RESTORATION INTEL • FIELD QUICK CARD

PRE-1981 ASBESTOS STOP-AND-CHECK CARD: FOUR GOVERNING AUTHORITIES & INSPECT-FIRST RULE

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THE IRON RULE: INSPECTION BEFORE THE FIRST SUSPECT MATERIAL IS DISTURBED

40 CFR Part 61, Subpart M

• PRE-DEMOLITION MANDATE • ZERO EXEMPTION FOR EMERGENCY MITIGATION

NESHAP requires an asbestos building survey by a licensed asbestos inspector **before** any renovation or demolition begins. "Before" means before the first drywall cut, the first vinyl tile pried up, or the first pipe insulation section disturbed — *never after demolition starts*. Asbestos is invisible to the eye; visual confirmation is legally and scientifically impossible.

THE FOUR GOVERNING AUTHORITIES: JURISDICTION & PENALTY MATRIX

OVERLAPPING STATUTES

Governing Authority	Citation & Scope	Mandatory Compliance Triggers	Enforcement & Penalties
1. EPA NESHAP	40 CFR Part 61, Subpart M *Renovation & Demolition*	• Asbestos inspection before renovation/demolition begins • Written notice to state/EPA before disturbing regulated ACMs • Work practices: wet methods, leak-tight packaging • Applies to all **"owners and operators"** (owner, GC, subs)	**CRIMINAL & CIVIL** Up to **$25,000/day** per violation; imprisonment up to 1 yr. Federal criminal referrals.
2. OSHA Construction	29 CFR 1926.1101 *Worker Protection*	• **PEL: 0.1 f/cc** (8-hr TWA) • Excursion limit: 1.0 f/cc (30 min) • Regulated areas required when PEL may be exceeded • PPE & negative air containment scaled by Class I–IV work • Mandatory air monitoring & employee medical surveillance	**SEVERE OSHA FINES** Applies regardless of prior knowledge; employer must characterize hazard before exposure.
3. EPA AHERA	40 CFR Part 763 *Schools (K-12)*	• Applies to all public and private K-12 school buildings • Mandatory formal Asbestos Management Plan • **3-year mandatory re-inspection cycle** + periodic checks • Only AHERA-accredited inspectors & planners may be utilized	**AHERA SANCTIONS** Civil penalties, loss of facility clearance, mandatory closure of unmonitored zones.
4. EPA RRP Rule	40 CFR Part 745 *Pre-1978 Residential Lead*	• Parallel compliance in pre-1978 residential & child-occupied stock • Lead-paint containment operates concurrently with ACM controls • Certified RRP firms + individual certified renovators mandatory • Extensive record retention subject to immediate EPA audit	**RRP FINES** Up to $40,000+ per day for uncertified firm disturbance or missing work logs.

"OWNER & OPERATOR" COVERAGE

LIABILITY ATTACHMENT

NESHAP enforcement attaches directly to any entity exercising control over the demolition or renovation activity:

- **Property Owner:** Retains statutory non-delegable duty for pre-demolition survey.
- **General Contractor:** Held as operator directing site demolition activities.
- **Restoration Subcontractor:** Directly liable for physical disturbance of suspect materials without verified survey documentation on file.

Contractual pass-through clauses do not shield restoration contractors from direct EPA criminal or civil enforcement.

THE CGL POLLUTION EXCLUSION GAP

FINANCIAL RISK

Commercial General Liability (CGL) policies almost universally contain **Total Pollution Exclusions** naming asbestos as a pollutant:

- **No Defense, No Indemnity:** Bodily injury or third-party contamination claims are denied outright under standard CGL.
- **Required Coverage:** Contractors Pollution Liability (CPL) written on an *occurrence basis* (not claims-made, due to decades-long latency).
- **Professional Liability:** E&O required for building survey and project monitoring roles.

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RESTORATION LOSS-TYPE INTERSECTION TRIGGERS & HIGH-PROBABILITY SUSPECT MATERIALS

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RESTORATION WORK: THE THREE INTERSECTION POINTS

LOSS-TYPE PROTOCOLS

1. FIRE DAMAGE RESTORATION

- **Friable Conversion:** Heat, physical collapse, and high-pressure firefighting water render intact non-friable ACMs into friable, airborne hazards.
- **Demo Scope:** Removal of charred drywall, acoustic plaster, thermal insulation, and subfloor disturbs ACMs.
- **Zero Waiver:** Fire damage *does not waive NESHAP inspection*. Air monitoring and survey required prior to tear-out.

2. WATER DAMAGE RESTORATION

- **Drying-Demo vs. ACMs:** IICRC S500 flood cuts and baseboard pulling disturb vinyl composition tile (VCT), black mastic, and drywall joint compound.
- **Plumbing Lines:** Pipe wrap / fittings frequently contain friable thermal insulation.
- **Pre-1978 Homes:** Controlled demolition triggers EPA RRP lead rule alongside asbestos mandates.

3. STORM DAMAGE RESTORATION

- **Roofing Assemblies:** Built-up roofing, asphalt shingles, and underlayment felt manufactured before 1981 frequently contain chrysotile asbestos.
- **Transite Siding:** Asbestos-cement exterior siding fractured by hail or tree impact requires regulated abatement protocols.
- **Residential Re-Roofing:** Removing pre-1981 asphalt roofing requires NESHAP notification and compliance even on residential jobs.

SAMPLING STANDARD: PLM vs. TEM
Visual identification is impossible. Bulk samples must be analyzed via Polarized Light Microscopy (PLM) or Transmission Electron Microscopy (TEM) by an accredited laboratory prior to disturbance.

HIGH-PROBABILITY SUSPECT MATERIALS CENSUS (PRE-1981 STOCK)

SURVEY CHECKLIST

Material Category	Typical Application / Era	Disturbance Mechanism	Friability Risk
Flooring & Adhesives	Vinyl composition tile (9"x9" and 12"x12"), black cutback mastic adhesives	Prying tiles, mechanical scraping, adhesive solvent grinding	Non-friable intact → Friable when broken or ground
Thermal Systems	Pipe wrap, elbow mud, boiler insulation, duct breeching insulation	Plumbing cutouts, flood gutting, mechanical teardown	**Inherently Friable**; rapid airborne fiber release
Wall & Ceiling Finishes	Pre-1978 drywall joint compound, acoustic ceiling plaster, popcorn finishes	Flood cuts, demolition hammering, drywall saw cuts	Friable on physical impact and sanding
Exterior & Roofing	Asphalt roofing shingles, roofing felt, transite siding, roof mastics/flashing	Tear-off shovels, wind damage fracture, sawing siding panels	Transite non-friable until snapped, drilled, or crushed

MANDATORY 7-STEP ORDER OF OPERATIONS (REGULATED WORK SEQUENCE)

REGULATORY ORDER

1	2	3	4	5	6	7
Notification	Containment	Worker Protection	Wet Methods	Packaging	Clearance (PCM/TEM)	Disposal Manifest

• HARD SAFETY GATE & COMPLIANCE BOUNDARY (RESTRICTION ON USE) •

This Quick Card is a compliance-documentation and procedural triage tool. No product identifies or clears any material as asbestos or asbestos-free, substitutes for a licensed building survey or accredited inspection, or tells a buyer work may proceed. Every disturbance question must route to an accredited building survey performed by a licensed asbestos inspector. State licensing requirements vary by jurisdiction; contractors must verify active licensing for inspectors, designers, contractors, workers, and project monitors prior to site activity.