

ASBESTOS AND LEAD TESTING

Important Reminder, Avoid Fines

We witnessed multiple situations recently where other consultants and contractors alike have made openings or proposed openings in buildings without lead and asbestos surveys. There is widespread confusion regarding the age of the building or other factors and what the requirements are. This language below spells out the regulations very clearly. Let us know if you have questions or need more information, 425.774.5600 or info@j2consultants.com.

REQUIREMENTS FOR OWNER PROVIDED ASBESTOS & LEAD REPORT PRIOR TO CONSTRUCTION

Washington State laws^[1] to prevent asbestos and lead exposures require building owners to inspect their building before renovation or demolition, **regardless of the age of the building**. Contractors are required to obtain a written report from the building owner or owner's agent before bidding or starting **any** construction work. The report must be based on a survey conducted by an accredited AHERA building inspector. Concerned with project budget or schedule, many clients ask if there is a way to circumvent this requirement. There are four ways to comply with state law without conducting a "Good Faith" survey.

1. Assumed Hazardous Materials

Thermal system insulation, surfacing materials and flooring materials are all presumed to contain asbestos in buildings built before 1981 based on the DOSH asbestos standard. Any paint applied prior to 1978 can be assumed to contain lead. To circumvent the survey requirement, a building owner can report these materials as assumed asbestos or lead containing building materials. With this assumption, the contractor must remove and dispose of these materials as asbestos and/or lead containing, which may increase the cost of the project. The increased abatement and disposal costs may be avoided or reduced if an accredited inspector conducts a limited Good Faith survey to identify asbestos free materials.

2. An Existing Hazardous Materials Survey Exists

If a regulated materials survey was performed at an earlier date and covers the area impacted by the planned renovation, the asbestos and lead data from that survey may be provided to the contractor.

3. Owner-occupied Single-family Residence

Homeowners performing construction on their own home are exempt from the Good Faith survey requirement, as long as their residence is not used for commercial purposes.

4. Manufacturer or Construction Records

Manufacturer and construction records may be used in place of a Good Faith survey to show asbestos and/or lead is not present in building products affected by the project. Examples of manufacturer and construction records that would document lack of asbestos or lead content when the materials were installed include SDS (safety data sheet) and/or previous abatement records.

If one of the four options above does not apply to your project, a limited "Good Faith" survey is required.

^[1] [WAC 296-155-160](#) - Construction regulations which refer to WAC 296-62-077; [WAC 296-62-077 Part I-1](#) Occupational Health-Asbestos; [RCW 49.26](#) – Asbestos Safety Act

CONSEQUENCES

Survey costs are a fraction of the legal costs that may result from not performing a survey and risking an exposure. Washington State law indicates at least a \$250 per day fine for failure to obtain an asbestos and lead report prior to construction activities. The fine can be applied to both the contractor **and** the building owner. Additional fines may apply if workers or other building occupants, including those not involved with the renovation project, are exposed to airborne asbestos and/or lead.

In order to limit the impacts to the project budget, reduce exposure risks and comply with “check before you wreck” requirements, an AHERA building inspector must conduct a Good Faith survey limited to the materials anticipated to be disturbed or impacted by your project.