

Standard Interpretations / Questions regarding the cleaning of asbestos-containing floor tile.

- **Standard Number:** 1910.1001(k)(7) ; 1926.1101(l)(3)

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>.

November 5, 1999

William A. Onderick, President
RFM Inc.
1008 Dogwood Lane
West Chester, Pennsylvania 19382

Dear Mr. Onderick:

Thank you for your July 27 letter regarding the cleaning of asbestos-containing floor tile. You wish clarification of the provisions in the Occupational Safety and Health Administration (OSHA) asbestos standards which regulate this activity. Your questions and our answers are provided below.

Question 1:

Are we correct that asbestos floor tile **cleaning** activities (normal maintenance such as stripping and buffing operations) are covered under both the Asbestos General Industry Standard (§1910.1001) and the Asbestos Construction Standard (§1926.1101)?

Answer:

Yes. Both standards contain the same requirements for care of asbestos-containing flooring material. The requirements are at 29 CFR 1910.1001(k)(7) and 29 CFR 1926.1101(l)(3).

Question 2:

Are we correct that for normal cleaning (routine stripping and buffing) that the Asbestos General Industry housekeeping procedures apply, however the Asbestos Construction Standard applies when floor tile clean-up activities are performed as a result of or incidental to a Class I, II or III job? Are we also correct, that asbestos floor tile cleaning under the Construction standard is considered a Class IV job?

Answer:

Stripping or buffing asbestos-containing flooring material previously soiled with asbestos-containing dust or debris from a Class I, II, or III asbestos job is not part of the clean-up activity. The clean-up activity consists of picking up the debris and vacuuming up the dust. As such, stripping or buffing asbestos-containing flooring material does not come under any of the designated classes of asbestos work defined in the Construction Asbestos Standard.

The stripping or buffing of asbestos-containing flooring material usually comes under the scope of the General Industry Asbestos Standard. However, stripping or buffing of the flooring material comes under the scope of the Construction Asbestos Standard if a construction company does it as part of the completion of a construction project.

Question 3:

Both standards discuss stripping operations and [stipulate] that low abrasion pads, wet methods, and speeds lower than 300 rpm must be employed. If higher speed machines are used and current Negative Exposure Assessment (NEA) data exists (by TEM) showing the PEL was not exceeded, is it necessary to submit a written alternative work procedure and/or seek a variance?

Answer:

The Construction Asbestos Standard does not allow the use of alternative procedures for care of asbestos-containing flooring material. The Standard makes allowances for using alternative control methods for only Class I or II asbestos work. The fact that the asbestos PELs are not exceeded when the floor stripping uses low abrasion pads at speeds greater than 300 revolutions per minute (rpm) is not a sufficient condition to warrant the receipt of a variance permitting such use. In order to receive a variance, the employer must have implemented some means of maintaining asbestos aerosol levels in the employees' breathing zones at levels equal to or less than the levels occurring at speeds lower than 300 rpm.

Question 4:

While the Construction Standard discusses submitting alternative work procedures, the General Industry Standard does not. How does one handle an alternative work procedure regarding the General Industry Standard?

Answer:

As we noted in our reply to your third question, the Construction Asbestos Standard makes allowances for alternative control methods for only Class I or II asbestos work. Therefore, whether the stripping or buffing of asbestos-containing flooring material is covered by the Construction Asbestos Standard or the General Industry Asbestos Standard, the employer who wishes to use alternative stripping or buffing procedures must seek a permanent variance.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. Please be aware that OSHA's enforcement guidance is subject to periodic review and clarification, amplification, or correction. Such guidance could also be affected by subsequent rulemaking. In the future, should you wish to verify that the guidance provided herein remains current, you may consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact OSHA's Office of Health Compliance Assistance at (202) 693-2190.

Sincerely,

Richard E. Fairfax, Director
Directorate of Compliance Programs

UNITED STATES
DEPARTMENT OF LABOR