

Kansas Administrative Regulations

Department of Health and Environment

Article 50.—Asbestos Control

28-50-1. Definitions.

As used in this article, the following terms have these definitions: (a) "Accredited asbestos worker" means a person who has fulfilled the training requirements and successfully completed the written examination requirements prescribed under federal law for persons who conduct response actions with respect to friable asbestos-containing material in either elementary and secondary schools or public and commercial buildings.

(b) "Agent" means any person who is not an employee of a business or public entity that has been specifically authorized by the entity to act in its behalf in regard to carrying out any activity that requires the person to be present in the work area while an asbestos-removal project, an asbestos-encapsulation project, or an asbestos-related dismantling project is in progress.

(c) "Appropriate protective clothing" means outer clothing intended to be worn by a person who is engaged in asbestos-removal or asbestos-encapsulation activities. This clothing shall facilitate the removal of asbestos fibers from the person before that person moves from an area that contains asbestos fibers into an area that is intended to remain free of these fibers. Protective clothing shall consist of coveralls or a similar whole-body covering, head covers, gloves, and foot covers. Protective clothing shall be worn at all times that friable asbestos-containing materials are being handled directly and when otherwise required by OSHA or EPA regulations, work specifications governing the activities, or work plans submitted to the department in compliance with the requirements of K.A.R. 28-50-8.

(d) "Appropriate respirator" means an air-purifying or air-supplied respirator meeting either of the following criteria:

(1) A respirator approved by NIOSH for respiratory protection, under 42 C.F.R. Part 84, as in effect on October 1, 1998, for particulates and hazardous chemicals contained in encapsulants; or

(2) a respirator providing a higher protection factor if its use is specified by any of the following requirements applying to asbestos-removal or asbestos-encapsulation activities:

(A) OSHA and EPA regulations;

(B) work specifications governing the activities; or

(C) a work plan submitted to the department in accordance with the requirements of K.A.R. 28-50-8.

(e) "Appropriate warning sign" means any asbestos hazard warning sign that complies with federal OSHA or EPA regulations and is required when airborne concentrations of asbestos exceed the prescribed limits.

(f) "Approved waste disposal site" means a solid waste disposal area that is operated under a permit issued by the department, as provided in K.S.A. 65-3407, and amendments thereto, and is authorized by the department to receive friable asbestos-containing solid wastes.

(g) "Asbestos-encapsulation project" means activities that include, and are incidental to, the coating of a friable asbestos-containing surface material with a coating or penetrating type of sealing substance, when the intended purpose of the activities is to prevent the continued release of asbestos fibers from the material into the air. The following activities shall be exempt from this definition:

(1) The repainting of a previously painted asbestos-containing surface primarily for the intended purpose of improving the appearance;

(2) the application of a sealing material to a surface after the removal of asbestos from it;

(3) the application of an encapsulant to asbestos-containing material while the material is being removed;

(4) the application of a sealing substance to 10 or fewer square feet of friable asbestos-containing material that is contiguous to other types of material;

(5) the application of a sealing substance to asbestos-containing material that has previously been enclosed or encapsulated; or

(6) the painting of friable asbestos-containing material located in a privately owned single-family residence.

(h) "Asbestos label" means a label that complies with applicable federal EPA, DOT, and OSHA regulatory requirements and is to be securely affixed to a waste container that contains friable asbestos materials.

(i) "Asbestos-related demolition project" means any activity that includes the razing of all or a portion of a structure that contains friable asbestos-containing materials or other asbestos-containing materials that may become airborne if the materials are crushed or broken. This definition shall not include the demolition of a residential structure or structures unless the demolition activity is subject to the requirements of 40 C.F.R. Part 61, subpart M, as adopted by reference in K.A.R. 28-19-735.

(j) "Asbestos-related dismantling project" means activities that include the disassembly, handling, and moving of the components of any structural or equipment item that has been covered with friable asbestos-containing material without first removing this material from the item. This definition shall not include these activities when conducted for the purpose of repair, replacement, or maintenance of the item and require the removal of either 25 or fewer lineal feet of friable asbestos-containing materials from the surface of a pipe or 10 or fewer square feet of friable asbestos-containing materials from any other type of surface in order to dismantle the item.

(k) "Asbestos-related maintenance operation" means any operation that involves the removal or cleanup of either 25 or fewer lineal feet of friable asbestos-containing material from the surface of a pipe or 10 or fewer square feet of friable asbestos-containing material from any other type of a structural or equipment item in order to repair, replace, or maintain the item or any appurtenances to it.

(l) "Asbestos-removal project" means activities that involve, and are required by these regulations to be carried out in relation to, the removal of a friable asbestos-containing material from any of the following surfaces:

(1) A structural or equipment item that is intended to remain in place; or

(2) a structural or equipment item after its removal as a result of an asbestos-related dismantling operation.

This definition shall include activities associated with the cleanup of loose, friable asbestos-containing debris and refuse from floors and other surfaces.

This definition shall not include activities that are associated with the removal of friable asbestos-containing materials as part of an asbestos-related maintenance operation or the collection of samples for asbestos analysis.

(m) "Asbestos repair" means returning damaged friable asbestos-containing-material to an undamaged state or to an intact state to contain fiber release.

(n) "Class I asbestos worker" means a person who is certified to engage in asbestos-removal or asbestos-encapsulation projects in a nonsupervisory capacity.

(o) "Class II asbestos worker" means a person who is certified to supervise and direct asbestos-removal and asbestos-encapsulation projects in compliance with the requirements of these regulations and applicable federal regulations.

(p) "Control curtain" means either of the two following types of closure devices that are to be constructed of not less than four-mil-thick plastic sheeting material and installed in an entryway of an area that is considered to be contaminated with free asbestos fibers:

(1) A ventilation curtain that is intended to allow unrestricted air flow movement into a contaminated area when it is being ventilated with an exhaust fan. This curtain shall consist of a single flap that opens into the contaminated area and is securely fastened across the top of the entryway framework in a manner that will allow it to overlap both sides of the entryway by a distance of no fewer than 12 inches and the base of the entryway by a distance of no fewer than three inches; or

(2) a confinement curtain that is intended to restrict the movement of air into, and from, an unventilated and contaminated area. This curtain shall consist of three constructed baffles that cover the entire area of the entryway and are securely fastened along the top of the entryway framework and along alternate sides of it at locations and in a manner that will allow two of the curtains to fully cover the entryway opening while a person passes through the third curtain. An airlock arrangement consisting of two baffle

curtain entryways that are located at least three feet apart may be substituted for the triple baffle arrangement.

(q) "Department" means staff employed by the Kansas department of health and environment.

(r) "DOT" means the federal department of transportation.

(s) "EPA" means the federal environmental protection agency.

(t) "Emergency situation" means a condition that exists as the result of a sudden and unexpected event and is likely to cause immediate and substantial damage to persons or property.

(u) "Encapsulation" means the treatment of a friable asbestos-containing material with a substance to prevent the release of fibers into the air.

(v) "Enclosure" means the construction of an airtight, impermeable, permanent barrier around friable asbestos-containing material to control the release of fibers into the air.

(w) "Equipment" means any item that is designed or intended to perform any operation and shall include any item attached to it to assist in the operation.

(x) "Furnishings" means removable furniture, drapes, rugs, and decorative items.

(y) "Grade D breathing air" means an air supply that contains the following:

(1) 19.5-23.5 percent oxygen on a volumetric basis;

(2) not more than 10 volumes of carbon monoxide per million volumes of air;

(3) not more than 1,000 volumes of carbon dioxide per million volumes of air;

(4) not more than five milligrams of condensed hydrocarbons per cubic meter of air;

and

(5) no objectionable odors.

(z) "HEPA filter" means a filter capable of trapping and retaining at least 99.97 percent of all mono-dispersed particles of 0.3 micrometers in diameter. The equivalent particulate filters, as referenced by NIOSH in 42 C.F.R. Part 84, as in effect on October 1, 1998, are the N100, R100, and P100 filters.

(aa) "NIOSH-approved respirator" means a respirator and any required attachments, including filters, that have been approved by the federal national institute for occupational safety and health under provisions of federal law.

(bb) "Occupied spaces" means a building, structure, or adjoining area that is accessible to the public, and in which a business entity, state agency, or political or taxing subdivision of the state is engaging in an asbestos project, as defined in subsections (g)(i), (j), (k), and (l) of this regulation.

(cc) "OSHA" means the federal occupational safety and health administration.

(dd) "Sealing material" means a liquid substance that does not contain asbestos and that is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. Sealants shall be colored a different color than the surface to which they are applied.

(ee) "Structural item" means roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings, and fixtures that have been installed as an integral part of any structure.

(ff) "Type C respirator system" means an airline respirator designed for atmospheres not immediately dangerous to life or health and consisting of a source of respirable breathing air, an air hose with a detachable coupling, flow control fittings, and a facepiece, helmet, or hood.

(gg) "Waste generator" means the business entity that is most directly responsible for the supervision of activities that result in the accumulation of friable asbestos-containing waste materials.

(hh) "Wet cleaning" means the process of using water or other liquid and a wet brush, mop, cloth, sponge, or similar wet cleaning device to completely remove any residue of asbestos-containing materials from surfaces on which they may be located. This definition shall not include the use of a wet vacuum cleaner to pick up wet friable asbestos-containing debris, or asbestos-contaminated wastewater.

(ii) "Wetting agent" means any chemical that is added to water to decrease its surface tension and allow it to spread more easily over or penetrate into friable asbestos-containing materials.

(jj) "Work area" means a specific room or physically isolated portion of a room, other than the space enclosed within a glove bag, in which friable asbestos-containing material is required to be handled in accordance with the requirements of this article. These areas shall be designated as work areas from the time that the room, or portion

of it, is being prepared in order to carry out the removal, encapsulation, or dismantling activity until the time that the area has been cleaned in accordance with any requirements applicable to these operations.

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***** Authenticated Kansas Administrative Regulation *****