



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

JUN 23 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Kurt C. Jones, Manager  
Technical Services  
ANCO Industries, Inc.  
P.O. Box 83730  
Baton Rouge, LA 70884-3730

Dear Mr. Jones:

Your letter to Susan Hazen dated April 21, 1994, was referred to this office for reply. In this letter, you had requested a clarification of whether the Asbestos Model Accreditation Plan (MAP) (40 CFR part 763, Appendix C to Subpart E) required that a design plan be prepared by an accredited project designer before covered response actions begin inside a school or public and commercial building. If required, you further asked whether the building owner or the contractor would be in non-compliance where the mandatory design plan did not exist.

Section 206 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2646, mandates that persons who design or carry out response actions in schools or public and commercial buildings be accredited. The MAP, for its part, stipulates that a person must be accredited as a project designer to design any of the following activities with respect to friable ACBM in a school or public and commercial building: (1) a response action other than a SSSD maintenance activity, (2) a maintenance activity that disturbs friable ACBM other than a SSSD maintenance activity, or (3) a response action for a major fiber release episode (see Unit I.B.5. of the MAP). Neither TSCA section 206 nor the MAP mandate that a written design plan be prepared for a covered response action. If a building owner chooses to have a design plan prepared, however, the plan must be prepared by an accredited project designer.

Although written design plans are not mandated for covered response actions, we cannot recommend them strongly enough. To undertake a response action in a school or public and commercial building without the benefit of a written design plan to guide the work in progress is not only highly imprudent, but may unnecessarily expose the public to an asbestos fiber release and/or the building owner to certain liabilities.



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Thank you for writing to seek clarification of this issue. If we can be of further assistance, please contact Phil King, of my staff, at (202) 260-0961.

Sincerely,



Linda Vlier Moos, Deputy Director  
Chemical Management Division (7404)

cc: Diane Sheridan  
Paul Matthai  
Mary Gleaves  
Cindy Fournier  
Tom Ripp  
Bob Jordan  
Phil King  
Asbestos Coordinators, Regions I - X