

Standard Interpretations

/ Acceptability of rounding laboratory-reported percentages of bulk asbestos analyses by point-counting to the nearest whole-number percent.

- **Standard Number:** 1910.1001 ; 1910.1001(j)(8)(ii)(B) ; 1926.1101 ; 1926.1101(k)(5)(ii)(B)

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 8, 2010

Joshua S. Koch, R.S.
Environmental Abatement Section
Ohio Department of Health
246 North High Street
Columbus, OH 43215

Dear Mr. Koch:

Thank you for your February 12, 2010, letter to the Occupational Safety and Health Administration (OSHA), Directorate of Enforcement Programs (DEP). Your letter has been referred to DEP's Office of Health Enforcement for an answer to your specific questions regarding the reportable accuracy of analytical results of bulk asbestos samples under OSHA's Asbestos standards. This reply letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not detailed within your original correspondence. Your paraphrased questions and our replies are below.

Question 1: Does OSHA agree with and accept the determination by the U.S. Environmental Protection Agency (EPA) of rounding laboratory-reported percentages of bulk asbestos analyses by point-counting to the nearest whole-number percent? (Reference: EPA Letter of Interpretation to Michael Zlatic, January 1, 2007, Control No. A070006)

Reply 1: OSHA does not agree that this referenced EPA letter of interpretation applies in all situations. However, OSHA still accepts laboratory analyses of asbestos bulk samples that are performed in accordance with EPA analytical methods for bulk asbestos, as provided in the OSHA Asbestos standards, per 29 CFR 1926.1101(k)(5)(ii)(B) or 29 CFR 1910.1001(j)(8)(ii)(B). OSHA has previously written that it considers the point counting method to be acceptable, but it does not require that this method be used. (Reference: OSHA Letter of Interpretation to Walter Chun, August 13, 1999)

Question 2: If the answer to Question 1 is no, does that mean OSHA recognizes a point count result ranging from

1.01 percent to 1.49 percent as being greater than 1 percent, thereby categorizing the sample as meeting the definition of asbestos-containing material (ACM)?

Reply 2: The accuracy and precision of asbestos bulk analyses is dependent on many variables, and a proper discussion would be too cumbersome for this letter. For a thorough discussion of this we will refer you to the published methods of OSHA and the EPA. (Reference: OSHA Method ID-191, Polarized Light Microscopy of Asbestos, by Daniel T. Crane, 1992; EPA/600/R-93/116, Test Method for the Determination of Asbestos in Bulk Building Materials, by R.L. Perkins and B.W. Harvey, 1993)

Furthermore, we want to be sure you understand that even if analytical results determine that asbestos is detected in a sampled material in amounts even as low as 1 percent or less, there remain significant hazards to workers if such materials are disturbed and asbestos fibers become airborne. OSHA's Asbestos standards require employers to follow a number of provisions whenever employees disturb any such materials, or perform operations that may potentially disturb such materials. OSHA has previously written several letters and instructions on this subject, and we recommend that these be reviewed as your department evaluates its policies and state regulations for asbestos. (Reference: OSHA Letter of Interpretation to Kurt Varga, November 24, 2003; OSHA Instructions, CPL 02-02-063, CH-1, Inspection Procedures for Occupational Exposure to Asbestos Final Rule 29 CFR Parts 1910.1001, 1926.1101, and 1915.1001, January 9, 1996, and CPL 2-2.63 (REVISED), Inspection Procedures for Occupational Exposure to Asbestos Final Rule 29 CFR Parts 1910.1001, 1926.1101, and 1915.1001, November 3, 1995)

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. 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, www.osha.gov. If you have any more questions, please contact the OSHA Office of Health Enforcement, (202) 693-2190.

Sincerely,

Thomas Galassi, Acting Director
Directorate of Enforcement Programs

UNITED STATES
DEPARTMENT OF LABOR