

**4620.3100 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of parts 4620.3000 to 4620.3724, the following terms have the meanings given them.

Subp. 1a. **Abatement.** "Abatement" means the performance of asbestos-related work, other than air monitoring, in the quantities specified in Minnesota Statutes, section 326.71, subdivision 4. Abatement includes area preparation, containment removal, and cleanup.

Subp. 2. [Repealed, 20 SR 2765]

Subp. 2a. **Adequately wet.** "Adequately wet" means mixed or penetrated with liquid to prevent the release of particulates.

Subp. 2b. **Air quality monitoring.** "Air quality monitoring" is limited to the activities associated with the set up, calibration, collection, and documentation of the air samples that determine fiber concentrations as required under parts 4620.3570 and 4620.3592 to 4620.3598.

Subp. 2c. **Alternative clearance standard.** "Alternative clearance standard" means the asbestos concentration of 70 structures per square millimeter ( $70 \text{ s/mm}^2$ ) of filter surface when the clearance air samples are analyzed by transmission electron microscopy according to part 4620.3598.

Subp. 2d. **Alternative indoor air standard.** "Alternative indoor air standard" means the maximum permissible fiber concentration in the air established according to part 4620.3597.

Subp. 2e. **Area preparation.** "Area preparation" means:

A. the construction of a decontamination unit under parts 4620.3569; 4720.3580, subpart 2; and 4620.3581, subpart 3;

B. the installation of a HEPA-filtered negative pressure system under part 4620.3570; and

C. the performance of any activities required by parts 4620.3580, subpart 4, items A, B, D, E, G, and H; 4620.3581, subpart 4, item A; 4620.3582, subpart 3, item A; 4620.3566; 4620.3567; and 4620.3568.

Subp. 3. **Asbestos.** "Asbestos" has the meaning given in Minnesota Statutes, section 326.71, subdivision 2.

Subp. 4. **Asbestos contractor.** "Asbestos contractor" means a person who conducts asbestos-related work and includes persons who perform in-house asbestos-related work using their own employees.

Subp. 5. **Asbestos project plan.** "Asbestos project plan" means the written plan described in part 4620.3560.

Subp. 5a. **Asbestos site supervisor.** "Asbestos site supervisor" means an individual who is certified under part 4620.3310.

Subp. 5b. **Asbestos work area.** "Asbestos work area" means an area established by the person performing asbestos-related work, where airborne concentrations of asbestos exceed or can reasonably be expected to exceed 0.01 fibers per cubic centimeter (f/cc) or the alternative indoor air standard established according to parts 4620.3594 to 4620.3598.

Subp. 6. **Asbestos worker.** "Asbestos worker" means any individual certified under part 4620.3300.

Subp. 7. **Asbestos-containing material or ACM.** "Asbestos-containing material or ACM" has the meaning given in Minnesota Statutes, section 326.71, subdivision 3.

Subp. 7a. **Asbestos inspection.** "Asbestos inspection" means an activity undertaken by visual or physical examination to determine the presence, the location, or to assess the condition of friable or nonfriable asbestos-containing material or suspected asbestos-containing material. Asbestos inspection includes reinspection of known asbestos-containing material or assumed asbestos-containing material. Asbestos inspection does not include:

A. the periodic surveillance performed under Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, section 763.92, paragraph (b), amended through February 3, 1994;

B. an inspection performed by an employee or agent of the federal, state, or local government solely for the purpose of determining compliance with applicable statutes or rules; and

C. visual inspections of the type described in parts 4620.3560 to 4620.3598 solely for the purpose of determining completion of asbestos-related work.

Subp. 7b. **Asbestos inspector.** "Asbestos inspector" is an individual as defined in Minnesota Statutes, section 326.71, subdivision 4a, and who is certified under part 4620.3330.

Subp. 7c. **Asbestos management plan.** "Asbestos management plan," as specified in part 4620.3470, means a site-specific written plan for:

A. the maintenance of asbestos-containing material in a condition that prevents the release of asbestos fibers; and

B. response procedures for an asbestos fiber release episode.

Subp. 7d. **Asbestos management planner.** "Asbestos management planner" is an individual as defined in Minnesota Statutes, section 326.71, subdivision 4c, and who is certified under part 4620.3340.

Subp. 7e. **Asbestos project design.** "Asbestos project design" as specified in part 4620.3480, means site-specific written project specifications for an asbestos-related work project. Written technical project specifications incorporated into bidding documents are also considered project design.

Subp. 7f. **Asbestos project designer.** "Asbestos project designer" is an individual as defined in Minnesota Statutes, section 326.71, subdivision 4d, and who is certified under part 4620.3350.

Subp. 8. **Asbestos-related work.** "Asbestos-related work" has the meaning given in Minnesota Statutes, section 326.71, subdivision 4.

Subp. 9. [Repealed, 20 SR 2765]

Subp. 10. [Repealed, 20 SR 2765]

Subp. 10a. **Clearance standard.** "Clearance standard" means the maximum permissible fiber concentration in the air within an asbestos work area following completion of abatement. The clearance standard is 0.01 fibers per cubic centimeter of air (f/cc) when analyzed by phase contrast microscopy according to part 4620.3597, subparts 1, 3, and 4.

Subp. 11. **Commissioner.** "Commissioner" means the commissioner of health.

Subp. 11a. **Containment.** "Containment" means the structure which must be constructed as specified in part 4620.3568 around the asbestos work area.

Subp. 12. [Repealed, 20 SR 2765]

Subp. 13. **Contracting entity.** "Contracting entity" has the meaning given in Minnesota Statutes, section 326.71, subdivision 6.

Subp. 14. **Critical barriers.** "Critical barriers" means the barriers constructed to separate and isolate the asbestos work area from the rest of the facility and the outdoors, including the barriers constructed over doors, windows, and air passageways.

Subp. 14a. **Demolition.** "Demolition," with respect to a facility, means the:

A. wrecking or taking out of any load-supporting structural member of the facility together with any related handling operations; or

B. intentional burning of the facility.

Subp. 15. [Repealed, 20 SR 2765]

Subp. 16. **Emergency project.** "Emergency project" means a project which was not planned but results from a sudden, unexpected event whose consequences, if not immediately attended to, present either a safety or public health hazard or would damage the facility or facility components. This includes work required by nonroutine failures of equipment.

Subp. 17. [Repealed, 20 SR 2765]

Subp. 18. [Repealed, 20 SR 2765]

Subp. 19. **Encapsulation.** "Encapsulation" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means the treatment of asbestos containing building materials with a sealant material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers. A bridging encapsulant creates a membrane over the surface. A penetrating encapsulant penetrates the material and binds its components together.

Subp. 20. **Enclosure.** "Enclosure" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means construction of permanent, airtight, impermeable walls, ceilings, and floors around asbestos containing material to prevent the release of asbestos fibers into the air.

Subp. 20a. **Facility.** "Facility" means any:

A. institutional, commercial, public, industrial, or residential structure, building, or installation, including any structure, building, or installation containing condominiums or individual dwelling units operated as a residential cooperative; or

B. ship at dock in Minnesota.

Subp. 20b. **Facility component.** "Facility component" means any part of a facility including equipment.

Subp. 21. **Friable asbestos material.** "Friable asbestos material" means any material containing more than one percent asbestos by microscopic visual estimation by area, that hand pressure can crumble, pulverize, or reduce to powder when dry. Friable asbestos material includes previously nonfriable asbestos material which becomes damaged to the extent that when dry all or a portion of the material may be crumbled, pulverized, or reduced to powder by hand pressure.

Subp. 22. [Repealed, 20 SR 2765]

Subp. 23. **Glove bag.** "Glove bag" means a bag, fitted with arms, through which limited types of asbestos-related work may be performed, as allowed in part 4620.3580.

Subp. 24. **High efficiency particulate air (HEPA) filter.** "High efficiency particulate air (HEPA) filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

Subp. 24a. **Homogeneous area.** "Homogeneous area" means an area of surfacing materials, thermal system insulation materials, flooring, or other miscellaneous materials which upon examination for properties such as age, color, and texture appear to be composed of the same material.

Subp. 24b. **Indoor air standard.** "Indoor air standard" means the maximum permissible fiber concentration in the air outside of the asbestos work area during asbestos-related work. The indoor air standard is 0.01 fibers per cubic centimeter of air (f/cc) when analyzed by phase contrast microscopy according to part 4620.3597, unless an alternative indoor air standard has been established.

Subp. 25. **Industrial facility.** "Industrial facility" means a facility in an industry classified in the Standard Industrial Classification Manual, 1987 edition, published by the Office of Management and Budget, within Major Groups 20 to 39, 46, and 49. This document is not subject to frequent change, is incorporated by reference, and is available at the State Law Library, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Subp. 25a. **Installation.** "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator as described in Code of Federal Regulations, title 40, chapter I, subchapter R, part 61, subpart M, section 61.141, amended through July 1, 1994.

Subp. 25b. **Maintenance or maintenance activity.** "Maintenance" or "maintenance activity" means any encapsulation, enclosure, or removal of asbestos-containing material on or around a mechanical system or machinery to sustain the operating condition of the mechanical system or machinery. Maintenance or maintenance activity does not include any encapsulation to return damaged, previously encapsulated ACM to an undamaged condition or to an intact state to prevent fiber release.

Subp. 26. [Repealed, 20 SR 2765]

Subp. 27. **Occupied area immediately adjacent to an asbestos work area.** "Occupied area immediately adjacent to an asbestos work area" is a designation used during an asbestos-related work project and means an indoor space which:

- A. is not considered part of the asbestos work area;
- B. shares a wall, floor, or ceiling with the asbestos work area or shares a window, door, or similar opening to a room temporarily considered the asbestos work area; and
- C. is occupied by individuals not involved in asbestos-related work.

Subp. 27a. **Person.** "Person" has the meaning given in Minnesota Statutes, section 326.71, subdivision 8.

Subp. 27b. **Project.** "Project" means:

- A. the area preparation, enclosure, removal, or encapsulation operations and air quality monitoring of asbestos-containing material in a quantity that meets or exceeds 260 linear feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or if linear feet or square feet

cannot be measured, a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. The removal, enclosure, or encapsulation described in this item may not be subdivided to fall below the quantity specified in this item. In single-family residences and residential buildings with no more than four dwelling units, asbestos-containing materials excluded from this definition are floor tiles and sheeting, roofing materials, siding, and all ceilings with asbestos-containing material;

B. a series of activities, excluding maintenance activity, which individually consist of area preparation and the enclosure, removal, or encapsulation operations and air quality monitoring of asbestos-containing material in quantities less than the quantities specified in item A where the total quantity of asbestos-containing material enclosed, removed, or encapsulated during a calendar year meets or exceeds the quantities specified in item A in that facility;

C. a series of maintenance activities where the contracting entity has predicted that the additive quantity of maintenance during a calendar year will exceed 260 linear feet, 160 square feet, or 35 cubic feet in a facility during the calendar year; or

D. a small residential abatement.

Subp. 28. **Renovation.** "Renovation" means altering in any way one or more facility components. In asbestos-related work renovation includes the enclosure, removal, or encapsulation of friable asbestos-containing material.

Subp. 29. **Responsible individual.** "Responsible individual" means one who has the authority to represent the asbestos contractor in all matters related to the asbestos contractor license and is certified as a site supervisor under part 4620.3310.

Subp. 30. [Repealed, 20 SR 2765]

Subp. 31. **Small residential abatement.** "Small residential abatement" means any asbestos-related work performed in a single- or multifamily residence where the quantity of asbestos-containing material to be enclosed, removed, or encapsulated is greater than ten but less than 260 linear feet of friable asbestos-containing material on pipes or ducts or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components.

A. The asbestos-related work described in this subpart may not be subdivided to fall below the quantities specified in this subpart.

B. Small residential abatement in single-family residences and residential buildings with no more than four dwelling units does not include work on floor tiles and sheeting, roofing materials, siding, and all ceilings with asbestos-containing materials.

Subp. 32. **Training course.** "Training course" means a course of instruction for an asbestos worker, asbestos site supervisor, asbestos inspector, asbestos management planner, asbestos project designer, or an individual who performs asbestos air monitoring.

Subp. 33. **Tunnel.** "Tunnel" means a below-grade corridor or crawl space which is not used for:

- A. a human thoroughfare; or
- B. an air plenum for any ventilation system.

Subp. 34. **Verifiable evidence.** "Verifiable evidence" means a signed statement verifying that the applicant has completed a training course or a refresher course. The statement may be provided in hard copy or electronic form or may be other electronic evidence such as an excerpt from a database. The statement or electronic evidence must be submitted by the provider of a training course, or by a government agency in another state charged with certifying or licensing asbestos workers if the course was taken in another state.

**Statutory Authority:** *MS s 144.05; 144.122; 326.70 to 326.81*

**History:** *13 SR 568; 20 SR 2765; 33 SR 739*

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