

Oregon Asbestos Surveys and Survey Report Rules

Training guide for general contractors and the public

Asbestos Program

2023

Working in Lane County

Contact the Lane Regional Air Protection Agency (LRAPA) if you are doing work in Lane County.

DEQ rules in this presentation do not apply in Lane County.

Phone: 541-736-1056

Toll Free: 877-285-722

Air Quality Complaints: 541-726-1930

Address: 1010 Main St., Springfield, OR 97477

lrapa.org/air-quality-protection/asbestos-overview/



Where to find DEQ's survey rules



- Oregon's asbestos rules are in Oregon Administrative Rule 340-248.
- The section related to asbestos surveys is OAR 340-248-0270(1) - (4).
- [OAR 340-248](#) can be found on the Oregon Secretary of State's website.
- A [Survey Fact Sheet](#) is available on [DEQ's asbestos website](#).

Asbestos Resources

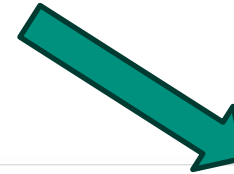


Oregon.gov

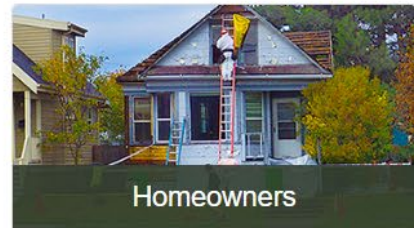
<https://www.oregon.gov> > hazards-and-cleanup > pages

Asbestos Information : Hazards and Cleanup

There is no known safe level of exposure to **asbestos**. **DEQ** regulates the handling, removal and disposal of **asbestos**-containing material to protect public health ...



Asbestos Information



Homeowners

[Information for Homeowners](#)

[What Homeowners Need to Know](#)

[Asbestos Abatement Contractors List](#)

[Oregon Landfills and Transfer Stations Accepting Asbestos Waste](#)



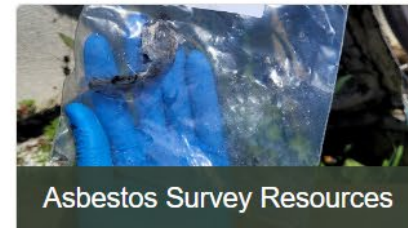
Contractors, Businesses, Landlords

[Information for Contractors and Businesses](#)

[What Contractors and Business Owners Need to Know](#)

[Oregon's Updated Asbestos Rules](#)

[Accredited Asbestos Training Providers](#)



Asbestos Survey Resources

[Asbestos Survey Requirements](#)

[Accredited Asbestos Inspectors](#)

[Survey Report Templates](#)

[Accredited or Proficient Asbestos Laboratories](#)



Notification and Application Forms

[Your DEQ Online Help](#)

[Your DEQ Online Portal Login](#)

[ASN-4 Asbestos Waste Shipment Report](#)

[All notification and application forms](#)

Survey Rule Background

- The original asbestos survey rule was added in 2001 and only required lab results. In 2018 the survey rules were significantly updated, including specific required information in the survey report. The intent of expanding the survey report requirements was to allow anyone to understand the results of the asbestos survey.
- Complete survey reports provide owners, contractors, and DEQ with information related to when, where, why, what and how a survey was conducted and the results of the survey.

Survey Rule Background

- Laboratory results are one component of the survey report and on their own are not considered a complete survey report.
- Prior to performing demolition or renovation activity, the owner or operator must have an accredited inspector complete an asbestos survey. OAR 340-248-0270(1).
- Survey reports do not have an expiration date. When using older reports, the report must be reviewed to confirm the area to be impacted was surveyed and all suspect material in that area was sampled.

Asbestos Definitions

- **Demolition:** means wrecking or removing a load-supporting structural member of a facility together with related handling operations or the intentional burning of a facility. OAR 340-248-0010(18)
- **Renovation:** means altering one or more facility components. Renovation includes replacing, stripping, or repairing facility components, such as mechanical ventilation systems, pipes, ceilings, walls, flooring and insulating materials. Operations in which load-supporting structural members are wrecked or removed are excluded. OAR 340-248-0010(39)

Asbestos Definitions continued

Asbestos-containing material: means a material containing more than one-percent asbestos by weight. OAR 340-248-0010(8)

Facility: means all or part of a public or private building structure, installation, equipment, vehicle, or vessel, including but not limited to ships. OAR 340-248-0010(20)

- DEQ considers recreational vehicle (RV), trailers and campers as a facility and prior to demolition and/or disposal requires an asbestos survey and asbestos abatement of any identified asbestos-containing materials by a licensed asbestos abatement contractor.

Asbestos Definitions continued

Residential: means a facility used as a residence and that is a site-built home, modular home constructed off site, mobile home, condominium, duplex, or a multi-unit facility consisting of four units or less. Exceptions are that residential building does not mean a facility that is:

- Used by a fire department for training exercises;
- Demolished as part of a larger project including urban renewal projects, highway construction projects, or property developed for commercial use, industrial use, or multi-unit residential buildings with more than four units;
- 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
- A residential dwelling unit located in a commercial facility. OAR 340-248-0010(40)

Asbestos Definitions continued

- **Friable asbestos material:** means asbestos-containing material that when dry can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, transportation, or disposal. OAR 340-248-0010(21)
 - Typical friable asbestos materials include, but are not limited to sheet vinyl flooring, popcorn and any other type of wall or ceiling texture, joint compound and skim coats, Nicolite roof paper, silver paint on a roof or other surface, and thermal system insulation including pipe insulation, heat duct tape and insulation, heat unit and water heater insulation, and tank and boiler insulation. These materials are always friable and cannot be listed in the survey report as nonfriable.
- Any reference in the survey report to the definitions of friable must be cited from the DEQ rules and not the NESHAP, OSHA, or other sources.

Asbestos Definitions continued

- **Nonfriable asbestos material:** means asbestos-containing material that is not friable. When dry, nonfriable asbestos material cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, transportation, or disposal. OAR 340-248-0010(32)
 - Typical nonfriable asbestos materials include, but are not limited to, vinyl floor tile, glues and mastics, cement board siding, roofing or panels, window glazing, cement water or sewer pipe, and petroleum-based roofing.
 - Nonfriable materials in poor condition prior to any activity or have been exposed to fire or excessive heat must be considered friable. Nonfriable materials can be rendered friable during handling, removal, packaging, transportation and disposal activities. Nonfriable materials must be maintained in nonfriable condition during all phases of abatement to be considered nonfriable.

Survey Exemptions

Exemptions are listed in OAR 340-248-0250 and include:

- Owner occupants of a single private residence conducting their own renovation inside their home are not required to have a survey completed. However, most disposal facilities require a survey and/or sample results.
- The owner occupant exemption does not apply to demolition projects if the building was constructed prior to January 1, 2004.
- Residential buildings with four or fewer units constructed after January 1, 2004, are not required to have a survey prior to demolition or renovation.

Survey Exemptions continued

- **All** materials must be treated, removed, handled, managed, transported and disposed of as friable asbestos-containing material if a survey is not performed.
- Petroleum-based roofing and mastics that are fully encapsulated and are not hard, dry or brittle (still in nonfriable condition) do not require a survey.

Survey Exemptions continued

- Projects that involve removing less than three square feet or three linear feet of asbestos-containing material do not require a survey provided that removing asbestos is not the primary objective, is part of a needed repair operation, and the methods of removal comply with OAR 437-003-1926.1101 Asbestos, paragraph (g) Methods of Compliance, in Division 3 Construction, Subdivision Z Toxic and Hazardous Substances. Asbestos abatement projects may not be subdivided into smaller sized units in order to qualify for this exemption.

Survey Requirements

- Surveys must be completed by an accredited inspector who has a current accreditation certificate as defined in OAR 340-248-0010(1).
- Samples collected by a homeowner or individual who is not an accredited inspector cannot be used by a contractor in place of a survey. In addition, these sample results cannot be incorporated into a survey and survey report if an accredited inspector ultimately conducts a survey.

Survey Requirements continued

- All commercial buildings must have a survey completed unless all materials impacted will be assumed to contain asbestos and treated as friable asbestos-containing material.
- Residential buildings constructed before January 1, 2004, require an asbestos survey or all materials must be assumed and treated as friable asbestos-containing material.
- A copy of the complete asbestos survey report must be kept on-site during renovation or demolition activities, including the asbestos abatement project. The survey report can be digital or paper. A copy must be provided to DEQ upon request.

Survey Report Components

The following slides contain the survey report components that are required per OAR 340-248-0270(3)(d):

- 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;

Survey Report Components continued

- 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;

Survey Report Components continued

- G. Detailed description of limitations on the thoroughness of the survey, for example an inaccessible area;

Survey Report Components continued

- 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.

Survey Report Components continued

- I. A recommendation of response actions that comply with the DEQ requirements; and
- J. A complete copy of the laboratory report for all samples taken and analyzed under subsections (a) – (c) of this section. The minimum requirements for the laboratory report include:
 - i. Laboratory name, address, and phone number;
 - ii. Unique sample analysis identification number;
 - iii. Bulk sample analysis results showing asbestos content;
 - iv. Name of the analyst; and
 - v. Completed chain of custody for the samples.

Violations and Enforcement

- Failure to follow DEQ's asbestos survey and survey report rules may result in enforcement, including a Warning Letter, Expedited Enforcement Offer (EEO), or a Pre-Enforcement Notification (PEN). EEOs and PENs include monetary penalties.
- Survey report violations for commercial buildings may result in a Warning Letter for the first violation, depending on the survey report violation.
- Survey report violations for residential buildings result in a Warning Letter for the first violation, with the potential for penalties if subsequent violations occur.

Violations and Enforcement continued

Any of these violations can result in a Warning Letter, EEO, or PEN. An EEO and PEN include monetary penalties:

- Failure to have a survey completed prior to renovation or demolition.
- Failure to have a complete copy of the asbestos survey report onsite during the renovation or demolition.
- Failure to provide a complete copy of the asbestos survey report to DEQ upon request.

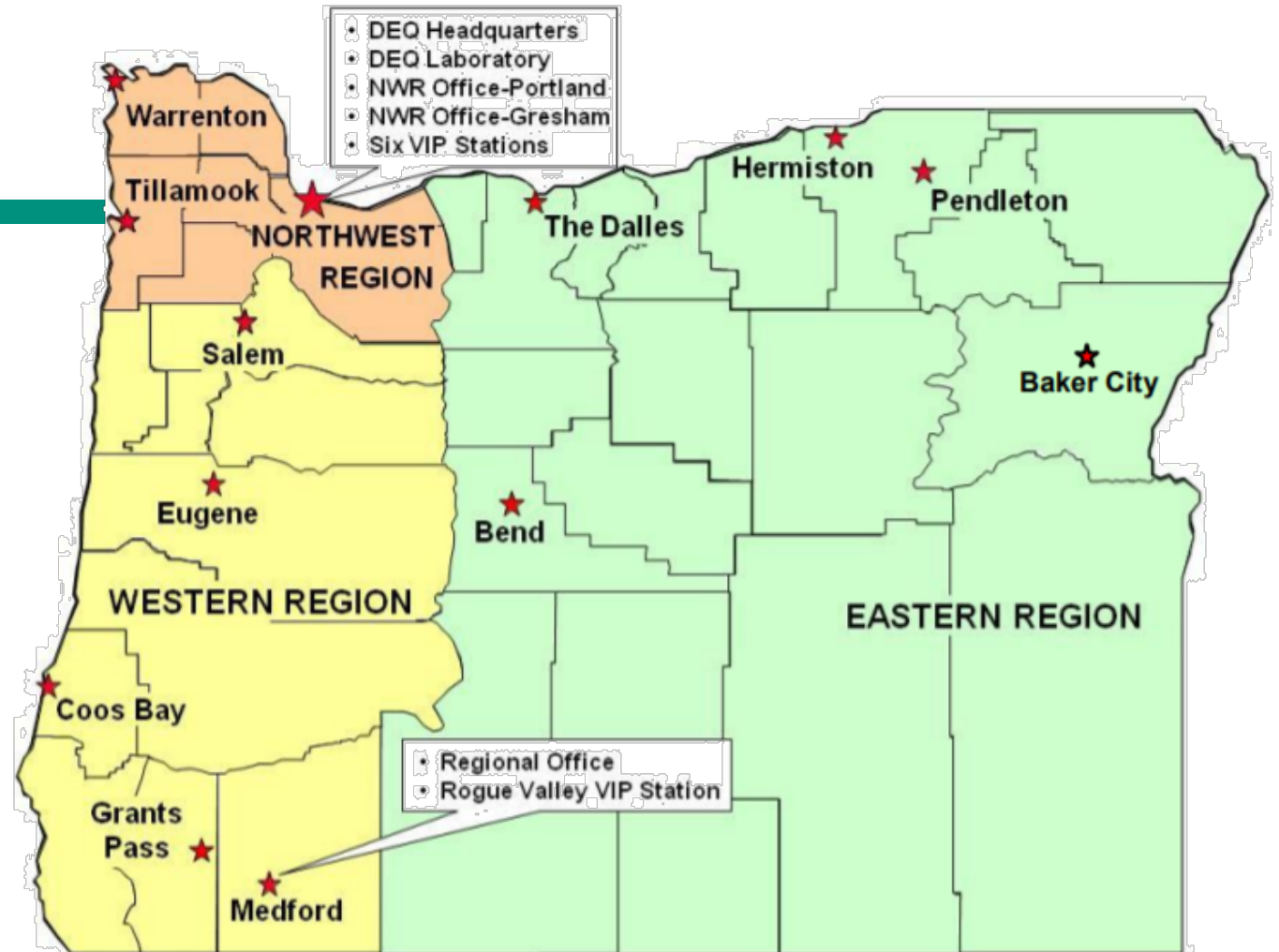
Violations and Enforcement continued

Survey report violations that may receive an EEO or PEN upon the first occurrence include:

- Not describing the location and area surveyed.
- Not including a table of ACMs and presumed ACMs.
- Not including recommended response actions.
- Not including the laboratory report and completed chain of custody.

DEQ Contacts

- Northwest Region
503-229-5982
- Western Region - Salem
503-378-8240
- Western Region - Medford
541-776-6010
- Eastern Region - Bend
541-388-6146
- Eastern Region - Pendleton
541-276-4063
- Projects in Lane County - LRAPA
541-736-1056



Contacts can be found on the asbestos website near the bottom right using the link to [“Contact the asbestos specialist in your area.”](#)

Thank you!

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

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Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us