



ASBESTOS REGULATORY CLARIFICATIONS

Toxic Substances Control Division
ARC – 007
February 2001

Subject: Amounts of Asbestos Regulated by the
 TAHPR

BACKGROUND

The Texas Asbestos Health Protection Act (TAHPA), [Tex. Rev. Civ. Stat. Ann. Art. 4477-3a], and the Texas Asbestos Health Protection Rules (TAHPR), [25 TAC Ch. 295], which are the rules adopted under the authority of the aforementioned Act, contain a definition for the term asbestos. In these regulations, the term *asbestos* is defined as *the asbestiform varieties of chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite, and all materials containing one percent or more of any of those substances*. The definition found in the TAHPR for another term, *asbestos-containing material (ACM)*, states that ACM means *materials that contain more than 1.0% of any kind or combination of asbestos*.

The two very similar amounts (one percent or more, for asbestos, and more than one percent, for ACM) mentioned in these related definitions, has led to some confusion. Further, the term *asbestos-containing building material (ACBM)* is used interchangeably in the TAHPR with the term asbestos. (ACBM is defined in the TAHPR as a type of ACM). There may appear to be a discrepancy in the TAHPR regarding the terms asbestos and ACM ($\geq 1.0\%$ as opposed to $> 1.0\%$).

RESPONSE

If a building material contains *more than 1.0%* of any kind or combination of the asbestiform minerals, whether that amount is contained within any one material component of a structure, or any layer of a material sample, that material is subject to the provisions of the TAHPR.

DISCUSSION

The term ACM, in the regulatory context of the TAHPR, means any material that contains more than one percent of any kind or combination of the asbestiform mineral substances found in nature. Any building material that contains more than 1.0 % of any kind or combination of the asbestos minerals,



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whether within any one material component of a structure, or any layer of a material sample, would be subject to the TAHPR when it is found in a public or commercial building.

FREQUENTLY ASKED QUESTIONS

1. What percentage of asbestos, when contained in a building material, would make that material subject to the TAHPR?

That amount is greater than one percent (> 1.0 %).

2. Are trace amounts up to and including one percent regulated?

No.

Agree to form and substance

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