

## **State of Texas**

### **Asbestos Health Protection Rules**

The Texas Asbestos Health Protection Rules (TAHPR) [296.1](#) apply to all buildings which are subject to public occupancy, or to which the general public has access. Therefore any amount of square footage is regulated.

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) [61.145\(a\)](#) applies to facilities. NESHAP defines facility as any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

The building being a public business would have to follow TAHPR and NESHAP regulations.

The building is/was available for the public to access it is considered a public building. Please see applicability in TAHPR [296.1](#) and NESHAP [61.145\(a\)](#). Under NESHAP regulations, at any point a building is deemed a public building it will always remain a public building.

A notification is required if materials contain greater than 1% asbestos, is currently or will be made friable during the project, and the amount of material will exceed 160 square feet, 260 linear feet, or 35 cubic feet. NESHAP work practices will need to be followed.

A notification is required if materials contain greater than 1% asbestos or more, and any amount. TAHPR work practices will need to be followed.

A survey of the area where the material will be disturbed is required.