



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960001

Category: Asbestos
EPA Office: OECA
Date: 03/14/1996
Title: Removing Carpet over Floor with Asbestos
Recipient: Baucus, Max
Author: Herman, Steven

Subparts: Part 61, M, Asbestos

Abstract:

Q. Does the removal of old carpeting from floor tile mastic, when some of the old floor tile mastic contains asbestos, constitute the removal of an asbestos-containing material such that it is subject to regulation?

A. Normally, floor tile or carpet mastic is considered to be a Category I nonfriable (non-airborne) material under the asbestos NESHAP. Carefully pulling up the old carpet and laying down a new carpet would not be regulated by the asbestos NESHAP, unless the mastic was in poor condition prior to removal, or unless during removal, the mastic would be sanded, ground, cut, or abraded. If the asbestos appears to be isolated, EPA will allow the owner or operator to attempt to confirm the isolated nature of the asbestos containing material (by taking additional samples), and properly abate only the area that contains asbestos.

Letter:

Honorable Max S. Baucus
United States Senate
Washington, D.C. 20515

Dear Senator Baucus:

This is in response to your October 25, 1995, letter requesting that the Environmental Protection Agency (EPA) address the concerns that Mr. Phillip A. Christman raised to you in his letter dated October 2, 1995.

Mr. Christman described a renovation project where old carpeting which was laid on top of old floor tile mastic was to be removed, and new carpeting installed. However, one out of ten samples showed that some of the old floor tile mastic contained asbestos. Mr. Christman states that, "This immediately prompted the mall [owner] to require an `abatement' of the asbestos as removal of the carpet would supposedly cause the asbestos to become `friable' - i.e. airborne." Mr. Christman further stated that both EPA Headquarters and the State of Montana maintained that the law required abatement of the asbestos if the mastic could become friable, and that carpet removal could, indeed, make the mastic friable.

EPA regulates the removal of asbestos-containing materials under 40 C.F.R. Part 61 Subpart M, the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). The regulation requires the removal of "regulated" asbestos containing material. Normally, floor tile or carpet mastic is considered to be a Category I nonfriable material under the asbestos NESHAP. Carefully pulling up the old carpet and laying down a new carpet would not be regulated by the asbestos NESHAP, unless the mastic was in poor condition prior to removal, or unless during removal, the mastic would be sanded, ground, cut, or abraded. It is my understanding that neither would have been true in this case.

In telephone conversations with Mr. Christman, EPA Region VIII, the State of Montana, and the mall owner, it was determined that:

1. Mr. Christman did not talk with the appropriate official(s) at EPA Headquarters. Unfortunately, we could not determine who told him that the removal of the carpeting would be subject to the asbestos NESHAP.
2. The guidance he obtained from the State was appropriate: pulling up the old carpet in this case would not make the mastic become subject to the asbestos NESHAP.
3. The mall owner, independently, decided that asbestos removals would be treated as regulated jobs to minimize potential fiber release, as well as the mall's liability associated with exposure to asbestos if improperly removed.

Because of the quoted cost of abatement, Mr. Christman decided not to remove the old carpet. If an abatement were to be performed, an approach could be taken to reduce the cost of the abatement, and comply with the mall owner's policy to treat the removal as a regulated activity. In situations where the asbestos appears to be isolated, EPA will allow the owner or operator to attempt to confirm the isolated nature of the asbestos containing material (by taking additional samples), and properly abate only the area that contains asbestos.

The attitude towards asbestos that the general contractor and the carpet layers seem to have belies the potential hazards of exposure to asbestos fibers. EPA and the Occupational Safety and Health Administration (OSHA) have work practice standards because a safe level of exposure to asbestos is not known. Asbestos is a known carcinogen, and while a worker or occupant may not suffer immediate consequences to asbestos exposure, they may develop a terminal illness in ten to thirty years as a direct result of their exposure to airborne asbestos fibers.

Finally, Mr. Christman's issue does not involve the Superfund program, so that changes to that program would not affect him. Any legislation that would require full disclosure of any potential environmental hazards to a prospective lessee before signing a lease should, at least, allow the parties to decide in advance and with full knowledge, who would be responsible for the abatement costs.

I appreciate the opportunity to be of service to you, and trust this information addresses your concerns.

Sincerely,

Steven A. Herman