

Standard Interpretations / Construction Asbestos Standard.

▪ **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>.

August 1, 1997

Todd Hoffman, Vice President
Good, Armstrong and Associates, Ltd.
2142 S. 55th Street
Milwaukee, WI 53219

Dear Mr. Hoffman:

This is in response to your letter of June 12, 1997, to John Miles, regarding the requirements of paragraph (k) of the Construction Asbestos Standard, 29 CFR 1926.1101. Your letter has been forwarded to this office for response.

You wish to know what type of documentation will support a building owner's claim that asphalt and vinyl flooring materials were installed after 1980. The standard creates a presumption that flooring materials manufactured before 1980 contain asbestos, but it does not create any presumptions that materials manufactured after 1980 are free of asbestos. That has to be adequately documented before the employer is relieved of responsibilities under the standard. OSHA would accept such documentation as blueprints, purchase orders, work orders, contract specifications, or manufacturer's specifications which specifically identify the materials used, the data of installation, and the locations.

OSHA does not intend to reduce an employer's duty of exercise "due diligence" when exposing employees to such materials. Materials installed after 1980 may need to be analyzed for asbestos, if there is no information available confirming they do not contain asbestos.

We appreciate the opportunity to clarify this matter for you. If you have further questions, please contact Doug Ray or Ellen Roznowski at the Office of Construction Services at (202) 219-8136. Letters of interpretation and additional information can also be found at OSHA's homepage at <http://www.osha.gov>.

Sincerely,

Russell B. Swanson
Director
Directorate of Construction