State of Oregon Department of Environmental Quality and
Lane Regional Air Protection Agency

Notice of Proposed Rulemaking

` September 4th, 2026

Title 43 Asbestos Requirements Amendments 2026

Lane Regional Air Protection Agency (LRAPA) is amending Title 43 Asbestos Requirements and requests public comments and will hold a public hearing, **October 8th, 2026**, at 12:15pm at LRAPA's Board of Director's Meeting

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Introduction

LRAPA and DEQ invite public input on the proposed updates to LRAPA's Title 43 Asbestos Requirements Rules. These updates include permanent rule amendments to LRAPA Rules and Regulations.

Request for other options

During the public comment period, LRAPA staff asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' potential negative economic impact on business.

Overview

Short summary of proposed rule changes

LRAPA proposes to update Title 43 Asbestos Requirements to improve clarity, consistency, and alignment with federal regulations and Oregon Department of Environmental Quality standards.

The proposed changes fall into three categories:

- **Formatting and consistency changes**: Updates to section numbering, terminology standardization (replacing "shall" with "must" or "may"), and formatting improvements to enhance rule clarity and readability.

- **Technical clarifications**: Refinements to notification requirements, exemption criteria, recordkeeping standards, and fee structures to eliminate ambiguity and ensure consistent interpretation.

- **Substantive improvements**: Updates to align with current federal asbestos regulations (40 CFR Part 61), clarification of renovation versus demolition requirements, and enhanced requirements for owner-occupant exemptions.

Background:

LRAPA's Title 43 Asbestos Requirements regulate the handling, removal, and disposal of asbestos-containing materials to protect public health and air quality. These rules must remain consistent with federal National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements and coordinate with Oregon DEQ's asbestos program.

Key changes include:

- Renumbering all sections from 43-0XX format to 43-00XX format for consistency with LRAPA's overall rule structure

- Converting fee schedules to table format and relocating to the end of the title for easier reference and amendment
- Extending recordkeeping requirements from two years to five years to match requirements in other LRAPA titles
- Clarifying exemptions for owner-occupant renovations to prevent misuse while maintaining appropriate flexibility
- Clarifying full enclosure requirements for friable abatements and use of 6mil plastic unless receiving a variance
- Updating notification thresholds to align with current federal interpretations
- Adding explicit requirement for fee table submission with notifications

Affected parties:

These rule changes would affect asbestos abatement contractors, building owners, residential homeowners, demolition contractors, renovation contractors, and property managers conducting work involving asbestos-containing materials in Lane County.

Effects on fees:

The proposed rules reorganize the fee structure into table format but do not change fee amounts. The reorganization will make the fee schedule easier to reference and update in future rulemakings.

Procedural summary

More information

Information about this rulemaking is on LRAPA's web page: www.lrapa-or.gov

Public Hearings

LRAPA is requesting authority to act as hearings officer and staff plan to hold one public hearing. Anyone may attend the hearing in person, or by webinar.

Date: October 8th, 2026

Start time: 12:15pm

Street address: 1010 Main Street

Room: LRAPA Conference Room

City: Springfield, Oregon 97477

Webinar link:
https://teams.microsoft.com/meet/292371838209897?p=P57RIL9rVTRGzZPTJq

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rule changes. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules received in writing by **October 15, 2026 at 5pm** along with oral comments made at the time of the public hearing.

Submit comments online

Any person may submit comments by emailing to rules@lrapa-or.gov..

By mail

LRAPA
Attn: Colleen Wagstaff
1010 Main Street
Springfield, OR 97477

Oral comments at the hearing

October 8th, 2026 at 12:15pm at LRAPA boardroom 1010 Main St. Springfield, OR 97477

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or updates about this rulemaking or other agency activities by joining the General News & Updates email listserv: https://www.lrapa-or.gov/air-quality-protection/public-calendar/sign-up-for-updates/

What will happen next?

Following the public comment period and hearing, LRAPA staff will prepare a written response to comments. LRAPA staff may modify the proposed rule based on comments and

consistent with the scope of this rulemaking notice. The LRAPA Board will then consider adoption of the rule changes at its meeting on **November 12th, 2026.**

Following adoption by the LRAPA Board, LRAPA will submit the adopted rules to the Environmental Quality Commission (EQC) for approval. LRAPA intends to submit the Board-adopted rules to the EQC sometime after **November 12th, 2026.**

Statement of need

What need would the proposed rule address?

The current Title 43 Asbestos Rules contain inconsistencies in formatting, terminology, and organization that can create confusion for regulated entities and make the rules more difficult to administer and enforce. Additionally, some provisions require clarification to ensure alignment with current federal asbestos NESHAP requirements and to address ambiguities that have emerged through implementation.

Specific needs include:

1. Formatting and structural consistency: The current rules use inconsistent section numbering (43-0XX vs. 43-00XX format), inconsistent terminology ("shall" vs. "must"), and have fees embedded within rule text rather than organized in tables. This makes the rules harder to navigate and amend.

2. Recordkeeping alignment: Current recordkeeping requirements vary between two and five years depending on the section, creating confusion and inconsistency with recordkeeping requirements in other LRAPA titles.

3. Federal regulation alignment: Some rule provisions reference outdated or incomplete federal regulatory citations. Direct incorporation of current federal requirements will improve clarity and ensure continued federal approval.

4. Clarification of exemptions: The owner-occupant exemption provisions need clarification regarding properties intended for rental or commercial use after renovation, which has been a source of confusion and potential misuse.

5. Notification threshold clarity: The term "small-scale" in notification requirements has been interpreted inconsistently. Removal of this qualifier will align LRAPA's rules with DEQ language and current federal interpretations.

6. Fee table submission requirement: While fee tables are required with notifications, this is not explicitly stated in the current rules, leading to incomplete submissions.

7. Administrative efficiency: The current organization of fees within narrative text makes them difficult to reference and cumbersome to update in future rulemakings.

How would the proposed rule address the need?

The proposed rule changes address these needs through the following modifications:

1. Structural and Formatting Improvements

- Renumber all sections from 43-0XX format to 43-00XX format (e.g., 43-001 becomes 43-0001) for consistency with LRAPA's overall numbering system.
- Replace "shall" with "must" or "may" throughout to use modern, clearer regulatory language.
- Standardize capitalization of "Board," "Title," and "Section" references.
- Apply consistent number formatting (write out numbers under ten followed by the numeral in parentheses; use only numerals for ten and above).
- Update all DEQ rule references to current citations as applicable.
- Add "section" before section references for clarity.

2. Fee Structure Reorganization

- Convert fee list in sections 43-015-10.A.(1) and (2) to table format (new section 43-8010 Table 1).
- Move fee table to end of title for ease of reference and future amendments.
- Explicitly require submission of fee table with notifications (new section 43-0030(3)).
- Remove description of "Residential Building" from fee section since definition is provided elsewhere in rules.

3. Recordkeeping Standardization

- Update recordkeeping requirements in sections 43-015-1.E. and 43-015-3.F. from two years to five years to match requirements in section 34-016 and other LRAPA titles.

4. Federal Regulation Alignment

- Remove reference to OAR 340-248-0230 in section 43-015-5 and adopt by reference 40 CFR 61.155 for asbestos to non-asbestos conversion operations to ensure direct alignment with current federal standards.
- Update all references to federal regulations as needed for current accuracy.

5. Notification and Exemption Clarifications

- Remove "small-scale" qualifier from notification language in section 43-045(3) to align with DEQ language and eliminate ambiguity. All friable projects less than 40 square feet or 80 linear feet now clearly meet the threshold regardless of whether asbestos removal is the primary purpose, consistent with how the rule has been interpreted.
- Add "renovation" to work practice requirements throughout to clarify that requirements apply to both demolition and renovation projects.
- Clarify owner-occupant exemption in section 43-015-8.A. (now 43-0035(2)) by:
- Specifying "owner-occupant" rather than just "owner" to prevent commercial entities from claiming the exemption.
- Adding "or intended to be used" language to account for properties that will become rental or commercial properties after renovation.
- Merging subsections with the same qualifying condition (old A(1) and A(2)) to simplify the exemption structure.
- Remove duplicate requirement regarding "open storage or open accumulation of friable asbestos material" (old section 43-015-8.B.).

6. Administrative Clarifications

- Make leading sentence in section 43-015-8 a subsection (now 43-0035(1)) for better organization.
- Move OSHA jurisdiction note from section 43-015-8 to General Provisions section (43-0010(4)) for more logical placement.
- Combine paragraphs in section 43-015-6.B. that contain requirements for the same project types to reduce redundancy.
- Clarify in multiple sections that requirements apply to "renovation" in addition to demolition to eliminate ambiguity about scope.
- Clarify expectation that all friable abatements are to begin as full enclosures with 6mil plastic unless receiving a variance.

7. Minor Technical Corrections

Throughout the title, apply minor non-substantive formatting changes for consistency and readability.

How will LRAPA know the rule addressed the need?

LRAPA will evaluate the success of these rule changes through:

1. Reduced confusion and inquiries: Fewer questions from regulated entities about notification thresholds, exemption applicability, and recordkeeping requirements will indicate improved clarity.

2. Improved compliance rates: More complete and accurate initial notifications, with proper fee tables included, will demonstrate that requirements are clearer.

3. Consistent enforcement: Elimination of ambiguous language will enable more consistent application of requirements across different project types and situations.

4. Administrative efficiency: Reorganized fee structure will streamline future fee updates and reduce time spent navigating rules.

5. Federal approval maintenance: Continued EPA approval of LRAPA's asbestos program as meeting federal NESHAP requirements will confirm adequate alignment.

6. Stakeholder feedback: Positive feedback from asbestos contractors, building owners, and other regulated entities about improved rule clarity and usability.

Federal relationship

ORS 183.332, ORS 468A.327 and OAR 340-011-0029 require DEQ, and in some cases LRAPA, to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. This section complies with those statutes and rules to clearly identify the relationship between the proposed rule changes and applicable federal requirements.

The proposed rules are not different from or in addition to federal requirements. LRAPA's asbestos program operates under delegation from the Environmental Protection Agency (EPA) to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos under 40 CFR Part 61, Subpart M. The proposed rule changes are primarily organizational, clarification, and formatting updates that maintain alignment with federal asbestos NESHAP requirements.

What alternatives did LRAPA consider if any?

LRAPA considered not proposing these rule amendments and maintaining the current Title 43 structure. However, this alternative would not address the identified needs for improved

clarity, consistency, and alignment with current federal standards. The organizational and clarification changes in the proposed rules will benefit regulated entities by making requirements easier to understand and follow, while maintaining all necessary protections for public health and the environment.

Rules affected, authorities, supporting documents

ORS 183.335(2)(b)

Lead division

LRAPA Asbestos Division

Program or activity

LRAPA Asbestos Program

Chapter 340 action

No OAR action required. This is a non-SIP rulemaking.

Other Authority

LRAPA action: LRAPA proposes to amend the following rules in Title 43 Asbestos Requirements:

Adopt				
43-0020	43-0025	43-0030	43-0035	43-0040
43-0045	43-0050	43-0055	43-0060	43-8010 Table 1
Amend				
43-005	43-0010	43-0015		
Renumber				
43-001 to 43-0001	43-002 to 43-0002	43-005 to 43-0005	43-010 to 43-0010	43-015 to 43-0015
Repeal				
43-015-1	43-015-2	43-015-3	43-015-4	43-015-5
43-015-6	43-015-7	43-015-8	43-015-9	43-015-10
43-015-11	43-015-12	43-015-13	43-015-14	43-015-15

43-015-16	43-015-17	43-015-18	43-015-19	43-015-20

The notice must list the authorizing statutes, and the statutes implemented. These statutes are listed at the end of each rule in this format:

The authorizing statute gives LRAPA the authority to develop a rule on that topic. The statute being implemented is the specific state statute.

Statutory authority - ORS

Statutory Authority - ORS				
468.020	468.065	468A.035	468A.135	

Statutes implemented - ORS

Statutes Implemented - ORS				
468A.700	468A.760			

Documents relied on for rulemaking

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=80
Oregon Revised Statutes	https://www.oregon.gov/deq/Regulations/Pages/statutes.aspx
LRAPA Rules and Regulations	https://www.lrapa.org/air-quality-protection/about-lrapa/regulations-rules/

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

LRAPA Title 43 Asbestos Requirements

Rule Number	Rule Title	Explanation
43-0001	Policy	Renumbered from 43-001 for formatting consistency; housekeeping changes including "shall" to "must"
43-0002	Applicability	Renumbered from 43-002 for formatting consistency; updated section references
43-0005	Definitions	Renumbered from 43-005 for formatting consistency; added new definitions for "unforeseen emergency" and "visible emissions"; removed redundant definitions; updated terminology
43-0010	General Provisions	Renumbered from 43-010 for formatting consistency; added prohibition on sanding/grinding asbestos without proper handling; incorporated Oregon OSHA jurisdictional note from former 43-015-8
43-0015	Emission Standards and Procedural Requirements: Asbestos Requirements for Mills, Roadways and Parking Lots, and Manufacturing Operations	Renumbered from 43-015 and combined requirements from former subsections 43-015-1 through 43-015-3; updated recordkeeping retention from two to five years; clarified requirements
43-0020	Emission Standards and Procedural Requirements: Sources Using Air Cleaning Devices	Adopted new standalone section from former subsection 43-015-4; reorganized reporting requirements for sources using air cleaning devices
43-0025	Emission Standards and Procedural Requirements: Asbestos to Non-Asbestos Conversion Operations	Adopted new standalone section from former subsection 43-015-5; removed reference to OAR 340-248-0230 Adopted by reference for clarity and consistency with federal requirements
43-0030	Emission Standards and Procedural Requirements: Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources	Adopted new standalone section from former subsection 43-015-6; clarified applicability to renovations in addition to demolitions

43-0035	Emission Standards and Procedural Requirements: Exemptions	Adopted new standalone section from former subsection 43-015-8; clarified owner-occupant exemptions and residential building exemptions
43-0040	Emission Standards and Procedural Requirements: Asbestos Abatement Survey	Adopted new standalone section; incorporated applicability provisions from former 43-015-7 and consolidated survey requirements including unforeseen emergency provisions
43-0045	Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements	Adopted new standalone section from former subsection 43-015-10; removed "small-scale" language for consistency with DEQ interpretation
43-0050	Emission Standards and Procedural Requirements: Asbestos Abatement Work Practices and Procedures	Adopted new standalone section from former subsection 43-015-11; clarified requirement to conduct abatement inside regulated area; updated language for renovations and unforeseen emergencies
43-0055	Emission Standards and Procedural Requirements: Final Air Clearance Sampling Requirements, Air Cleaning, Spraying, Molded Insulation, and Fabricating	Adopted new standalone section combining former subsections 43-015-12 through 43-015-18; consolidated related requirements
43-0060	Emission Standards and Procedural Requirements: Asbestos Disposal Requirements	Adopted new standalone section combining former subsections 43-015-19 and 43-015-20; consolidated friable and non-friable disposal requirements; clarified "permitted disposal site" terminology
43-8010	Asbestos Program Fees	Adopted new fee table; reorganized fee schedule from former 43-015-10.A into table format for ease of future amendments
43-001, 43-002, 43-005, 43-010, and 43-015-1 through 43-015-20	Various	Repealed former sections 43-001, 43-002, 43-005, and 43-010, and all subsections under former section 43-015; content reorganized into new standalone sections 43-0001 through 43-0060 for improved clarity and usability

Fee analysis

This rulemaking does not propose any change to asbestos program fee amounts. Fee amounts are subject to an annual four (4) percent increase effective July 1 of each year, as provided in section 37-0090, which operates independently of this rulemaking.

The only fee-related change proposed in this rulemaking is as follows:

- LRAPA proposes to reorganize the existing asbestos notification fee schedule from its current location in former section 43-015-10.A into a new standalone table format at section 43-8010, Table 1, at the end of title 43. This change is for formatting consistency and to allow future fee amendments to be made more efficiently without requiring changes to the body of the title.

Statement of fiscal and economic impact

Fiscal and economic impact

The proposed rule amendments may have fiscal and economic impacts on businesses, state and federal agencies, units of local governments, and the public. Fiscal impacts can be positive or negative to those affected. As examples, reducing health costs to the public would be a positive impact, and increasing costs of regulatory compliance for businesses would be a negative impact.

The proposed changes to Title 43 are primarily organizational and clarifying in nature. The rules reorganize existing requirements into a clearer standalone section format, update terminology for consistency, and add clarifying language to existing requirements. Based on Citizens Advisory Committee feedback, LRAPA recognizes that contractors who are not already using full enclosures with 6-mil plastic for friable abatement projects may perceive the proposed rules as imposing additional cost. However, this requirement is not new: LRAPA has consistently enforced it and provided compliance assistance to contractors on this practice. Because the proposed changes clarify and reorganize an existing, actively enforced requirement rather than establishing a new one, LRAPA does not anticipate the proposed changes will result in significant new compliance costs for regulated parties.

Statement of cost of compliance

State agencies

State and federal agencies may occasionally conduct renovation or demolition projects subject to title 43 asbestos requirements. For state agencies, the cost to comply with the proposed rule changes is similar to costs described under small businesses below. Because the proposed changes primarily reorganize and clarify existing requirements rather than imposing new obligations, LRAPA does not anticipate any increase in compliance costs for state agencies.

LRAPA expects a modest initial increase in staff workload as staff become familiar with the reorganized rule structure, which will level off after the first year of implementation. Over time, the clearer organization and updated terminology are expected to reduce the time staff spend assisting regulated parties in interpreting the rules.

Local governments

Local governments in Lane County may conduct renovation or demolition projects subject to title 43 asbestos requirements. For local governments, the cost to comply with the proposed rule changes is similar to costs described under small businesses below.

Public

The rulemaking does not impose any mandatory requirements on the general public beyond those already in effect. Owner-occupants conducting asbestos abatement on their own residential property retain the same exemptions that exist in the current rules. LRAPA does not anticipate any direct increase in compliance costs for the public as a result of the proposed changes.

Large businesses - businesses with more than 50 employees

Approximately 4 asbestos abatement contractors and facility owners or operators subject to title 43 are large businesses. The proposed rule changes reorganize and clarify existing requirements but do not impose new substantive obligations on large businesses. LRAPA does not anticipate any increase in compliance costs for large businesses as a result of this rulemaking.

Small businesses – businesses with 50 or fewer employees

Most asbestos abatement contractors operating in Lane County are small businesses. The proposed rule changes reorganize and clarify existing requirements but do not impose new substantive obligations on small businesses.

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

LRAPA receives approximately 425 asbestos abatement project notifications per year. Most of these notifications are submitted by small asbestos abatement contractors. LRAPA estimates that approximately 15-20 small businesses are subject to title 43 requirements.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rules do not require any additional reporting, recordkeeping, or administrative activities beyond those already required under the current rules. The reorganization of requirements into standalone sections and the clarification of existing language are not expected to result in any new administrative burden for small businesses.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rules will not require any additional equipment, supplies, labor, or administrative resources. All regulated parties are already subject to the requirements being reorganized and clarified by this rulemaking.

d. Describe how DEQ involved small businesses in developing this proposed rule.

LRAPA involved small businesses and industry representatives through its standing Citizen Advisory Committee (CAC), which serves as LRAPA's rules advisory committee and includes representation from regulated industries. Regulated parties, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process and provided ongoing updates on rulemaking progress. LRAPA provided an informational overview of the rulemaking to the CAC and subsequently invited industry representatives to participate in CAC meetings to review the proposed rules and provide input and guidance to staff. The CAC, with industry participation, reviewed the draft rules and provided recommendations to LRAPA staff prior to the rules being put out for public notice.

Documents relied on for fiscal and economic impact

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the Rules affected, authorities, supporting documents section above.

Document title	Document location
LRAPA Title 43 Asbestos Requirements	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/regulations-rules/
Oregon DEQ OAR Chapter 340, Division 248 (Asbestos Requirements)	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1557
Code of Federal Regulations, Title 40, Part 61, Subpart M (National Emission Standard for Asbestos)	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-61/subpart-M?toc=1

Oregon Revised Statutes, Chapter 468A – Air Quality	https://www.oregonlegislature.gov/bills_laws/ors/ors468A.html
Citizens Advisory Committee Meeting Minutes March 31st, 2026, April 28th, 2026, May 26th, 2026	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/public-oversight/agendas-minutes/

Advisory committee fiscal review

As ORS 183.333 requires, LRAPA consulted its standing Citizens Advisory Committee (CAC), which serves as LRAPA's rules advisory committee and includes representation from regulated industries. LRAPA asked for the committee's recommendations on whether the proposed rules would have a fiscal impact, the extent of that impact, and whether the proposed rules would have a significant adverse impact on small businesses. Regulated parties, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process and received ongoing updates on rulemaking progress. LRAPA provided an informational overview of the rulemaking at the March 31st, 2026, CAC meeting. At the April 28th, 2026, and May 26th, 2026 meetings, industry representatives participated in CAC review of the proposed rules and provided input and guidance to staff.

The committee reviewed the draft fiscal and economic impact statement, and its findings are stated in the approved minutes dated April 28th, 2026 and May 26th, 2026. The CAC determined the proposed rules would not have a significant adverse impact on small businesses in Oregon, as the proposed changes are primarily organizational and clarifying in nature and do not impose new substantive compliance requirements on regulated parties.

Concerns that the negative pressure, ‘full’, enclosure (6-mil plastic) provision would increase project costs were raised at the April 28, 2026, Committee meeting; at the May 26, 2026 meeting, LRAPA clarified that this provision reflects an existing standard already in effect and does not constitute a new requirement and therefore imposes no additional fiscal or economic impact.

Housing cost

As ORS 183.534 requires, LRAPA evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

LRAPA determined the proposed rules would have no effect on development costs. While Title 43 asbestos requirements do apply to demolition and renovation activities, including those involving residential structures, the proposed changes to these rules are primarily organizational and clarifying in nature. The proposed rules reorganize existing requirements into a clearer standalone section format, update definitions for consistency with Oregon DEQ and federal EPA regulations and clarify existing notification and work practice

requirements. The proposed changes do not impose new substantive requirements on construction or demolition activities, do not introduce new fees or compliance obligations beyond those already in effect, and do not alter the scope of regulated activities in ways that would affect the cost of new residential development.

Racial equity

As ORS 183.335(2)(b)(F) requires, LRAPA evaluated how adoption of the proposed rules will affect racial equity in this state.

LRAPA determined the proposed rules will not adversely affect racial equity. The proposed changes to Title 43 are primarily organizational and clarifying in nature and do not alter the substantive protections provided under existing asbestos requirements. To the extent the proposed rules improve the clarity and usability of asbestos survey, notification, and abatement requirements, they may benefit all communities subject to asbestos hazards, including communities that have historically experienced disproportionate environmental burdens.

Environmental justice considerations

Environmental justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. LRAPA is committed to incorporating environmental justice best practices into its programs and decision-making to ensure all people in Lane County have equitable environmental and public health protections.

As ORS 182.545 requires, LRAPA considered the effects of the proposed rule changes on environmental justice issues. Asbestos exposure is a public health hazard that can disproportionately affect communities with older housing stock and aging commercial and industrial buildings, which are often concentrated in lower-income areas. The proposed changes to Title 43 strengthen protections for all affected communities by improving the clarity and enforceability of asbestos survey, notification, and abatement requirements. Clearer and more consistent rules support effective compliance and enforcement, which benefits all communities subject to asbestos hazards, including those that have historically experienced disproportionate environmental burdens.

LRAPA determined the proposed rules will not have a negative effect on environmental justice in Lane County. The proposed changes do not reduce or eliminate any existing protections, and the clarifications and organizational improvements proposed are expected

to support more consistent application of asbestos requirements across all regulated activities.

Land use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require LRAPA to determine whether the proposed rules significantly affect land use. If so, LRAPA must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, rules affect land use if the statewide land use planning goals specifically refer to the rule or program, or if the rule or program is reasonably expected to have significant effects on resources, objects, or areas identified in the statewide planning goals, or on present or future land uses identified in acknowledged comprehensive plans.

LRAPA, with assistance from DEQ, determined whether the proposed rules involve programs or actions that affect land use by reviewing DEQ's State Agency Coordination Plan. The plan describes the programs DEQ determined significantly affect land use. Asbestos requirements are not identified among those programs.

Determination

LRAPA, with assistance from DEQ, determined that the proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

LRAPA has informally notified the Board that asbestos rulemaking updates were forthcoming. If the proposed rules are adopted by the LRAPA Board following the public comment period and public hearing, they will be submitted to the EQC for approval.

Advisory committee

Background

LRAPA has a standing Citizens Advisory Committee (CAC) that meets most months. LRAPA consulted the CAC for this rulemaking, providing an informational overview of the proposed changes at the February 24, 2026, CAC meeting. Industry representatives, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process. The CAC, with industry participation, reviewed the proposed rules at the March 31st, 2026, April 28th, 2026, May 26th, 2026 CAC meeting and provided input and recommendations to LRAPA staff.

Weblink: https://www.lrapa-or.gov/air-quality-protection/about-lrapa/public-oversight/

The committee members were:

LRAPA Title 43 Asbestos Requirements - Citizens Advisory Committee (CAC)	
Name	**Representing**
Kelly Wood, Chair	Industry
Evelina Davidova-Kamis, Vice-Chair	Industry
Chris Cline	Fire Suppression
Peter Dragovich	Planning
Michael Koivula	General Public
Ben Larson	Agriculture
Paul Metzler	General Public
Jessi Preston	General Public
Jo Rodgers	Public Health

Meeting notifications

To notify people about the advisory committee's activities, LRAPA:

- Sent a one-time notice to General News & Updates subscribers of our email listserv of meeting content.
- Added advisory committee announcements to LRAPA's calendar of public meetings at LRAPA Calendar: https://www.lrapa.org/air-quality-protection/public-calendar/
- Sent email notifications to all known Lane County asbestos contractors and abatement service providers

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the CAC reviewed the proposed Title 43 Asbestos Requirements rule changes and provided input and recommendations to LRAPA staff on the proposed changes, including their fiscal impact and effect on small businesses.

Below is an excerpt from the March 31st, 2026 CAC meeting discussion on the proposed rules:

March 31, 2026 — Rulemaking Kickoff

- Reviewed draft NPR, crosswalk, and redlined Title 43 (Step 1 of 8)
- Proposed changes: notification requirements expanded to renovations; owner-occupant exemption tightened to close landlord/flipper loophole; new pre-demolition/disaster survey requirements; sampling minimums for suspect materials; record retention extended from 2 to 5 years
- Question raised: whether the 3-sample minimum should scale with project size
- Question raised: clarity of "sprayed or troweled materials" definition; survey reports should also document negative results
- Concern raised: "facility," "resident," and "owner-occupied" definitions are inconsistent and less clear than DEQ's parallel language
- Action: staff to accept written comments on redline

April 28, 2026 — Redline Review and Revised Draft

- Two issues identified as requiring resolution before the NPR advances:
  - "1% by weight" threshold — conflicts with standard industry practice (visual/PLM estimation, not gravimetric); even DEQ relies on visual estimation despite its own rule language
  - Negative pressure, ‘full’, enclosure (6-mil plastic) requirement — estimated to raise per-project costs ~30%; more prescriptive than DEQ; may not improve safety on already-cleanable surfaces; committee proposed a performance-based alternative instead
- Additional questions raised: how rules apply to non-owner-occupied properties with 4 or fewer units; treatment of co-ops/shared ownership; whether the burn-to-learn training exemption still requires prior surveys
- Decision: NPR needs at least one more review session before advancing to the Board

May 26, 2026 — Final Package Approved

- Both outstanding issues resolved:

- "1% by weight" threshold: resolved by formally adopting PLM (visual estimation) as the standard sampling method, aligning the rule with actual industry and DEQ practice — with TEM available on request for added certainty
- Negative pressure, ‘full’, enclosure / 6-mil plastic requirement: staff clarified this reflects an existing standard already in effect, not a new one — the rule language was clarified for consistency, with no additional or new fees
- Owner-occupant definition finalized to exclude rented, leased, or demolition-bound properties
- RVs and camp trailers added to residential definition
- Recommended: reorganize fiscal impact section (lead with total licensed contractor count; split housing discussion into new construction vs. renovation/demolition)
- MOTION passed unanimously (roll call): Forward Title 43 rulemaking package (draft rule + NPR, as revised) to the Board of Directors for public notice and hearing

Public engagement

Public notice

LRAPA provided notice of the proposed rulemaking and rulemaking hearing by:

- On September 4, 2026, made a public announcement regarding the public notice for the Title 43 Asbestos Rulemaking comment period opening
- Notifying EPA by email;
- Posting the notice, invitation to comment, and draft rules on the web page for this rulemaking, located at: https://www.lrapa.org/air-quality-protection/public-calendar/
- Submitted a public notice in the Register Guard Classified section
- Emailing subscribers to our Public Notices category on our email listserv: https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/
- Emailing the following key legislators as required under ORS 183.335:
    - Senate President- Sen.RobWagner@oregonlegislature.gov
    - Chair of Senate Committee on Energy and Environment- Sen.JaneenSollman@oregonlegislature.gov
    - Vice Chair of Senate Committee on Energy and Environment- Sen.DavidBrockSmith@oregonlegislature.gov
    - Speaker of the House- Rep.JulieFahey@oregonlegislature.gov
    - Chair of House Committee of Climate, Energy, and Environment- Rep.MarkGamba@oregonlegislature.gov
    - Vice Chair of House Committee of Climate, Energy, and Environment- Rep.BobbyLevy@oregonlegislature.gov
    - Vice Chair of House Committee of Climate, Energy, and Environment- Rep.JohnLively@oregonlegislature.gov
- Posting on the LRAPA event calendar: https://www.lrapa.org/air-quality-protection/public-calendar/

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail, or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA staff receives by 5:00 p.m. on October 15th, 2026 in writing. Oral comments will be received at the public hearing on October 8th, 2026 at 12:15pm. Written comments can be emailed to rules@lrapa-or.gov.

Submit Comment by Email

Any person can submit a written comment to: rules@lrapa-or.gov

Note for public university students
ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

By Mail

Lane Regional Air Protection Agency (LRAPA)
Attn: Colleen Wagstaff
1010 Main Street
Springfield, OR 97477

At Hearing

October 8th, 2026 at 12:15pm

Public hearing

LRAPA plans to hold one public hearing.

Anyone may attend the hearing in person, or by webinar.

Date: October 8th, 2026

Start time: 12:15pm

Street address: 1010 Main Street

Room: LRAPA Conference Room

City: Springfield, Oregon 97477

Webinar link:
https://teams.microsoft.com/meet/292371838209897?p=P57RIL9rVTRGzZPTJq

LRAPA will consider all comments and testimony received before the closing of the public hearing on October 15, 2026 at 5pm. LRAPA will summarize all comments and respond to comments in the staff response report.

Non-discrimination statement

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and LRAPA does not intimidate or retaliate against any individual or group

because they have exercised rights protected by 40 C.F.R Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1973; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

LRAPA is committed to providing meaningful opportunities for public involvement in its proceedings. LRAPA strives to ensure that information and services are accessible to everyone, regardless of race, color, national origin, income, disability, or language proficiency. If assistance is needed accessing this document or participating in the public processes, please contact LRAPA's Non-Discrimination Coordinator at (541) 736-1056 or info@lrapa.org. Language interpretation, translation, alternative formats, or other reasonable accommodations are available upon request. Please allow at least 5 business days to respond to a request. More information is available on LRAPA's nondiscrimination policy: https://www.lrapa.org/air-quality-protection/community-center/nondiscriminatory-policy/

Supporting documents

Attachment A — Proposed revisions to LRAPA Title 43 Asbestos Requirements (redline version)

Attachment B — Proposed revisions to LRAPA Title 43 Asbestos Requirements (clean version)

Attachment C — Crosswalk of Proposed Revisions to LRAPA Title 43 Asbestos Requirements