



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 3 1995

John Polich, P.E., President
Gabriel Environmental Services
1421 North Elston Ave.
Chicago, IL 60622

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Polich:

This letter replies to your inquiry of December 21 regarding the applicability of the Asbestos Model Accreditation Plan (MAP) training requirements to persons who conduct the asbestos portion of environmental assessments. Each of the questions you posed are answered in turn below.

- 1) Are assessors required to be certified under the new MAP even if they do not collect asbestos samples? Section 206(b)(1)(A) of the Toxic Substances Control Act (TSCA) stipulates that "persons who inspect for asbestos-containing material in school buildings under the authority of a local education agency or in public or commercial buildings" must be accredited. As the regulation implementing this mandate, the MAP (59 FR 5236) then defines an asbestos "inspection" as "...an activity undertaken in a school building, or a public and commercial building, to determine the presence or location, or to assess the condition of, friable or non-friable asbestos-containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of such material." You have indicated that a "typical phase I environmental assessment" includes the identification of asbestos-containing material (ACM) and assessing its condition. Where this is the case, and the assessment is being performed in a regulated school or public and commercial building, both the statute and the regulation explicitly require that such an activity be conducted by a properly trained and accredited person, whether or not the person is actually collecting samples.
- 2) Would sampling be required to confirm all possible ACM in a Phase I Assessment, or minimally, all deteriorating possible ACM? The MAP, as a training and accreditation standard, does not contain nor impose any mandatory inspection or sampling requirements. The MAP does stipulate, however, that if a person is sampling, or otherwise conducting an "inspection" activity, that such a person must be accredited to do so.

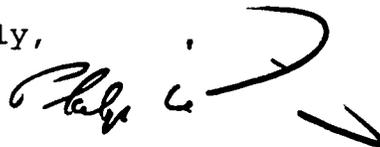


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- 3) Are there conditions in which a Phase I Assessor could conduct such an assessment, and comment on the asbestos or lack of asbestos at a site, and not have to be an accredited inspector? When a person is conducting an "inspection" activity (e.g., identifying, locating or assessing ACM) in a regulated school or public and commercial building, the person is subject to the MAP accreditation requirement. Conversely, when a person is conducting an "inspection" activity in a building other than a school or public and commercial building (e.g., a private home, or a residential apartment building of fewer than 10 dwelling units), the person is not subject to the MAP accreditation standard.

Thank you for writing and seeking clarification of these points. If I can be of further assistance, please call me at (312) 353-9062.

Sincerely,



Philip W. King
Chemical Management Division (7404)
Office of Pollution Prevention
& Toxics

cc: Brion Cook
Tony Restaino
Terry Stanuch

December 21, 1994

Mr. Philip King - SP-14J
Asbestos Control Unit
USEPA
777 West Jackson
Chicago, Illinois 60604-3590

Subject: Phase I Environmental Inspection and the New MAP Plan

Per my discussion with Terry Stanuch, we are writing to clarify whether the new Asbestos Model Accreditation Plan (MAP) requires that only accredited asbestos inspectors conduct the asbestos inspection portion of a typical Phase I Environmental Assessment.

In nearly all such Phase I inspections, lenders either specially mandate, or expect, that the inspections will include, at a minimum, a general review of the site's potential to have asbestos related problems. Gabriel's policy, typified by most lenders expectations, is to identify potential ACM, and to specifically point out likely ACM that is in deteriorating condition. (Attached is a typical report section).

Some lenders mandate samples be taken of potential ACM that is deteriorating, and some require sampling all potential ACM. (See attached typical lender required outline for ACM).

Given the above, our request for clarification from your office a follows:

- 1) In a typical Phase I Environmental Assessment such as what I have described, are the assessors required by the new MAP to all be certified?

If so, this requirement hold even if all the inspector is doing is commenting on the possible ACM material, and not actually taking any samples?

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- 2) Would actual sampling be required to confirm all possible ACM in a Phase I Assessment, or, minimally, all deteriorating possible ACM?
- 3) Are there any conditions in which a Phase I Assessor could conduct such an assessment, and comment on the asbestos or lack of asbestos a site, and not have to be an accredited inspector?

Your earlist review and reply would be appreciated.

Sincerely,



John Polich, PE
President

Gabriel Environmental Services



1.5 ACRES OF LAND BETWEEN
CHICAGO, ILLINOIS
DECEMBER 21, 1994

*Typical
Subriel
Phase 1 Report -
Asbestos
Section*

III. Regulatory Status and Environmental Conditions

B. Asbestos

The site was inspected for asbestos in accordance with the USEPA guidelines set forth in the "Guidance for Controlling Asbestos Containing Materials In Buildings" issued in 1985. The purpose of this segment of our inspection was to identify the extent to which asbestos containing materials (ACM) were used, or subsequently added in the construction of the facility surveyed. It was the intention of our survey to only assess materials that are, or could become friable (as being crumbled, pulverized, or reducible to a powder with hand pressure), and thus pose as a direct liability to the property. As a result, we have made no mention of items such as plaster, cement, or roofing materials.

This inspection only covers building materials readily visible and accessible to our surveyor. This is not to be construed as a thorough asbestos inspection of this site under ASHARA (Asbestos School Hazard Abatement Reauthorization Act) guidelines.

At the time of this inspection, one type of possible asbestos containing material was noted. This was the twelve inch square floor tiles in the small office of the building. (see Site Photographs in Appendix I). Since the 1920s, asbestos mixed with asphalt and vinyl-based products created numerous varieties of linoleum and tile flooring. The mastic used to apply the tiles is also likely to contain asbestos fibers. The majority of the floor tile was in good condition at the time of this inspection. Although not in a friable state as is, asbestos flooring is likely to become friable when broken, scraped or sanded. If future plans are for removal of the tile, or it becomes severely damaged, sampling and analysis should be performed to ascertain asbestos content.

Thermal insulating materials noted on site were composed of fiberglass.

Typical Phase 1
Levee 2
Requirement
Asbestos

If the engagement specifies the Scope of Work as "Phase I Site Assessment," the consultant shall perform all the elements of the "Records Check" and, in addition:



The consultant will inspect the subject property for visual evidence of asbestos-containing materials. This inspection will be based on the guidelines set forth by the U.S. Environmental Protection Agency's Guidance for Controlling Asbestos-Containing Materials in Buildings.

If suspect ACMs or LHMs are to be sampled and tested, that requirement will be specified in the consultant's engagement letter, or the consultant may be authorized in general to sample suspect materials if deemed necessary.

