



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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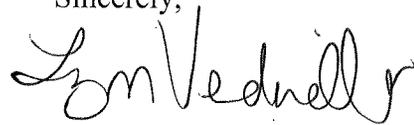
Dear Dr. Twilley,

Thank you for your letter sent on Oct. 8th, 2010. In your letter you asked whether new floor tile recently installed in a school building is an asbestos-containing material (ACM) by the definitions established in the Toxic Substances Control Act (TSCA), the Asbestos Hazard Emergency Response Act (AHERA), and National Emissions Standard for Hazardous Air Pollutants (NESHAP) regulations for asbestos (40 CFR Part 61, Subpart M) and in the context of Federal Register Notice on July 29th, 1994, titled *Improved Asbestos Bulk Sample Analysis Test Method*. The Environmental Protection Agency (EPA) considers the floor tile described in your letter to be asbestos-containing material under AHERA (40 CFR Part 763, Subpart E). For an interpretation on this material pursuant to the asbestos NESHAP, please contact Everett Bishop with EPA's Office of Enforcement and Compliance Assurance at 202-564-7032.

Although polarized-light microscopy (PLM) pursuant to analysis under the method titled *Interim Method of the Determination of Asbestos in Bulk Insulation Samples* (40 CFR Part 763, Subpart E, Appendix E) yielded a non-detect result, the transmission electron microscopy (TEM) analysis performed via the EPA method titled *Method for the Determination of Asbestos in Bulk Materials* (EPA/600/R-93-116) yielded an asbestos content at greater than 1 percent. As stated in the 1994 Federal Register notice titled *Improved Asbestos Bulk Sample Analysis Test Method*, EPA recommends the use of the updated method to yield more precise analytical results, especially at low asbestos concentrations, and to help rule-out false negatives when performing analysis on floor tile.

If you have any further questions, please contact Robert Courtnage of my staff at 202-566-1081.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Vendinello". The signature is written in a cursive style with a large, prominent initial "L".

Lynn Vendinello, Chief
Fibers and Organics Branch
National Program Chemicals Division
Office of Pollution Prevention and Toxics