



# Environmental Information Association

[www.eia-georgia.org](http://www.eia-georgia.org)

## Your News

**VOLUME III, Issue 1**

**Winter 2006**

### **CALENDAR:**

*Topics, locations and times will be posted on the Georgia EIA Web Page as they become Available*

#### **April 17**

Wetlands Permitting Processes and Compensatory Mitigation Banking

Mr. Tom Fisher

U.S. Army Corps of Engineers  
Savannah District

Location:

Fausett Cabin  
Colquitt Co., Georgia

#### **June 19**

#### **August 21**

#### **October 17**

Annual Joint Meeting with Georgia EPD

#### **October 26**

GA EIA Fall Classic  
Golf Outing

#### **December 8**

Holiday Gathering and Annual Chapter Meeting with Election Results

### **A Message From The President**

First and foremost, I want all who read this to know what a great honor it is for me to be the GA EIA President for 2006. With the fantastic group of people that comprise our Board of Directors, I am sure 2006 will be a good year for our Association!

As is probably true of every GA EIA president, my and our Board's goal was to enter the year with a lot of enthusiasm and momentum, and I think we have done that. One goal we have is to follow the excellent leadership of 2005 President Tod Dawson and previous Presidents and continue to offer you excellent speakers and topics at our meetings. For those of you that attended our first meeting of the year, I think you'll agree that we started off on the right foot.

Our first meeting was on Monday February 20th and was sponsored by James Trichinotis with Ashtead Technology Rentals. The meeting featured a presentation by Dr. Karla Drenner, a 3 term State Representative from the 86th Congressional District (Avondale Estates). Dr. Drenner gave an energetic and highly entertaining presentation to nearly 40 Georgia EIA Members about the legislative process in Georgia. Karla also gave suggestions as to how Georgia asbestos legislation may be modified without re-writing the entire act and informed us that the Georgia Mold Licensing Bill (SB 156) is likely "dead in the water". Everyone I spoke to about Dr. Drenner's presentation thought it was great!

Continued next page

## **A Message From The President, continued**

For our next meeting we travel to Colquitt County in the southern part of Georgia for a presentation on *Wetlands Permitting Processes and Compensatory Mitigation Banking*. The speaker will be Tom Fisher with the U.S. Army Corps of Engineers, Savannah District. The meeting will be hosted and sponsored by Board Member Trey Fausett who owns Regulatory Compliance Services, Inc. in Valdosta. The meeting will be at his cabin in Colquitt County. After the meeting, Georgia EPD will host a STAR Group meeting to discuss asbestos and Lead Based Paint issues in the State of Georgia. If that is not enough to get you to trek down south, the remainder of the day will include fishing, skeet shooting and other fun activities! I encourage all of you to come down to Colquitt County for a day of great information, food and fun... real southern hospitality!

We have also set all of meeting dates for 2006, which is on the left side of page one. Like last year, we are planning most of our meeting for the 3rd Monday of every "even" month. Future topics being considered include the Avian Flu and the possibility of a worldwide pandemic and facts and trends concerning elevated blood lead levels in Georgia's children. If you have suggestions for topics and/or speakers, please contact me or any member of the Board of Directors. Note also that the dates for the Fall Golf Classic, Annual Joint EPD/GA-EIA meeting and the Annual Holiday Gathering have also been set. Mark your calendars!

Another thing that makes our meetings so great is the excellent food and beverages that go along with the technical presentations. These amenities are due to the generous donations of our sponsors, which I would like to personally thank for their support. A list of our outstanding 2005 sponsors is on page 10. Please support our sponsors as they have generously supported our Association.

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## **The EIA Website**

The Environmental Information Association website <http://www.eia-georgia.org> has been designed to incorporate general information and the calendar of events for this chapter.



## A Message From The President, continued

Other goals for 2006 are simple and center on a single theme: Communication. We will publish three additional newsletters in 2006: Spring (May), Summer (August) and Fall (November). If you have articles or other technical content that you would like to contribute, please do not hesitate to contact us.

We have other goals in 2006 including a major overhaul to our webpage and continued support for Armor4Troops, but that will have to wait for next time.

Have a great 2006! I look forward to seeing all of you at an upcoming Georgia EIA event!

Dave Hogue  
President, Georgia EIA

## Board of Directors

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## ATTENTION STUDENTS!



You are the future of Georgia EIA! Please accept our invitation to join Georgia EIA for FREE! In addition, you are welcome to attend any of our meetings at NO CHARGE!

What are you waiting for?  
Join Georgia EIA Today!

## NEXT GEORGIA EIA MEETING!

April 17, 2006

*"Wetlands Permitting Processes and Compensatory Mitigation Banking"*

Presented by: Mr. Tom Fisher – U.S. Army Corps of Engineers, Savannah District

Location: Fausett Cabin, Colquitt County, Georgia (directions will be posted at [www.eia-georgia.org](http://www.eia-georgia.org))

Agenda: 12pm – 1pm - Lunch; 1pm – 2pm – Presentation

Star Group Meeting to Follow  
Stick around after for fishing, skeet shooting and more!

## **A Message From The Immediate Past President**

On December 2, 2004, I was bestowed the honor and entrusted the office of President of the Georgia Chapter of the Environmental Information Association. I think back to the time I was contacted regarding representing this fine organization as President; I recall thinking through the anticipated events of the year and felt quite anxious regarding the final outcome. My greatest fear was that I might fail our organization. Fear that my efforts and decisions would move GA EIA backward after all those before me had made such great strides forward. In the end it was my revelation that this organization is not one person; this organization is a large number of people all working to toward the common goal of identifying, gathering, and disseminating information for the betterment of our industry, communities, employers, and employees.

Clearly, my revelation was in fact true, it was not me that produced another forward moving year for GA EIA, it was David Hogue, Jennifer Bailey, Bob Hadden, the elected Board of Directors, and you the membership that made this past year a successful one. Please accept my most sincere gratitude and appreciation for your efforts and support.

Thinking of 2005 brings a wide range of emotions. I am impressed with the quality and variety of the presentations at our Chapter meetings. I am ecstatic with the turn out and support of the Annual Joint meeting with EPD. I am overwhelmed with pride as I reflect on our support of our troops through the Family Readiness Group and Armor 4 Troops. I relive the fun, fellowship, and frivolity many of us enjoyed during the Fall Golf Classic and I am overjoyed with the financial, intellectual, and physical support the Chapter has received once again this past year.

Unfortunately, 2005 also included memories and events that were stressful, worrisome, and, quite frankly, painful. Each day I am reminded that our country is at war and that many of our fellow country men and women are dutifully shouldering the burden of protecting the freedom that we all enjoy and sometime take for granted. I am also saddened by the loss of close friends and loved ones of close friends. It is during these difficult times when the support of our friends, colleagues, co-workers, and organizational members means the most.

Thinking to these trying times causes me to remember a statement in last years newsletter “the value and strength of an organization is measured by its membership.” In my view, GA EIA demonstrated its priceless value and unwavering strength as the Chapter came together to help sooth those in pain, assist those in need, and protect those in harms way.

You, the Chapter, through your generous financial support have provided supplies through our involvement with Family Readiness Group and ballistic eyewear through Armor 4 Troops ([www.armor4troops.org](http://www.armor4troops.org)). These supplies and protections were provided to those same troops that are protecting our freedom and way of life. I wish to personally thank all of you for your generous support in these efforts. Throughout the year many of our GA EIA members have been very generous with their donation, however; Jim Stephens has, in my view, been instrumental to this effort through his gracious donations of supplies and funds. Thank you Jim for you commitment to our organization and helping GA EIA make a difference.

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## **A Message From The Immediate Past President, cont.**

In conclusion, I again thank all of you for your support with moving GA EIA yet one step forward. Additionally, I look forward to seeing each of you at the meetings and events this year. I once again have the privilege of being involved with the Executive Committee and am confident that you will be impressed with the technical meetings and special projects that Dave and the Board of Directors have in store as we stay focused on the purpose of our organization; working to identify, gather, and disseminate information for the betterment of our industry, communities, employers, and employees.

Best regards for a safe and prosperous 2006.

Tod Dawson

## **The 1% Rule and the Joint Compound Confusion**

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One of the most vexing issues in asbestos management today is identifying and managing asbestos in wallboard joint compound. The problem falls into a number of technical areas; sampling, sample analysis, and work practices pursuant to maintenance and demolition/renovation. We'll quickly discuss the first two issues and focus on the third.

Wallboard and wallboard joint compounds are categorized as Miscellaneous materials according to AHERA definitions. The AHERA regulations require Inspectors to collect a minimum of 2 samples per homogenous area (material) when sampling Miscellaneous materials. The samples are then submitted to an accredited laboratory for polarized light microscopy (PLM) analysis. The sampling and analyses are performed to provide information regarding the asbestos content of the wallboard system for management, maintenance, and/or renovation/demolition purposes.

What regulators often find when making inspections in the case of demolition/renovation is that the joint compound is under sampled<sup>[1]</sup>. Meaning, that taking only two samples of joint compound relegates the information obtained as insufficient to truly understand the extent of the asbestos-containing joint compound throughout the wallboard system within a building. Many regulators are now citing building inspectors (and/or those responsible for determining the scope of work) for "under sampling" joint compound<sup>[2]</sup>. The citations stem from the inspection report not determining the extent of asbestos-containing materials (ACM) leading to demolition/renovation activities that release asbestos into the air and as uncontained dry ACM debris.

<sup>[1]</sup> Conversation with GA/EPD asbestos program official and affected parties.

<sup>[2]</sup> Ibid

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## The 1% Rule and the Joint Compound Confusion, cont.

Inspectors also make a common mistake in that the best way to pad profit with their inspections is to use the most inexpensive lab available. While this is their choice, it can often lead to major decision making errors based on faulty analytical data. While no lab performs perfectly for any analyte, inexperienced analysts or an irresponsible laboratory can easily overlook or misidentify asbestos in wallboard joint compound. Joint compound is difficult to analyze because of the interfering materials within the matrix and often requires additional techniques beyond that which is supplied for a minimum analysis fee. The asbestos content can also hover at the regulatory definition of ACM (greater than 1 percent asbestos). This can yield quantification errors; both false positives and negatives. It behooves Inspectors to reconsider laboratory service providers in this effort. The fact that a PLM laboratory maintains an accreditation does not guarantee performance when analyzing more difficult samples like joint compound.

The regulatory definition of >1% is often misunderstood in regards to regulatory compliance. In all Federal regulations, notably, EPA/NESHAP (40CFR Part 61) and OSHA (29CFR1926.1101 and others), the definition of ACM is clearly >1%. But if a material is found to be <1% by PLM are there any further responsibilities?

Let's then look at the joint compound issue. Provided that the Inspector sufficiently sampled joint compound within the wallboard system (and not as a composite sample) and all samples were properly analyzed what do the results tell us? Does the material contain >1% or < 1%? If the material is found to be >1% most State regulators, pursuant to EPA/NESHAP (demolition/renovation issues), will regulate the material as ACM and require procedures such as wet methods, regulated areas, containerization and proper disposal. Regulators can issue citations for "visible emission" if ACM debris is found at the work site. Additionally, citations can be given for "dry removal" if wet methods are not employed and "improper disposal/containerization" citations can be issued if ACM debris is merely put into an open dumpster.

But what if the material is <1% asbestos? OSHA has numerous *Standard Interpretation* letters that address this issue. On OSHA's web page<sup>[3]</sup> is a section that should be monitored regularly by those that work within the asbestos control industry. Professionals within industry send letters with questions regarding compliance issues and OSHA representatives (usually within one of the 10 OSHA regions) respond with their interpretations. Often one of these letters is deemed as an issue that is widely sought out from industry. OSHA then will post the letter to the web page in the hope that it will serve as a common answer to an oft posed question.

A mistake often made by asbestos Inspectors, consultants and contractors is that if a material is not ACM (<1% asbestos) then they have no duty in regards to OSHA compliance. Following letter from 1997 entitled: *04/17/1997 - OSHA's asbestos standard regulates working with materials containing less than 1 percent asbestos*, <sup>[4]</sup> described OSHA's perspective of the "1% rule:"

[3][http://www.osha.gov/pls/oshaweb/owasrch.search\\_form?p\\_doc\\_type=INTERPRETATIONS&p\\_toc\\_level=0&p\\_keyvalue=&p\\_status=CURRENT](http://www.osha.gov/pls/oshaweb/owasrch.search_form?p_doc_type=INTERPRETATIONS&p_toc_level=0&p_keyvalue=&p_status=CURRENT)

[4] [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=22389](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22389)

## The 1% Rule and the Joint Compound Confusion, cont.

“...However, the OSHA standard has a definition for both "asbestos" and "asbestos-containing materials." The definition of asbestos does not have a one percent cut off, therefore, asbestos that is present in percentages less than one percent continues to be covered by the OSHA standard...”

Probably one of the most important letters on the 1% issue on OSHA’s web page is from August, 13, 1999 entitled: *08/13/1999 - Requirements for demolition operations involving material containing <1% asbestos* [5], has numerous issues addressed:

“...However, if the materials contain some amount of asbestos that is less than or equal to 1%, the contractor must observe the asbestos PELs and 29 CFR 1926.1101(g)(1)(ii) and (iii). Therefore, the contractor has an implied obligation to determine if the materials contain some asbestos. The contractor must exercise due diligence to identify the presence of asbestos in materials...”

Also:

“You ask if a demolition project involving only materials containing <1% asbestos requires an initial negative exposure assessment. In order to avoid the need to comply with the elements of the standard that are applicable when either asbestos PEL is exceeded, the contractor conducting the demolition project must produce an initial negative exposure assessment for his/her employees.”

And:

“As to your inquiry into the protective equipment and training that must be provided to employees who are working while the contractor seeks to produce a negative exposure assessment, the contractor must provide those employees with the protective clothing described in 29 CFR 1926.1101(i). At a minimum, half-mask air-purifying respirators, other than disposable respirators, equipped with high efficiency filters are required. And, the contractor must provide those employees training that meets the mandates of 29 CFR 1926.1101(k)(9)(viii).”

A few other notable citations on this issue can be found within the letter entitled), *11/24/2003 - Compliance requirements for renovation work involving material containing less than 1% asbestos.*[6]

**Question 6:** Why, if material containing <1% asbestos is to be considered hazardous (employers are to wet it, put it in containers, and perform air monitoring), are employers not required to warn workers about its presence when they know it is present at a work site or in a building?

**Reply:** You **must** inform employees about the presence of material containing <1% asbestos when you know it is present. When employees perform work activities involving such material, you are required per 29 CFR 1926.1101(f)(2)(i) to assess their exposures to asbestos...

[5] [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=22963](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22963)

[6] [http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=24748](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=24748)

## The 1% Rule and the Joint Compound Confusion, cont.

And as an interesting work practices issue:

**Question 7:** If OSHA had intended to regulate material containing <1% asbestos, why do not employers have to use HEPA-filters when using vacuum cleaners to clean up material containing <1% asbestos?

**Reply:** An employer does not have to use vacuum cleaners to clean up material containing <1% asbestos. However, if an employer uses vacuum cleaners to clean up the material, then per 29 CFR 1926.1101(l)(1), it must use HEPA-filtered vacuuming equipment.

In general it would be prudent to say that to assume that one does not have responsibilities in regards to protecting workers, through notification and air sampling, would be a mistake and an OSHA violation. What is really the issue here? How many buildings are currently being renovated or demolished without a clear understanding of the asbestos content within joint compound? It does not take much industry experience or imagination to realize that this is a national problem. Inspectors, consultants, contractors, employers, building owners, and regulators all have a duty to demolition/renovation workers to protect them from asbestos exposure despite the additional cost this may incur to these projects. We must persevere to inform our clients and the contracting community of their responsibility in this matter. And with any luck, we'll have better enforcement from Federal and State agencies, but that's another story.

Authors notes:

1. It behooves the reader to seek out the letters cited via the footnotes. I have only provided small pieces of them to illustrate various points.
2. Underlining in the sections of the letters cited in the text was applied by the author for emphasis.
3. At the OSHA page for Standard Interpretations (footnote #3) you will need to type into the query box the word "asbestos" a topic or letter recipient name to find a group of letters that are that area of interest or specific citation. You can also find other common Standard Interpretation letters on OSHA's main asbestos web page.



**Plan to attend the 23rd Annual Conference &  
Exposition of the National EIA:  
March 25-29, 2006 at the Phoenix Marriott, Mesa,  
Arizona**

**[www.eia-usa.org](http://www.eia-usa.org)**

# February 20<sup>th</sup> Georgia EIA Meeting



Meeting Sponsored by:



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# Why You Should Join GA-EIA Today!

- ü **The Environmental Information Association is a national, not-for-profit organization dedicated to providing rational, non-biased and accurate information concerning environmental issues that affect occupants of buildings, industrial sites and other facilities.**
- ü **The Georgia Chapter of EIA offers members an opportunity to meet and address local and regional environmental issues.**
- ü **GA-EIA offers professional growth through unparalleled local networking opportunities among a diverse group of individuals involved with environmental management and control.**
- ü **GA-EIA holds regularly-scheduled meetings featuring noted speakers, addressing environmental issues important to this region of the Southeast.**
- ü **Members will receive a membership certificate and directory.**

**Join GA-EIA today!**

For more information, contact any Officer or Director listed on pages 2 and 3 of this newsletter.



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