

Standard Interpretations / Training requirements of the competent person for class II roofing work.

▪ **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>.

April 2, 1996

John Curran, Manager
Health Hazard Control Branch
North Carolina Department
of Environmental, Health
and Natural Resources
P.O. Box 27687
Raleigh, NC 27611-7687

Dear Mr. Curran:

Thank you for your letter of November 30, 1995, regarding the training requirements of the competent person for class II roofing work as addressed in the asbestos standard for the Construction Industry (29 CFR 1926.1101)

You asked whether the competent person for Class II roofing work must always attend a 5-day asbestos supervisory course?

For competent persons supervising roofing jobs limited to the removal of intact material, OSHA considers the employer to be in compliance with 1926.1101(o)(4) (competent person training) when a comprehensive course for the roofing trade has been conducted by an Environmental Protection Agency (EPA) or a state-approved trainer, certified by the EPA or a state, regardless of the number of training days.

For competent persons supervising roofing jobs involving non-intact material, OSHA requires that the competent person to receive training in a comprehensive course for supervisors that meets the criteria of EPA's Model Accreditation Plan (40 CFR part 763) or a course equivalent in stringency, content, and length.

We are enclosing pages D-22 and D-23 of our compliance directive that describes the training requirements for intact roofing jobs. Also enclosed from our compliance directive are pages D-24 through D-26 that describe intact and non-intact removals.

It should be noted that the North Carolina Department of Labor is operating its own occupational safety and health program under a plan approved and closely monitored by federal OSHA and is primarily responsible for enforcement of the OSHA asbestos standard in North Carolina. The North Carolina Occupational Safety and Health Program generally adopts identical standards and interpretations, but we urge you to coordinate your effort with them. Their address is as follows:

Mr. Charles N. Jeffress
Deputy Commissioner
North Carolina Department of Labor
319 Chapanoke Road
Raleigh, NC 27603-3432
Telephone: 919 662-4585

We hope this information has been helpful in answering your question. Thank you for your interest in worker safety and health.

Sincerely,

Ruth McCully, Director
Office of Health Compliance

Enclosures

November 30, 1995

Ms. Ruth McCully, Director
Office of Health Compliance
Occupational Safety and Health Administration
U.S. Department of Labor
(N-3718) 200 Constitution Avenue, NW.
Washington, DC 20210

SUBJECT: Request for Interpretation on the Asbestos Construction Standard (29 CFR 1926.1101)

Dear Ms. McCully:

Our office would like to request a written interpretation on the training course requirements for the competent person conducting class II asbestos work involving roofing materials. In particular, must this person always attend a 5-day asbestos supervisor course that meets the criteria of EPA's Model Accreditation Plan?

In reviewing the original regulatory language from the August 10, 1994, *Federal Register* on this issue, it appeared that if a state program, such as ours, approved the training course, then the course did not necessarily have to be a 5-day asbestos supervisor course. However, with the amendments to the regulatory language published in the September 29, 1995, *Federal Register* it now appears that the training course must meet the EPA's model criteria of a 5-day asbestos supervisor course. The only written exception that our office has identified on this issue is in the settlement agreement between OSHA and the flooring industry. In this document, it is stated that the competent person for class II asbestos work involving the intact removal of floor material may attend a 12-hour training course.

The reason our office is requesting this interpretation is that we are in the process of proposing amendments to North Carolina's asbestos accreditation rules which, if adopted, would create accreditation categories for asbestos roofing work. The minimum training course length for the roofing supervisor (competent person) course would be 2 days. A copy of the proposed rule amendments which address the training course content is attached for your review. These proposed rule changes are very similar to several existing state rules (Virginia and Wisconsin). We

have also discussed the roofing training course issue with Mr. Phil King and Mr. Paul Mathei with the Environmental Protection Agency. Both of these gentlemen have reaffirmed our understanding that exterior asbestos products, such as roofing materials, are not covered under the EPA's Model Accreditation Plan. Thus, the EPA does not have a problem with the proposed amendments to our accreditation rules.

Our office has also been discussing the training course issue with members of the roofing industry in our state. Several of these roofing companies have indicated that their employees have attended the 5-day asbestos supervisor course. The consensus of opinion was that this course was not useful, because it did not address the specific techniques on the removal of asbestos roofing products. This course also covers topics such as glovebag procedures and containment construction, which are subjects that the person conducting only asbestos roofing project would not need know. The roofing industry members are supportive of proposed amendments for a 2-day asbestos roofing supervisor course which focuses on asbestos roofing products.

We look forward to hearing from your office on this issue in the near future. If you have any questions on our request, please contact Mr. Ron Howell of my staff at 919 733-0502.

Sincerely,

John J. "Pat" Curran, CHI
Manager
Health Hazards Control Branch

UNITED STATES DEPARTMENT OF LABOR

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