

COMPARATIVE ANALYSIS

PROPOSED NEW RULE 1206 – ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION

Statutory Requirements

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. As part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed new Rule 1206 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category.

Analysis

Proposed new Rule 1206 applies to owners and operators of any renovation or demolition operation. Its intent is to minimize asbestos fiber exposure from renovation and demolition activities. The rule is based on the federal Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP).

The federal regulation is administered locally by the District through existing Rules 361.140-361.156 (National Emissions Standards for Asbestos), adopted in 1995. Since then, the EPA has made numerous amendments and determinations to clarify the federal regulation, resulting in the District rules becoming outdated. Proposed new Rule 1206 was developed to reflect these federal updates in a clear and comprehensive manner. The proposed new rule will replace existing Rules 361.140-361.156, which apply to the same operations. As a result, there will be no conflict with proposed Rule 1206 and either federal regulations or other District rules.

Proposed new Rule 1206 more clearly defines terms, better explains inspection and reporting requirements, clarifies when a renovation or demolition is subject to the requirements, and specifies work practice requirements to limit asbestos exposure. Additionally, to better protect public health, the applicability threshold would decrease from 160 square feet to 100 square feet of regulated asbestos-containing material to be removed.