

**Asbestos Advisory Group:** The 2015 Legislature passed HB434 that required DEQ to convene an asbestos advisory group that represents a broad variety of people with interests in asbestos regulation. The AAG mission was to advise the department on:

- regulatory thresholds for permits and whether a tiered permitting system is appropriate;
- the appropriate types of projects and the size of structures subject to permitting;
- the appropriate timeframe for asbestos project notification and issuance of permits;
- whether a registration program is appropriate for small scale projects;
- the scope of the department's enforcement and cleanup authority;
- appropriate funding options;
- the relationship between federal and state authority over various issues related to asbestos control and methods to clarify conflicts;
- options to streamline the permitting process while still protecting public health and safety;
- any other issues related to asbestos regulation considered appropriate by the advisory group.

The asbestos advisory group completed its work, and was sunset, on December 31, 2016, by issuing the following recommendations. DEQ efforts through March 2021 follow each recommendation.

**Recommendation 1. DEQ should work with stakeholders to develop additional education and outreach information to explain state and federal asbestos regulations and to promote compliance assistance.**

- Within the last 14 months, DEQ staff have revised 4 publications to promote compliance efforts. Publications include brochures on “Pipe Bursting”, “Fire Service Training”, and “Think Asbestos”, while a fourth document outlines the inspection and notification requirements and is designed to be left at project sites when no contact can be made. A fourth brochure, targeting code enforcement officials, is under review. DEQ staff initiated Asbestos Roundtable discussions with stakeholders to provide outreach regarding various topics, including state and federal asbestos regulations.
- DEQ held stakeholder meetings for the draft asbestos fee rules in Great Falls, Missoula, and Billings to gain input and further refine the draft rules before filing for publication.
- DEQ staff provide compliance assistance daily through phone calls, emails, letters, and site visits.

**Recommendation 2. DEQ should revise state regulatory definitions to allow for more administrative flexibility while not causing harm to health or the environment.**

- DEQ staff are currently undertaking a draft rewrite of Administrative Rules utilizing input from stakeholders.
- The final draft will be rolled out to stakeholders during 2021 with the goal of a final draft rule in 2023.

**Recommendation 3. DEQ should encourage landfills, when applicable, to use a standard form or method for customers to describe their load as non-asbestos prior to disposal.**

- DEQ's Asbestos Control Program staff is working with DEQ's Solid Waste Program to provide landfill workers education on asbestos safety. Asbestos is commonly discussed at quarterly Solid Waste Advisory Committee meetings.
- DEQ will evaluate, with all stakeholders, guidance or other method for development or recommendation on standard form.

**Recommendation 4. DEQ should require, for agency use only, all accredited asbestos inspectors to register their inspections for renovations or demolitions (per NESHAP) by facility work site address, inspection date, inspector ID #, and whether asbestos was detected or not.**

- Undergoing internal feasibility review for cost and implementation complexity. Not possible with current data base but will be a goal for future enhancements.

**Recommendation 5. DEQ should provide an online service to apply for annual permits.**

- Implemented during the 2020 Fee Rule Amendment.

**Recommendation 6. DEQ should work with stakeholders to encourage an asbestos inspection check-box system for any agency that issues building or related permit actions.**

- DEQ worked with Department of Labor and Industry (DLI) State Building Codes Bureau to incorporate asbestos inspections with its permit review. This recommendation has been an effective compliance assistance tool for ACP and additional opportunities are being explored as they are identified.
- Next steps will be to work with League of Cities and Towns and Montana Association of Counties to implement an inspection check box with demolition or renovation permits.

**Recommendation 7. DEQ should continue to provide a fee discount for individuals who simultaneously apply for multiple asbestos accreditations.**

- Maintained discount during the 2020 Fee Rule Amendment

**Recommendation 8. DEQ should adopt a voluntary low-cost registration process for abatement contractors when they perform non-permitted asbestos projects, allowing them to proceed without delay if a non-regulated project becomes regulated.**

- Implemented during the 2020 Fee Rule Amendment

**Recommendation 9. DEQ should increase compliance by allocating more staff time toward identifying non-compliance and taking the appropriate enforcement actions.**

- DEQ instituted an internal Department Asbestos Work Group (DAWG) to discuss monthly asbestos activities with remediation, enforcement, DEQ's small business ombudsman, and DEQ's Asbestos Control Program and Solid Waste.

- 2019 implementation of the draft “**ASBESTOS CONTROL PROGRAM VIOLATION SIGNIFICANCE AND ENFORCEMENT RESPONSE GUIDANCE DOCUMENT**”. The purpose of this guidance is to describe the policies and procedures concerning compliance monitoring and enforcement response activities conducted by the Asbestos Control Program (ACP) and to define categories of violations. The final guidance document is attached to this memo.

Progress and accountability for these recommendations are made by including them in annual Asbestos Control Program business plans, inclusion on the agenda for the Department Asbestos Work Group (DAWG), and ongoing discussions with the Asbestos Stakeholder meeting facilitated by DEQ.

As promised during the hearing, greater focus will be applied toward clarification and dissemination of DEQ efforts to raise compliance with existing regulations. Those efforts will not only include continued implementation of agency documents such as our Asbestos Control Program Violation Significance and Enforcement Response Guide, as well as compliance assistance tools for landfills and abatement contractors to ensure a level playing field.

DEQ has continued the external Asbestos Stakeholders meeting for quarterly. Notification of these meetings and participation will continue to be sent to DEQ’s Interested Persons list for asbestos control. In addition, the quarterly meetings will be announced via DEQ’s social media accounts.