



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

Attn: Building Permit Departments

MDEQ regulates building demolition and renovation operations to protect against activities that may cause asbestos air emissions. Reference the link below the MDEQ website for additional information.

<https://www.mdeq.ms.gov/air/asbestos/demolition-and-renovation-operations/>

Regulations applicable to asbestos demolition and renovation operations are contained in 40 CFR sections 61.140 through 61.160 and set forth in Miss. Admin. Code, Part 2, Chapter 1, Rule 1.8. Reference the link below for copy of regulations.

<https://www.mdeq.ms.gov/wp-content/uploads/2017/06/5-CFR-2011-title40-vol8-part61-subpartM.pdf>

Exemptions:

Demolition and renovation activities associated with individual residences, including residential buildings with four or fewer dwelling units, generally are exempt from the requirements of MDEQ asbestos regulations.

Owners and operators of regulated demolition or renovation operations must:

- thoroughly inspect the affected facility to determine the presence and required treatment of asbestos containing materials before the demolition or renovation activity
- utilize MDEQ certified individuals for building asbestos inspections and asbestos abatement activities
- provide demolition notifications to MDEQ for all demolitions ten working days before demolition activity
- provide renovation notifications to MDEQ ten working days before any renovation activity, including asbestos abatement, affecting at least 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos containing material
- follow standards and procedures for asbestos emission control in the course of activities and assure proper waste disposal

SEE ENCLOSED ASBESTOS AND LEAD GUIDANCE SHEET

Asbestos and Lead Branch
MDEQ Staff



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Asbestos Guidance

1. Asbestos is a naturally occurring mineral that has been used for centuries.
2. Asbestos has not been banned and can be found in products in stores today.
3. Materials that have historically contained asbestos include (but not limited to this list):
 - a. Plaster
 - b. Vinyl Flooring
 - c. Roofing
 - d. Siding
 - e. Pipe insulation
 - f. Fire proofing
4. Demolition and renovation activities associated with individual residence, including residential buildings with four or fewer dwelling units, generally are exempt from the requirements of MDEQ asbestos regulations. Reference the MDEQ website for details when an exemption does not qualify.
5. The regulations require an MDEQ certified inspector to thoroughly inspect the affected facility to determine the presence of asbestos containing materials (ACM) before the demolition or renovation activity.
6. The regulations require the owner and operator to utilize MDEQ certified individuals to perform abatement of suspect ACM identified during the inspection.
7. The regulations require submittal of a notification to MDEQ at least ten working days prior to the start of removal or of any demolition activity.
8. The facility owner and the renovation or demolition contractor are both responsible for ensuring compliance with these regulations. These violations can carry monetary penalties.
9. Violations of the asbestos regulations are considered violations of state laws.
10. The burning of buildings or building debris is prohibited.

MDEQ was delegated authority to develop and enforce the asbestos regulations by the state legislature through the following statutes:

Miss. Code Ann. § 49-2-9 and § 49-17-17 gives MDEQ the authority to adopt and promulgate asbestos NESHAP regulations which are covered by 11 Miss. Admin. Code, Pt. 2, Ch. 1, Rule 1.8 Provisions for Hazardous Air Pollutants. These regulations are adopted from the EPA by reference and can be found in 40 CFR Part 61. These regulations state that "prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility" for asbestos. The regulations also go on to state that any asbestos containing materials that are friable, or could be made friable by the activity, needs to be removed (abated) prior to the activity. A notification form must be sent to MDEQ ten working days before the start of the removal or any demolition activity.

Miss. Code Ann. § 37-138-1 through § 37-138-31 the Asbestos Abatement Accreditation and Certification Act requires that anyone that inspects for or removes asbestos containing material, above the threshold, must be certified by MDEQ and that the abatement contractor must have their certification on site whenever they are conducting abatement activities.

OFFICE OF POLLUTION CONTROL

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Lead-based Paint Guidance

1. Lead was added to paint from the late 1800s to the late 1970s. It was banned as of January 1st, 1978.
2. Target housing, which is any house (or residence) built before 1978, is subject to lead-based paint regulations.
3. Child-occupied facilities (COFs), which are daycares, preschools, and other locations that children under the age of six frequent, built before 1978 are subject to lead-based paint regulations.
4. Renovation activity in target housing and COFs have been regulated since April 2010.
5. All paints, stains, and varnishes in or on the regulated structures are considered to contain lead and as such require the contractor to be certified by MDEQ.
6. The regulations apply to the following:
 - a. Testing for the presence of lead in the paint (Inspections)
 - b. Bidding on the disturbing of the lead-based paint
 - c. The scraping or sanding of the lead-based paint, or
 - d. The replacement of a single window
7. The contractor is liable for failure to comply with the regulations. Violations may result in monetary penalties.
8. Violations of the lead-based paint regulations are considered violations of state law.
9. **The burning of buildings or building debris is prohibited.**

MDEQ was delegated authority to develop and enforce the lead-based regulations by the state legislature through the following statute:

Miss. Code Ann. § 49-17-501 through § 49-17-531 gives MDEQ the authority to adopt and promulgate lead-based paint regulations which are covered by 11 Miss. Admin. Code, Pt. 2, Ch. 9. These regulations state that all paint in “target housing” and “child occupied facilities” are to be considered to contain lead and only “firms” certified by MDEQ can inspect, abate, or perform renovations on these structures. A notification form must be sent to MDEQ six working days before the start of any activity that disturbs lead-based paint. The contractor performing the renovation or abatement activity must have their certification on site whenever they are conducting these activities.

How you can help protect the people in your community.

1. Verify that the person applying for a permit is certified to do the work.
 - a. Has an asbestos inspection been conducted for commercial or multi-family buildings?
 - b. Is a Lead-based Paint contractor performing the work on residences built before 1978?
2. Verify that the applicant is aware of the asbestos or lead-based paint law and refer them to MDEQ before issuing the permit.
3. While driving around your community, notify MDEQ of any suspicious contractors. This could include a messy work site at an older residence, commercial renovation activity when a permit was not obtained, or anytime you believe a contractor is in violation of the regulations.

You can remain anonymous. We handle all the enforcement work.

**MDEQ
Asbestos and Lead Branch
601-961-5171**