



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous Materials Safety
Administration**

File # 172-102

Ref. No. 06-0013

Mr. Frederick P. Walter, Jr.
Pennsylvania Department of Environmental Protection
Armbrust Professional Center
8205 Route 819
Greensburg, PA 15601-8739

Dear Mr. Walter:

This is in response to your letter requesting clarification of the applicability of Special Provision 156 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to shipments of asbestos-containing materials subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP). You state that the asbestos fibers in the material are either immersed or fixed in wetting agents using water or water mixed with certain chemicals. The wetting agents are used to prevent the release of particulates as required by the U.S. Environmental Protection Agency's 40 CFR. You ask whether the asbestos treated with wetting agents meet the provisions in Special Provision 156 for exception from the HMR.

The answer is no if the package contains friable and non-friable asbestos. As provided in § 172.102, Special Provision 156, asbestos immersed or fixed in a natural or artificial binder is not subject to the HMR. The wetting agents you describe are not natural or artificial binders. The effects of the wetting agents may be temporary and do not meet the provisions and intent of Special Provision 156. Therefore, unless the material is immersed or fixed in a natural (such as mineral ore) or artificial binder (such as cement, plastic, asphalt or resin), or is contained in a manufactured product whereby it is no longer friable, it is regulated under the HMR.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060013

172-102 SP 156



Pennsylvania Department of Environmental Protection

Armbrust Professional Center
8205 Route 819
Greensburg, PA 15601-8739

January 11, 2006

Special Provision

724-923-5400

Greensburg District Office

Mr. Edward T. Mazzullo
Director -- Office of Material Standards
USDOT
Room 8422-PHNSA DHM-10
400 7th Street SW
Washington, D.C. 20590

Dear Mr. Mazzullo:

I am requesting clarification of the applicability of the Hazardous Materials Regulations (HMR - 49 CFR Parts 171-180) to the shipments of Regulated Asbestos Containing Materials (RACM).

Specifically, does RACM, as defined at 40 CFR, Part 61, subpart M, Section 61.141 (Definitions), generated from an asbestos abatement project and subject to the Asbestos NESHAP regulations meet the exception found in CFR 49 §172.102 Special Provision, Number 156?

RACM, generated from an asbestos abatement project, such as on old foundry (Facility), is required by the Asbestos NESHAP to be "adequately wetted".

Adequately wetted means sufficiently mix or penetrate with liquid to prevent the release of particulates (§61.141 Definitions).

The industry standard is to use water, amended water or removal encapsulant to reduce airborne fiber concentrations which are generated during removal.

Water is most often used to penetrate chrysotile asbestos fibers because they easily absorb water in its natural state.

Amended water (i.e. surfactant) is a combination of chemicals which aids in the penetration of water into the material and increases the probability of individual fiber wetting. Amended water consists of ½ ounce of surfactant mixed in a gallon of water. A surfactant is a mixture of 50% polyoxyethylene ester and 50% polyoxyethylene ether, or equal parts. Some contractors have used ethylene glycol, oils and/or encapsulants to help reduce amosite emissions.

Removal encapsulant is a penetrating type of encapsulant that is used in areas requiring a longer removal time span or is subject to rapid evaporation of amended water. Removal encapsulants are more effective because they wet the asbestos containing material and retard fiber release during disturbance of the material equal to or greater than that provided by amended water.

Asbestos fibers in the RACM are either immersed or fixed in the natural or artificial binders of the wetting agents while being abated.

Mr. Edward T. Mazzullo

-2-

January 11, 2006

Please call me at my cell phone number of 412-224-0734 or my desk number of 724-925-5419 if you have any questions or desire clarification.

Sincerely,

A handwritten signature in cursive script, reading "Frederick P. Walter, Jr.", written in dark ink.

Frederick P. Walter, Jr.
Air Quality Specialist

FPW:tmn