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TITLE: Applicable Standards for Asbestos Remediation Under the Voluntary Action Program

KEYWORDS: Asbestos, abatement, eligibility, removal, remedy, remedial activities, voluntary action, hazardous substance

QUESTION: What are the applicable standards for Asbestos Remediation under the Voluntary Action Program?

ANSWER: Asbestos removal, encapsulation and containment should be conducted according to all Federal, State and Local rules and regulations regarding the handling, removal, encapsulation and/or containment of asbestos. Whether an asbestos abatement qualifies a property for a Covenant Not to Sue depends upon the demonstration of a Certified Professional that the site meets applicable standards as set forth by the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

Friable asbestos is on Ohio's list of hazardous substances adopted in OAC rule 3750-20-50 (A), the rules adopted pursuant to ORC Section 3750.02 (B)(1)(c). ORC Section 3746.01(O) defines "voluntary action" as "...a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards." Therefore, the removal of asbestos is considered a remedial action under the voluntary action program.

SUMMARY: The NESHAPS standards are used as the applicable standards. Friable asbestos is a hazardous substance and asbestos abatement IS considered a remedy or remedial activity under the VAP rules.

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