

**4620.3460 ASBESTOS INSPECTION AND ASSESSMENT.**

Subpart 1. **Applicability.** When an asbestos inspection is performed, the asbestos inspection must be conducted according to this part.

Subp. 2. **Asbestos sampling.** Sampling must be conducted as provided in Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, section 763.86, amended through April 15, 1988, and Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, appendix C, section I, paragraph (B), subparagraph (3), amended through February 3, 1994.

Subp. 3. **Asbestos analysis.** Analysis of bulk samples collected as part of an asbestos inspection must be analyzed according to this subpart.

A. Bulk samples collected and submitted for analysis must be analyzed for asbestos using a laboratory:

(1) accredited by the National Institute of Science and Technology (NIST) through the National Voluntary Laboratory Accreditation Program (NVLAP); or

(2) which successfully participates in the asbestos bulk analysis program of the American Industrial Hygiene Association (AIHA).

B. Bulk samples must not be composited for analysis unless allowed by the Environmental Protection Agency (EPA) as specified in "Asbestos NESHAP Clarification Regarding Analysis of Multi-layered Systems," Federal Register, volume 5, number 3, page 542, January 5, 1994. Bulk samples shall be analyzed for asbestos content by polarized light microscopy (PLM), as specified in EPA Method for the Determination of Asbestos in Bulk Building Materials, United States EPA 600/R-93/116, 1993. This document is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

C. A homogeneous area is determined not to contain asbestos only if the results of all samples required to be collected from the area show asbestos in amounts of one percent or less.

D. A homogeneous area is determined to contain asbestos if results of at least one sample collected from the area shows that asbestos is present in an amount greater than one percent.

E. The asbestos inspector must obtain an analysis report which contains the:

(1) name and address of the laboratory performing the analysis;

(2) date of the analysis; and

(3) name and signature of the person performing the analysis.

Subp. 4. **Assessment.** If the asbestos inspector performs an assessment of the condition of asbestos-containing material or suspected asbestos-containing material, the asbestos inspector must provide a written assessment using the categories from Code of Federal Regulations, title 40, chapter I, subchapter R, part 763, subpart E, section 763.88, paragraph (b), items (1) to (7), amended through April 15, 1988, for all known or assumed asbestos-containing material in the facility or portion of the facility inspected.

Subp. 5. **Inspector duties.** The asbestos inspector must have a current asbestos inspector certificate at the location where the asbestos inspector is conducting work, except as provided in part 4620.3330, subpart 6, item A. The asbestos inspector must prepare a written report which:

A. contains the exact location of each homogeneous area of material which is known or assumed to be asbestos-containing material;

B. if the asbestos inspector performs an assessment of asbestos-containing material or suspected asbestos-containing material, contains the condition of each homogeneous area of material which is known or assumed to be asbestos-containing material;

C. is signed by the inspector;

D. is dated by the inspector;

E. includes the inspector's Minnesota asbestos inspector certification number;

F. provides a photocopy of the current asbestos inspector certificate of each inspector who performed the inspection; and

G. is provided to the person requesting the inspection.

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

**History:** *20 SR 2765; 25 SR 1894*

**Published Electronically:** *June 3, 2013*