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# 15 U.S. Code § 2643

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## EPA regulations

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### **(a) In general**

Within 360 days after October 22, 1986, the Administrator shall promulgate regulations as described in subsections (b) through (i). With respect to regulations described in subsections (b), (c), (d), (e), (f), (g), and (i), the Administrator shall issue an advanced notice of proposed rulemaking within 60 days after October 22, 1986, and shall propose regulations within 180 days after October 22, 1986. Any regulation promulgated under this section must protect human health and the environment.

### **(b) Inspection**

The Administrator shall promulgate regulations which prescribe procedures, including the use of personnel accredited under section 2646(b) or (c) of this title and laboratories accredited under section 2646(d) of this title, for determining whether asbestos-containing material is present in a school building under the authority of a local educational agency. The regulations shall provide for the exclusion of any school building, or portion of a school building, if (1) an inspection of such school building (or portion) was completed before the effective date of the regulations, and (2) the inspection meets the procedures and other requirements of the regulations under this subchapter or of the “Guidance for Controlling Asbestos-Containing Materials in Buildings” (unless the Administrator determines that an inspection in accordance with the guidance document is inadequate). The regulations shall require inspection of any school building (or portion of a school building) that is not excluded by the preceding sentence.

### **(c) Circumstances requiring response actions**

(1) The Administrator shall promulgate regulations which define the appropriate response action in a school building under the authority of a local educational agency in at least the following circumstances:

#### **(A) Damage**

Circumstances in which friable asbestos-containing material or its covering is damaged, deteriorated, or delaminated.

#### **(B) Significant damage**

Circumstances in which friable asbestos-containing material or its covering is significantly damaged, deteriorated, or delaminated.

#### **(C) Potential damage**

Circumstances in which—

- (i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and
- (ii) there is a reasonable likelihood that the material or its covering will become damaged, deteriorated, or delaminated.

#### **(D) Potential significant damage**

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Circumstances in which—

- (i) friable asbestos-containing material is in an area regularly used by building occupants, including maintenance personnel, in the course of their normal activities, and
- (ii) there is a reasonable likelihood that the material or its covering will become significantly damaged, deteriorated, or delaminated.

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