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# ASBESTOS IN NEW MEXICO FREQUENTLY ASKED QUESTIONS

## 1. Who do I contact for asbestos remediation information in New Mexico?

The New Mexico Environment Department Air Quality Bureau, phone (505) 476-4300 regulates most aspects of asbestos remediation in New Mexico. The Environment Department web site has links to asbestos information, regulations and forms under PROGRAMS//AIR QUALITY/COMPLIANCE AND ENFORCEMENT//ASBESTOS. The New Mexico Solid Waste Bureau, (505) 827-0197, regulates transport and disposal of asbestos waste. New Mexico OHSB, (505) 476-8700, regulates asbestos worker protection.

## 2. What are the requirements for asbestos sampling in New Mexico?

New Mexico does not have an asbestos sampler licensing program. Anyone who is a qualified sampler meeting the training and certification requirements of the US EPA AHERA program in 40 CFR Part 763 is qualified to sample for asbestos in New Mexico.

## 3. What are the requirements for an asbestos contractor in New Mexico?

Asbestos Contractors must comply with the remediation and 40-hour contractor supervisor training requirements of the Asbestos NESHAP, 40 CFR 61 Subpart M. Asbestos contractors are required to have a GB-98 general contractor's license and a GS-29 special contractor's license from the Construction Industries Division, phone number (505) 476-4700. Contractors are required to provide task training to workers, normally at least 8 hours, and to provide workers compensation insurance. Contractor's license requirements do not apply to work at federal facilities (military bases and research laboratories).

## 4. What are the requirements for asbestos remediation in New Mexico?

The New Mexico Environment Department administers the federal asbestos air quality National Emission Standard for Hazardous Air Pollutants (NESHAP) 40 CFR 61 Subpart

M. In particular, 10-business day notification, training/certification and remediation procedures per Subpart M must be met and are subject to inspection.

**5. How do I submit an asbestos remediation Notice of Intent (NOI)?**

If you are not familiar with the standard NOI form, it is unlikely that you have training and licensing for asbestos remediation. You should work with a qualified consultant or contractor. If you are qualified for asbestos remediation, fully complete the New Mexico electronic submittal NESHAP form, available on the New Mexico Environment Department web site under Programs/Air Quality/Compliance and Enforcement/Asbestos. Submit in PDF format by e-mail to: asbestos.aqb @state.nm.us. If the submitter does not have access to email, notices may be accepted by mail, sent to the address on the header of the NOI form.

**6. Can I get a waiver from the 10-day notification requirement?**

The New Mexico Environment Department has authority to grant waiting period exceptions for emergencies only. An emergency is a circumstance in which the safety of the public or workers is at stake, such as a building about to collapse. Emergency authorizations are not granted for convenience or contractor delays.

**7. What are the requirements for demolition in New Mexico?**

A Notice of Intent on the asbestos NESHAP form is required 10 business days in advance of the scheduled start date of demolition of any commercial or industrial building or residence larger than four units. The notice must include certification that the building is free of asbestos and an explanation of how that determination was made. Demolition of private residences (four-plex or smaller) is not subject to reporting.

**8. What are the requirements for asbestos remediation in schools in New Mexico?**

Asbestos in schools is regulated directly by the U.S. EPA, per the requirements in 40 CFR 763. For inquiries about asbestos management in schools, contact: Asbestos Abatement/Management Ombudsman at 1-800-368-5888.

**9. What are the requirements for asbestos remediation at federal facilities and on tribal lands in New Mexico?**

The US EPA has jurisdiction over demolition and remediation activities on tribal lands. The contact for information about NOI's is: Asbestos Abatement/Management Ombudsman at 1-800-368-5888. The New Mexico Air Quality Bureau has jurisdiction over renovation/demolition and remediation on Department of Defense, Department of the Interior and other federal facilities in New Mexico. The New Mexico Construction Industries Division does not assert jurisdiction over federal facilities, so contractor requirements for asbestos remediation do not apply. Asbestos NESHAP requirements and OSHA protection of worker requirements still apply, including contractor and employee training, notice of intent, protection of workers and the public and transportation of wastes.

**10. What are the requirements for disposal of asbestos waste in New Mexico?**

Several landfills in New Mexico are authorized to receive asbestos-containing waste. The New Mexico Solid Waste Bureau, phone (505) 827-0197, regulates transportation and disposal of asbestos waste in New Mexico. Please call that office to obtain a current list of asbestos disposal sites in this state and to determine if disposal restrictions apply to your waste.

**11. I am a home owner. What asbestos regulations am I required to follow?**

A home owner who has always used the home as a single family dwelling is not subject to the federal asbestos NESHAP. Refer to 40 CFR 60 subpart M for demolition and remediation requirements for other types of residences.

**12. I am a renter. What asbestos regulations does my landlord need to follow?**

If a home being rented is a single-family dwelling and has always been used as a single family dwelling, it is not subject to the federal asbestos NESHAP. Renters may have rights under the terms of their lease. They can receive guidance from the Tenant Hotline (505) 983-8447 or from their county code enforcement office.

**13. Where can I find more information on asbestos?**

The New Mexico Environment Department web site contains general information, regulations and forms under PROGRAMS/AIR QUALITY/COMPLIANCE AND ENFORCEMENT/ASBESTOS.

**14. Where can I get information and help on indoor air quality and mold?**

Indoor air quality and mold in the workplace are regulated by New Mexico OSHA (505)-476-8700. The State of New Mexico does not regulate indoor air quality in residences. However information and some services are available from the Epidemiology Bureau, phone (505) 476-1734. Renters may be able to obtain help from their county code enforcement office. Code enforcement can address water damage to structures that is the most frequent cause of mold damage. Homeowners can get advice, sampling and remediation services from contractors and consultants in the state. The New Mexico Environment Department maintains a list of asbestos contractors and consultants that is available upon request.