

## Standard Interpretations / Asbestos tests, evaluations, and sample collections: qualified persons.

### ▪ **Standard Number:** 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>.

July 1, 1998

Richard L. Barcum, CSP  
10321 Zuni Street  
Suite #E108  
Federal Heights, Colorado 80221

Dear Mr. Barcum:

This is in response to your letter of May 22, concerning the procedures for demonstrating that presumed asbestos-containing material (PACM) does not contain more than 1 percent asbestos.

You ask,

"If a company can demonstrate that a health and safety professional has a certain number of years of experience (to be decided by OSHA) working with asbestos, as well as a degree in a health and safety related field, is this sufficient for the professional to be able to collect asbestos bulk samples for the purposes of demonstrating that PACM does not contain asbestos?"

"Is the designation of (Certified Safety Professional) CSP acceptable for the professional to be able to collect asbestos bulk samples for the purposes of demonstrating that PACM does not contain asbestos?"

The answer to both questions is no. The attributes you identify are helpful, but the Occupational Safety and Health Administration (OSHA) adheres to the requirement at 29 CFR 1926.1101(k)(5)(ii)(B) that you mention in your letter. Specifically, bulk sampling must be conducted by an accredited inspector or by a certified industrial hygienist (CIH). As you may be aware, an accredited inspector is a person who has completed at least a 3-day initial training course as outlined by the Environment Protection Agency (EPA) in Part 763, Subpart E, Appendix C at I.B.3. and also receives the annual refresher training specified by the EPA in Part 763, Subpart E, Appendix C at I.D.

You also ask,

"Can a non-CIH collect the samples under the auspices of a CIH and have the CIH certify that the samples were collected in the manner described in 40 CFR 763.86?"

Yes. The actual sampling does not have to be done by the certified industrial hygienist, but may be conducted under the supervision of a certified industrial hygienist. In regard to thermal system insulation (TSI), a visual determination that the TSI is fiberglass, foam glass, or rubber instead of asbestos containing material is permitted. Such a "visual identification" may be made only by a CIH or accredited inspector, however.

We appreciate the opportunity to clarify this matter for you. If you should have additional questions, please contact Mr. Gail Brinkerhoff of my staff in the Office of Health Compliance Assistance at (202) 219-8036.

Sincerely,

John B. Miles, Jr.

Director

Directorate of Compliance Programs

## UNITED STATES DEPARTMENT OF LABOR

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[www.OSHA.gov](http://www.OSHA.gov)

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