

tentatively determine whether the regulation is comparable to or more stringent than this part. If EPA makes a positive tentative determination, EPA will propose an amendment to this rule excluding that State from coverage. Interested persons may comment on the proposed exclusion during the period for public comment. After considering any comments, EPA may promulgate the final amendment to the rule.

§ 763.124 Reporting.

(a) Employers subject to this rule must report to the Regional Asbestos Coordinator for the EPA Region in which the asbestos abatement project is located at least 10 days before they begin any asbestos abatement project, except one that involves less than either 3 linear feet or 3 square feet of friable asbestos material, and an emergency project. Employers must report any emergency project covered by this rule as soon as possible but in no case more than 48 hours after the project begins. A list of the EPA Regional Offices is given under § 1.7(b) of this chapter.

(b) The report must include:

- (1) The employer's name and address.
- (2) The location, including street address, of the asbestos abatement project.
- (3) The scheduled starting and completion dates for the asbestos abatement project.

(c) If a report is mailed to EPA, the report must be postmarked at least 10 days before the asbestos abatement project begins unless the report is for an emergency project. In such a case, the report must be postmarked as soon as possible but in no case more than 48 hours after the project begins.

(d) Employers do not have to report under this section if they submit a notice to EPA under the National Emission Standard for Asbestos, § 61.146 of this chapter, at least 10 days before they begin the asbestos abatement project and that notice clearly indicates that employees covered by this rule will perform some or all of the asbestos abatement work.

[47 FR 23369, May 27, 1982, as amended at 58 FR 34205, June 23, 1993]

§ 763.125 Enforcement.

(a) Failure to comply with any provision of this part is a violation of section 15 of the Act (15 U.S.C. 2614).

(b) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 of the Act (15 U.S.C. 2614).

(d) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.

(e) EPA may seek to enjoin an asbestos abatement project in violation of this part, or take other actions under the authority of section 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

§ 763.126 Inspections.

EPA will conduct inspections under section 11 of the Act (15 U.S.C. 2610) to ensure compliance with this part.

Subpart H [Reserved]

Subpart I—Prohibition of the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products; Labeling Requirements

SOURCE: 54 FR 29507, July 12, 1989, unless otherwise noted.

§ 763.160 Scope.

This subpart prohibits the manufacture, importation, processing, and distribution in commerce of the asbestos-containing products identified and at the dates indicated in §§ 763.165, 763.167, and 763.169. This subpart requires that products subject to this rule's bans, but not yet subject to a ban on distribution in commerce, be labeled. This subpart also includes general exemptions and procedures for requesting exemptions from the provisions of this subpart.

§ 763.163 Definitions.

For purposes of this subpart: