

CHAPTER 6-600. ASBESTOS PROJECTS⁴⁶

Section 6-601. Definitions.⁴⁷

A. When used in this Chapter, the following definitions shall apply:

(1) *Asbestos*. Asbestiform varieties of chrysotile, crocidolite, amosite, actinolite, anthophyllite, and tremolite.

⁴⁶ Added, 1986 Ordinances, p. 663.

⁴⁷ Amended and additional definitions added, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

(2) *Asbestos Material*. Any substance which contains more than one (1%) percent asbestos by weight.

(3) *Friable Asbestos Material*. Any asbestos material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure, including any asbestos material that will be crumbled, pulverized or reduced to powder by the proposed asbestos project.

(4) *Asbestos Abatement*. Any activity designed to control fiber release from asbestos material and prevent asbestos exposure, including removal, enclosure, or encapsulation of asbestos materials.

(5) *Removal*. The taking out or stripping of asbestos materials.

(6) *Enclosure*. The erection of air-tight, impact-resistant barriers around asbestos materials to prevent the release of asbestos fibers into the environment.

(7) *Encapsulation*. The spraying or coating of exposed asbestos materials with an approved sealant to prevent the release of asbestos fibers.

(8) *Asbestos Project*. Any activity involving the removal, enclosure, or encapsulation of asbestos materials or any renovation, repair, or demolition which disturbs asbestos materials.

(9) *Renovation*. Any modification of existing structures in a building or private residence.

(10) *Repair*. Restoration, reconstruction, or reconditioning of structures or fixtures in a building or private residence.

(11) *Demolition*. The taking out or wrecking of load-supporting structures in a building or private residence.

(12) *Major Asbestos Project*. Any project, except in a private residence, which involves within one (1) year, the removal, enclosure, or encapsulation of or any renovation, repair, or demolition work which disturbs or damages either:

(a) eighty (80) square feet or more of friable asbestos material from ceilings, walls, structural members, mechanical components, or other surfaces at one location; or

(b) forty (40) linear feet or more of asbestos pipe covering at one location.

(13) *Minor Asbestos Project*. Any project involving, within one (1) year, the removal, enclosure, or encapsulation of or any renovation, repair, or demolition work which disturbs or damages either:

(a) more than twelve (12) square feet but less than eighty (80) square feet of friable asbestos material at one location; or

(b) more than three (3) linear feet but less than forty (40) linear feet of asbestos pipe covering at one location; or

TITLE 6. HEALTH CODE

(c) any asbestos project in a private residence involving more than twelve (12) square feet of friable asbestos material, or more than three (3) linear feet of asbestos pipe covering.

(14) *Structural Member*. Any load-supporting member of a structure, such as beams or load-supporting walls; or any non-load-supporting member, such as ceilings or non-load-supporting walls.

(15) *License*. A document issued by the Department of Licenses and Inspections, after approval of the Department of Public Health, authorizing a contractor to engage in the business of asbestos abatement or renovation, repair or demolition work involving asbestos materials.

(16) *Permit*. A document issued by the Department of Licenses and Inspections, after approval by the Department of Public Health, authorizing a contractor or any other person to commence a major asbestos project.

(17) *Building*. Any public or private commercial, industrial, or institutional structure or any residential structure which contains four (4) or more dwelling units.

(18) *Private Residence*. Any private residential structure which contains less than four (4) dwelling units.

(19) *Building Owner*. The owner of a building or his/her authorized representative.

(20) *Building Occupants*. Employees, tenants, or other persons who live, work or utilize the services offered in a building.

(21) *Asbestos Contractor*. A business or individual who contracts to perform asbestos abatement or renovation, repair, or demolition work involving asbestos materials.

(22) *Asbestos Worker*. Any person who directly performs or supervises asbestos abatement or renovation, repair, or demolition work involving asbestos materials.

(23) *Asbestos Project Supervisor*. Any person employed by an asbestos contractor or building owner to supervise asbestos project activity.

(24) *Employer*. A body, person, board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity employing, permitting, or suffering another to work. This term shall apply to private employers and to the City and its agencies, schools, institutions, or authorities recognized by it.

(25) *Employee*. Any person permitted or suffered to work by an employer.

(26) *Authorized Employee Representative*. A person designated by the employees or the designated representative of an employee organization recognized or certified to represent the employees.

TITLE 6. HEALTH CODE

(27) *Discriminatory Action.* Any action by an employer which adversely affects an employee with respect to any terms or conditions of employment or opportunity for promotion including, but not limited to, the action of dismissal, layoff, suspension, demotion, transfer of job or location, reduction in wages, changes in hours of work, or reprimand.

(28) *Certified Asbestos Worker.* A person who has completed an approved training or review course and has received a training certificate.

(29) *Independent Certified Asbestos Project Inspector.* A technically qualified individual approved by the Department of Public Health and employed or retained by a building owner to perform continuous monitoring of a major asbestos project. An asbestos project inspector shall not be associated with the asbestos contractor on the project.

(30) *Independent Certified Laboratory.* Any analytical testing laboratory approved by the Department of Public Health to analyze bulk, dust, or air samples for asbestos. The laboratory utilized for analysis of samples from an asbestos project shall not be associated with the contractor performing the asbestos work on the project.

(31) *Technically Qualified Individual.* An individual with professional or technical education, training, or experience, who understands the health and safety risks associated with asbestos exposure and has a working knowledge of the precautions, procedures, and equipment required for proper asbestos removal, renovation, or demolition.

(32) *Re-occupancy Standard.* A maximum allowable concentration of airborne asbestos fibers established by the Department of Public Health for re-occupancy of a building, private residence, or portion thereof following completion of an asbestos project.

(33) *Air Monitoring.* The process of sampling and measuring the fiber content of a known volume of air in a known period of time.

(34) *HEPA.* A High Efficiency Particulate Absolute filter capable of filter efficiency at ninety-nine and ninety-seven one-hundredths (99.97%) percent of a test aerosol with an average particle size of three-tenths (0.3) microns.

(35) *Containment Bag.* A plastic bag specifically designed to permit the removal of asbestos insulation material without releasing fibers into the air.

(36) *Department.* Department of Public Health.

(37) *Board.* Board of Health.

(38) *Commissioner.* Health Commissioner.

(39) *Person.* Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, trustee, agency, authority, department, bureau, or other legal entity.

TITLE 6. HEALTH CODE

(40) *Asbestos Inspection Report.* A document prepared by an independent certified asbestos investigator concerning the presence and condition of asbestos material in a building.

(41) *Independent Certified Asbestos Investigator.* An individual approved by the Department of Public Health and employed or retained by a building owner to identify the presence and evaluate the condition of asbestos material in a building. An asbestos investigator shall not be associated with the contractor employed to perform the alteration or demolition work in the building.

(42) *Location.* Any work area in which an asbestos project is undertaken, except that where contiguous minor asbestos project work areas may be practicably combined for the purpose of⁴⁸ meeting the standards for major asbestos projects, such combination of minor asbestos project work areas shall comprise one location.

(43) *Emergency Situation.* A condition requiring immediate removal or repair of less than eighty (80) square feet of friable asbestos material or less than twenty (20) linear feet of asbestos pipe covering where the failure to remove or repair such material would result in the shutting down of mechanical systems or manufacturing equipment.

(44) *Small Asbestos Project.* Any project involving the removal, enclosure, or encapsulation of or any renovation, repair or demolition work which disturbs or damages either:

(a) twelve (12) square feet or less but more than five (5) square feet of friable asbestos material at one location; or

(b) three (3) linear feet or less but more than one (1) linear foot of asbestos pipe covering at one location.

(45) *Incidental Asbestos Project.* A project that disturbs or damages either:

(a) five (5) square feet or less of friable asbestos material at one location; or

(b) one (1) linear foot or less of asbestos pipe covering at one location.

Section 6-602. Licenses.

In order to ensure that asbestos work is properly performed so as to protect building occupants and the general public from exposure to asbestos, all qualified asbestos contractors shall be licensed.

(1) No asbestos contractor shall engage in an asbestos project unless the contractor has obtained a license from the Department of Licenses and Inspections.

(2) The Board shall establish by regulation the qualifications and standards for the issuance and renewal of a license. Such standards and qualifications shall, at a minimum, include:

⁴⁸ Enrolled bill read "or".

TITLE 6. HEALTH CODE

(a) Successful completion of approved training and review courses required by this Chapter and certification by the Department of Licenses and Inspections, provided that where the contractor is a business, the business shall have in its employ, at least one individual who has satisfied such training and certification requirements;⁴⁹

(b) the use of certified asbestos workers;

(c) the use of appropriate equipment and materials.

(3) Applicants for either a license or license renewal shall provide, in addition to any other information required, a complete record of all violations, penalties, or other sanctions imposed in regard to asbestos project activity during the previous twelve (12) months by the City of Philadelphia or any other jurisdiction.

(4) Licenses shall be valid for one (1) year. The annual license fee shall be three hundred (\$300.00) dollars, plus an annual non-refundable application fee of twenty-five dollars (\$25.00).⁵⁰

(5) The Department of Licenses and Inspections shall not issue a license unless and until the Department has certified, in writing, that the applicant meets the qualifications and standards established by the Board.

(6) The Department of Licenses and Inspections shall renew a license unless the Department has certified, in writing, that the applicant has not met the qualifications and standards established by the Board. The Department shall review annually the compliance record of all asbestos contractors.

(7) The Department of Licenses and Inspections, upon a finding by the Department that an asbestos contractor has failed to comply with the provisions of this Chapter and regulations promulgated thereunder, shall deny, suspend, or revoke a license or refuse to renew a license in accordance with the recommendation of the Department.

(8) Any action taken by the Department of Licenses and Inspections pursuant to Section 6-602 may be appealed to the Board of License and Inspection Review in accordance with its procedures.

Section 6-603. Permits and Notification.⁵¹

In order to ensure that asbestos work is properly performed so as to protect occupants of buildings and private residences and the general public from exposure to asbestos, permits shall be required for all major asbestos projects and notification shall be required prior to the commencement of all minor asbestos projects.

⁴⁹ Amended, 1988 Ordinances, p. 882.

⁵⁰ Last phrase added, Bill No. 970238 (approved June 25, 1997).

⁵¹ Amended, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

(1) No contractor or other person shall commence a major asbestos project unless he/she has obtained a permit for that project from the Department of Licenses and Inspections.

(2) Reserved.⁵²

(3) Project permit fees shall be based on the estimated cost of the asbestos abatement portion of the project but shall be no less than two (2%) percent of the first fifty thousand (\$50,000) dollars and an additional one (1%) percent of any amount over fifty thousand (\$50,000) dollars. The minimum fee shall be one hundred (\$100) dollars.

(4) The Board shall establish by regulation the requirements for obtaining a permit which shall include, but not be limited to:

(a) possession of a valid license or, if the applicant is not an asbestos contractor, certification by the Department of Licenses and Inspections;

(b) use of certified asbestos workers;

(c) use of appropriate equipment and materials.

(5) Permit applications shall include, but shall not be limited to, the following information:

(a) name and address of contractor or other person responsible for the asbestos project;

(b) name and address of independent certified asbestos project inspector;

(c) name and address of independent certified laboratory;

(d) name and address of asbestos waste transporter;

(e) name and address of asbestos waste disposal facility;

(f) name and address of building owner;

(g) location and function of building;

(h) description of asbestos project, including amount and location of asbestos materials;

(i) description of procedures and equipment that will be used to comply with the asbestos project standards established by this Chapter, including any alternative equivalent methods proposed for work area preparation;

(j) estimated total cost of the project;

⁵² Deleted, Bill No. 970238 (approved June 25, 1997).

TITLE 6. HEALTH CODE

(k) scheduled starting and completion dates.

(6) The Department of Licenses and Inspections shall not issue a permit unless and until the Department has certified, in writing, that the applicant has met the requirements established by the Board. In addition, the Department of Licenses and Inspections shall impose upon a permit such terms and conditions as the Department deems necessary to ensure compliance with the provisions of this Chapter or regulations promulgated thereunder.

(7) After a permit has been issued, the applicant shall notify the Department, in advance, of any changes in the asbestos project not accounted for in the permit application and submit an amended permit application before project completion.

(8) The Department of Licenses and Inspections, upon a finding by the Department that a person has failed to comply with the provisions of this Chapter or regulations promulgated thereunder shall deny, suspend, or revoke a permit in accordance with the recommendation of the Department.

(9) Any action taken by the Department of Licenses and Inspections pursuant to Section 6-603 may be appealed to the Board of License and Inspection Review in accordance with its procedures.

(10) Minor Asbestos Project Notification.⁵³

(a) No contractor or other person shall commence a minor asbestos project unless he/she has notified the Department in accordance with regulations established by the Board at least twenty-four (24) hours prior to the commencement of the project.

Section 6-604. Certification.⁵⁴

In order to ensure that asbestos work is properly performed so as to protect occupants of buildings and private residences and the general public from exposure to asbestos, asbestos workers, asbestos project inspectors, asbestos investigators and analytical testing laboratories shall be certified as competent by the Department of Licenses and Inspections.

(1) *Asbestos Workers.*

(a) No person shall directly perform or supervise any asbestos abatement, renovation, repair or demolition work which disturbs or damages asbestos materials unless that person has been properly trained and certified by the Department of Licenses and Inspections.

(b) The Department of Licenses and Inspections shall certify those persons who have completed an approved training or review course and have been awarded a training certificate or who have been exempted from completing an initial training course by the Department. At the time of certification, the Department of Licenses and Inspections shall provide all persons

⁵³ Amended, 1988 Ordinances, p. 882; Subsection (10) deleted and subsection (11) renumbered to (10), Bill No. 970238 (approved June 25, 1997).

⁵⁴ Amended and subsections added, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

certified to perform work on asbestos projects with written information on the relationship between smoking and asbestos exposure.

(c) All asbestos workers, supervisors and contractors shall complete, or qualify as exempted from completing, an initial training course in order to obtain their initial certification; and complete an annual review course in order to renew their certification. Any persons who fail to renew their certification for three (3) consecutive years shall be required to complete an initial training course in order to be re-certified.

(d) Certification by the Department of Licenses and Inspections shall be valid for thirteen (13) months from completion of an approved training or review course. No fee shall be charged for certification.⁵⁵

(e) The employer shall ensure that each asbestos worker engaged in an asbestos project is currently certified by the Department of Licenses and Inspections.

(f) The Department of Licenses and Inspections shall issue an identification card valid for thirteen (13) months from completion of an approved training or review course to certified asbestos workers. All asbestos workers shall have their identification cards in their possession while working on an asbestos project.

(g) The following persons are exempted from completing an initial training course, but nevertheless are required to complete an annual review course thereafter.

(.1) Experienced asbestos workers who have successfully completed appropriate training programs, provided that such training programs have been reviewed and approved by the Department.

(.2) Any person who has fulfilled the certification requirements of another jurisdiction, provided, that such certification requirements have been reviewed and approved by the Department.

(.3) The Board shall establish by regulation criteria for reviewing and approving training programs and certification requirements.

(2) *Asbestos Project Inspectors.*

(a) Asbestos project inspectors employed or retained by building owners to perform air sampling and visual inspections on major asbestos projects shall be certified annually by the Department of Licenses and Inspections, after approval by the Department.

(b) The Board shall establish criteria for approval of asbestos project inspectors.

⁵⁵ Annual fee of \$25 deleted, Bill No. 970238 (approved June 25, 1997)

TITLE 6. HEALTH CODE

(c) Certification shall be valid for one (1) year. The annual fee shall be one hundred (\$100.00) dollars.

(3) *Analytical Testing Laboratories.*

(a) Laboratories that perform analysis of bulk, dust, or air samples for asbestos shall be certified annually by the Department of Licenses and Inspections after approval by the Department.

(b) The Board shall establish criteria for approval of laboratories.

(c) Certification shall be valid for one (1) year. The annual fee shall be three hundred (\$300.00) dollars.

(4) *Asbestos Investigators.*

(a) Asbestos investigators employed or retained by a building owner to identify the presence and evaluate the condition of asbestos material in a building pursuant to Section 113.6 of The Philadelphia Building Code as adopted by Chapter 4-10.0 of The Philadelphia Code shall be certified annually by the Department of Licenses and Inspections after approval by the Department.

(b) The Board shall establish, by regulation, criteria for approval of asbestos investigators.

(c) Certification shall be valid for one (1) year. The annual fee shall be one hundred (\$100.00) dollars.

(5) The Department of Licenses and Inspections, upon a finding by the Department that an asbestos worker or supervisor, asbestos project inspector, asbestos investigator, or analytical testing laboratory has failed to comply with the provisions of this Chapter and regulations promulgated thereunder, shall deny, suspend, or revoke a certification or refuse to renew a certification in accordance with the finding of the Department.

(6) Any action taken by the Department of Licenses and Inspections pursuant to Section 6-604(5) may be appealed to the Board of License and Inspection Review in accordance with its procedures.

Section 6-605. Training.⁵⁶

In order to ensure that all asbestos workers are properly trained to perform asbestos work so as to protect occupants of buildings and private residences and the general public from exposure to asbestos, training programs shall be certified by the Department of Licenses and Inspections.

(1) Asbestos training programs shall be certified annually by the Department.

⁵⁶ Amended and subsections added, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

- (2) The Board shall establish by regulation criteria for approval of training programs, including but not limited to, instructors, curricula and examinations.
- (3) Certification shall be valid for one (1) year. The annual fee shall be three hundred (\$300.00) dollars.
- (4) Initial training and review courses shall be taught by technically qualified individuals.
- (5) Asbestos training programs shall issue a training certificate to persons who complete an initial training or review course.
- (6) The successful completion of a training course shall include passage of a written examination.
- (7) An initial training course shall provide at least thirty-two (32) hours of instruction. Classroom instruction shall include, but not be limited to, the following topics:
- (a) recognition of asbestos material, including its physical character and uses;
 - (b) health hazards of asbestos, including the relationship between asbestos exposure, smoking and disease;
 - (c) permissible asbestos exposure limits established or recommended by OSHA, NIOSH, and other agencies or professional organizations;
 - (d) worker protection, including respiratory protection, protective clothing, decontamination procedures, air monitoring, medical surveillance, and personal hygiene;
 - (e) the use and care of respirators, including the protection afforded, fitting and testing procedures, maintenance and cleaning;
 - (f) work practices, including work area preparation, procedures and equipment for reducing airborne asbestos fibers, waste clean-up and disposal, and work area decontamination;
 - (g) the requirements, procedures, and standards of the Department;
 - (h) negative air pressure systems and procedures.
- (8) In addition to classroom instruction, an initial training course shall provide at least sixteen (16) hours of actual experience in asbestos work practices through a simulated asbestos project and individual instruction and practice in the use and fit testing of respirators.
- (9) A review course shall provide at least eight (8) hours of review of topics covered in the initial training course, incorporating any new developments in asbestos abatement procedures and equipment.

TITLE 6. HEALTH CODE

(10) The Department of Licenses and Inspections, upon a finding of noncompliance by the Department, shall deny, suspend, revoke, or refuse to renew a certification of any asbestos training program in accordance with the finding of the Department. Such action by the Department of Licenses and Inspections may be appealed to the Board of Licenses and Inspections Review in accordance with its procedures.

Section 6-606. Standards for Major Asbestos Projects.⁵⁷

The Board shall establish by regulation standards for major asbestos projects in order to protect the health and safety of building occupants and the general public by preventing the dispersion of asbestos fibers through a building or into the environment. Such major asbestos project standards shall include, but not be limited to, the following requirements:

(1) *Work Area Preparation:*

(a) Appropriate caution signs shall be posted at all entrances to the asbestos project work area and waste storage area at all times during the asbestos project, until the re-occupancy standard has been met.

(b) All furniture, equipment, fixtures, and other movable objects shall be HEPA-vacuumed and, where feasible, wet-cleaned and removed from the work area.

(c) All other objects that cannot be removed shall be HEPA-vacuumed and, where feasible, wet-cleaned and covered with plastic sheeting taped in place.

(d) Except to allow for the entry of air necessary to maintain negative pressure, the work area shall be isolated for the duration of the asbestos project by completely enclosing the work area and sealing off all doors, windows, ducts, and other openings with plastic sheeting taped in place.

(e) All ventilation systems into or out of the work area shall be shut down.

(f) An effective airlock chamber which will prevent contamination outside the work area shall be constructed at the entrance to the work area.

(g) All walls shall be covered by at least four (4) mil plastic sheeting taped in place; all floors shall be covered by at least two (2) layers of six (6) mil plastic sheeting taped in place.

(h) A series of three (3) enclosed areas connected to the work area and separated by sealable barriers shall be constructed in order to prevent asbestos workers from carrying asbestos outside the work area on their bodies, clothing, or equipment.

(.1) First, an equipment area for removal of contaminated protective clothing and storage of contaminated equipment, clothing, and other items;

⁵⁷ Amended, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

(.2) second, a walk-through shower area where, after leaving the work area and removing their protective clothing in the equipment area, workers shower to remove all asbestos from their bodies; and

(.3) third, a clean area where, before entering the work area, workers change from street clothes into clean protective clothing and respirators and store their street clothes in lockers.

(i) A negative pressure system shall be established with HEPA- filtered exhaust units that achieve a rate of at least one (1) air change in the work area every fifteen (15) minutes and maintain negative air pressure in the work area at all times in order to prevent airborne asbestos fibers from escaping the work area.

(j) Building occupants shall be removed from any floor where an asbestos project is in progress, unless the work area is completely separated either by an airtight physical barrier, such as a wall, or by a plastic barrier with the work area under negative pressure.

(k) The Department may approve alternative equivalent methods for work area preparation proposed in the permit application.

(2) Asbestos Project Procedures:

(a) General Procedures:

(.1) No person shall enter the work area during an asbestos project without proper equipment, clothing, and training.

(.2) The contractor or supervisor shall provide all authorized persons who enter the work area with required protective clothing and equipment, in accordance with applicable federal regulations, including: disposable protective clothing including full-body coveralls, head and foot covers, gloves; and appropriate respirators not including disposable paper dust masks approved by NIOSH for asbestos exposure.

(.3) The contractor or supervisor shall ensure that:

(.a) protective clothing and equipment is properly used;

(.b) respirators are used, fitted, and worn in a proper manner;

(.c) workers wear protective clothing and appropriate respirators, not including disposable paper dust masks, in the work area and other contaminated areas at all times;

(.d) workers refrain from eating, drinking, and smoking in the work area and other contaminated areas;

TITLE 6. HEALTH CODE

(.e) workers remove asbestos debris from clothing and equipment before leaving the work area; remove protective clothing and leave contaminated clothing, equipment, and other materials in the equipment area; and shower before entering the clean area.

(.4) Appropriate air monitoring to determine worker exposure shall be conducted for all asbestos workers not covered by the OSHA Asbestos Standards.

(b) *Removal Procedures:*

(.1) Asbestos materials shall be thoroughly wetted before being removed with an appropriate wetting solution in order to minimize the amount of asbestos fibers in the air which could escape the work area.

(.2) Dry removal of asbestos materials shall be permitted only when wet removal is not feasible and only with the approval of the Department.

(.3) Containment bag techniques shall be used to the maximum extent feasible for removal of asbestos pipe insulation or other appropriate asbestos materials. The Department may approve alternative, equivalent methods for work area preparation proposed in the permit application when containment bag techniques are used.

(c) *Encapsulation Procedures:*

(.1) Encapsulation shall be permitted only in areas where there is minimal activity and where asbestos materials are not damaged, deteriorated, delaminated, readily accessible to building occupants, or likely to be disturbed by building maintenance activity.

(.2) Only encapsulants approved by the Department may be used to encapsulate asbestos materials.

(.3) The Department shall maintain a list of approved encapsulants.

(.4) Asbestos materials that have been encapsulated shall be clearly labeled with a hazard warning prescribed by the Department. Labeling shall remain in place as long as the encapsulated asbestos materials remain intact.

(d) *Waste Disposal Procedures:*

(.1) As asbestos materials are removed, they shall be thoroughly wetted and placed into plastic disposal bags.

(.2) Asbestos contaminated materials such as plastic sheeting, clothing, and other items shall be placed into plastic disposal bags.

TITLE 6. HEALTH CODE

(.3) Plastic disposal bags shall be sealed, cleaned, and, while being removed from the work area, placed into approved six (6) mil plastic disposal bags, which shall be sealed, labeled in accordance with applicable EPA regulations, and transported to an approved waste disposal facility.

(.4) Any asbestos contaminated materials likely to penetrate the asbestos disposal bags shall also be placed into fiber drums, which shall be sealed, labeled in accordance with applicable EPA regulations, and cleaned before being removed from the work area and transported to an approved hazardous waste disposal facility.

(.5) The Board shall establish by regulation procedures for the disposal of large asbestos contaminated structural or mechanical components which cannot be handled according to the procedures specified in this Section .

(.6) There shall be no visible emission of asbestos dust during transport of asbestos waste.

(e) *Work Area Clean-Up Procedures:*

(.1) After all asbestos abatement work has been completed, but before the plastic containment barriers are removed, all surfaces in the work area shall be HEPA-vacuumed and, where feasible, wet-cleaned with an appropriate solution. When surfaces have dried, they shall be HEPA-vacuumed.

(.2) After thorough cleaning, such that no visible residue remains, all surfaces within a building from which asbestos material has been removed and all plastic sheeting shall be sprayed, where feasible, with an appropriate sealant.

(.3) The sequence of wet and dry cleaning shall be repeated in twenty-four (24) hour intervals until no residue is visible and, based on aggressive air monitoring conducted after all surfaces have dried, the airborne asbestos levels do not exceed the occupancy standard established by the Board.

(f) *Re-Insulation:*

(.1) No structural or mechanical surfaces from which asbestos has been removed shall be re-insulated with asbestos materials.

(3) *Air Monitoring:* Except for asbestos projects that do not involve reoccupancy, air monitoring shall be conducted before, during, and after all asbestos projects in order to protect building occupants and the general public from exposure to asbestos.

(a) The building owner shall retain an independent certified asbestos project inspector to monitor the level of airborne asbestos fibers within and outside of the work area during the course of the asbestos project.

TITLE 6. HEALTH CODE

(b) Air sampling and analysis shall be conducted according to the latest NIOSH or EPA method, if a standard NIOSH or EPA protocol has been established.

(c) Air samples shall be analyzed by an independent certified laboratory by appropriate analytic methods. Testing results shall be forwarded directly to the Department and to the independent certified asbestos project inspector and posted outside the work area so that they are readily accessible to asbestos workers and their authorized representatives.

(d) Air samples shall be taken before, during, and after asbestos abatement and analyzed as follows:

(.1) initial samples shall be taken before asbestos abatement begins to establish prevalent airborne asbestos levels;

(.2) project samples shall be taken inside and outside the work area on a daily basis while asbestos abatement is occurring to monitor the work area and detect any escape of fibers;

(.3) initial and project samples shall be analyzed by methods prescribed by the asbestos project inspector;

(.4) clearance samples shall be taken inside and outside the work area, after final clean-up, to determine whether airborne asbestos levels exceed the re-occupancy standard;

(.5) clearance samples shall be analyzed by electron microscopy, unless the asbestos project inspector certifies that an alternate analytic method provides adequate assurance that airborne asbestos levels will not exceed the re-occupancy standard and the Department concurs therewith in writing;

(.6) the Board shall establish criteria for approval of alternate analytic methods.

(e) The Board shall establish a standard for maximum allowable increase in airborne asbestos levels outside the work area; if air testing results show that the standard has been exceeded, the asbestos contractor or supervisor shall immediately halt asbestos work and implement remedial measures prescribed by the asbestos project inspector and notify the building owner and the Department.

(f) The Department shall establish a re-occupancy standard setting a maximum airborne asbestos level no higher than one one-hundredth (.01) fiber per cubic centimeter of air or the ambient level outside the building, whichever is greater. After final clean-up, the asbestos project work area shall not be unsealed or re-occupied until air testing results based on aggressive air monitoring, show that airborne asbestos levels do not exceed the standard.

TITLE 6. HEALTH CODE

(.1) The Board shall establish by regulation, air monitoring procedures for asbestos projects that do not involve reoccupancy as occur in demolition and out of door projects.

(4) *Project Completion:*

(a) A building owner shall not permit an asbestos project work area, including any⁵⁸ part of the building evacuated during an asbestos project, to be occupied until the Department has certified, in writing, that the following conditions have been met:

(.1) The asbestos project inspector has certified that, based on a visual inspection, the area contains no visible dust or debris; and

(.2) The asbestos project inspector certifies that, based on the results of aggressive air monitoring, the airborne asbestos level in the area does not exceed the occupancy standard established by the Board;

(.3) The Department, based on a visual inspection, has determined that the area contains no visible dust or debris;

(.4) The Department has determined that the air monitoring required to establish that the re-occupancy standard has been met has been performed in accordance with applicable regulations and procedures;

(.5) The contractor or supervisor has submitted an amended permit application for any project changes and evidence of the final, total cost of the asbestos abatement portion of the project.

(5) *Alternate Standards:*

(a) The Board may establish by regulation alternate standards for renovation, repair, or demolition projects involving non-friable asbestos materials that may be rendered friable by project activity, and for projects involving the repair or enclosure of friable asbestos materials where the asbestos materials are not disturbed by the process of repair or enclosure.

Section 6-607. Standards for Minor, Small and Incidental Asbestos Projects.⁵⁹

A. The Board shall establish by regulation standards for minor and small asbestos projects in order to protect the health and safety of occupants of private residences and buildings and the general public by preventing the dispersal of asbestos fibers through the building, private residences, or into the environment. Such minor and small asbestos project standards shall include, but shall not be limited to, the following requirements:

⁵⁸ Enrolled Bill No. 760-A read "including or any."

⁵⁹ Amended, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

(1) *Work Area Preparation:*

(a) Appropriate caution signs shall be posted at all entrances to the asbestos project work area and the waste storage area at all times during the asbestos project until the re-occupancy standard has been met.

(b) All furniture, equipment, fixtures, and other movable objects shall be HEPA-vacuumed and, where feasible, wet-cleaned and removed from the work area.

(c) All other objects that cannot be removed shall be HEPA-vacuumed and, where feasible, wet-cleaned and covered with plastic sheeting taped in place.

(d) Except for small asbestos projects, the work area shall be isolated for the duration of the asbestos project by completely enclosing the work area and sealing off all doors, windows, ducts, and other openings with plastic sheeting taped in place.

(e) Except for small asbestos projects, all floors, walls, and other surfaces, shall be covered with plastic sheeting, as specified by the major project standards, taped in place.

(f) A sealable barrier of plastic sheeting shall be constructed at the entrance to the work area.

(g) All ventilation systems into and out of the work area shall be shut down.

(h) Occupants shall be removed from any floor where an asbestos project is in progress unless the work area is completely enclosed and sealed off from other areas.

(2) *Asbestos Project Procedures:*

(a) *General Procedures:*

(.1) No person shall enter the work area without proper equipment, clothing, and training.

(.2) The contractor or supervisor shall provide all authorized persons who enter the work area with the same protective clothing and equipment required for major asbestos projects and shall ensure that it is properly used.

(.3) The contractor or supervisor shall ensure that all workers remove asbestos debris from clothing and equipment before leaving the work area.

(.4) The contractor or supervisor shall ensure that appropriate air monitoring to determine worker exposure shall be conducted for asbestos workers not covered by the OSHA Asbestos Standard.

(b) *Other Procedures:*

TITLE 6. HEALTH CODE

(.1) The contractor or supervisor shall ensure that all removal, enclosure, encapsulation, waste disposal, work area clean-up, and re-insulation procedures required for major asbestos projects are followed.

(c) *Air Monitoring:*

(.1) Air monitoring shall be conducted both inside and outside the work area in accordance with the methods and procedures established by the Board.

(.2) Air sampling and analysis shall be conducted according to the latest NIOSH or EPA method for phase contrast or electron microscopy, if a standard NIOSH or EPA protocol has been established.

(.3) Air samples shall be analyzed by an independent certified laboratory by appropriate analytic methods.

(.4) The asbestos contractor or supervisor shall immediately halt asbestos work and implement appropriate remedial measures if air testing results show any increase in airborne asbestos levels outside the work area which exceeds the standard set for major asbestos projects.

(.5) The Board shall establish a re-occupancy standard setting a maximum airborne asbestos level no higher than one one-hundredth (.01) fibers per cubic centimeter of air or the ambient level outside the building, whichever is greater.

(.6) After final clean-up, the asbestos project work area, including any part of the building evacuated during an asbestos project, shall not be unsealed or re-occupied until air testing results show that airborne asbestos levels do not exceed the re-occupancy standard.

(d) The asbestos project work area, including any part of the building evacuated during an asbestos project, shall not be unsealed or re-occupied until the contractor or supervisor certifies that:

(.1) based on a visual inspection, the area contains no visible dust or debris; and

(.2) based on the results of aggressive air monitoring, the airborne asbestos level in the area does not exceed the re-occupancy standard.

(e) *Alternate Standards:*

(.1) The Board may establish by regulation alternate standards for renovation, repair, and demolition projects involving non-friable asbestos materials that may be rendered friable by project activity, and for projects involving the repair or enclosure of

TITLE 6. HEALTH CODE

friable asbestos materials where the asbestos materials are not disturbed by the process of repair or enclosure.

B. The Board shall establish by regulation standards for incidental asbestos projects in order to protect the health and safety of occupants of buildings and private residences and the general public by preventing the dispersal of asbestos fibers through the building, private residence or into the environment.

Section 6-608. Administration.

(1) Except as otherwise provided by this Chapter, the Department is hereby vested with the authority to administer and enforce the provisions of this Chapter and regulations promulgated thereunder. In order to help implement, monitor and enforce the provisions of this Chapter, there shall be created within the Department an Asbestos Control Section within the Air Management Services Division.

(2) *Asbestos Control Advisory Committee:*

(a) An Asbestos Control Advisory Committee is hereby created to advise the Commissioner with respect to the rules and regulations of the Department and any other procedures, standards, criteria, guidelines, or related matters assigned to it by the Commissioner.

(b) The Asbestos Control Advisory Committee shall be composed of nine (9) members and shall be appointed by the Commissioner as follows:

(.1) two (2) members shall represent construction contractors and shall have a minimum of two (2) years' experience in asbestos abatement;

(.2) two (2) members shall represent construction unions whose members are engaged in asbestos abatement, including one (1) member of the International Association of Heat and Frost Insulators and Asbestos Workers and one (1) member of the Laborers International Union;

(.3) two (2) members shall represent the public interest and shall be members of environmental organizations with expertise on asbestos issues;

(.4) one (1) member shall represent building owners;

(.5) one (1) member shall be an environmental consultant and shall have a minimum of three (3) years' experience in consulting on asbestos abatement;

(.6) one (1) member shall be a member of the Board of Health.

(c) The Asbestos Control Advisory Committee, in conjunction with the Department, shall propose and forward to the Board rules and regulations and any other operating procedures, standards, criteria, and guidelines which are necessary for the administration, implementation,

TITLE 6. HEALTH CODE

and enforcement of the provisions of this Chapter within nine (9) months of the effective date of this Ordinance.

(d) The Board shall adopt such rules and regulations as it deems necessary to administer, implement, and enforce the provisions of this Chapter within sixty (60) days of receipt of the draft rules and regulations from the Asbestos Control Advisory Committee.

(e) Sufficient administrative staff and support services shall be made available to the Department to administer, implement, and enforce the provisions of this Chapter and regulations promulgated thereunder.

Section 6-609. Inspections.

A.⁶⁰ Buildings shall be inspected, in accordance with the provisions of Section 113.6 of The Philadelphia Building Code as adopted by Chapter 4-10.0 of The Philadelphia Code, prior to issuance of building permits by independent certified asbestos investigators. The investigator shall identify the presence and evaluate the condition of any asbestos material affected by the proposed work.

(1) The Board shall establish, by regulation, the criteria for conducting an asbestos inspection, including inspection techniques, sampling, analysis procedures, and requirements for an asbestos inspection report.

B. Asbestos projects shall be inspected to ensure that asbestos work is properly performed so as to protect building occupants and the general public from asbestos exposure.

(1) Without any prior notice the Department is authorized to conduct such inspections and take such air samples as are necessary to determine compliance with the requirements, procedures and standards established under this Chapter. In addition, for all major asbestos projects, the Department shall conduct the following inspections:

(a) *Pre-Inspection.* After initial work area preparation has been completed, but before asbestos abatement, renovation, or demolition has commenced, the Department shall inspect to ensure that the work area is properly contained and that all necessary equipment and procedures are in place to protect building occupants and the general public from exposure to asbestos. The contractor or supervisor shall not commence asbestos work until approval has been obtained from the Department.

(b) *Final Inspection.* After final work area clean-up has been completed, but before the plastic containment barriers have been removed, the Department shall inspect to ensure that the work area contains no visible dust or debris. The contractor or supervisor shall not remove the plastic containment barriers until approval has been obtained from the Department in order to protect building occupants and the general public from exposure to asbestos.

⁶⁰ Added, 1988 Ordinances, p. 882.

TITLE 6. HEALTH CODE

(c) The asbestos contractor or supervisor shall notify the Department at least seventy-two (72) hours prior to the time when pre-inspections and final inspections are requested. Department personnel shall be available to conduct required inspections at times other than normal work hours when necessary in order to expedite asbestos project completion. The Department shall conduct required inspections at the time requested, but in no event later than twenty-four (24) hours after the time requested.

(2) Any person who becomes aware of a hazardous condition arising out of an asbestos project may petition the Department for an immediate inspection.

(3) *Independent Asbestos Project Inspectors:*

(a) For all major asbestos projects, an independent certified asbestos project inspector shall be employed or retained by the building owner to monitor the asbestos project, to perform all required initial, project, and clearance air sampling, and to conduct visual inspections during the course of the asbestos project in order to protect building occupants and the general public from exposure to asbestos.

(.1) The asbestos project inspector shall have the authority to direct the asbestos contractor or asbestos project supervisor to correct any violations of the standards and procedures established under this Chapter and regulations promulgated thereunder. If the asbestos contractor or supervisor fails to correct any violation as directed by the asbestos project inspector, the inspector shall notify the Department immediately.

(.2) The asbestos project inspector shall keep written records on the asbestos project, including records of visual inspections, air monitoring, and violations, and immediately report any serious or repeated violations of the provisions of this Chapter or regulations promulgated thereunder to the Department. The asbestos project inspector may recommend to the Department suspension of asbestos project activity, removal of asbestos workers from the work area, or evacuation of the building in order to protect building occupants and the general public from exposure to asbestos.

Section 6-610. Enforcement.

(1) *Prohibited Conduct.* No person shall cause, suffer, permit, or allow any asbestos project to be performed in violation of any provision of this Chapter or regulations promulgated thereunder. In addition, no person shall cause, suffer, permit, or allow the performance of any acts or operations in violation of any orders issued by the Department pursuant to this Chapter and regulations promulgated thereunder.

(2) *Violations.* The Department shall have the power to issue an order requiring compliance with this Chapter or regulations promulgated thereunder. An order shall be served personally or by certified mail at the last known address upon the person(s) violating the provisions of this Chapter or regulations promulgated thereunder. In cases of a violation of asbestos project standards, a copy of the order shall also be served personally or by certified mail at the last known address upon the registered building owner and posted on the premises.

TITLE 6. HEALTH CODE

(3) *Hazardous Conditions.* Where the Department determines that a hazardous condition exists due to the failure to comply with the provisions of this Chapter and regulations promulgated thereunder, the Department, in addition to invoking any other sanctions available to it, may:

(a) issue an order to immediately correct the hazardous condition and to cease any other asbestos project activity until the condition is corrected;

(b) remove any asbestos workers, except those needed to abate the hazard, from the project work area until the condition is corrected in order to prevent further project activity;

(c) evacuate appropriate portions of the building until the condition is corrected; and

(d) certify the existence of a nuisance per se to the Department of Licenses and Inspections, which shall abate and remove the violation or contract for its abatement and removal; charge the cost of the abatement and removal to the person responsible therefor; and collect the cost by lien or other means as may be authorized by law;

(e) apply to any appropriate Court for relief by injunction or restraining order against any person responsible for the hazardous condition.

(4) *Penalties.* In addition to any other sanction or remedial order provided herein, any person who either fails to comply with the requirements of this Chapter and regulations adopted hereunder, or fails to obey an order issued by the Department, may be subject to any of the following penalties:⁶¹

(a) suspension and/or revocation of any permits issued pursuant to the provisions of this Chapter;

(b) imposition of a fine not less than one hundred fifty (\$150.00) dollars nor more than three hundred (\$300.00) dollars;

(c) suspension or revocation of any licenses issued pursuant to the provisions of this Chapter;⁶²

(d) issuance of an order to cease any asbestos project activity immediately; or,

(e) initiation of legal action or proceedings in a court of competent jurisdiction.

(5) *Continued Violations.* Each day a violation continues to exist shall constitute a separate violation for which a separate penalty shall be imposed.⁶³

⁶¹ Enrolled Bill No. 760-A read "(3) Penalties ...", (1986 Ordinances, p. 693).

⁶² Renumbered from (d) to (c) as a result of deletion of subsection (c) which read: "(c) imprisonment for a period of up to ninety (90) days," Bill No. 758 (approved July 24, 1995). Subsequent subsections renumbered.

⁶³ Enrolled Bill No. 760-A read "(4) Continued Violations ...", (1986 Ordinances, p. 694).

TITLE 6. HEALTH CODE

(6) *Repeat Offenders.* Any person who, on more than one occasion, either fails to comply with a provision of this Chapter or regulations adopted hereunder, or fails to obey an order issued by the Department, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.⁶⁴

Section 6-611. Appeals and Hearings.

(1) Any person aggrieved by an order, decision or other sanction imposed by the Department may file an appeal with the Commissioner or any representative specifically designated by the Commissioner within five (5) days after receipt of notice of the order, decision, or sanction. The appeal shall be filed and a prompt hearing shall be held in accordance with the procedures prescribed pursuant to Section 6-502(5) of the Health Code. Any person who is aggrieved by the decision of the Commissioner or designated representative may file an appeal with the Board of License and Inspection Review in accordance with the procedures prescribed pursuant to Section 6-504 of the Health Code.

(2) While an appeal is pending, compliance with a decision, order or sanction shall not be required, unless the Department has determined and certified in writing that the violation was intentional or that there exists a hazardous condition which requires immediate compliance with the Department's order so as to eliminate a public health hazard.

Section 6-612. Public Education.

(1) The Department shall conduct a program of public education on asbestos hazards in buildings. This program shall include, but not be limited to, the distribution of educational materials to the general public and occupants of buildings with asbestos hazards.

(2) Educational programs and materials developed or authorized by the Department shall include, but not be limited to, the uses of asbestos materials in buildings, the health effects of asbestos exposure, the recognition of asbestos hazards, proper asbestos control methods, recommended air monitoring procedures and the requirements of this Chapter.

(3) The Department shall distribute to all property owners a brochure on asbestos in buildings which shall include the information set forth in Section 6-612(2).

(4) The Department shall also make available lists of all licensed contractors, certified asbestos project inspectors, certified laboratories, and certified training programs.

(5) The Department shall also make available technical information regarding proper asbestos control methods, asbestos project standards, and other requirements of this Chapter to building owners and asbestos contractors, supervisors and workers.

⁶⁴ Added, Bill No. 758 (approved July 24, 1995).

TITLE 6. HEALTH CODE

Section 6-613. Right to Refuse Hazardous Work.

(1) After notifying his/her employer and the Department, any employee who is not an asbestos worker may refuse to work without loss of pay in an area where he/she reasonably believes a hazardous asbestos condition has been created by any activity which violates the asbestos project standards until such time as the Department determines that no such violation was committed or that any such violation has been corrected; provided however, that an employee may not refuse to work without loss of pay if the employer provides a reasonable alternative work area.

(2) The Department of Public Health shall conduct an inspection within twenty-four (24) hours after notice of a request for inspection pursuant to this Section .

Section 6-614. Discriminatory and Retaliatory Actions.

(1) It shall be unlawful for any person to discriminate or take any retaliatory action against any person who exercises in good faith a right established by this Chapter or any regulation promulgated thereunder.

(2) Any person claiming to be aggrieved by a discriminatory or retaliatory action may file a complaint with the Department. If the Commissioner or any representative specifically designated by the Commissioner, after investigation, determines that probable cause exists for the allegations in the complaint, the Department shall serve notice of a hearing date, together with a copy of its findings upon all interested parties. At the hearing, it shall be the respondent's burden to prove that the alleged discriminatory action was not undertaken in retaliation for the exercise of any right under this Chapter.

(3) The Commissioner or designated representative, upon finding a violation of this Chapter, shall enter such necessary orders to make whole the person against whom the discriminatory or retaliatory action was taken, and impose a fine in the amount of three hundred (\$300.00) dollars. In addition, the Department may impose such other penalties and sanctions set forth in Section 6-610(3) as it deems necessary and appropriate.

(4) Any person aggrieved by the findings of the Department pursuant to this Section may file an appeal in accordance with the procedures set forth in Section 6-611 of this Chapter.

Section 6-615. Records.

(1) In accordance with State and local law, the Departments of Public Health and Licenses and Inspections shall provide for public access, during normal business hours, to all documents, records, and reports required by this Chapter or the regulations developed thereunder and shall, upon request, provide copies of these materials for a fee not to exceed the cost of reproduction.

Section 6-616. Severability.

If any provision or application of this Chapter is held invalid, the remainder of the Chapter and all other applications shall not be affected thereby.

TITLE 6. HEALTH CODE

Section 6-617. Miscellaneous Provisions.

(1) If any provision of this Chapter conflicts with any federal or state law pertaining to an asbestos project, said provision shall not apply to the extent that said provision is preempted by the federal or state law.

(2) Nothing in this Chapter shall obligate the disclosure of information or documents by City officers and employees which may be regarded as confidential or privileged under federal or state law.