



ASBESTOS REGULATORY CLARIFICATIONS

Toxic Substances Control Division
ARC – 006
February 2001

Subject: Clarification of the Term “Start Date” for Asbestos Abatement Projects in Public Buildings

BACKGROUND

The term *start date* in the Texas Asbestos Health Protection Rules (TAHPR) needs clarification due to the fact that the definition section gives two different meanings for the term. Definitions are provided below with portions underscored for emphasis.

Asbestos abatement start date is defined in 25 TAC §295.32 as,

- 1) *The date on which the disturbance begins.*

In that section, *asbestos abatement activity* is defined as,

- 2) *Asbestos abatement, any on-site preparations or cleanup related to the abatement.*

Under 25 TAC §295.61(a), notice must be given of such activity:

The Texas Department of Health (department) shall be notified on a form specified by the department of any asbestos abatement activity, ...

According to the first definition, the start date should be the first day of actual asbestos disturbance, excluding on-site preparations for the abatement. Under the second definition, the activity would start with preparations for the abatement, regardless if asbestos disturbance occurs. These preparations would include tasks such as installing polyethylene sheeting to create isolation barriers.

RESPONSE

The TDH interprets the start date, for the purposes of notification, to be the day actual asbestos



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disturbance begins. Notwithstanding 25 TAC §295.61(a), the TDH does not consider preparations that do not disturb asbestos to constitute the asbestos abatement *start date*.

It should be noted that on-site preparations for an asbestos abatement are a regulated activity that requires the use of TDH-licensed/registered professionals when the abatement is performed in a *public building*. However, the TDH has excluded these activities from the obligation to notify ten days prior to the *start date* in order to focus compliance inspections on abatement. Further discussion on what activities constitute on-site preparations is provided in ARC-002.

Approved:

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