-hour contractor/supervisor, 24-hour project designer, 24-hour inspector and 16-hour management planner courses, Michigan course sponsors must submit an application and other specified materials to the Asbestos Program and receive approval before the course may be taught in Michigan. Specifically, course sponsors must submit all course materials, instructors' credentials, and a completed application form with the appropriate fee. When a course sponsor has satisfied Michigan's minimum requirements, it receives "*Contingent Course Approval*" and is able to provide asbestos-related training within the state of Michigan. Each sponsor must then pass an on-site review of their course before receiving "*Full Course Approval*."

21.4.2 Accreditation of Workers

Asbestos abatement workers, supervisors, project designers, inspectors and management planners must successfully complete the appropriate initial or refresher training requirements and become accredited before working in Michigan. Individuals who work as abatement workers, supervisors, project designers, building inspectors, or management planners must submit proof that they have attended and successfully completed their respective training courses. Asbestos inspectors, management planners, and project designers must also satisfy asbestos-related work experience requirements to become accredited to work in the state.

21.4.3 Licensing of Asbestos Abatement Contractors

Other than specified exempt licensed trade groups (i.e., electricians, mechanical contractors, plumbers, residential builders, or residential maintenance/ alteration contractors), any individual or company within Michigan that is hired to remove or encapsulate friable asbestos on the premises of another, must be licensed by the Asbestos Program before engaging in any asbestos abatement activities. To become licensed, a contractor must have workers' compensation insurance and proof that all workers and supervisors have been accredited before receiving their annual licenses. The designated exempt licensed trade groups are allowed to remove or encapsulate friable asbestos materials without obtaining an asbestos abatement contractor's license provided the job they are performing is incidental to their primary license trade and it does not exceed 260 linear feet or 160 square feet of friable asbestos-containing materials.

21.4.4 Processing of Asbestos Abatement Project Notifications

Contractors performing friable asbestos removal or encapsulation work in Michigan must provide project notifications indicating the starting and ending dates and other job-related information to the Asbestos Program within a specified time frame. The Asbestos Program requires project notification 10 days prior to any non-emergency asbestos abatement project exceeding 10 linear feet or 15 square feet, or both, of friable asbestos materials. A one-percent project notification fee must also be included. Emergency asbestos abatement projects must provide notification by phone, fax, or mail prior to starting the projects. Initial phone and fax notifications must be followed up by submitting the original written project notification and fee.

While asbestos abatement workers' exposure to asbestos during removal is regulated by the Department of Labor and Economic Growth, the Department of Environmental Quality (DEQ) enforces federal regulations designed to protect the public from exposure to asbestos. For more information about the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Asbestos, see Chapter 1.17.6.

21.4.5 Compliance Investigations

The Asbestos Program conducts on-site evaluations of the abatement activities of contractors and also responds to complaints or referrals involving improper work practices or procedures during asbestos abatement or disturbance activities.

21.4.6 AHERA Management Plan Review

The Asbestos Hazardous Emergency Response Act (AHERA) of 1986 is an act mandated by Congress and administered by the Environmental Protection Agency (EPA) to regulate asbestos in schools. This act mandates school building inspections and written management plans for friable and non-friable asbestos-containing building materials (ACBM) for kindergarten through 12th grade private and public nonprofit schools. The Asbestos Program is the state agency, which was selected by the governor to review the school's management, plans and determine their compliance with AHERA. This process has involved the review of more than 5,000 individual plans with a written assessment given to each Local Education Association (LEA).

21.5 Regulations Enforced

- [Michigan Public Act 154 of 1974](#) “Michigan Occupational Safety and Health Act”
- [Michigan Public Act 135 of 1986](#) “Asbestos Abatement Contractors Licensing Act”
- [Michigan Public Act 440 of 1988](#) “Asbestos Workers Accreditation Act”
- [OSHA 29 CFR 1926.1101](#) “Asbestos Standard for Construction”
- [OSHA 29 CFR 1910.1001](#) “Asbestos Standards for General Industry”

21.6 Other Asbestos Enforcement Agencies

The DEQ, Air Quality Division, [NESHAPs Asbestos Coordinator](#). Contact the NESHAP Asbestos Coordinator at (517) 373-7064.

Areas of Responsibility:

- NESHAP Regulations (40 CFR Subpart M)
- Renovation and Demolition Projects
- Transportation of Asbestos Waste
- Landfill Requirements

The U.S. EPA. Contact the Region 5 Toxic Substance Control Act (TSCA) Coordinator at (312) 353-9062.

Areas of Responsibility:

- Enforcement of AHERA Regulations