

## Standard Interpretations

/ Routine asbestos inspections, bulk sampling activities, and training with regards to specific provisions in the Occupational Exposure to Asbestos Standard.

### ▪ **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 31, 1997

[Name Withheld]

Dear [Name Withheld]:

This is in response to your letter dated September 20, 1997, where you have questions concerning the information provided in a letter written April 20, 1997 to [Name Withheld]. The letter you referenced concerns Class III operations as it applies to routine asbestos inspections, bulk sampling activities, and training with regards to specific provisions in the Occupational Exposure to Asbestos Standard 29 CFR 1926.1101. The response to [Name Withheld] was not intended to be an exhaustive review of all Class III operations, but rather the response focused on the limited and specific questions contained in [Name Withheld]'s letter that was received by the Occupational Safety and Health Administration (OSHA.) It seems that the misunderstanding expressed in your letter is due in large part because you have not had the advantage of reading the original letter.

With regards to your first question on bulk sampling, you ask, "is it automatically assumed that the material is asbestos or could you be sampling to prove that asbestos is not present." You further state that "if the latter is correct, then the work would not be a Class III operation." If the material contains asbestos, or there is knowledge that it is likely to contain asbestos, then bulk sampling is a Class III activity. If the material does not contain asbestos, then this would not be a covered activity. In order to understand the response provided in the April 28, 1997 letter, you must know what the letter sent from [Name Withheld] originally asked. The original letter presents a scenario where "routine asbestos inspections and bulk sampling of suspect ACM" is being performed, and the writer asks that since this activity is not exempted, is it a Class III operation? The original letter provided information that "suspect ACM" was being disturbed therefore the response, tailored to that specific question, states that routine bulk sampling of suspect ACM is a Class III operation. In your letter you correctly point out that if the amount of asbestos that is disturbed cannot be contained in one standard glove bag (60 x 60 inches) or waste bag, Class I precautions are required. You also correctly point out that Class III operations where thermal system insulation (TSI) or surfacing asbestos containing material (ACM) or presumed asbestos containing material (PACM) is disturbed, respirators shall be used. Both of statements you made are accurate, but these two areas of the standard did not appear in the OSHA response because they were not part of the questions presented by [Name Withheld]. Furthermore, it is unlikely that bulk sampling would require as much asbestos as to fill a 60 x 60 inch bag. Bulk sampling typically requires taking very small samples from a site. The original letter did not focus on

TSI or PACM, but questioned the disturbance of suspect ACM. The response addressed the use of a respirator under these circumstances and stated the use of a respirator can be discontinued if a negative exposure assessment is obtained, in accordance with paragraph 29 CFR 1926.1101 (h)(1)(iv).

The next question you ask is, if I am performing an inspection involving TSI or surfacing materials and can demonstrate a valid negative exposure assessment, can you eliminate the requirement for a glove bag or mini enclosure and respirators? 29 CFR 1926.1101 (g)(9)(i) thru (iv) includes the requirements for Class III activities. Paragraph (g)(9)(iii) requires that "where the disturbance involves drilling, cutting, abrading, sanding, chipping, breaking, or sawing of TSI or surfacing material" impermeable dropcloths are required and isolation methods such as mini-enclosures, glovebags, or other isolation methods are required. As mentioned in the above paragraph, respirators are required when TSI or surfacing materials are being disturbed during a Class III activity. The requirements in paragraph 29 CFR 1926.1101 (e)(1), regulated areas, are required for all Class I, II, and III asbestos operations.

Thank you for your interest in safety and health. If you have further questions, please feel free to contact Wanda Bissell of my staff at (202) 219-8036 ext. 49.

Sincerely,

John B. Miles, Jr., Director  
Directorate of Compliance Programs

September 20, 1997

Stephen Mallinger, Acting Director  
Office of Health Compliance Assistance  
U.S. DOL, Occupational Safety and Health Administration  
Francis Perkins Building, Room N-3467  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Mr. Mallinger:

I was with great interest that I read your letter to [Name Withheld] that was dated April 28, 1997. The subject of the letter was asbestos controls during asbestos inspections. I must say that it appears that you have placed a whole new perspective on what is required both for Class III removals and for asbestos inspections. You state that bulk sampling for asbestos is a Class III operation. You base this on the fact that bulk sampling is a "disturbance that entails activities that disrupt the matrix of asbestos-containing material.." I would first have to ask, is it automatically assumed that the material is asbestos or could you be sampling to prove that asbestos is not present? If the latter is correct then the work would not be a Class III operation.

You go on to state that the controls specified by (g)(9)(i)-(v) of 29 CFR 1926.1101 shall be followed. These include wet methods, local exhaust ventilation, glove bags or mini-enclosures for TSI or surfacing materials, plastic barriers where a Negative Exposure Assessment (NEA) has not been made, and respirators. You then state that once a NEA is established the use of respirators and barriers can be discontinued. This is where lost you. The standard states that glove bags or mini-enclosures are always required for TSI and surfacing materials even if a NEA has been made [(g)(9)(iii)]. As to the issue of discontinuing the use of respirators, (h)(1)(v) never allows the discontinuance of the use of respirators where TSI or surfacing is disturbed. The next thing we must look at is the definition of "disturbance". If our inspection requires us to use more than one glove bag or to generate more waste than will fit in a single waste bag we are no longer in the realm of Class III but now are performing a Class I operation which mandates even more controls.

Your letter would lead one to believe that the definitions of "disturbance" and Class III work really don't mean what the language in the standard would lead you to believe. If I am performing an inspection involving TSI or surfacing materials and can demonstrate a valid Negative Exposure Assessment I can eliminate the requirement for a glove bag or mini enclosure and respirators. Can I also eliminate the requirement found in (e)(1) for the work to be performed in a regulated area? Does this work for other Class III operations involving TSI and Surfacing materials?

I would strongly suggest that it would be in OSHA's best interest to declare that the act of collecting bulk samples during an asbestos inspection by an accredited AHERA Asbestos Building Inspector is a non classified activity that is controlled on the basis of airborne concentrations of asbestos fibers. This would allow the language in the standard to continue it's present meaning and provide the controls that you have indicated are appropriate for collecting samples of suspect materials.

I look forward to your response.

Sincerely,

[Name Withheld]

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