

DOING ANY BUILDING REPAIRS?

TIPS TO SAVE MONEY AND AVOID FINES FOR ASBESTOS + LEAD CONTAMINANTS

Washington State laws¹ require building owners and HOAs to have a certified AHERA professional perform a Good Faith survey to inspect and test any potentially hazardous materials prior to renovation or demolition, regardless of the age of the building. Contractors performing work are required to obtain the written report from the building owner before starting any construction work. Many homeowners ask us if there is a way to avoid a Good Faith survey in an attempt to cut costs.

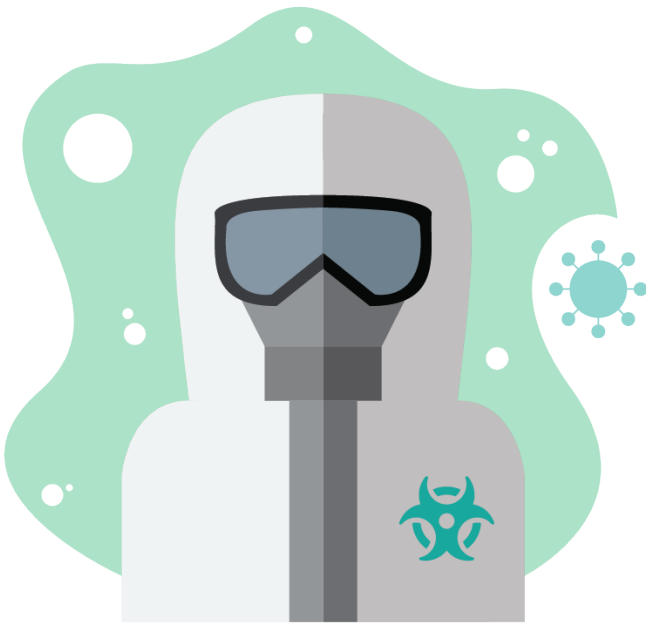
Here are four ways to comply with Washington State law without conducting a Good Faith survey with an AHERA professional.

1. HAZARDOUS MATERIALS SURVEY

If a regulated 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.

2. OWNER-OCCUPIED SINGLE FAMILY

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.



[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

WA

8425 44th Ave West
Mukilteo, WA 98275



HELLO@J2CONSULTANTS.COM

OR

4504 S Corbett Ave Ste. 100
Portland, OR 97239



+1 (855) 774-5600

UT

740 E 3900 South Ste. 208
Salt Lake City, UT 84107



WWW.J2CONSULTANTS.COM

3. 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 the building products affected by the project. Examples of these records could be an SDS (safety data sheet) or previous abatement records. To find out if you have records that would comply, reach out to J2 or an AHERA professional.

4. ASSUMED HAZARDOUS MATERIALS

If you would like to proceed with your project without bringing in an AHERA inspector, you can assume your building materials contain lead and asbestos and treat the materials accordingly. Thermal system insulation, surfacing materials, and flooring materials in buildings built before 1981 are all presumed to contain asbestos until proven otherwise. Any paint applied prior to 1978 can be presumed to contain lead. To avoid the AHERA 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 though they contain asbestos and/or lead, which requires abatement and proper disposal and often increases the cost of the project. In this case, performing a Good Faith survey with an accredited AHERA inspector to identify asbestos-free materials may save the time and cost of abatement.

IF NONE OF THESE FOUR OPTIONS APPLY TO YOUR PROJECT ... A GOOD FAITH SURVEY IS REQUIRED.

Conclusions: Good Faith survey costs are a fraction of the fines that may result from omitting a survey and risking asbestos or lead exposure. **Washington State Law indicates fines in the range of \$250 per day for non-compliance to upwards of 6-figure fines for improper disposal of hazardous materials, endangering the public, contaminating the environment, and exposing employees to hazards.** This 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, or if the hazardous materials were not properly disposed of and contaminated a waste facility or the environment. In order to limit the impacts to the project budget, it is a good idea to “check before you wreck.” Have an AHERA building inspector conduct a Good Faith survey on the materials you plan to disturb during the course of your project.

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