



ASBESTOS REGULATORY CLARIFICATIONS

Environmental and Consumer Safety Section
Regulatory Services Division
ARC – 002
February 2001

Subject: Preparatory Work and Licensing

BACKGROUND

The Texas Department of State Health Services (DSHS) wishes to clarify whether or not persons performing preparatory activities need to be licensed. Since the Texas Asbestos Health Protection Rules (TAHPR) do not specifically define preparation, the DSHS also seeks to clarify what constitutes preparation.

RESPONSE

Anyone engaged in asbestos-related activities in a public building must have a current asbestos license. Since the TAHPR define asbestos-related activity to include preparation, it follows that a person must be licensed to perform preparatory activities.

The DSHS defines the term preparation as including, but not limited to:

- Pre-cleaning; sweeping; wet wiping; HEPA vacuuming; sealing penetrations and openings; installing polyethylene; installation of isolation barriers (critical barriers, demising/dividing walls, etc.); installation of any part of a decontamination enclosure system or any part of the water line connections to the showers, drains, and/or filtration; installation, set-up, or use of any load-out/bag-out systems; installation, maintenance, or selection of respiratory systems or fiber reduction systems (i.e.: misting, spraying, etc.); positioning of warning signs; or
- Installation of engineering controls (local exhaust ventilation equipped with HEPA filter dust collection systems, constructing enclosures or isolation mechanisms to control processes producing asbestos dust, ventilation of the regulated area to move contaminated air away from the breathing zone of employees and toward a filtration or collection device equipped with a HEPA filter); installation of scaffolding (in an area that may disturb asbestos during the installation); installation, set-up, calibration, and etc. of monitoring devices (including sampling systems and manometers); or



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- Removal of any item from a space within a public building, once an Asbestos Abatement Contractor takes control of that space. Removal of an item (fixture, furnishing, etc.) that is in no way contaminated with asbestos, or does not pose a risk of asbestos disturbance by its removal, is permitted if done prior to allowing the abatement contractor to occupy or take control of the space. If an item were left in place until the abatement contractor takes control of the space, then a licensed individual would be required to remove an item from the space. Any activity that may result in an accidental disturbance requires licensure.

DISCUSSION

The following citations in the TAHPR address when a license is required to perform preparatory activities.

25 TAC §295.31 (e) states: *Anyone engaged in asbestos-related activities in a public building must provide proof of a current license to any inspecting official from the Texas Department of State Health Services (department), to an employer, or to a prospective employer upon request.*

25 TAC §295.32 defines: *Asbestos-related activity - The disturbance (whether intentional or unintentional), removal, encapsulation, or enclosure of asbestos, including preparations or final clearance, the performance of asbestos surveys, the development of management plans and response actions, asbestos project design, the collection or analysis of asbestos samples, monitoring for airborne asbestos, bidding for a contract for any of these activities, or any other activity required to be licensed under the Texas Asbestos Health Protection Act.*

Other Useful Definitions

25 TAC §295.32: *Asbestos Abatement - The removal, the encapsulation or the enclosure of asbestos for the purpose of, that has the effect of, reducing or eliminating airborne concentrations of asbestos fibers or amounts of ACM.*

25 TAC §295.32: *Asbestos Abatement Activity - Asbestos abatement, any on-site preparations or clean-up related to the abatement.*

25 TAC §295.32: *Regulated Area - The demarcated area in which asbestos abatement activity takes place, and in which the possibility of exceeding the permissible exposure limits (PEL) for the concentrations of airborne asbestos exists.*



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FREQUENTLY ASKED QUESTIONS

1. Does a person have to possess a current asbestos license to remove carpet, in preparation for an asbestos flooring abatement job?

Answer: Yes, if the act of removing the carpet could disturb, or does disturb, asbestos-containing flooring or adhesives.

2. Does a plumbing contractor have to possess a current asbestos license to make water lines available for the asbestos abatement contractor, when those lines will be used in preparation for asbestos abatement operations?

Answer: No, the plumbing contractor does not have to be licensed unless the work he needs to perform could disturb, or does disturb, asbestos-containing materials. However, the person who connects the lines for the shower, filtration, drains, and etc., would need to be licensed since these activities are asbestos-related activities, and require entry into the regulated area.

3. Does an electrical contractor have to possess a current asbestos license to lock out the electrical supply in the asbestos abatement area?

Answer: No, unless the work to be performed could disturb, or does disturb, asbestos-containing materials.

4. Does an electrical contractor have to possess a current asbestos license to remove fixtures from within the intended asbestos abatement area?

Answer: Yes, if the work to be performed could disturb, or does disturb, asbestos-containing materials.

5. Do employees of an Asbestos Abatement Contractor, who deliver supplies to the asbestos-abatement job site, have to possess current asbestos licenses?

Answer: No, as long as the individuals delivering the supplies do not enter the regulated area.



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6. Do employees of an Asbestos Abatement Contractor have to possess a current asbestos license to remove non-asbestos contaminated items, when their removal will not disturb asbestos, from an intended abatement area?

Answer: No, unless the Asbestos Abatement Contractor has taken control of the space for asbestos-related activities.

7. Does an Asbestos Project Manager need to be on site during preparations for abatement?

Answer: Yes, if the preparations for abatement could disturb, or do disturb, asbestos-containing materials.

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