State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of an Airborne Toxic Control Measure for Asbestos-Containing Serpentine Rock in Surfacing Applications

Agenda Item No.: 90-3-3

Public Hearing Date: April 12, 1990

Response Date: N/A

Issuing Authority: Air Resources Board

Comment: The Board received comments alleging that certain significant adverse environmental impacts could result from the adoption of the proposed regulations. The regulations would prohibit the use of asbestos-containing serpentine as a surfacing material in California. Commenters stated that the regulations could result in an increase in emissions from motor vehicles, due to the need to transport alternate surfacing materials to areas where serpentine is currently quarried and used.

Response: The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have a significant adverse impact on the environment. While ARB staff analysis shows that a slight increase in vehicular emissions may occur in one county as a result of the regulations, the Board concluded that this increase is so small that it will not constitute a significant environmental impact. A more detailed analysis of the environmental effects of the regulation is contained in the Final Statement of Reasons, Section III-B.

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MAY 7 1991

RESOURCES AGENCY OF CALIFORNIA

CERTIFIED: Judith M. Lounsbury
Board Secretary

Date: 2/13/91

State of California
AIR RESOURCES BOARD

Resolution 90-27

April 12, 1990

Agenda Item: 90-3-3

WHEREAS, on March 27, 1986, pursuant to Section 39662 of the Health and Safety Code, the Air Resources Board (Board) identified asbestos (in the following forms: chrysotile, crocidolite, amosite, tremolite, actinolite, and anthophyllite) as a toxic air contaminant for which there is not sufficient available scientific evidence to support identification of a threshold exposure level below which no significant adverse health effects are anticipated (see Title 17, California Code of Regulations, Section 93000);

WHEREAS, following identification of asbestos as a toxic air contaminant, the Executive Officer, with the participation of local air pollution control districts, is required to prepare a report on the need for and appropriate degree of control of asbestos emissions;

WHEREAS, the staff has worked closely with the districts through the statewide Technical Review Group (TRG) and with the affected sources to develop as expeditiously as practical an airborne toxic control measure for emissions of asbestos fibers from serpentine-covered surfaces;

WHEREAS, the staff has developed a proposed airborne toxic control measure (ATCM) for asbestos emissions which would substantially reduce the sale and application of asbestos-containing serpentine material for surfacing;

WHEREAS, the staff has prepared the "Proposed Control Measure for Asbestos-Containing Serpentine Rock In Surfacing Applications" (staff report and its Technical Support Document), which includes: estimates of potential cancer risks due to airborne asbestos fibers near an unpaved serpentine road; a discussion of possible technologically feasible control alternatives including relative costs and efficiencies; estimated costs for alternative surfacing materials; a description of the requirements of the proposed regulation; and a discussion of potential costs of the proposed regulation;

WHEREAS, the staff report for the proposed ATCM and its Technical Support Document constitute the report on the need and appropriate degree of regulation for asbestos required by Health and Safety Code Section 39665;

WHEREAS, the proposed ATCM would substantially reduce asbestos emissions resulting from the sale or application of asbestos-containing serpentine material for surfacing, and is considered to be the best available control technology, as required by Health and Safety Code Section 39666(c);

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings were held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the proposed ATCM was made available to the public for review and comment, and was discussed at public consultation meetings on April 5, July 27, November 14, 1989, and January 29, 1990;

WHEREAS, in accordance with Health and Safety Code Section 39665(c), the staff report and relevant comments received during public consultation with the districts, affected sources, and the public were made available for public review and comment 45 days prior to the public hearing to consider the proposed ATCM;

WHEREAS, in consideration of the staff report and the written comments and public testimony it has received, the Board finds that:

Existing federal, state, and local regulations do not sufficiently protect the public health from serpentine sources of asbestos;

The use of asbestos-containing serpentine material for surfacing may result in potentially harmful concentrations of asbestos fibers being entrained in the air, and these asbestos fiber concentrations may pose a significant health risk to exposed members of the public;

The proposed airborne toxic control measure would substantially reduce asbestos emissions from the sale or use of asbestos-containing serpentine material for surfacing;

The proposed regulation for asbestos-containing serpentine material complies with the requirements of state law for control of sources of toxic air contaminants identified by the Board;

Before proposing additional controls which might require the removal of asbestos-containing serpentine material which is present on existing surfaces, additional information is needed regarding the extent and nature of possible public exposure to asbestos fibers from existing surfaces.

Some schools and day-care centers may have areas surfaced with asbestos-containing serpentine material, and, under some conditions, children attending such schools or day-care centers may be exposed to potentially harmful levels of asbestos fibers;

This regulatory action will not have a significant adverse impact on the environment.

WHEREAS, the Board further finds, in accordance with the Health and Safety Code Section 39650(e), that:

While absolute and undisputed scientific evidence may not be available to determine the exact nature and extent of risk from emissions of asbestos from serpentine material, it is necessary to take action to protect public health;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the adoption of Section 93106, Subchapter 7.5, Chapter 1, Part III, Titles 17 and 26, California Code of Regulations as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the airborne toxic control measure as set forth in Attachment A after making it available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to evaluate the need for control of asbestos emissions from serpentine material present on existing surfaces, and to return to the Board at such time with an airborne toxic control measure should it be deemed necessary to further control emissions from existing surfaces.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to inform schools, pre-schools, and day-care centers of the potential health hazards posed by playgrounds and other areas surfaced with asbestos-containing serpentine material and to assist these schools in determining whether they have serpentine that contains asbestos on the premises.

I hereby certify that the above is a true and correct copy of Resolution 90-27, as adopted by the Air Resources Board.

Judith M. Lounsbury

Judith M. Lounsbury, Board Secretary