



U.S. Environmental Protection Agency Applicability Determination Index

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Category: Asbestos
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Title: Foam Removal of Nonfriable Materials
Recipient: Appleton, Abert F.
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References: 61.141
61.145(c)

Abstract:

The use of a foam removal method for VAT and roofing may meet the "adequately wet" requirement of the asbestos NESHAP, but this determination must be made by EPA after observing the use and performance of the foam.

Letter:

Mr. Albert F. Appleton
Commissioner
City of New York
Department of Environmental Protection
2358 Municipal Building
New York, New York 10007

Dear Mr. Appleton:

This is a response to your January 30, 1991 letter to Linda Fisher, Assistant Administrator for Pesticides and Toxic Substances, regarding your formal request that EPA consider allowing use of a foam removal method for vinyl asbestos tile (VAT) and asbestos-containing roofing materials. I have been asked to respond to your letter since the Office of Air Quality Planning and Standards of the Office of Air and Radiation is responsible for developing and enforcing the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos. The asbestos NESHAP would cover the removal of VAT and asbestos-containing roofing materials if more than 160 square feet of these materials containing more than 1% asbestos are removed or disturbed, and: (1) if these materials are in poor condition and have become friable, or (2) if they are subjected to sanding, grinding, cutting or abrasion. In other situations, VAT and roofing materials are not covered by the asbestos NESHAP.

The asbestos NESHAP does not currently require the use of enclosures or "negative air" systems even if the VAT or roofing materials are regulated by the asbestos NESHAP. The use of the foam material may meet the "adequately wet" requirement of the asbestos NESHAP, but this determination must be made by EPA after observing the use and performance of the foam.

The EPA's Asbestos Hazard Emergency Response Act (AHERA) regulations, which apply only to school buildings, consider that VAT removals where the asbestos is friable or becomes friable during removal are "response actions." Even though the regulatory language is different, the VAT removals covered by AHERA are consistent with the VAT removals covered by the NESHAP. The AHERA regulations require that response actions be designed and conducted by persons accredited to design and conduct response actions, but does not describe or specify the methods to be used. In many cases the person accredited to design and conduct a response action will require the use of negative air enclosures (in addition to adequately wetting the regulated VAT as required by the asbestos NESHAP). Therefore, for school removals and repair, a determination would be made by the project designer regarding the use of foam as an acceptable alternative for their particular projects.

For your information, State regulations for asbestos in many cases have requirements for the use of enclosures when removing asbestos-containing materials. The States would have to make a determination regarding the appropriateness of using foam instead of enclosures after reviewing the data generated by the referenced VAT removal study. State and local regulations may be more stringent than Federal regulations.

We are currently in the process of reviewing the asbestos NESHAP under the Clean Air Act Amendments of 1990 and are considering the possibility of requiring enclosures and the application of new asbestos control technologies such as the system you have described. Therefore, we would be interested in considering your study as part of this review of the asbestos NESHAP.

In summary, we are interested in the results of the foam study and would like to meet with you to further discuss the methodology that was used and to obtain the data that was developed during testing. After such a meeting, we would be in a better position to technically evaluate the study. The results of the evaluation would help us to make policy recommendations regarding the use of the foam process under the NESHAP regulations. I have asked Sims Roy to contact Dr. Moriates of your office within the next week to discuss the feasibility and details of such a meeting.

Thank you for bringing this to our attention. We look forward to learning more about your asbestos removal technology. Please contact Sims Roy at (919) 541-5263 if you have any questions regarding this letter.

Sincerely,

James B. Weigold
Acting Director
Emission Standards Division