Regulatory Advisory

AMENDMENTS TO THE ASBESTOS REGULATION FOR SURFACING APPLICATIONS

What is the purpose of this regulation?

At its July 2000 public hearing, the California Air Resources Board (ARB) approved amendments to the Asbestos Airborne Toxic Control Measure (Asbestos ATCM) for Surfacing Applications. The Asbestos ATCM was amended to reduce the public's exposure to emissions of asbestos from unpaved surfaces.

Why is asbestos of concern?

Asbestos occurs naturally in ultramafic rock (which includes serpentine). When this material is used in unpaved surfacing and disturbed by vehicles and other means, dust containing asbestos can be generated. Exposure to asbestos can result in health ailments, such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing).

Why was the Asbestos ATCM amended?

Since the 1990 adoption of the Asbestos ATCM, information has shown that the public was being exposed to elevated levels of asbestos from sources such as unpaved surfaces, construction and grading operations, and quarries. To address these elevated levels of asbestos from unpaved surfaces, the ARB adopted the amended Asbestos ATCM for Surfacing Applications.

To whom does the amended Asbestos ATCM apply?

The amended Asbestos ATCM applies to any person who sells, supplies, offers for sale or supply, transports, or applies "restricted material." Restricted material includes ultramafic rock and serpentine rock; any material extracted from a region defined on geologic maps as an ultramafic rock unit, and any material that has been tested and found to have an asbestos content of 0.25 percent or greater.

What are the basic requirements of the amended Asbestos ATCM?

The amended Asbestos ATCM prohibits the sale or use of restricted material for unpaved surfacing unless it has been tested and found to have an asbestos content that is less than 0.25 percent. The test method required to determine the asbestos content is either ARB Test Method 435 or a method approved by the Executive Officer of the ARB. If restricted material is being sold or supplied for surfacing purposes, the producer of the material (quarry operator) must provide the recipient the following information: the amount of material sold or supplied, the dates the material was sold or supplied, sampled and tested, and a statement verifying that the asbestos content of the material is less than 0.25 percent. Anyone who sells or supplies restricted material, but did not extract the material from the ground, must provide all of the

above information with the exception of the date that the material was sampled and tested. If restricted material is being sold or supplied for non-surfacing purposes – such as fill or base – the supplier must notify the recipient with a warning statement that the material may contain asbestos (exact wording is specified in the ATCM).

Recordkeeping and Reporting Requirements

The amended ATCM requires any person who uses or applies restricted material to maintain copies of all receipts and records for a period of seven years. Any person transporting restricted material must keep a copy of any receipt with the material during transit. Any person who sells or supplies restricted material must maintain all receipts and test records for seven years from the date of sale. The air pollution control officer of the district may review any of the above information upon request.

What are the exemptions?

The amended ATCM contains 11 exemptions; six of which carried over from the 1990 Asbestos ATCM. The carried over exemptions address sand and gravel operations, roads located at quarries and mines, maintenance operations on existing roads, emergency road repairs, asphalt and concrete materials, and landfill operations. The five new exemptions address the results of a geologic evaluation, steep surfaces with limited access, surfacing applications in remote locations, roads located at construction sites (which is covered in the ATCM for Construction, Grading and Quarrying and Surface Mining Adopted by the Board in July 2001), and riprap.

Are there other requirements?

The amended ATCM also clarifies the district authority to require a geologic evaluation for the presence of rocks that may contain asbestos and the authority to require testing of any aggregate material for its asbestos content. This authority would typically be exercised if there is credible evidence indicating the potential presence of asbestos outside of an ultramafic rock unit.

When does this regulation go into effect?

The effective date of this regulation in all air districts is November 13, 2001.

For more information

To obtain a copy of the regulation, ARB staff report, and other related documents, visit our web site at *http://www.arb.ca.gov/toxics/asbestos.htm*. If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916. Persons with hearing or speech impairments can contact us by using our Telephone Device for the Deaf (TDD) at (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento Area. Additional questions may be addressed to Mr. James McCormack of the Stationary Source Division at (916) 322-1617.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site: www.arb.ca.gov.