



ASBESTOS & RELATED REGULATIONS

Asbestos is a product that may exist in some building materials and when disturbed can enter the body and cause serious health issues. This document provides some general information and answers some common questions regarding asbestos and the various state and federal laws and regulations that address the disturbance and removal of asbestos-containing materials in buildings.

About Asbestos

Asbestos is the name given to a group of naturally occurring minerals used in certain products to resist heat and corrosion. Common products that contain asbestos include, but are not limited to, pipe and boiler insulation, spray on insulation, floor tiles, ceiling tiles, patching and joint compound, roofing material, and Transite shingles and siding.

The primary characteristic that makes asbestos a 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 can be inhaled into the lungs. The inhalation of asbestos fibers can cause serious disease of the lungs and other organs that may not appear until years after the exposure has occurred.

Asbestos Regulations

[Virginia Department of Labor & Industry \(DOLI\)](#)

The Virginia Department of Labor and Industry (DOLI) has comprehensive regulations to control the hazards of asbestos. DOLI regulates asbestos through enforcement of the Virginia Occupational Safety and Health (VOSH) regulations, enforcement of the US Environmental Protection Agency's (EPA) Asbestos National Emission Standard for Hazardous Air Pollutants (Asbestos NESHAP), and enforcement of the Asbestos Notification regulations found in the Labor Laws of Virginia.

The VOSH Asbestos Construction Standard, Part 1926.1101, regulates exposure to asbestos during demolition activities when asbestos-containing material (ACM) is present, removing or encapsulating ACM, and renovation operations where ACM is present or could potentially be disturbed.

[Environmental Protection Agency \(EPA\)](#)

The Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations specify work practices for asbestos to be followed during demolitions and renovations of all

structures, installations, and buildings (excluding residential buildings that have four or fewer dwelling units). The EPA established the Asbestos NESHAP as part of the Clean Air Act to protect the public by minimizing the release of asbestos fibers when buildings or facilities which contain ACM are demolished or renovated.

Code of Virginia Title 36 § 36-99

- A local building department shall not issue a building permit allowing a building, for which an initial building permit was issued before January 1, 1985, to be renovated or demolished until the department receives certification that the affected portions of the building have been inspected for the presence of asbestos. The Certification must also state that no asbestos-containing materials were found or that appropriate response actions will be undertaken.
- Other than in school facilities, asbestos inspection of renovation projects consisting only of repair or replacement of roofing, floorcovering, or siding materials to be satisfied by a statement that the materials to be repaired or replaced are assumed to contain friable asbestos and that asbestos installation, removal, or encapsulation will be accomplished by a licensed asbestos contractor.
- Exempts single-family dwellings or residential housing with four or fewer units, unless the renovation or demolition of such buildings is for commercial or public development purposes.
- Exempts the work if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet on pipes, 160 square feet on other facility components, or 35 cubic feet off facility components where the length or area could not be measured previously.
- Abatement areas shall not be reoccupied until the building official receives certification from the owner that the response actions have been completed and final clearances have been measured

Uniform Statewide Building Code (USBC)

- Requires that an application for a permit be made to the building official and a permit be obtained prior to the commencement of construction work involving the removal or disturbance of any asbestos-containing materials.
- Includes the requirements from § 36-99 (see above § 36-99 list) related to issuance of building permits, inspections, exemptions, and re-occupancy.

Determining if Asbestos Containing Material (ACM) is present

The EPA and DOLI have specific requirements for public and commercial buildings where renovation or demolition is to take place. There must be an inspection for suspect ACM prior to renovation or demolition, regardless of the age of the building.

The VOSH 1926.1101 Asbestos construction standard also requires that building owners and employers determine the presence of asbestos prior to any work that may disturb ACM. Thermal system insulation (TSI) and sprayed or troweled-on surfacing material must be presumed to contain asbestos until testing indicates otherwise. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing until testing determines that it is not.

Building inspections for asbestos should be conducted by an accredited asbestos inspector licensed by the Virginia Department of Professional and Occupational Regulation (DPOR).

Notification Requirements

DOLI's Asbestos Notification and Permit Program regulations require written notification by licensed asbestos contractors for any asbestos abatement project that is at least 10 linear feet or 10 square feet. A notification is not required for nonfriable asbestos-containing roofing, flooring, or siding materials that when installed, encapsulated, or removed do not become friable. Notifications must be submitted 20 calendar days prior to starting the asbestos project. Notification is to be sent to the "Asbestos Program, Department of Labor and Industry".

The EPA must also be notified of any asbestos projects that are at least 160 square feet or 260 linear feet and for all demolition projects, with the exception of some residential structures, regardless of whether asbestos-containing materials are present in the structure or facility. Notifications required by the EPA must be sent to the DOLI as described above except the notification period is 10 working days.

Improper notification of any asbestos and or demolition project as well as failure to amend any revisions to the project dates and other required information on the original notification form may result in citations and monetary penalties.

Generally, residential structures having four or fewer dwelling units do not require notification.

ADDITIONAL RESOURCES

[DOLI Asbestos and Lead Program](#)

[DPOR Board of Asbestos, Lead, & Home Inspectors](#)

[OSHA Asbestos Information](#)

[EPA Asbestos Information](#)

FREQUENTLY ASKED QUESTIONS

Does the USBC require a permit to disturb or remove asbestos in a single-family dwelling?

The USBC requires a permit any time asbestos containing materials will be disturbed or removed. There are no exceptions or exemptions to this requirement.

Does the USBC require an asbestos inspection to be performed on all buildings prior to issuance of a building permit?

The Code of Virginia does not require an inspection for single-family dwellings or residential housing with four or fewer units, unless the renovation or demolition of such buildings is for commercial or public development purposes.

The Code of Virginia also does not require an inspection if the combined amount of regulated asbestos-containing material involved in the renovation or demolition is less than 260 linear feet on pipes, 160 square feet on other facility components, or 35 cubic feet off facility components where the length or area could not be measured previously.

Note: A permit is still required for asbestos disturbance or removal, even when a project is exempt from the inspection requirement.

Does the asbestos permit have to be issued or the asbestos work completed before a permit for other construction activities can be issued?

No. However, the asbestos inspection must be completed and the certification requirements satisfied prior to any construction permit being issued.

Can a building permit for renovation/alterations also cover asbestos work, or does a separate asbestos permit have to be issued?

The USBC does not specify whether the asbestos permit can be combined with a general construction permit, so it is up to each local building department to decide how to issue the permits.