

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS

Rule Number & Title: Regulation No. 21, Arkansas Asbestos Abatement Regulation

Petitioner: Arkansas Department of Environmental Quality ("ADEQ")

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2A. ECONOMIC IMPACT

1. Who will be affected economically by this proposed rule?

State: a) the specific public and/or private entities affected by this rulemaking, indicating for each category if it is a positive or negative economic effect; and b) provide the estimated number of entities affected by this proposed rule.

- a) *The proposed regulation will affect all owners and operators conducting a demolition or renovation activity, air monitoring inspectors, construction developers, designers or any person conducting management or disposal of asbestos-containing material. This includes activities related to record keeping, training provider licenses, and documents required for certifications or renewal of licenses and a correction to the Occupational Safety and Health Administration ("OSHA") Asbestos Construction standard citation.*
- b) *As of July 16, 2013, there were 200 licensed asbestos contractors and/or consultants, 938 individuals with certification, and 14 licensed training providers in Arkansas.*

Sources and Assumptions: *Current records from ADEQ Asbestos Program database.*

2. What are the economic effects of the proposed rule? State: 1) the estimated increased or decreased cost for an average facility to implement the proposed rule; and 2) the estimated total cost to implement the rule.

- a) *Estimated costs for regulated entities to implement this rule should be no different than the cost to implement the current rule.*
- b) *The cost for ADEQ to implement the rule is expected to decline or stay the same.*

Sources and Assumptions: *Amounts of asbestos-containing material, controls, and other related costs such as monitoring and disposal will vary based on the type and size of construction or renovation, and on real-time operating conditions. However, this rulemaking is not associated with program changes that would increase implementation costs for*

facilities or for the Department.

3. List any fee changes imposed by this proposal and justification for each.

ADEQ currently has three fee amounts for demolitions with RACM present of \$225, \$375, and \$750 depending on the amount of RACM. ADEQ is proposing to combine these and charge one fee, the \$375 midpoint.

4. What is the probable cost to ADEQ in manpower and associated resources to implement and enforce this proposed change, and what is the source of revenue supporting this proposed rule?

The proposed changes to Regulation No. 21 are anticipated to have only minimal implementation costs to ADEQ.

Sources and Assumptions: ADEQ currently has in place the resources and staff to implement and enforce the proposed regulation, and revenue for the program is included in the annual fiscal budget.

5. Is there a known beneficial or adverse impact to any other relevant state agency to implement or enforce this proposed rule? Is there any other relevant state agency's rule that could adequately address this issue, or is this proposed rulemaking in conflict with or have any nexus to any other relevant state agency's rule? Identify state agency and/or rule.

There is no known impact to another state agency nor is there another state agency's rule that could address any of the proposed changes. This rulemaking is not in conflict with, nor has any nexus to, any other relevant state agency's rule.

Sources and Assumptions: Not applicable

6. Are there any less costly, non-regulatory, or less intrusive methods that would achieve the same purpose of this proposed rule?

No

Sources and Assumptions: Not applicable

2B. ENVIRONMENTAL BENEFIT

1. What issues affecting the environment are addressed by this proposal?

Asbestos is found in a variety of house construction materials.

Generally, exposure may occur when the asbestos-containing material is disturbed or damaged during product use, demolition work, building or home maintenance, repair, and remodeling and asbestos particles and fibers may be released into the air. Therefore, the proposed revisions are intended to clarify specific information regarding licenses, certificates, documents, and necessary training for any activity regulated by the Arkansas

Asbestos Abatement Regulation in order to safeguard the well-being of the environment and public health.

Sources and Assumptions: <http://www.epa.gov/asbestos/learn-about-asbestos.html>, EPA's Asbestos information page.

2. How does this proposed rule protect, enhance, or restore the natural environment for the well-being of all Arkansans?

Asbestos standards are in place primarily to protect public health. See #1 and #3.

Sources and Assumptions: *Not applicable.*

3. What detrimental effect will there be to the environment or to the public health and safety if this proposed rule is not implemented?

Exposure to asbestos increases the risk of developing lung disease. Generally, the greater a person's exposure to asbestos, the greater the person's chance of developing harmful health effects from that exposure. Disease symptoms may take many years to develop following exposure, and asbestos-related conditions can be difficult to identify.

Three of the major health effects associated with asbestos exposure are:

- *lung cancer;*
- *mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart; and*
- *asbestosis, a serious and progressive long-term disease of the lungs.*

Sources and Assumptions: <http://www.epa.gov/asbestos/learn-about-asbestos.html>, EPA's Asbestos information page.

4. What risks are addressed by the proposal and to what extent are the risks anticipated to be reduced?

Asbestos exposure is linked to negative lung health effects in people. Proper handling of asbestos-containing materials is paramount to protecting the health of the public. Asbestos is a widely used construction product, and because the demolition and movement of asbestos materials causes actual danger to human health, this rule is necessary to minimize an unavoidable risk.

Sources and Assumptions: *Regulation No. 21, and the currently proposed revisions, are based on the Environmental Protection Agency and OSHA asbestos guidance. These federal guidelines and statutes are focused on protecting the health of any person working with asbestos-containing material and other individuals who may be exposed to asbestos.*