



Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov



Gray Davis
Governor

MEMORANDUM

TO: California Fire Chiefs

FROM: United States Environmental Protection Agency (EPA)
California Air Resources Board (CARB)

DATE: June 21, 2001

SUBJECT: Fire Department Training Burns

In 1990 and 1994 the Environmental Protection Agency revised asbestos regulations that have an effect on fire department training burns. The regulations are the Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) and the Model Accreditation Plan (MAP).

The NESHAP requires that all regulated asbestos containing material be removed from facilities intentionally burned for training purposes by fire departments. This requirement includes the removal of such asbestos containing material as floor tiles and asphaltic roofing. These asbestos removal requirements apply to all structures including single family residences utilized by a fire department in a training burn. In addition, the NESHAP requires that EPA, CARB or delegated local Air Pollution Control Districts be notified of the training ten working days prior to the burn.

Some fire departments are submitting notifications stating an asbestos survey was conducted by a "visual determination". The NESHAP requires that a thorough inspection for asbestos be conducted prior to the demolition of a structure under 40 CFR Section 61.145. A "visual determination" does not meet this requirement.

In addition to NESHAP requirements, EPA's MAP requires that only certified Asbestos Hazard Emergency Response Act (AHERA) Inspectors can conduct surveys and sample suspect asbestos containing material. MAP requirements are mandated under Section 15 (a)(3) of the Asbestos School Hazard Abatement Reauthorization Act (ASHARA). The AHERA certification requirements pertain to all public and commercial buildings, including those structures used by fire departments for training burns. Requirements for the AHERA Building Inspectors Course can be found in 40 CFR part 763. The Federal Occupational Safety and Health Administration regulation also require AHERA certified individuals to conduct asbestos inspections.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

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The California Occupational Safety and Health Administration (CAL/OSHA) regulation requires asbestos surveys to be conducted by individuals who are AHERA certified and registered as Certified Asbestos Consultant (CAC) or Site Surveillance Technician (SST) in California.

Violation of NESHAP and AHERA regulations can result in fines of up to \$25,000 per day per violation or criminal prosecution.

EPA and CARB will distribute follow-up materials to your training officers to assist your department in complying with asbestos regulations. Compliance with these rules will reduce exposure to your personnel as well as reduce risk to the general population. If you have any questions on asbestos removal regulations and fire departments, please feel free to contact Ahmad Najjar of CARB at (916)322-6036 or Robert Trotter of US EPA at (415)744-1145.