

Standard Interpretations / Applicable asbestos standard for replacing a rubber encapsulated asbestos gasket.

- **Standard Number:** 1910.1001 ; 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>.

September 10, 2003

Mr. Huan Nguyen
Manager, EHS
ATMI
617 River Oaks Parkway
San Jose, CA 95134

Dear Mr. Nguyen:

Thank you for your June 17 letter to the Occupational Safety and Health Administration's (OSHA's) Directorate of Enforcement Programs. You have a question on the applicability of OSHA's asbestos standards to the removal of a rubber encapsulated asbestos gasket. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated within your original correspondence. Our replies to your paraphrased questions and scenarios are provided below.

Scenario: Your field service engineers perform preventative maintenance tasks on your process equipment semi-annually. During this procedure, a rubber encapsulated asbestos gasket adjacent to a heated reactor is replaced.

Question: Does the replacement of the gasket come under the scope of the General Industry Asbestos Standard (29 CFR 1910.1001) or under the scope of the Construction Asbestos Standard (20 CFR 1926.1101)?

Reply: We infer from your description of the semi-annual replacement of the gasket that the gasket is part of the process equipment and that neither the equipment itself nor the structure in which the equipment is located must be significantly altered in order to carry out the replacement. Under those circumstances, the OSHA standard that applies is the general industry asbestos standard, 29 CFR 1910.1001.

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 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 Programs at (202) 693-2190.

Sincerely,

Richard E. Fairfax, Director
Directorate of Enforcement Programs

UNITED STATES DEPARTMENT OF LABOR

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