

## Standard Interpretations

/ Glove bag requirements for outdoor removal of intact and non-intact asbestos-containing gaskets under 1926.1101.

- **Standard Number:** 1926.1101 ; 1926.1101(b) ; 1926.1101(g)(4)(ii)(A) ; 1926.1101(g)(4)(ii)(B) ; 1926.1101(g)(5) ; 1926.1101(g)(8)(iv)(A) ; 1926.1101(g)(9) ; 1926.1101(g)(9)(i) ; 1926.1101(g)(9)(iv) ; 1926.1101(g)(9)(v)

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>.

November 9, 2007

Drew M. Garner, Jr.  
President, Garner & Associates, Inc.  
13027 Stiles Lane  
Sugar Land, Texas 77478

Dear Mr. Garner:

Thank you for your letter dated September 18, 2007, to the Occupational Safety and Health Administration (OSHA), which follows up on questions you raised in an earlier letter to the Agency (see OSHA letter of interpretation dated April 5, 2007). Your current letter asks additional questions about operations on asbestos-containing gaskets under OSHA's Asbestos standard for construction, 29 CFR 1926.1101. This reply letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not detailed in your original correspondence. Your paraphrased question and our reply are below.

**Question:** You rely on OSHA's Directive for the Asbestos standards (CPL 02-02-063, *Inspection Procedures for Occupational Exposure to Asbestos*, 1/9/1996) to assert that enclosures are not required for Class I work performed outdoors. You then ask whether the outdoor removal of intact and non-intact asbestos-containing gaskets from pipes, vessels, tanks, etc. (as Class III work) requires glove bags?<sup>1</sup>

**Reply:** As we previously responded to you in April, the work you describe can be either Class II or Class III work, depending on the circumstances. Your current letter asks only about work defined as Class III maintenance activities.

The Asbestos standard for construction provides that "Class III asbestos work shall be conducted using engineering and work practice controls which minimize the exposure to employees performing the asbestos work

and to bystander employees." 29 CFR 1926.1101(g)(9). The specific requirements that apply to work on asbestos-containing gaskets (which are not thermal system insulation or surfacing material) include wet methods per paragraph 1926.1101(g)(9)(i) and local exhaust ventilation to the extent feasible per 1926.1101(g)(9)(ii). In addition, under paragraphs 1926.1101(g)(9)(iv) and 1926.1101(g)(9)(v), if the employer does not produce a negative exposure assessment or monitoring results show exposures above the permissible exposure limit (PEL), employees must wear respirators, and the employer must "contain the area using impermeable dropcloths and plastic barriers or their equivalent, or shall isolate the operation using a control system listed in and in compliance with paragraph (g)(5)." Paragraph 1926.1101(g)(5) requires the use of Negative Pressure Enclosure Systems (NPE), glove bag systems, negative pressure glove bag systems, water spray process systems, or mini-enclosures, depending on the nature of the work being performed. All of the aforementioned requirements apply to both indoor and outdoor work.

Although you specifically asked about Class III asbestos work, it is worth noting that if the work is conducted as a Class II job, additional engineering and work practice control requirements may apply. Of particular note, paragraph 1926.1101(g)(8)(iv)(A) states that glove bags must be used for the removal of any asbestos-containing gaskets that are visibly deteriorated and unlikely to be removed intact. This, too, applies, regardless of whether the work is performed indoors or outdoors. As stated in our prior letter, whether the work is Class II or Class III is a site-specific decision to be made by the employer's competent person.

We should also clarify the requirements for Class I work performed outdoors. You are correct that some of the requirements for Class I work do not apply to outdoor jobs. For example, employers do not need to erect critical barriers for outdoor work per paragraph 1926.1101(g)(4)(ii)(A). Similarly, if employees are not working adjacent to the regulated area, employers do not need to perform perimeter area monitoring of airborne asbestos in accordance with the specific requirements in paragraph 1926.1101(g)(4)(ii)(B) for work performed outdoors. Paragraph 1926.1101(g)(5) does, however, apply to **all** Class I work, irrespective of whether it is performed indoors or outdoors. Therefore, for **any** Class I work performed outdoors, employers must, at a minimum, use appropriate controls, including glove bag systems, where appropriate, under paragraph 1926.1101(g)(5).

The preamble to the 1994 Final Rule for Occupational Exposure to Asbestos explained:

OSHA believes that outdoor Class I work may be safely done without enclosures. Therefore, paragraph (g) allows all outdoor Class I work to be conducted using other control methods, such as a glove bag system, so long as the specifications and work practices for such systems are followed. 59 *Federal Register* 40995.

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 General Industry Enforcement at 202-693-1850.

Sincerely,