

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
HOUSING INITIATIVES DIVISION

Subject: ASBESTOS

Effective Date: November 1, 2017

PURPOSE

This Policy Bulletin establishes procedures to assure regulatory compliance, as well as the protection of human health and the environment, in relation to exposure to Asbestos Containing Materials (ACM) in residential properties that receive any amount of Housing Resource Fund (HRF) assistance from programs administered by the Michigan State Housing Development Authority (MSHDA) Housing Initiatives Division (HID). The requirements of this policy shall not apply to ongoing projects which already have a HID HRF grant committed prior to the adoption of this policy. However, such projects are still subject to existing regulatory requirements enforced by various federal and/or state agencies.

BACKGROUND

Asbestos has been widely used in buildings for fireproofing, thermal and acoustical insulation, condensation control, and decoration. It has been sprayed on beams and ceilings, used to cover piping and boilers, and sprayed onto ducts. Asbestos was used even more extensively until the 1970s when EPA banned certain types of asbestos products. Asbestos, however, is still used in building materials today. As a result, it is not safe to assume a building contains no asbestos, regardless of when it was constructed. Although only an inspection can determine whether a building material contains asbestos, some well-known ACM components include:

- cement shingles
- roofing felt/coatings/shingles/tiles
- millboard
- pipeline wrap
- gaskets
- boiler wrapped pipes
- Transite siding
- 9" x 9" vinyl-asbestos floor tiles
- vermiculite insulation-attics and walls
- various plaster material on walls and ceilings
- various mastics, glues, caulks, glazing etc....

FEDERAL/STATE ASBESTOS REGULATIONS

The two asbestos regulations most applicable to HID programs are the U.S. Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) and U.S. Occupational Safety and Health Administration's (OSHA) worker protection standards. All HID grantees must ensure compliance with these regulations.

EPA NESHAP for Asbestos

The goal of EPA's NESHAP regulation is to minimize the release of asbestos fibers during renovation and demolition activities. The EPA has delegated the Michigan Department of Environmental Quality (DEQ) with the authority to enforce the Asbestos NESHAP in Michigan. An asbestos inspection in accordance with NESHAP may be required before work can begin. This inspection will determine whether building components in the scope of work are Asbestos Containing Materials (ACM is material >1% asbestos) and how much ACM is present. The inspection also determines whether some or all of the ACM is friable or regulated and therefore may require abatement. If abatement is necessary, it must be completed by a currently licensed Asbestos Abatement Contractor. Notification for this abatement may be necessary depending on the amount of ACM being removed and whether demolition is planned. Your abatement contractor will be aware of these rules. Although there is a single-family homeowner exemption clause in NESHAP, activities funded as part of a larger project such as a HID grant do not fall under this exemption and must comply with the requirements. Both the owner/operator and contractor(s) can be held liable for NESHAP compliance. For more information on how NESHAP applies to your project, please contact the DEQ NESHAP Program at (517) 284-6777.

OSHA Asbestos Worker Standards

The Occupational Safety and Health Administration (OSHA) regulates worker protection and exposures to asbestos. Within the Michigan Department of Licensing and Regulatory Affairs (LARA), the Michigan Occupational Safety and Health Administration (MIOSHA) Asbestos Program administers the federal OSHA asbestos standards. The MIOSHA Asbestos Program also accredits and licenses professionals in the asbestos industry and processes asbestos abatement project notifications which require specific procedures that differ from NESHAP notification procedures. Contractors are responsible for OSHA compliance with worker safety provisions. For more information on how OSHA standards apply to your project, please contact the MIOSHA Asbestos Program at (517) 284-7680.

ADDITIONAL REQUIREMENTS

Inspectors

Asbestos identification and survey services must be provided by a licensed Asbestos Inspector, who holds a current certification in the state of Michigan to conduct asbestos identification and survey activities.

Contractors

Asbestos abatement must be conducted by a licensed Asbestos Abatement Contractor, who holds a current certification in the State of Michigan in accordance with Michigan Asbestos Abatement Contractors Licensing Act [Michigan Public Act 135].

Asbestos Abatement Contractors shall ensure that removal activities are performed only by individuals who are currently licensed as Asbestos Workers or licensed Asbestos Supervisors. HID Grantees shall request a list of all licensed individuals working on a project and maintain this list in the project file.

All abatement notifications and fees associated with those notifications shall be the sole responsibility of the Asbestos Abatement Contractor, in accordance with the EPA's NESHAP [40 CFR 61.145] and the Michigan Asbestos Abatement Contractors Licensing Act [Michigan Public Act 135]. The contractor performing the asbestos abatement services shall be financially responsible for payment of any and all failed clearance tests related to their regulated work areas. In addition, the HID grantee may not be charged additional costs beyond the original bid amount for any additional cleaning or other labor necessary to prepare for additional clearances beyond the first one.

Abatement Precautions

If abatement is necessary, rehabilitation activities other than abatement cannot be started in affected work areas until a written confirmation of a passing clearance has been provided by an *independent third party*. If residents are present at the time of abatement, alternative housing arrangements must be made or appropriate safety precautions taken (marking off areas of the home, labeling unsafe areas, etc.) during the abatement work to ensure the safety of the homeowner(s).

Required Documentation

Documentation of work completed by inspectors and contractors on each home must be made available to MSHDA during on-site monitoring visits. HID Grantees shall retain the following information as applicable in their project files for a minimum of three years after the completion of work:

- Asbestos inspection report with copy of inspector's license AND

If abatement/removal occurred:

- Project notification(s) to the state of Michigan for asbestos removal activities
- Copy of abatement contractor/worker licenses
- Post abatement clearances from a third party with copy of third party abatement contractor's license
- Asbestos Waste Shipment and/or Disposal Records