

In the rehabilitation of houses you may come in contact with asbestos. Asbestos means any material containing more than 1% asbestos by weight which is friable or which has a reasonable probability of becoming friable in the course of ordinary or anticipated use. Friable asbestos containing materials (ACMs) are products which when dry can be crumbled, pulverized, disturbed, punctured, and easily reduced to powder by hand pressure or which under normal use or maintenance emits or can be expected to emit fibers into the air. Friable ACMs emit fibers into the atmosphere with relative ease when disturbed. Non-friable asbestos fibers are bound into the same type of hard matrix such as roofing, siding, or flooring and generally do not escape under ordinary use.

It is ultimately the responsibility of the contractor to know whether he/she can perform construction activities on structures containing asbestos and if so, how to handle the materials in an environmentally safe manner. The asbestos regulations fall under the enforcement of the following agencies. Please consult their websites for further guidance.

Virginia Department of Environmental Quality (DEQ) – Information on the regulation of landfills in Virginia and the disposal of asbestos in Virginia landfills – www.deq.virginia.gov

Virginia Department of Professional and Occupational Regulation (DPOR) – Information on asbestos contractors and accredited asbestos training providers – www.dpor.virginia.gov

Virginia Department of Labor and Industry (DOLI) – Information on enforcement of the Virginia Occupational Safety and Health (VOSH) regulations, enforcement of the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (NESHAPS), and enforcement of the Asbestos Notification regulations found in the Labor Laws of Virginia – www.doli.virginia.gov

In an effort to make the contractor aware of the presence or absence of ACM in the unit to be rehabilitated or demolished, DHCD has added an exception of up to \$800 in CDBG funds (in addition to the maximum allowable cap for exceptions) to cover the costs of the initial asbestos inspection and related test samples. The results of this asbestos inspection will be included in the work-write up and this additional information will allow the Grantee to make the contractor acutely aware of any hazardous materials in the unit where the contractor must take appropriate measures to proceed with caution.

DHCD asbestos payment guidelines are listed below:

1. **\$500 cap for initial inspection fee.** CDBG Grantees may receive up to \$500 in a lump sum amount to have a certified asbestos inspector inspect houses for purposes of major rehabilitation or demolition if substantial reconstruction is involved. Asbestos inspections for rehabilitation are not required by DHCD but are recommended if extensive work on the rehabilitation of a house is going to occur. If a house is going to be demolished an asbestos inspection is required by DHCD.
2. **\$200 cap for lab tests.** If an asbestos inspection reveals that there are areas where construction is going to occur that appear to include asbestos materials, those need to be tested. The laboratory costs to have the samples analyzed and documented will be reimbursable up to \$200. Because this is a reimbursable expense, actual receipts and results of said tests will be required to document the reimbursement. The company chosen to conduct the analyses will need to be procured in accordance with the Virginia Procurement Act. Should the laboratory costs exceed the \$200 cap, those additional costs must be covered by the initial inspection fee or other non-DHCD funds.
3. **\$100 for work write-up.** Should the inspection and subsequent lab tests confirm the presence of asbestos, the CDBG Grantee must include those results in the work write-up. This will include denoting the type, location and approximate amount of asbestos present that is to be disturbed by the proposed construction. It is up to the contractor to determine how to comply with state and federal law relative to safe work practices and disposal of the asbestos in question based on the information provided.

If no asbestos is found, that should be noted in the work write-up but that would not qualify the CDBG Grantee to qualify for this \$100 payment. In such cases, the statement must be included in the write-up advising the contractor that he is responsible for compliance with all state and federal laws related to asbestos even though the inspection revealed none to be present.

For those houses not receiving an asbestos inspection, a statement must be included in the write-up to the effect that the Grantee does not know whether the dwelling contains asbestos containing materials nevertheless the contractor is responsible for compliance with all state and federal regulations related to asbestos.

If the asbestos inspector is an employee of a CDBG Grantee or quasi-governmental arm of the Grantee (such as an Authority) all CDBG funding used to pay for the asbestos costs noted must be paid to the CDBG Grantee, not to the individual inspector.