

April 1, 2015 – Testimony to Senate Committee on Health Care, Re: Asbestos and Lead in Neighborhood Demolitions. Who is looking out for Public Health?

My name is Sharon Genasci, I live at 2217 NW Johnson St., Portland, Oregon. I am Chair of the Northwest District Association Air Quality Committee in Portland, testifying today on behalf of UNR, (United Neighborhoods for Reform) about asbestos and lead emissions in unregulated demolitions. Based on our research Oregon's legislature has jurisdictional authority to create hazmat policies for house demolition sites, including inspecting, monitoring and enforcement for asbestos and lead.

A survey by the National Association of Clean Air Agencies (NCAA) wrote in December 4, 2014: **“The Clean Air Act explicitly allows state and local air pollution control agencies to adopt programs more stringent than those of the federal government. Specifically, Section 1216 states that air quality agencies are not precluded from adopting or enforcing any standards, limitations or requirements as long as they are at least as stringent as those required under the federal program.”**

Over the past three years Portland has issued 752 demolition permits. The actual number of demolitions is much higher. Unregulated demolitions occur throughout Portland neighborhoods. Neighbors living near the demolitions are increasingly alarmed at asbestos and lead emissions. The question is, who is looking after public health from unregulated demolitions in Portland?

Oregon's Lane County, other Oregon cities and Southwest Clean Air Agency in Washington have adopted rules for asbestos-containing materials and lead based paint in demolitions. I have here a list of Lane County regulations and asbestos demolition guidance from SW Clean Air Agency in Washington.

Developers currently profiting from the demolitions should pay a fee for accredited inspectors to ensure that all regulations are followed. Public health costs should be a consideration in setting the fees.

I attended a memorial in London two years ago for a dear friend, a fine architect, known for his work on the Ashmolean Museum at Oxford. He died of Mesothelioma from exposure to asbestos. He was exposed during the interior demolition of a house he was remodeling for himself about 35 years ago. He was at the top of his career, took excellent care of himself, and was well loved by friends. If demolitions are properly monitored and the air toxics abated, all of us, developers workers and neighbors will benefit.

Thank you.



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## Asbestos Demolition

### Guidance for Demolition or Renovation of Structure(s) or Area(s)

There are asbestos requirements that must be followed during the demolition or renovation phase(s) of any project. The Southwest Clean Air Agency (SWCAA) would like to make the following mitigating comments based on SWCAA 476 (Standards for Asbestos Control) and 40 CFR Part 61, Subpart M (Federal Asbestos Requirements). These requirements have been summarized below:

1. Prior to demolition or renovation of a structure, a thorough asbestos inspection must be conducted by an AHERA certified inspector in order to ascertain the presence of asbestos containing material (ACM) in all affected structure(s) or area(s). A copy of the AHERA asbestos inspection report must be posted for viewing at the project site.
2. **If the asbestos inspection reveals ACM to be present in the affected structure(s) or area(s):**  
ACM must be removed by AHERA certified personnel in full accordance with the Southwest Clean Air Agency's (SWCAA) Regulations SWCAA 476 (Standards for Asbestos Control) and with 40 CFR Part 61 Subpart M (National Emission Standards for Asbestos). A **Notification of Demolition and Renovation** (PDF), a **Notice of Intent to Remove or Encapsulate Asbestos** (PDF) and a copy of the AHERA asbestos inspection report for each structure are required and must be submitted to SWCAA for approval. There is a 10 business day waiting period from the time the notices are submitted before asbestos removal, structure demolition or structure renovation can begin. All asbestos must be completely removed from the affected structure(s) or area(s) prior to structure demolition or structure renovation taking place.
3. **If the asbestos inspection does not reveal ACM to be present in the affected structure(s) or area(s), and the structure is to be demolished:**  
A Notice of Intent to Remove or Encapsulate Asbestos would not be required. A **Notification of Demolition and Renovation** (PDF) and a copy of the AHERA asbestos inspection report are required and must be submitted to SWCAA. There would be a 10 business day waiting period from the time the notification is submitted before the demolition can start.
4. **If the asbestos inspection does not reveal ACM to be present in the affected structure(s) or area(s), and the project involves only renovation:**  
A Notice of Intent to Remove or Encapsulate Asbestos would not be required. A Notification of Demolition and Renovation would not be required.

You may contact SWCAA at 360-574-3058 for more information on asbestos requirements.



## Important Information Regarding Demolition & Remodel Work

LAND MANAGEMENT DIVISION 3050 N DELTA HYW, EUGENE OR 97408

### Rules Governing Asbestos-Containing Materials (ACM):

- Lane Regional Air Protection Agency requires a survey for ACM by an accredited asbestos inspector prior to any renovation or demolition activities. A copy of that survey report must remain on site during any demolition or renovation activity.
- The State of Oregon and Lane Regional Air Protection Agency require all ACM to be abated by a licensed asbestos abatement contractor prior to renovation or demolition activities that would disturb any ACM, with few exceptions.
- For information concerning exceptions or other clarifications, please contact the Lane Regional Air Protection Agency at (541) 736-1056 prior to commencing work.

### Laws Governing Lead-Based Paint (LBP):

- Starting in April 2010, federal law requires all contractors who renovate "target housing" or "child-occupied facilities" be licensed for that work. "Target housing" is housing built before 1978. "Child-occupied facilities" are places frequented by children ages six and under. "Renovation" includes the following.
  1. Removing, modifying or repairing painted surfaces.
  2. Removing building components like walls, plumbing or windows.
  3. Window replacement.
  4. Weatherization projects.
  5. Work that disturbs painted surfaces.

The federal law is intended to protect individuals from possible lead exposure. The federal law does not require proof buildings contain lead-based paint (LBP). Instead, it assumes *possible* exposure from renovating certain buildings.

- To satisfy the federal law, the Oregon Legislature passed HB 2134 (2009). This law creates a "certified LBP renovation contractor" license. To qualify for the Certified LBP Renovation Contractors License (LBPR), an owner or employee of a business licensed through the Construction Contractors Board (CCB) must take the required Renovation, Repair and Painting (RRP) training and receive a completion certificate. Contact the State of Oregon CCB for more information on obtaining LBPR certification.
- Performing work on subject structures without a LBPR license after April 22, 2010, will subject the contractor to the possibility of severe state and federal civil penalties.

### Inspection Protocol for Removal of an Entire Structure:

- All debris shall be kept on the subject tax lot, until disposed of in an approved manner.
- Existing water and sewer lines are to be capped per Oregon Plumbing Specialty Code. Any abandoned septic systems are to be decommissioned in accordance with OAR 340-071-0185.
- Once demolition is complete and piping is capped, the permit holder shall call for final inspection.

### Inspection Protocol for Remodel Work:

- The permit holder shall request the required inspections listed in the permit packet as project progress allows.
- Should unforeseen conditions or unexpected challenges necessitate an alteration to the approved permit documents, the permit holder shall notify the Building Program before proceeding with work. Any changes to the permit documents will need to be reviewed and approved prior to the work being inspected.

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