

## Standard Interpretations

/ Contractor responsibilities for health and safety when removing asbestos-containing materials from private dwellings.

- **Standard Number:** 1926.1101

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

October 16, 2008

Mr. Walter Zemotel  
37 West Avenue  
Hanover, MA 02339-1847

Dear Mr. Zemotel:

Thank you for your letter, August 19, 2008, to the Occupational Safety and Health Administration (OSHA). You have asked if there is a regulation or law that states who is responsible for the identification and control of health hazards when a contractor is hired to work in a private dwelling, such as for the removal of asbestos-containing flooring. This reply letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not detailed in your original correspondence.

You explain that for several years you have been involved in litigation with a corporation that operates a chain of home improvement stores, and your case concerns the contracted work that this business performed in your home. You suggest that while replacing flooring in your home, the contractor may not have used any controls for potential asbestos exposure. You also state that after the work was done you, had a sample of the flooring debris tested and it was found to contain asbestos.

OSHA is responsible for enforcing the Occupational Safety and Health Act of 1970 (the OSH Act) and occupational safety and health standards promulgated thereunder. The OSH Act imposes obligations on employers to protect the health and safety of employees. It does not, however, deal directly with the protection of the general public.

OSHA has a standard dealing with asbestos hazards in construction, 29 CFR §1926.1101. This standard contains several provisions concerning the identification, communication, and control of asbestos hazards. In your case, the contractor may have had an obligation to comply with this standard to the extent that its employees were exposed to asbestos hazards.

Please note that 29 CFR §1926.1101 imposes some obligations on building owners who control management and recordkeeping functions in facilities where employees perform activities covered by the standard. Private homeowners who have work done in their homes are not "employers" under the OSH Act or "building owners" under the asbestos standard, so they do not have OSHA compliance obligations with respect to asbestos in circumstances like those described in your letter.

Finally, please be aware that this letter can only speak to requirements under the OSH Act and OSHA's asbestos standards. We cannot answer your question insofar as there may be applicable laws and regulations enforced by other agencies.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can continue to consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Office of Health Enforcement at (202)693-2190.

Sincerely,

Richard E. Fairfax, Director  
Directorate of Enforcement Programs

## UNITED STATES DEPARTMENT OF LABOR

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