



ASBESTOS REGULATORY CLARIFICATIONS

Environmental and Consumer Safety Section
Regulatory Services Division
ARC – 022
August 2003

Subject: Removing Non-Asbestos Floor Tile with RFCI

BACKGROUND

The Texas Asbestos Health Protection Rules (TAHPR) allow the use of the Resilient Floor Covering Institute (RFCI) Recommended Work Practices for Removal of Resilient Floor Covering to remove floor tile and adhesive. The Texas Department of State Health Services seeks to clarify what is allowed under the rules and the RFCI methods when removing floor tile that does not contain asbestos but the adhesive does. Many questions have come from such projects where the tile has been broken or crumbled to many small pieces.

RESPONSE

The Texas Asbestos Health Protection Rules (TAHPR) §295.36(a) exempts persons from the licensing requirement when they are performing resilient floor covering removal if they perform the removal consistent with the work practices published by the RFCI in 1998. The RFCI practices require that the floor covering materials be removed “intact”. The TAHPR also requires that the flooring be and remain in good condition for the exempted methods to be used.

Non-asbestos materials, removed as a consequence of the RFCI project, are not subject to the recommended work practices. For example, non-asbestos tile does not have to be removed intact when using RFCI methods to remove underlying asbestos-containing mastic.

DISCUSSION

The TAHPR §296.36 says that those who remove resilient floor covering materials in public buildings are exempt from the licensing and registration requirements of these sections, provided that: (1) if the floor covering materials and/or adhesives have been sanded, ground, mechanically chipped, drilled, abraded or cut (includes sawing but does not include shearing, slicing or punching) prior to the start of the project, then an appropriately licensed person must be used for the abatement; (2) upon initiating the RFCI work practices, the flooring material does not become friable, is not made into RACM, remains intact (as defined in 29 CFR 1926.1101), or is not sanded, ground,

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mechanically chipped, drilled, abraded or cut (includes sawing but does not include shearing, slicing or punching).

The RFCI Recommended Work Practices booklet explains that the Occupational Safety and Health Administration (OSHA) has determined that “intact” resilient floor covering materials can be removed under a “negative exposure assessment” in compliance with the revised standards by appropriately trained workers using the Recommended Work Practices. The booklet goes further to define “intact” to mean that the asbestos-containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix.

Since OSHA is concerned about the release of asbestos fibers from the flooring material then it makes sense that if the tile does not contain asbestos, it does not matter that it has been crumbled pulverized, or otherwise deteriorated because it cannot release asbestos which it does not contain. The TAHPR is likewise concerned only about floor covering that contains asbestos as indicated in §295.36(6).

Therefore, if only the adhesive contains asbestos, to determine whether the flooring removal project meets the requirements for exemption under §295.36, one must observe the condition of the adhesive. A person can not use the RFCI methods if the adhesive is friable, becomes RACM or is subjected to sanding, grinding, chipping, drilling, abrasion or cutting. An exception to these considerations is wet sanding as allowed under Removal Method #2 on page 27 of the 1998 edition of the RFCI Recommended Work Practices. This method uses cutting sand and a terrazzo floor machine to wet sand the mastic from the floor. This is not a violation because it is a work practice contained in the exempted methods.

FREQUENTLY ASKED QUESTIONS

1. Can I use a tile removal machine on non-acm floor tile over asbestos-containing mastic?

Answer: Yes. As long as the mastic continues to meet the requirements for the exemption.

This Regulatory Clarification preempts any previous clarification/guidance/policy letters on this subject and remains in effect until superseded in writing by the Texas Department of State Health Services. Attributed use or reproduction of this information is freely granted.