

Standard Interpretations

/ Construction industry asbestos standard, 1926.1101, as applied to the demolition of buildings containing installed asbestos.

▪ **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>.

June 27, 2005

Mr. Robert Boxler
Energy, Environmental Health & Safety Office
Akron Public Schools
Administration Building
70 N. Broadway
Akron, OH 44308

Dear Mr. Boxler:

Thank you for your March 17, 2005, letter to the Occupational Safety and Health Administration (OSHA). You have questions regarding OSHA's construction industry asbestos standard, 29 CFR 1926.1101, as applied to the demolition of buildings containing installed asbestos. We assume that you are already somewhat familiar with the standard and associated letters of interpretation, since you attached to your inquiry copies of several of our past letters downloaded from our website, www.osha.gov.

As a preliminary matter, it should be noted that the Akron Public Schools are exempt from the Occupational Safety and Health Act of 1970 (the "OSH Act") by virtue of Section 3(5) of the Act, 29 USC §652(5) (i.e., a political subdivision of a state, like a school district, is not an "employer" under the Act). However, private contractors working for the school district are covered by the OSH Act, and the information below should be conveyed to them.

This reply 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: Are open-topped dumpsters or tractor-dump trailers with gasketed doors and tarp covers considered containers for asbestos waste in compliance with the construction asbestos standard?

Reply: 1926.1101(l)(2) states in part, "asbestos waste, scrap, debris, bags, containers, equipment, and

contaminated clothing consigned for disposal shall be collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers;" An open-topped dump trailer with a gasketed door and tarp cover would be acceptable if it was also equipped with a commercially available bladder bag or spouted bag or simply fitted with a sufficient liner, such as polyethylene sheeting, that could be taped shut to seal the enclosed waste and to preclude the dispersion of dust and leakage of liquid.

Question 2: As applied to the demolition of a building with installed asbestos, what does "prompt clean-up and disposal" in 1926.1101(g)(1)(iii) mean? For instance, does all demolition debris need to be containerized by the end of the work shift?

Reply: The demolition of a building typically proceeds in stages, often initially with removal of asbestos-containing interior walls, ceilings, and floors, followed by heavy machinery demolition of the building structural shell ("razing"). We would expect the asbestos-containing material (ACM) to be cleaned up as it is removed and before it dries. For the razing operation, complete containerization of the rubble at the end of each work shift might not be possible, especially if waste consolidation and waste recycling operations are also performed. Clean-up of the debris may require several days, and the on-site employers must continue to ensure that their employees are protected from asbestos hazards by following the provisions of the standard that apply for materials containing <1%, which you stated you were familiar with from OSHA's existing letters of interpretation.

Question 3: If ACM, i.e., material with an asbestos content greater than one percent (>1%), that is not thermal system insulation or surfacing material, is also installed in the buildings to be demolished, may we assume the definition of "leak-tight containers" is the same as in the answer to Question 1?

Reply: Yes. In addition, as you are probably aware, the scope of the demolition with respect to ACM requires compliance with OSHA's 1926.1101 standards for Class II asbestos work, plus applicable state and federal environmental regulations, such as the National Emission Standard for Asbestos. See 40 CFR 61.145.

Question 4: If an asbestos warning label is placed on a tarp covering an open-topped dumpster or tractor-dump trailer (as represented in Question 1) containing ACM waste, would this comply with the standard's waste labeling requirements in 1926.1101(k)(8) or must the label be installed so as to remain with the disposed materials?

Reply: If the label remained on the tarp covering, that would comply with 1926.1101(k)(8). If ACM waste is subsequently removed off-site for disposal, there must be compliance with any local, state, and federal environmental regulations dealing with the labeling of asbestos waste.

Question 5: What are the training requirements for workers demolishing a building where the following components are present: ceiling and wall materials (such as, hard plaster, and gypsum board systems) containing <1% asbestos; and nonfriable ACM? What is required for the competent person?

Reply: The training requirements for employees performing Class I through IV asbestos operations are described in 1926.1101(k)(9). If demolition work only involves building structures with installed asbestos <1%, then the employees would still require the training under 1926.1101(k)(9)(vii) and 1926.1101(k)(9)(viii) if the employees are likely to be exposed in excess of the permissible exposure limit (PEL). The training requirements for competent persons involved in Class I and II asbestos work are set out in 1926.1101(o)(4)(i).

Question 6: Would the installation of warning signs around the entire perimeter of demolition operations be sufficient to meet the demarcation provision in 1926.1101(e)(1)? If open-topped dumpsters were permitted for use on these demolition sites, would there need to be a washing station for the dumpsters and trucks to decontaminate these prior to leaving the site?

Reply: In answer to the first part of your question, warning signs, as described in 1926.1101(k)(7), that demarcate the regulated area must be provided. Your second question cannot be answered without knowing whether the work involves the demolition of thermal system insulation or surfacing materials and the amount of such materials. Class I work means activities involving the removal of thermal system insulation (TSI) and surfacing ACM and presumed asbestos-containing materials (PACM). Class II work means activities involving the removal (including demolition) of ACM that is not TSI or surfacing material. See 29 CFR 1926.1101(b). If the demolition is Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, or Class II work where exposures exceed a PEL or no negative exposure assessment was produced before the operation, all equipment and surfaces of containers filled with ACM, like the dumpsters you described, must be cleaned prior to removing them from the equipment room or area. See 1926.1101(j)(2) and 1926.1101 (j)(2)(iv).

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
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