

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH



### MEMORANDUM

**TO:** Asbestos Contractors, Asbestos Consultants  
Asbestos Training Providers  
Other Interested Parties

**FROM:** Ronald Skomro, Supervising Environmental Sanitarian  
Department of Public Health  
Indoor Air Program

**DATE:** October 1, 1999

**SUBJECT:** Statutory Revision to the Definition of Asbestos Abatement

This is to advise you of a revision to the definition of asbestos abatement as expressed in Section 19a-332 of the Connecticut General Statute. A copy of Public Act No. 99-96, An Act Concerning the Definition of Asbestos Abatement is enclosed for your information. This revision is effective October 1, 1999.

You will note in reviewing this definition that asbestos abatement **does not** include the removal of nonfriable asbestos-containing material (ACM) found exterior to a building or structure other than materials defined as regulated asbestos-containing material in 40 CFR 61, the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), as amended from time to time. As defined in the asbestos NESHAP, regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

In situations where it has been determined that the exterior nonfriable ACM does not meet the definition of a RACM, activities involving such materials will no longer be subject to the regulatory requirements of the Connecticut Department of Public Health, Indoor Air Program. These include the requirement for the employment of a licensed asbestos abatement contractor and notification to the Department. Please be advised that this revised definition does not relieve each responsible party from satisfying the requirements of all other applicable local, state, and federal regulation. Notably, ACM must still be disposed of at an authorized waste disposal facility, in accordance with Connecticut Department of Environmental Protection regulation. Further, each facility owner and operator of a demolition or renovation activity must satisfy the applicability (inspection) and notification requirements of the asbestos NESHAP. As previously required, inspections conducted to determine the presence of asbestos must be conducted by an inspector or a management planner licensed by the Department of Public Health.

Please contact the Connecticut Department of Public Health, Indoor Air Program should you have any questions regarding this matter.



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*Substitute House Bill No. 6659*

*Public Act No. 99-96*

***An Act Concerning the Definition of Asbestos Abatement.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 19a-332 of the general statutes is repealed and the following is substituted in lieu thereof:

As used in subsection (c) of section 19a-14 and sections 19a-332 to 19a-332e, inclusive, 20-435 to 20-442, inclusive, and 52-577a; [.]

- (1) "Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite;
- (2) "Asbestos abatement" means the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos-containing materials, but does not include [except] activities which are related to (A) the removal or repair of asbestos cement pipe and are performed by employees of a water company as defined in section 25-32a or (B) the removal of nonfriable asbestos-containing material found exterior to a building or structure other than material defined as regulated asbestos-containing material in 40 CFR 61, the National Emission Standards for Hazardous Air Pollutants, as amended from time to time;
- (3) "Asbestos abatement worker" means any employee of a licensed asbestos contractor who engages in asbestos abatement, has completed a training program approved by the department and has been issued a certificate by the department;
- (4) "Asbestos abatement site supervisor" means any asbestos abatement worker employed by a licensed asbestos contractor who has been specifically trained as a supervisor in a training program approved by the department and who has been issued a certificate by the department;
- (5) "Asbestos-containing material" means material composed of asbestos of any type and in an amount greater than one per cent by weight, either alone or mixed with other fibrous or nonfibrous material;
- (6) "Asbestos contractor" means any person or entity engaged in asbestos abatement whose employees actually perform the asbestos abatement work and who has been issued a license by the commissioner;
- (7) "Asbestos consultant" means any person who engages in any activity directly involved with asbestos consultation services and who has been issued a certificate by the commissioner and a license by the department;
- (8) "Asbestos consultation services" means the inspection or evaluation of a building for asbestos hazards, including, but not limited to, the development of asbestos abatement plans, site inspections, air monitoring and provisions of industrial hygiene services related to asbestos abatement;
- (9) "Authorized agent" means an officer or employee duly designated by the commissioner;
- (10) "Commissioner" means the Commissioner of Public Health; and
- (11) "Department" means the Department of Public Health.