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• **Standard Number:** 1926.1101; 1926.1101(e); 1926.1101(e)(1); 1926.1101(g); 1926.1101(g)(1)(ii); 1926.1101(g)(1)(iii); 1926.1101(g)(3)(i); 1926.1101(g)(3)(ii); 1926.1101(g)(3)(iv); 1926.1101(g)(7)

February 1, 2005

Mr. Skip Bolding
Safety Director
Templeton Construction
521 West Beauregard
San Angelo, TX 76903

Dear Mr. Bolding:

Thank you for your January 21 letter to the Occupational Safety and Health Administration (OSHA). You have questions regarding OSHA's construction industry asbestos standard, 29 CFR 1926.1101. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. Your paraphrased questions and our replies are below.

Question 1: What is the interpretation for the definition of "Regulated Area(s)" that appears at 29 CFR 1926.1101(e) in the construction asbestos standard?

Reply: In cases involving Class I, II, and III asbestos work, the regulated area includes, as a minimum, the area in which the workers move about in the process of performing the work. If the airborne concentrations of asbestos beyond the area in which workers move about exceed or there is a reasonable possibility the concentrations may exceed an asbestos permissible exposure limit (PEL), then the regulated area also includes this additional area. For operations other than Class I, II, and III asbestos work, the regulated area is simply the area where airborne concentrations of asbestos exceed or there is a reasonable possibility the concentrations may exceed either of the asbestos PELs.

Question 2: If the asbestos content for every one of the materials involved in a demolition project is <1%, does a regulated area have to be established for the project?

Reply: Since the asbestos content for every one of the materials involved in the demolition project is <1%, the project does not involve the performance of either Class I or Class II asbestos work. Therefore, the employer's requirement for establishing an asbestos regulated area for the project is determined by the airborne concentrations of asbestos that are generated. As indicated by 29 CFR 1926.1101(e)(1), the employer must establish an asbestos regulated area if the employer has a situation where airborne concentrations of asbestos exceed or there is a reasonable possibility they may exceed either of the asbestos PELs. If the employer does not have that situation, then the employer is not required to establish an asbestos regulated area.

Question 3: What work practices under 29 CFR 1926.1101, if any, must be followed to remove sheetrock when lab results show <1% asbestos?

Reply: The employer needs more information than the fact that the sheetrock contains <1% asbestos in order to establish what work practices he/she must follow. The employer also needs to know the concentration of asbestos in the joint compound, spackling compound, tape, and so forth that was used to complete the installation of the sheetrock. If any of these items contain >1% asbestos, then removal of the sheetrock is Class II asbestos work and the employer must follow the work practices set forth at 29 CFR 1926.1101(g)(7) in the standard for performing Class II asbestos work. In addition, the employer must observe the relevant general work practice and engineering control requirements and prohibitions contained elsewhere in the standard under 29 CFR 1926.1101(g).

If some of the items associated with the installed sheetrock contain some asbestos but none of them contain >1% asbestos, then removal of the sheetrock is considered unclassified asbestos work. This means that only certain ones of the standard's work practice and engineering control obligations, and prohibitions pertain. Some of the general ones do not pertain because they apply to installed building materials containing >1% asbestos (ACM). How many of the eligible general work practice and engineering control obligations, and prohibitions are applicable depends on whether the employee levels of exposure to airborne asbestos exceed either of the asbestos PELs. In further explanation:

(1) If the employees' asbestos exposures exceed neither asbestos PEL, then only two of standard's general work practice control procedures and three of the standard's general prohibitions pertain to the sheetrock removal operation; none of the standard's engineering control methods pertain to the sheetrock removal

operation. Those general work practice procedures and general prohibitions the employer must observe under such a condition are those presented at:

- 29 CFR 1926.1101(g)(1)(ii), which requires: **wet methods, or wetting agents, to control employee exposures during asbestos handling, ... removal, cutting, ... and cleanup, except where employers demonstrate that the use of wet methods is infeasible due to for example, the creation of electrical hazards ... [and] equipment malfunction...;**
- 29 CFR 1926.1101(g)(1)(iii), which requires: **prompt clean-up and disposal of wastes and debris contaminated with asbestos in leak-tight containers...;**
- 29 CFR 1926.1101(g)(3)(i), which prohibits: **high-speed abrasive disc saws that are not equipped with point of cut ventilator or enclosures with HEPA filtered exhaust air;**
- 29 CFR 1926.1101(g)(3)(ii), which prohibits: **compressed air used to remove asbestos, or materials containing asbestos, unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air;** and
- 29 CFR 1926.1101(g)(3)(iv), which prohibits: **employee rotation as a means of reducing employee exposure to asbestos.**

(2) If the employees' asbestos exposures exceed either asbestos PEL, then all of the standard's relevant general work practice control procedures, engineering control methods, and prohibitions that are not directed specifically at ACM pertain to the sheetrock removal operation.

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 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

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UNITED STATES DEPARTMENT OF LABOR

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