Sec. 19a-333-1. Definitions, as used in sections 19a-333-1 through 19a-333-13

(a) "Act" means the federal Toxic Substances Control Act (TSCA), 15 U.S.C. sections 2601 et seq. as amended;

(b) "Accessible" when referring to ACM, means that the material is subject to disturbance by school building occupants or custodial or maintenance personnel in the course of their activities;

(c) "Accredited" or "accreditation" when referring to a person or laboratory, means that such person or laboratory is accredited in accordance with section 206 of Title II of the Act and with the requirements established by sections 19a-332-17 through 19a-332-23 of the regulations of Connecticut State Agencies as amended;

(d) "Air erosion" means the passage of air over friable ACBM which may result in the release of asbestos fibers;

(e) "Approved Training Provider" means any individual or entity which satisfactorily demonstrates through application and submission of course agenda, faculty resumes, training manuals, examination materials, and equipment inventory that it meets the requirements established by section 19a-332-17 through section 19a-332-23 of the regulations of Connecticut State Agencies as amended;

(f) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine), crocid-olite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite;

(g) "Asbestos-containing material" (ACM) when referring to school buildings, means any material or product which contains more than 1 percent asbestos by weight either alone or mixed with other fibrous or nonfibrous material;

(h) "Asbestos-containing building material" (ACBM) means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building;

(i) "Asbestos contractor" means any accredited person or entity engaged in asbestos abatement whose employees actually perform the asbestos abatement work;

(j) "Asbestos debris" means pieces of ACBM that can be identified by color, texture, or composition, including dust if the dust is determined by an accredited inspector to be ACM;

(k) "Asbestos inspector" means any accredited person who identifies, assesses the condition of, or collects bulk samples of suspected ACM;

(*l*) "Asbestos management planner" means a person who is accredited to assess the health hazard posed by the asbestos-containing material, determines the appropriate response action, and develops a schedule for implementing response actions in schools;

(m) "Asbestos project designer" means any accredited person who determines how asbestos abatement work should be conducted and who prepares, for purposes of an abatement project, plans, designs, procedures, workscope or other substantive directions or criteria;

(n) "Assessment" when used in reference to ACBM in a school building, means any evaluation of ACBM, or suspected ACBM, which leads to a determination of the need for response action;

(o) "Commissioner" means the Commissioner of Health Services or his/her authorized agent;

(p) "Damaged friable miscellaneous ACM" means friable miscellaneous ACM which

has deteriorated or sustained physical injury such that the internal structure (cohesion) of the material is diminished or, if applicable, which has delaminated such that its bond to the substrate (adhesion) is diminished or which, for any other reason, lacks fiber cohesion or adhesion qualities. Such damage or deterioration may be illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering, or crumbling of the ACM from the substrate; significant or repeated water stains, scrapes, gouges, marks, asbestos debris originating from the ACBM in question, or other signs of physical injury on the ACM;

(q) "Damaged friable surfacing ACM" means friable surfacing ACM which has deteriorated or sustained physical injury such that the internal structure (cohesion) of the material is diminished or which has delaminated such that its bond to the substrate (adhesion) is diminished or which, for any other reason, lacks fiber cohesion or adhesion qualities as illustrated by the separation of ACM into layers; separation of ACM from the substrate; flaking, blistering, or crumbling of the ACM surface; water damage; significant or repeated water stains, scrapes, gouges, marks, asbestos debris originating from the ACBM in question, or other signs of physical injury on the ACM;

(r) "Damaged or significantly damaged thermal system insulation ACM" means thermal system insulation ACM on pipes, boilers, tanks, ducts, and other thermal system insulation equipment where the insulation has lost its structural integrity, or its covering, in whole or in part, is crushed, waterstained, gouged, punctured, missing, or not intact such that it is not able to contain fibers, as may be further illustrated by occasional punctures, gouges, or other signs of physical injury to ACM; occasional water damage on the protective coverings/jackets; or exposed ACM ends or joints, or asbestos debris originating from the ACBM in question;

(s) "Department" means the Connecticut Department of Health Services;

(t) "Encapsulation" means the treatment of ACBM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant);

(u) "Enclosure" means an airtight, impermeable, permanent barrier around ACBM to prevent the release of asbestos fibers into the air;

(v) "EPA" means the United States Environmental Protection Agency;

(w) "Fiber release episode" means any uncontrolled or unintentional disturbance of ACM resulting in visible emission;

(x) "Friable" means that the material, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after it becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure;

(y) "Functional space" means a room, group of rooms, or areas of similar usage (including crawl spaces or the space between a dropped ceiling of the floor of roof deck above), such as classroom(s), a cafeteria, gymnasium, hallway(s), designated by a person accredited to prepare management plans, design abatement projects, or conduct response actions;

(z) "High-efficiency particulate air" (HEPA) means a filtering system capable of trapping

and retaining at least 99.97 percent of all monodispersed particles 0.3 micrometer in diameter or larger;

(aa) "Homogeneous area" means an area of surfacing material, thermal system insulation material, or miscellaneous material that is uniform in color and texture;

(bb) "Local education agency" means:

(1) any local educational agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. section 3381) as amended; or

(2) the owner of any nonpublic, nonprofit elementary, or secondary school building; or

(3) the governing authority of any school operated under the defense dependents education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. sections 921, et seq.) as amended;

(cc) "Miscellaneous ACM" means miscellaneous material that is ACM in a school building;

(dd) "Miscellaneous material" means interior building material on structural components, structural members or fixtures, such as floor and ceiling tiles, and does not include surfacing material or thermal system insulation;

(ee) "Moveable object" means a piece of equipment, a fixture or furniture in the work area which can be readily removed from the work area;

(ff) "Nonfriable" means material in a school building which when dry may not be crumbled, pulverized, or reduced to powder by hand pressure;

(gg) "Operations and maintenance program" (O & M) means a program of work practices to maintain friable ACBM in good condition, ensure cleanup of asbestos fibers previously released, and prevent further release by minimizing and controlling friable ACBM disturbance or damage;

(hh) "OSHA" means the Occupational Health and Safety Administration of the United States Department of Labor;

(ii) "Potential damage" means circumstances in which:

(1) friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

(2) there are indications that the material or its covering will become damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices, changes in occupancy, or recurrent damage;

(jj) "Potential significant damage" means circumstances in which:

(1) friable ACBM is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and

(2) there are indications that the material or its covering will become significantly damaged, deteriorated, or delaminated due to factors such as changes in building use, changes in operations and maintenance practices, changes in occupancy, or recurrent damage or the material is subject to major or continuing disturbance, due to factors including, but not limited to, accessibility or, under certain circumstances, vibration or air erosions;

(kk) "Preventive measures" means actions taken to reduce disturbance of ACBM or otherwise eliminate the reasonable likelihood of the materials becoming damaged or significantly damaged;

(*ll*) "Removal" means the taking out or the stripping of substantially all ACBM from a damaged area, a functional space, or a homogeneous area in a school building;

(mm) "Repair" means restoration of damaged ACBM to an undamaged condition or to an intact state so as to prevent fiber release, including but not limited to the sealing, patching, enclosing or encapsulating of damaged asbestos-containing material to prevent fiber release;

(nn) "Response action" means a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable ACBM;

(oo) "Routine maintenance area" means an area, such as a boiler room or mechanical room, that is not normally frequented by students and in which maintenance employees or contract workers regularly conduct maintenance activities;

(pp) "Sampling area" means any area, within a school building which contains friable material that is homogeneous in texture and appearance;

(qq) "School" means any elementary or secondary school as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. section 2854) as amended;

(rr) "School building" means:

(1) any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food;

(2) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(3) any other facility used for the instruction or housing of students or for the administration of educational or research programs;

(4) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of "school building" under paragraphs (1), (2), or (3);

(5) any portico or covered exterior hallway or walkway, or

(6) any exterior portion of a mechanical system used to condition interior space;

(ss) "Significantly damaged friable miscellaneous ACM" means damaged friable surfacing ACM in a functional space where the damage is extensive and severe;

(tt) "State" means the State of Connecticut;

(uu) "Surfacing ACM" means surfacing material that is ACM;

(vv) "Surfacing material" means material in a school building that is sprayed-on, troweled-on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes;

(ww) "Suspect ACBM" means building material including thermal system insulation, surfacing material or miscellaneous material that is found in or on interior structural members or other parts of a school building and is determined or assumed by an accredited inspector to be ACM;

(xx) "Thermal system insulation" means material in a school building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes;

(yy) "Thermal system insulation ACM" means thermal system insulation that is ACM;

(zz) "Vibration" means the periodic motion of friable ACBM which may result in the

release of asbestos fibers.

(Effective December 1, 1992)