

Austin Neighborhoods Council Resolution (version 2)

Public Safety – Demolition Permits

WHEREAS, asbestos and lead-based paints were commonly used in single-family homes, apartments, and condominiums constructed in Austin neighborhoods prior to 1978; and,

WHEREAS, Environmental Protection Agency (EPA) data shows that the following homes are likely to contain lead:

- 24% of homes built between 1960 and 1978
- 69% of homes built between 1940 and 1960
- 87% of homes built before 1940; and,

WHEREAS, many of these single-family homes, apartments, and condominiums are being demolished in neighborhoods throughout Austin; and,

WHEREAS, exposure to asbestos is known to cause mesothelioma, an aggressive and deadly lung cancer, in adults; and,

WHEREAS, exposure to lead is known to cause irreversible brain, kidney, and central nervous system damage, particularly in unborn babies and children; and,

WHEREAS, lead persists in soil for decades or longer and food harvested from plants grown in lead contaminated soil is hazardous to humans and animals; and,

WHEREAS, asbestos and lead contaminated air and soil are easily spread by wind and water to adjacent properties; and,

WHEREAS, the City of Austin does not require property owners to survey for asbestos or lead prior to demolition, remodel, or repair of single-family homes and apartment and condominium buildings with fewer than 5 dwelling units but instead relies on EPA, Occupational Safety and Health Administration (OSHA), and Texas Administrative Code (TAC) regulations; and,

WHEREAS, EPA, OSHA, and TAC regulations exclude single-family homes and apartment and condominium buildings with fewer than 5 dwelling units from requirements for asbestos surveys for demolition, remodel, or repair; and,

WHEREAS, the EPA website indicates that: *“home repairs that create even a small amount of lead dust are enough to poison your child and put your family at risk”*; and,

WHEREAS, a March 2017 report by the Centers for Disease Control and Prevention indicated that: *“the continuing occurrence of mesothelioma deaths among persons age less than 55 years suggests ongoing occupational and environmental exposures to asbestos fibers and other causative EMPS, despite regulatory actions by OSHA and EPA aimed at limiting asbestos exposure”*; and,

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WHEREAS, Seattle, WA, requires property owners to conduct asbestos surveys prior to demolition, remodel, or repair of their homes, and properly abate asbestos contaminants; and,

WHEREAS, Portland, OR, requires property owners to provide asbestos surveys and lead-based paint reports prior to demolition, remodel, or repair of their homes, and properly abate asbestos and lead contaminants,

NOW THEREFORE,

BE IT RESOLVED THAT the Austin Neighborhoods Council (ANC) urges the Austin City Council to direct the City Manager to:

- Require property owners to conduct surveys for asbestos and lead as a precondition for submitting applications for permits to demolish, remodel, or repair single-family homes and apartment and condominium buildings with less than 5 dwelling units built prior to 1978.
- Require surveys to be performed by individuals or firms that hold EPA lead and asbestos certifications.
- Require property owners to provide survey results to the City and adjacent property owners and tenants.
- If asbestos or lead contaminants are identified by a survey, require property owners to:
 - Provide the City and adjacent property owners and tenants with abatement, mitigation, and remediation plans before demolition, remodel, or repair permits may be approved by the City, and
 - Properly abate, mitigate, and remediate asbestos and lead contaminants.

Date presented to ANC Membership: _____

Date approved by ANC Membership: _____

Sponsor(s) Contact Information: _____

Seattle, WA demolition permits: <http://www.pscleanair.org/190/Homeowners>

Portland, OR demolition permits: <https://www.portlandoregon.gov/bds/article/689960>