

Office of Regulatory Management
Economic Review Form

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	16 VAC 25-30
VAC Chapter title(s)	Chapter 30. Regulations for Asbestos Emissions Standards for Demolition and Renovation Construction Activities and the Disposal of Asbestos Containing Construction Waste – Incorporation By Reference, 40 CFR 61.140 through 61.156
Action title	Periodic Review of Regulations
Date this document prepared	June 1, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Periodic Review of Regulations

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	

(4) Other Costs & Benefits (Non-Monetized)	Not applicable.
(5) Information Sources	Not applicable.

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The proposed regulation neither disproportionately affects particular localities, nor affects costs for local governments, unless and to the extent that a local government contracts for asbestos removal and the licensed contractor is inspected by DOLI and/or is found to be in violation of statutory/regulatory requirements.</p> <p>The Department is authorized by Va. Code § 40.1-26(5) to "Investigate any violations of this chapter and regulations." In enforcing the asbestos NESHAP regulations in Virginia, the Department stands in the place of the Virginia Department of Environmental Quality (DEQ) and the federal Environmental Protection Agency (EPA), either of which would otherwise be responsible for conducting the asbestos NESHAP inspections.</p> <p>What are the hazards of asbestos?</p> <p>Asbestos is well recognized as a health hazard and its use is now highly regulated by both OSHA and EPA. Asbestos fibers associated with these health risks are too small to be seen with the naked eye. Breathing asbestos fibers can cause a buildup of scar-like tissue in the lungs called asbestosis and result in loss of lung function that often progresses to disability and death. Asbestos also causes cancer of the lung and other diseases such as mesothelioma of the pleura which is a fatal malignant tumor of the membrane lining the cavity of the lung or stomach. Epidemiologic evidence has increasingly shown that all asbestos fiber types, including the most commonly used form of asbestos, chrysotile, causes mesothelioma in humans.</p> <p>What can be done to reduce the hazards of asbestos?</p> <p>Worker exposure to asbestos hazards are addressed in specific OSHA standards for the construction industry, general industry and shipyard employment sectors. These standards reduce the risk to workers by</p>
---	--

	<p>requiring that employers provide personal exposure monitoring to assess the risk and hazard awareness training for operations where there is any potential exposure to asbestos. Airborne levels of asbestos are never to exceed legal worker exposure limits. There is no "safe" level of asbestos exposure for any type of asbestos fiber.^{4, 5} Asbestos exposures as short in duration as a few days have caused mesothelioma in humans.^{4, 5, 6, 7} Every occupational exposure to asbestos can cause injury of disease; every occupational exposure to asbestos contributes to the risk of getting an asbestos related disease.⁸ Where there is exposure, employers are required to further protect workers by establishing regulated areas, controlling certain work practices and instituting engineering controls to reduce the airborne levels. The employer is required to ensure exposure is reduced by using administrative controls and provide for the wearing of personal protective equipment. Medical monitoring of workers is also required when legal limits and exposure times are exceeded.</p> <p>The benefit of the regulation, which is required so that Virginia regulations can "be at least as stringent as the asbestos regulations passed pursuant to § 112 of the Clean Air Act,"¹ is to reduce the incidence of material impairment of the health of Virginians due to exposure to asbestos in the workplace or as an environmental pollutant.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	<p>As referenced above, an asbestos contractor working at a local government worksite could be subject to an inspection by DOLI. To the extent that the DOLI inspection delays completion of the project, the local government could experience a delay in use of the specific area under contract.</p> <p>If the DOLI inspection uncovers violations which could have resulted in the release of asbestos fibers in the project area, the contractor would be required to clean up the area before releasing it for use.</p>	
(4) Assistance	Not applicable.	

¹ <https://law.lis.virginia.gov/vacode/title40.1/chapter3.3/section40.1-51.25/>

(5) Information Sources	https://www.osha.gov/asbestos
-------------------------	---

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The regulation should not result in any costs to families except to the extent that the family is dealing with the demolition of a residence containing asbestos materials. If the family contracts with a company to demolish the building, the contractor will have to comply with requirements of the regulation and may pass such costs along to the family.</p> <p>If the DOLI regulation did not exist, the contractor would be subject to enforcement by the Virginia Department of Environmental Quality (DEQ) federal Environmental Protection Agency (EPA) and have to comply with the same federal regulations and could pass any costs along to the family as well.</p> <p>See benefits listed in Table 2 above.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See (1) above.	(b) See (1) above.
(3) Other Costs & Benefits (Non-Monetized)	<p>While rare, and usually only in response to a complaint from a family that owns the building, an asbestos contractor working at a residential demolition worksite could be subject to an inspection by DOLI. To the extent that the DOLI inspection delays completion of the demolition project, the family could experience a delay in use of the specific area under contract.</p>	
(4) Information Sources	https://www.osha.gov/asbestos	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>As referenced above, a small business that is a licensed asbestos contractor conducting demolition activities is subject to being inspected by DOLI. If violations are cited, they could result in penalties being issued. The contractor would also be required to correct the violations, which would not normally be passed along to the customer.</p> <p>A small business that contracts for asbestos removal demolition services should not experience any costs associated with a DOLI inspection of its asbestos contractor.</p> <p>See costs and benefits listed in Table 2 above.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 2 above.	(b) See Table 2 above.
(3) Other Costs & Benefits (Non-Monetized)	To the extent that the DOLI inspection delays completion of the demolition project, the small business that hired the asbestos contractor could experience a delay in use of the specific area under contract.	
(4) Alternatives	None. If the DOLI regulation did not exist, covered employers would still have to comply with the same federal regulatory provisions and be subject to enforcement by either the Virginia Department of Environmental Quality (DEQ) or the federal Environmental Protection Agency (EPA).	
(5) Information Sources	https://www.osha.gov/asbestos	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

	Number of Requirements			
Chapter number	Initial Count	Additions	Subtractions	Net Change
16VAC25-30-10		0	0	0
16VAC25-30-20	29	0	0	0
16VAC25-30-30	0	0	0	0
TOTAL		0	0	0