

# **Asbestos Inspection Facts**

## **Code of Virginia**

Section 63.2-1811 of the *Code of Virginia* requires asbestos inspections in any building built before 1978 in which a child day center will be located. The asbestos inspections and management plans must follow the requirements of the Federal Asbestos Hazard Emergency Response Act (AHERA). The individual inspecting the building for asbestos must be licensed in Virginia as an asbestos inspector and management planner. Child day centers must ask for a copy of the inspector/management planner's current licenses.

Before a license to operate a child day center will be issued, the child day center must submit to the licensing representative a written statement from the asbestos inspector and management planner that the inspection was done according to the AHERA regulation. If asbestos is found or assumed in the building, then a management plan must be completed. Centers must keep a copy of the complete inspection report, management plan (if applicable) and written statement on site.

If asbestos is found or assumed to be in the building, the law also requires the applicant to submit a written statement that the recommendations of the management plan will be followed. The child day center is responsible for carefully reviewing the asbestos inspection report and management plan and taking appropriate actions to minimize health hazards. Child day centers located in operating public school buildings or state-owned buildings are exempt from the requirements of the Virginia Department of Social Service's law. These buildings are subject to other state and federal laws governing asbestos inspections.

## **Inspection Report**

The inspection report establishes the presence or absence of asbestos in the center. The report must be reviewed carefully. If asbestos has been detected, the report should indicate where its location and the hazard assessment of each asbestos material, including whether or not the material is friable. "Friable" is defined as material that can be crumbled or reduced to powder by hand pressure. Often non-friable asbestos can become friable if disturbed.

## **Management Plan**

When friable or non-friable asbestos is found or assumed to be present, a plan to manage the asbestos must be developed by a licensed management planner. Depending upon the hazard level, the management plan will recommend response actions.

## **Response Actions**

Response actions, as defined by the AHERA rule, fall into five main categories:

1. Operations and Maintenance (O&M) Program - program of training, cleaning, work practices and periodic surveillance to maintain asbestos containing material (ACM) in good condition, ensure cleanup of asbestos fibers previously released and prevent further

release by minimizing and controlling friable asbestos containing material disturbance. Virginia law also requires an O&M Program for non-friable asbestos containing material.

2. Repair - returning damaged asbestos containing material to an undamaged condition or to an intact state through limited replacement and patching.
3. Encapsulation - treating asbestos containing material with a liquid that, after proper application, surrounds or embeds asbestos fibers to prevent fiber release. The material may be a penetrant, which adds cohesion by penetrating the asbestos material or a bridging encapsulant, which covers the surface of the material with a protective coating. Both are applied to the surface of the material using airless equipment at low pressure in order to reduce fiber release. Paint is an example of an encapsulant.
4. Enclosure - an air-tight (or as close to air-tight as possible) barrier installed between the friable asbestos and the building environment. They are typically constructed by mechanical attachment or spray application. For example, a barrier may be constructed around asbestos fireproofing on structural members by spraying material which cures into a hard shell. According to AHERA: "Enclosure means an air-tight, impermeable, permanent barrier around asbestos containing building material to prevent the release of asbestos fibers into the air."
5. Removal - stripping asbestos containing material from its substrate. Asbestos material is separated from the underlying surface, collected and placed in containers for burial in an approved disposal site.

### **Operations and Maintenance**

Operations and Maintenance programs are designed to reduce the risk of asbestos exposure. The only way to eliminate the risk is to remove the asbestos. Removal may be risky as well as costly and time consuming; however, note the cost of removing the asbestos at a later date may be greater than at present.

If a program of encapsulation, enclosure or operations and maintenance is selected, the center should be aware that ongoing assessment or reevaluation of the risk is a necessary part of an asbestos hazard management program. Risks tend to increase over time due to natural deterioration of material.

The Operations and Maintenance Plan requires a designated person with appropriate training conduct visual inspections of the asbestos material every six months. You may provide training to your maintenance or designated staff as noted in the management plan. Many times the only required training is a two-hour asbestos awareness video-course; contact your licensing specialist for more information. Forms to document these six-month visual inspections are usually provided with the Operations and Maintenance Plan. After completing the six-month visual inspections, documentation of these inspections should be filed with your management plan at your facility.

### **Removal of Asbestos**

Child day centers should not undertake removal of asbestos without first checking with a licensed asbestos contractor. In addition to the health and safety risks, there are federal and state

laws and regulations that apply to asbestos removal, asbestos disposal and transportation. It is recommended that the child day center or building owner check with the Department of Professional and Occupational Regulation and the Division of Occupational Safety and Health of the Department of Labor and Industry.

### **Requirements for Written Statement from Asbestos Inspector**

The written statement prepared by the licensed asbestos inspector and management planner which is submitted to the licensing representative must include:

1. Verification that the building in which the child day center is located was inspected for asbestos according to the requirements of the Asbestos Hazard Emergency Response Act - 40 CFR Part 763 - Asbestos Containing Materials in Schools; and either;
  - A. No asbestos was detected or
  - B. Asbestos was detected and response actions to abate any risk to human health have been completed or
  - C. Asbestos was detected and response actions to abate any risk to human health have been recommended in accordance with a specified schedule and plan pursuant to applicable state and federal statutes and regulations
2. The date of the inspection
3. Signature of the licensed asbestos inspector and management planner, including copies of the Virginia licenses
4. If asbestos is found or assumed, the statement shall include:
  - A. The location of any significant hazard areas
  - B. Verification of completion of the management plan
  - C. Response actions recommended by the inspector and
  - D. Verification that response actions have been completed, if applicable

The complete inspection report and management plan, including the operations and maintenance plan, must be prepared and submitted by the inspector/management planner to the applicant for licensure.