

Crosswalk of Proposed Revisions to LRAPA Title 43 Asbestos Rules

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
General Revisions to Title 43				
	ALL	NA	Replace “shall” with “must” or “may” as applicable.	Shall imposes an obligation on a person, not a thing. Simplification.
	ALL	NA	Add “section” prior to a section reference and replace “Section” with “section”, unless Section is a title or the beginning of a sentence	Formatting consistency.
	ALL	NA	Replace “Title” with “title” unless Title is a title or the beginning of a sentence. Remove “LRAPA” prior to “title” as applicable.	Formatting consistency.
	ALL	NA	For numbers less than ten (10) listed in the text of a regulation, the format will be to write the number in words followed by the number in parentheses.	Formatting consistency.
	ALL	NA	For numbers equal to or greater than ten (10) listed in the text of a regulation, the format will be to list the number only.	Formatting consistency.
	ALL	NA	Update DEQ rule references as applicable based on the following format: OAR chapter 340, division 200	Formatting consistency.
	ALL	NA	Replace rule references as applicable based on the following outline example: 37 – title 37-0064 – section 37-0064(1) - subsection 37-0064(1)(a) – paragraph 37-0064(1)(a)(A) – subparagraph 37-0064(1)(a)(A)(i) – sub-subparagraph 37-0064(1)(a)(A)(i)(I) – supersub-subparagraph	Formatting consistency.
	ALL	NA	Replace “Lane Regional Air Protection Agency” or “Agency” with “LRAPA” and replace “the Department” with “DEQ”.	Formatting consistency.

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	ALL	NA	Remove date amended following each section. Add date amended to footer of each page.	Formatting consistency. Date amended no longer necessary for each section, as fees can be updated in Table 1.
Revisions to Section Numbering and Section Titles				
	43-001 Policy	43-0001 Policy	Renumber section.	Formatting consistency.
	43-002 Applicability	43-0002 Applicability	Renumber section.	Formatting consistency.
	43-005 Definitions	43-0005 Definitions	Renumber section.	Formatting consistency.
	43-010 General Provisions	43-0010 General Provisions	Renumber section.	Formatting consistency.
	43-015, 43-015-1, 43-015-2, 43-015-3	43-0015	Renumber section and combine requirements in prior subsections 43-015-1 through 43-015-3 into this section. Replace section title "EMISSION STANDARDS AND PROCEDURAL REQUIREMENTS FOR ASBESTOS" with section title "Emission Standards and Procedural Requirements: Asbestos Requirements for Mills, Roadways and Parking lots, and Manufacturing Operations."	Formatting consistency. Simplification.
	43-015-4	43-0020	Create new section. Replace subsection title "SOURCES USING AIR CLEANING DEVICES" with section title "Emission Standards and Procedural Requirements: Sources Using Air Cleaning Devices."	Formatting consistency.
	43-015-5	43-0025	Create new section. Replace subsection title "ASBESTOS TO NON-ASBESTOS CONVERSION OPERATIONS" with section title "Emission Standards and Procedural Requirements: Asbestos To Non-asbestos Conversion Operations."	Formatting consistency.
	43-015-6	43-0030	Create new section. Replace subsection title "MAJOR SOURCES" with section title "Emission Standards and Procedural Requirements: Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources."	Formatting consistency.
	NA	43-0040	Create new section titled "Emission Standards and Procedural Requirements: Asbestos Abatement Survey."	Formatting consistency.

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	43-015-7	43-0040(1)	Move subsection "APPLICABILITY" to subsection within proposed section 43-0040.	Formatting consistency.
	43-015-8	43-0035	Create new section. Replace subsection title "ASBESTOS ABATEMENT PROJECTS" with section title "Emission Standards and Procedural Requirements: Exemptions."	Formatting consistency.
	43-015-9	43-0050(f)	Move subsection "NON-FRIABLE ASBESTOS ABATEMENT PROJECTS" to subsection within proposed section 43-0050.	Formatting consistency.
	43-015-10	43-0045	Create new section. Replace subsection title "ASBESTOS ABATEMENT NOTIFICATION REQUIREMENTS" with section title "Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements."	Formatting consistency.
	43-015-10.A.(1) and (2)	43-8010 Table 1	Update list of fees to "table format" and move to end of title.	Formatting consistency. Ease of amending fee schedule as necessary.
	43-015-11	43-0050	Create new section. Replace subsection title "ASBESTOS ABATEMENT WORK PRACTICES AND PROCEDURES" with section title "Emission Standards and Procedural Requirements: Asbestos Abatement Work Practices and Procedures."	Formatting consistency.
	43-015-12, 43-015-13, 43-015-14, 43-015-15, 43-015-16, 43-015-17, 43-015-18	43-0055	Create new section "Emission Standards and Procedural Requirements: Final Air Clearance Sampling Requirements, Air Cleaning, Spraying, Molded Insulation, and Fabricating." Combine requirements in prior subsections 43-015-12 through 43-015-18 into this section.	Formatting consistency. Simplification.
	43-015-19, 43-015-20	43-0060	Create new section "Emission Standards and Procedural Requirements: Asbestos Disposal Requirements." Combine friable and non-friable asbestos disposal requirements in prior subsections 43-015-19 and 43-015-20 into this section.	Formatting consistency. Simplification.
Substantive Revisions to Title 43				
	43-005	43-0005	Add leading sentence describing the use of the definitions in title 12. Remove the following definitions: "abate," "accidental release," "act," "chair," "hazardous air contaminant," "hazardous air pollutant (HAP)," "hazardous waste," "major source," "section 112(b)," and "startup."	Clarification. Remove definitions that are not applicable to this title.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
	43-005 "Accredited inspector"	43-0005(1) "Accredited Inspector"	Clarify that the inspector must maintain accreditation.	Clarification.
	43-005 "Accredited trainer"	43-0005(2) "Accredited Trainer"	Add that the definition applies to supervisor training.	Clarification.
	43-005 "Adequately wet"	43-0005(3) "Adequately wet"	Add that the definition applies to asbestos-containing waste.	Clarification.
	43-005 "Asbestos abatement project"	43-0005(7) "Asbestos Abatement Project"	Add that the definition applies to instances of destruction due to natural disaster.	Clarification.
	43-005 "Asbestos-containing waste material"	43-0005(8) "Asbestos-containing waste material"	Add "one percent" and "by weight" to definition of asbestos-containing waste and remove method reference since proposed definition will be clarified.	Clarification. Simplification.
	43-005 "Commercial asbestos"	43-0005(18) "Commercial asbestos"	Replace definition with "material containing asbestos that is extracted from ore and has value because of its asbestos content."	Why? Does not match DEQ
	43-005 "Friable asbestos-containing material"	43-0005(30) "Friable asbestos-containing material"	Add "or non-friable asbestos containing material that is in poor condition and has become friable" to definition.	Clarification.
	N/A	43-0005(32) "Glove Bag"	Add "means a sealed compartment with attached inner glove used for the handling of asbestos-containing materials."	Clarification and consistency with DEQ rules.

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	43-005 "Negative pressure enclosure"	43-0005(36) "Negative pressure enclosure"	Replace definition with "a barrier surrounding the area of asbestos abatement comprised of a plastic with a minimum thickness of six (6) mil exhausting through a HEPA filter exhaust system measured by an attached and functioning manometer or similar device and resulting in a negative pressure environment of -0.02 inches of water column. The barrier must cover all gaps in the area surrounding the asbestos abatement including doorways, windows, HVAC systems, drains, plumbing, and other gaps."	Clarification and consistency with DEQ definition.
	43-005 "Non-friable asbestos-containing material"	43-0005(37) "Non-friable asbestos-containing material"	Add "Non-friable asbestos-containing material does not include non-friable asbestos-containing material that is in poor condition and has become friable" to definition	Clarification.
	NA	43-0005(38) "Occupant"	Add definition: "Occupant" means an individual person who lives in a subject private residence."	Clarification and consistency with DEQ definition.
	43-005 "Open Accumulation"	43-0005(39) "Open Accumulation"	Add the word "placement" to definition.	Clarification and consistency with DEQ definition.
	43-005 "Renovate" or "Renovation"	43-0005(44) "Renovate" or "Renovation"	Add "Renovation includes, but is not limited to, replacing stripping, or repairing facility components, such as mechanical ventilation systems, pipes, ceilings, walls, flooring, and insulating materials" to definition.	Clarification and consistency with DEQ definition.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
	NA	43-0005(45) "Regulated area"	Add definition: "Regulated area" means an area that: (a) Is established by the person performing an asbestos abatement project; (b) Includes all areas where asbestos abatement work and associated activities are conducted and an adjoining area where asbestos-containing waste material generated from the project is securely packaged and stored; (c) Restricts access to authorized personnel only; and (d) Is demarcated with prominent warning signs along the perimeter that state in bold, all capital letters and separated as shown here: "DANGER ASBESTOS MAY CAUSE DAMAGE TO LUNGS AUTHORIZED PERSONNEL ONLY"	Clarification and consistency with DEQ definition.
	NA	43-0005(46) "Residential building"	Add definition: "Residential building" means a facility used as a residence, or intended to be used as a residence before and after renovation or demolition work occurs. Residential buildings may include, but are not limited to, a site-built home, modular home constructed off site, mobile home, condominium, duplex, or a multi-unit facility consisting of four (4) units or less. Exceptions are that residential building does not mean a facility that is: (a) Used by a fire department for training exercises; (b) Demolished whereby the structure is not habitable after demolition; (c) Renovated or demolished along with one or more other facilities on the same site by the same owner or operator of a demolition or renovation activity as part of the same project; or (d) A residential dwelling unit located in a commercial facility.	Clarification and consistency with DEQ definition.
	43-0005(50)	43-0005(50) "Small-Scale"	(h) Removed language requiring size of project be smaller than can be contained in a mini-enclosure. Removed (i) language requiring emissions below 0.1 f/cc as 8 hr/TWA.	Consistency with DEQ definition. (h) language was vague (i) language not enforceable as there is no requirement to test ambient air

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	NA	43-0005(52) “Unforeseen emergency”	Add definition: “Unforeseen emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operations or living conditions. Such situations include but are not limited to, fires, storm damage, water damage earthquakes.	Proposed rule revisions include a requirement to conduct an asbestos surveys and follow asbestos abatement work practices in the event that a building is damaged during and “unforeseen emergency” and contains asbestos, therefore, a definition of “unforeseen emergency” was added.
	NA	43-0005(53) “Visible emissions	Add definition: “Visible emissions” means emissions that are visually detectable without the aid of instruments.	Clarification and consistency with DEQ definition.
	43-0005(59)	N/A	Remove “Waste Generator” definition	Redundancy as “Asbestos Waste Generator” is already defined.
	43-0005(61)	N/A	Remove “Waste Shipment Record” definition	Redundancy as “Asbestos Waste Shipment Record” is already defined.
	NA	43-0010(2)	Add condition stating that “A person may not sand, grind, saw, or abrade asbestos-containing material unless during such activity the material is handled and disposed of as friable asbestos material as this title provides.”	Clarification.
	Note in 43-015-8	43-0010(4)	Move “Note: The requirements and jurisdiction of the State of Oregon Department of Insurance and Finance, Accident Prevention Division (Oregon OSHA) and any other state agency in Oregon are not affected by title 43)” in previous subsection 43-015-8 to proposed General Provisions.	Clarification.
	43-015-1.E.	43-0015(1)(e)	Replace “two” with “five” regarding number of years records must be kept.	Match recordkeeping requirements in section 34-016
	43-015-3.F.	43-0015(3)(f)	Replace “two” with “five” regarding number of years records must be kept.	Match recordkeeping requirements in section 34-016
	43-015-5	43-0025(1)	Remove reference to OAR 340-248-0230 and add entire text of 40 CFR 61.155 for asbestos to nonasbestos conversion operations.	Clarification and consistency with federal regulations.
	43-015-6.B., 43-015-6.B.(1), 43-015-6.B.(2)	43-0030(2)	Add that requirement is applicable to renovations. Combine paragraph containing requirement to submit written notifications “at least 10 days before the beginning of any renovation or demolition project” and paragraph stating “Failure to notify LRAPA before any changes in the scheduled starting or completion dates or other substantial changes, renders the notification void” with this section.	Clarification. Simplification.

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	43-015-6.C.	43-0030(3)	Add that requirement to provide notification is applicable to renovations and “renovation and/or demolition projects with no asbestos containing material present.”	Clarify that major sources also must provide notification for projects where no asbestos is present.
	43-015-8	43-0035(1)	Make leading sentence a subsection.	Formatting consistency.
	43-015-8.A.	43-0035(2)	Replace “asbestos abatement projects” with “renovation.” Replace “owner” with “owner-occupant” Merge A(1) and A(2) as they are the same qualifying condition with separate exemptions.	This section describes exemptions from the asbestos requirements; therefore, the project is not yet deemed an “asbestos abatement project” at this stage. Clarify the owner having to be an occupant and simplifying the exemptions by merging the same qualifying condition that would trigger any exemptions.
	43-015-8.A.(1)(a) and (b), 43-015-8.A.(3)(a) and (b)	43-0035(2)(a)(A) and (B), 43-0035(2)(c)(A) and (B),	Add “or intended to be used.”	Add language to account for properties that will be used as a rental property or commercial business after renovation is completed.
	43-015-8.B.	NA	Remove “Open storage or open accumulation of asbestos-containing material or asbestos-containing waste material is prohibited.”	Requirement is a duplicate. Open accumulation of asbestos is prohibited by subsection 43-0010(2).
	43-015-7	43-0040(1)	Replace “APPLICABILITY” with “Survey Requirements:”	Clarification.
	NA	43-0040(2)	Add “when the potential for open accumulation occurs due to an unforeseen emergency, such as a natural disaster, the owner or operator of a facility must promptly obtain a survey from an accredited inspector of all damaged portions of the affected facility.”	Clarify applicable survey requirements when an affected facility is damaged due to an unforeseen emergency.
	NA	43-0040(3)	Added “The asbestos survey required by subsection 43-0040(1) must include all of the following: (a) Collecting of samples by the accredited asbestos inspector of all materials suspected of being asbestos-containing materials, unless the material is presumed to be asbestos-containing material, including at least one bulk sample for each homogeneous material suspected of being asbestos-containing material; (b) For sprayed or troweled on surfacing materials, collection of at least three (3) random bulk samples for each homogeneous area; (c) Each sample collected under paragraphs (a) and (b) above must be analyzed to determine whether it is	Clarification and consistency with DEQ requirements.

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			asbestos-containing material by a laboratory with proficiency demonstrated by participation in a nationally recognized laboratory accreditation program for asbestos testing, or participate in, and maintain passing status in a nationally recognized bulk asbestos proficiency testing program; (d) An asbestos survey report that contains the following: (A) The date or dates that the survey was performed; (B) The phone number and a copy of the certificate of each accredited inspector that performed a survey; (C) Site address and location where the survey was performed; (D) Name and phone number of the owner or operator of the facility where the survey was performed and the owner or operator of the demolition or renovation activity if different; (E) Description of the facility and area surveyed, including its past and current use, area square footage, approximate construction date, and number of floors; (F) The purpose of the survey, for example, whether it is for a project involving pre-demolition, renovation, removal of asbestos-containing material due to damage from fire, water, or other purpose; (G) Detailed description of limitations on the thoroughness of the survey, for example an inaccessible area; and (H) A table listing all of the homogeneous materials sampled and identified as asbestos-containing material and all of the presumed asbestos-containing materials. The table must include the following for each material: (i) The percent asbestos and type of asbestiform, as determined by the laboratory that analyzes the sample; (ii) A description of the material color, texture, and pattern; (iii) The location of where in the facility the material was collected; (iv) A description of the material condition as in good condition or in poor condition; (v) The identification of the material as friable or nonfriable; and (vi) The approximate quantity of the material at the facility. (e) A recommendation of response actions that comply with the requirements of this division; and	

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			(f) A complete copy of the laboratory report for all samples taken and analyzed under subsection (3) above. The minimum requirements for the laboratory report include: (A) Laboratory name, address, and phone number; (B) Unique sample analysis identification number; (C) Bulk sample analysis results showing asbestos content; (D) Name of the analyst; and (E) Completed chain of custody for the samples.	
	43-015-10.A.(1) and (2)	43-8010 Table 1	Update list of fees to "table format" and move to end of title.	Formatting consistency. Ease of amending fee schedule as necessary.
	43-015-10.A.(10)	NA	Remove description of "Residential Building."	A definition of "Residential Building" is included in the proposed rule changes.
	43-0045(3)	43-0045(3)	Remove "small-scale" from notification language	Consistency with DEQ language and rule interpretation. All friable projects less than 40sq/80linear ft. now meet this, regardless of whether the asbestos removal is the primary reason, consistent with how the rule has been interpreted.
	43-015-11	43-0050(1)	Add "renovation" to work practice requirements in this section.	Clarify that requirements are applicable to renovations in addition to demolition projects.
	NA	43-0050(1)(a)	Add requirement to "conduct the asbestos abatement inside a regulated area."	Clarification. Consistency with DEQ rules.
	43-015-11.B.	43-0050(1)(c)	Add "asbestos containing waste" and "renovation or after an unforeseen emergency". Add "known or suspected" to account for hidden ACM or suspect materials not included on a prior survey report. Added "Suspect materials not previously included on a survey report may be tested by a certified asbestos building inspector to determine if an abatement is required"	Clarification.
	43-015-11.B.(3)	43-0050(1)(c)(C)	Add "and cover with six (6) mil plastic or equivalent"	Clarification.
	43-015-11.C.	NA	Remove "Enclose the area of the asbestos containing materials to be abated, in a negative pressure enclosure prior to abatement unless prior approval has been granted by the Agency."	Requirement to conduct abatement work in a negative pressure enclosure is included in paragraph 43-0050(1)(g).
	43-015-11.D.	43-0050(1)(d)	Replace "owner or operator" with "person performing the asbestos abatement project."	Clarification.

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	43-015-11.E.	43-0050(1)(e)	Add “the person performing the asbestos abatement project must:”	Clarification.
	43-015-9	43-0050(1)(f)	Incorporate requirements from prior section titled “Non-Friable Asbestos Abatement Projects” to this paragraph within section detailing work practice requirements. Removed section (A) as this was a notification rule already outlined under the Notification requirements. Moved section (C) to exemptions.	Simplification.
	43-015-11.F.(4)	43-0050(1)(g)(D)	Add “and during” to negative pressure enclosure requirement.	Clarification.
	43-015-11.M.	43-0050(1)(n)	Add “outside of a negative pressure enclosure” and “and must be sealed with a six (6) mil plastic or equivalent when not in use.”	Clarify physical requirements for negative pressure enclosure and clarify that visible emissions are prohibited outside the enclosure.
	43-015-11.N.	NA	Remove “Open storage or open accumulation of friable asbestos containing material or asbestos containing waste material is prohibited.”	Requirement is a duplicate. Open accumulation of asbestos is prohibited by subsection 43-0010(2).
	43-015-11.P	43-0050(1)(p)	Revise to state: “No contractor may conduct a friable asbestos abatement project unless they are licensed by the DEQ under OAR 340-248-0120, unless exempted by section 43-0035.”	Clarity and redundancy. Friable abatements must be conducted by licensed asbestos abatement contractors only and not general contractors that have a worker certification. The worker certification requirements are covered under 43-0050(1)(r).
	43-015-11.R	43-0050(1)(q)	Added “A certified supervisor may work as a certified worker without having certification as a worker.” Added “friable” for clarity with licensing requirements for friable projects only.	Clarity and consistency with DEQ rules
	43-015-11.T	43-0050(1)(s)	Remove “than those employees of the facility owner or operator who are appropriately certified” Added “friable” for clarity with licensing requirements for friable projects only.	Clarity and consistency. Makes the rule consistent with the intent to always require a certified asbestos abatement contractor to conduct any friable abatement and to close the loophole allowing for property owners to hire a supervisor to conduct an abatement.
	43-015-12	43-0055(1)	Replace “containment” with “negative pressure enclosure.” Add “friable asbestos abatement” to applicability.	Clarification.
	43-015-19 and 43-015-20	43-0060	Incorporate friable and non-friable disposal requirements into one section (remove “friable” and “non-friable” labels as necessary).	Simplification.

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	43-015-19.B.	43-0060(1)(c)	Remove "Persons disposing of asbestos containing waste material must notify the landfill operator of the type and volume of the asbestos containing waste material" and incorporate into proposed subsection.	Simplification.
	NA	43-0060(1)(b)(C)	Add "Containers must be labeled prior to leaving the regulated area."	Clarification. Consistency with DEQ requirements.
	43-015-19.F.	43-0060(1)(g)	Add "by the waste generator and a copy provided to the waste transporter."	Clarification.
	43-015-19.F.(1)	43-0060(1)(g)(A)	Replace "The name" with "The asbestos abatement project site name."	Clarification.
	43-015-19.F.(2)	43-0060(1)(g)(B)	Add "A description of the asbestos-containing waste material and."	Clarification.
	43-015-19.H.(1)	43-0060(1)(i)(A)	Replace "landfill operator" with "permitted disposal site."	Clarification.
	43-015-19.I.(3)	43-0060(1)(j)(C)	Add "or operator."	Clarification.
	43-015-19.J.	43-0060(1)(k)	Revise language for disposal sites and landfills to clarify that they are "permitted disposal sites."	Clarification.
	43-015-20	43-0060	Incorporate entire section into proposed section 43-0060.	Simplification.