



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: A960027**

**Category:** Asbestos  
**EPA Office:** METD  
**Date:** 10/02/1995  
**Title:** Demolition after Conversion  
**Recipient:** Petrakis, Leonidas  
**Author:** Rasnic, John

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**Subparts:** Part 61, M, Asbestos

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**References:** 61.155

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### **Abstract:**

Q If the surfacing material in a building is treated with a product that converts asbestos-containing material into material that contains 1% or less asbestos, and later that building is demolished, is the treated material considered asbestos-containing material if tests demonstrate that it contains 1% or less asbestos?

A. No, any material containing 1% or less asbestos is not defined to be asbestos-containing material under the asbestos NESHAP. If the purpose of spraying the surfacing material with the product was for control and management of asbestos, and then at a later date it was independently decided to demolish the building, then the requirements of 61.155 (standard for operations that convert asbestos-containing waste material into nonasbestos material) do not have to be met. Those standards would apply if the asbestos-containing material was treated for the purpose of converting it into nonasbestos material for removal.

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### **Letter:**

Mr. Leonidas Petrakis  
Brookhaven National Laboratory  
P.O. Box 5000  
Upton, NY 11973-5000

Dear Mr. Petrakis:

This is in response to your July 11, 1995 letter requesting confirmation of the Environmental Protection Agency's (EPA) position on the following scenario involving 40 CFR Part 61, Subpart M, the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP):

Assume that a building owner, as part of an operations and maintenance program designed to maintain asbestos-containing materials in place, decides to treat the surfacing material in his building with the contemplated product that converts asbestos-containing material to material that contains one percent asbestos or less. Assume further that at some later time, circumstances change, and the building owner undertakes a major renovation or demolition of that building and that prior to such renovation or demolition, appropriate tests demonstrate that the treated material contains one percent asbestos or less.

Your letter states that under these circumstances, you believe that EPA would not view the treated material as regulated asbestos-containing material under the asbestos NESHAP.

Your interpretation is correct. If a surfacing material, or any asbestos-containing material is treated for the purpose of converting the material into nonasbestos for removal, then the source has to meet the requirements in 61.155 (Standard for operations that convert asbestos-containing waste material into nonasbestos). However, in the hypothetical case you outline above, the intent of spraying the material in place is for control and management of the in-place material. If at some later time, it is independently decided that a major renovation

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or demolition is needed, then at that time, the material should be sampled. If like any other material, it contains one percent asbestos or less, then it is not defined to be asbestos-containing material and therefore, is not subject to the asbestos NESHAP.

This response was coordinated with the Office of Regulatory Enforcement and the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (202) 564-7003.

Sincerely,

John B. Rasnic, Director  
Manufacturing, Energy and Transportation Division Office of Compliance