

Arizona Healthcare

Pollution Prevention Workshop

**Asbestos Liability Management
For Healthcare Facilities**



Discussion Issues

- OSHA Compliance
- MAP Compliance
- NESHAP Compliance
- Current Issues
- Tort Issues



OSHA Compliance

- Initial Owner Responsibilities
 - Asbestos inspection
 - PACM and “due diligence”
 - Notifications
 - Outside contractors
 - In-house maintenance workers
- Oversight of Class III work in-house
- Exposure Assessments



MAP Compliance

- EPA certifications for people who inspect for asbestos, and who design and conduct response actions.
- Inspections
- “Response Actions”
 - Project Designer
 - Contractor / Supervisors
 - Administtrate two contracts



NESHAP Compliance

- Thorough inspection
- Maintain notifications and “WSR’s”
 - Illegal waste site issues
 - Work with a good consultant
 - Qualify contractors



Current Issues

- Asbestos products still available
- VAT
 - Analytical issues
- ACM Contaminated products
 - Fibrous amphiboles
 - Analytical issues



Tort Issues

- Claims of exposure
- Class action lawsuits
 - Hospitals as targets
- No visible presence
 - Night work
 - Clearance every shift
 - Maintain air monitoring data
 - Always specify negative pressure



CONCLUSIONS

All of your facilities have ACM in place.

Asbestos control, including potential exposures, health effects, construction remodel issues, maintenance issues, specifications, worker protection and certified people, is heavily regulated by federal regulation from EPA and OSHA.



There is no valid question about whether there is a disease potential from the amount of exposure that would result from replacing ACM floor tile, for example.

The regulations are meant to be pro-active controls to avoid exposure. We cannot cure the disease once it is diagnosed. However, the diseases are dose-response related, therefore they are preventable.

Building owners will always be the basic responsible (and liable) party.



Primary Federal Regulations for Asbestos in facilities:

- OSHA at 29 CFR 1926.1101
- OSHA at 29 CFR 1910.134
- EPA NESHAP at 40 CFR 61, Subpart M
- EPA AHERA at 40 CFR 763, Subpart E
- EPA MAP at 40 CFR 763, Appendix C
to Subpart E



Questions?

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