

MEMORANDUM

City of Philadelphia  
Date: 7/21/09

TO: Shelly Smith, City Solicitor *Reedy*  
FROM: Jeanne Reedy, Administrative Services Director, Records Dept. *Reedy*  
SUBJECT: Amendments to the Asbestos Control Regulations

---

The above Amendments promulgated by the Department of Public Health were received in the Department of Records on 6/18/09 for filing and advertising. Inasmuch as there were no requests for hearings, these Amendments became effective midnight 7/20/09.

CC: Donald F. Schwartz, MD, MPH, Health Commissioner  
Thomas Huynh, Director, Air Management Services

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
PUBLIC HEALTH SERVICES  
AIR MANAGEMENT SERVICES

**MEMORANDUM**

TO: Jeanne Reedy, Administrative Services Director, Records Dept.

FROM: Thomas Huynh, AMS Director *ER* for TH

SUBJECT: Amendments to the Asbestos Control Regulation, Comments and Response Document

DATE: 8/4/2009

---

The Department of Public Health, Air Management Services, filed amendments to the Board of Health's Asbestos Control Regulations with the Department of Records on June 18, 2009. There were no requests for a hearing in connection with this filing, although we received comments from three members of the public. Enclosed please find Air Management Services' summary of those comments and the Department's response. Please file this Comment/Response document along with the regulation amendments. Thank you.

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
BOARD OF HEALTH

**Amendments to The Asbestos Control Regulations**

Section 1. The Department of Public Health and Board of Health's Asbestos Control Regulations, effective May 22, 1989, as subsequently amended, are hereby further amended as follows (deletions in ~~Strikethrough~~; additions in **Bold**):

SECTION I. DEFINITIONS

A. The following definitions apply to these Regulations:

\* \* \*

**27.A. DISPOSAL BAG. A transparent bag that when filled makes readily visible the contents of the bag.**

\* \* \*

\* \* \*

SECTION II. LICENSES

\* \* \*

B. In addition to the conditions set forth in Sections 6-503(1) and **6-602** of the **Philadelphia** Health Code for the issuance of licenses, the Department of Licenses and Inspections shall not issue a license authorizing any person to perform an asbestos project unless the Department has certified in writing that the applicant has complied with the following:

1. Applicant shall submit an application for a license to the Department accompanied by ~~a non-refundable application fee of Twenty Five Dollars (\$25) and a license fee of Three Hundred Dollars (\$300)~~ **the fees required pursuant to Section 6-602 of the Philadelphia Health Code;**

\* \* \*

SECTION III. PERMITS AND NOTIFICATIONS

A. Major Asbestos Project Permit.

\* \* \*

2. The Department of Licenses and Inspections shall not issue a permit for a major asbestos project unless and until the Department has certified, in writing, that the applicant has met the following requirements:

a. the applicant shall submit to the Department at least twenty (20) calendar days prior to the scheduled starting date of the major asbestos project an application accompanied by ~~a non-refundable application fee of Twenty-Five Dollars (\$25)~~ **the fee required pursuant to Section 6-603 of The Philadelphia Health Code.** The permit application shall include the following information:

\* \* \*

~~b. the applicant shall submit a major asbestos project permit fee equal to two percent (2%) of the first Fifty Thousand Dollars (\$50,000) of the estimated cost of the asbestos abatement portion of the project, and an additional one percent (1%) of any amount over Fifty Thousand Dollars (\$50,000). The minimum fee shall be One Hundred Dollars (\$100). Incremental adjustments may be imposed based on evidence of final total costs;~~

~~c. b. \* \* \*~~

~~d. c. \* \* \*~~

~~e. d. \* \* \*~~

4. **The Department may, in its discretion, determine that the potential division of a major asbestos project into subparts would be consistent with the safety-based requirements of these regulations, such all or parts of the project may be treated as minor asbestos projects.**

C. Minor Asbestos Project Notification.

227478

2005 JUN 15 PM 12:17

1. No person shall commence a minor asbestos project without first notifying the Department **and paying the fee required under Section 6-603 of The Philadelphia Health Code.** Notification shall be made on forms provided by the Department and shall be received by the Department no less than twenty-four (24) hours prior to the commencement of the project.

\* \* \*

#### SECTION IV. CERTIFICATION

\* \* \*

##### C. Asbestos Project Inspector Certification.

\* \* \*

2. The Department of Licenses and Inspections shall not issue an asbestos project inspector certificate to any applicant unless and until the Department certifies, in writing, that the applicant has met the following requirements:

\* \* \*

b. the applicant shall submit an asbestos project inspector application, accompanied by ~~a fee of One Hundred Dollars (\$100)~~ **the fee required pursuant to Section 6-604 of The Philadelphia Health Code;**

\* \* \*

4. Certified asbestos project inspectors may apply for renewal of the certificate to the Department, but not later than thirty (30) days prior to the expiration date of their certifications, by submitting the following information:

a. an application for renewal of certification, accompanied by a ~~certification renewal fee of One Hundred Dollars (\$100)~~ **the fee required pursuant to Section 6-604 of The Philadelphia Health Code;** and

\* \* \*

##### D. Asbestos Investigator Certification.

\* \* \*

2. The Department of Licenses and Inspections shall not issue an asbestos investigator certificate unless and until the Department has certified, in writing, that the applicant has met the following requirements:

b. the applicant shall submit an asbestos investigator certification application, accompanied by ~~a fee of One Hundred Dollars (\$100), to the Department~~ **the fee required pursuant to Section 6-604 of The Philadelphia Health Code;**

\* \* \*

E. Analytical Testing Laboratories Certification.

\* \* \*

2. The Department of Licenses and Inspections shall not issue an analytical testing laboratory certification to an applicant unless and until the Department certifies, in writing, that the applicant has met the following requirements:

a. the applicant shall submit an application for certification, accompanied by ~~an application fee of Three Hundred Dollars (\$300), to the Department~~ **the fee required pursuant to Section 6-604 of The Philadelphia Health Code;** and

\* \* \*

SECTION VI. STANDARDS FOR MAJOR ASBESTOS PROJECTS

\* \* \*

B. Work Area Preparation

\* \* \*

5. When an isolation barrier is required it shall be constructed as follows:

\* \* \*

b. a solid construction material (e.g., plywood) of at least three-eighths-inch (3/8") thickness shall be applied to the work side of the framing where the barrier could be subject to damage from activity adjacent to the work area; ~~and~~

c. the partition shall be plasticized in accordance with paragraph 18. below; **and**

d. **all accessible walls surrounding the area shall contain a minimum 18" square transparent viewing port made of shatterproof material greater than or equal to 0.125" in thickness located at a height appropriate for accessible viewing and in such a manner so as to maximize**

227479

2009 JUN 11 12:13

DEPARTMENT OF LICENSING AND INSPECTION

visibility of the work area. Viewing ports shall be maintained in a clear and unobstructed manner at all times.

\* \* \*

SECTION VI. STANDARDS FOR MAJOR ASBESTOS PROJECTS

\* \* \*

C. Asbestos Project Procedures

\* \* \*

3. Containment-Bag Technique

\* \* \*

e. Removal procedures shall be conducted as follows:

\* \* \*

(.25) only containment bags which are manufactured and designed to be used exclusively on vertical pipe shall not be used on vertical sections of pipe.

\* \* \*

SECTION X. ASBESTOS INSPECTIONS AND REPORTS

\* \* \*

D. Analysis.

\* \* \*

3. A homogeneous area shall be determined to be asbestos material if at least one sample collected from that area contains more than one per cent (1%) or more asbestos.

2009 JUN 18 PM 12:13

227480