

Standard Interpretations / Building and/or facility owner notification requirements.

- **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>.

February 21, 1996

Ms. Sandra L. Wiseman
Project Engineer
MERCK Manufacturing Division
Merck & Co., Inc.
Post Office Box 4
West Point, Pennsylvania 19486-0004

Dear Ms. Wiseman:

This is in response to your letter of September 14, 1995, regarding building and/or facility owner notification requirements in the Occupational Safety and Health Administration's (OSHA's) General Industry Asbestos Standard, 29 CFR 1910.1001, and Construction Asbestos Standard, 29 CFR 1926.1101.

You requested an interpretation of what the specific recordkeeping requirements are under 29 CFR 1910.1001(j)(2)(ii).

Rule 29 CFR 1910.1001(j)(2)(ii) requires building and facility owners to maintain records of information concerning the presence, location and quantity of asbestos-containing material (ACM) and presumed asbestos-containing material (PACM) installed in their building or facility. In OSHA's view, the information concerning the presence of ACM must identify the type of ACM present. It also must include data supporting any rebuttal of the presumption that a material contains asbestos. The information concerning the location and quantity of installed ACM and PACM must be kept current by documenting the work that is performed that changes the information and by providing the location and quantity of ACM or PACM remaining at the completion of the work.

You requested the interpretation of "work site" in the sense of its use at 29 CFR 1926.1101(k)(2)(ii) in the Asbestos Construction Standard.

The "work site" is the location where work subject to the Asbestos Construction Standard is performed.

You requested clarification of the building and/or facility owner's notification requirements under 29 CFR 1926.1101(k)(2)(ii)(B) and (D).

Rule 29 CFR 1926.1101(k)(2)(ii)(B) pertains to employees of the building and/or facility owner. The rule requires the owner to notify his/her maintenance and custodial employees of the presence, location, and quantity of ACM or PACM in the areas of the building or facility where they perform work. In addition, the rule requires the owner to notify his/her other employees who work in or adjacent to areas where work subject to the Construction Asbestos Standard is about to take place of the presence, location, and quantity of ACM or PACM in the said areas.

Rule 29 CFR 1926.1101(k)(2)(ii)(D) pertains to commercial tenants rather than residential tenants of the building and/or facility owner. The rule requires the owner to notify commercial tenants of the presence, location, and quantity of ACM or PACM in the areas of the building or facility they are renting or leasing.

We appreciate the opportunity to clarify these matters for you. If you have further questions please contact Doug Ray or Gail Brinkerhoff of the Office of Health Compliance Assistance at (202) 219-8036.

Sincerely,

Ruth McCully, Director
Office of Health Compliance Assistance

September 14, 1995

Dale Brinkerhoff
OSHA
US Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20002

Dear Mr. Brinkerhoff:

I spoke to you regarding two interpretation issues of notification requirements for asbestos in both the Asbestos General Industry Standard 29 CFR 1910.1001, and the Asbestos Construction Standard 29 CFR 1926.1101.

I am requesting a written letter of interpretation on the OSHA General Industry Standard, 1910.1001(j)(2)(ii and iii), explaining the section on; "communication of hazard to employees". The question was the interpretation of part (2) subsections (ii) and (iii), listing the duties of employers and building and facility owners. We discussed the intent of this section and you informed me that Class IV housekeeping staff should be informed by the facility owner of known ACM and PACM, according to subsection (iii) under part 2. Also, section 2(ii) requires building owners to maintain records of all information to be provided under this part. Can you please include a written interpretation on what the specific recordkeeping requirements are under this section?

The second issue we discussed during our telephone conversation, was definitions under the **OSHA** Construction Standard, 1926.1101(k)(1)(ii B and D). Part k, is explaining "Communication of hazards", regarding item (1) duties of building and facility owners. I am requesting your written interpretation on the definition of **work site**, and what notification requirements must be met for employees and tenants under items (B) and (D). You had explained that **work site** was not restricted to only asbestos abatement regulated areas. **Work site** included general work areas where regular computer or lab employees may work in a building. Please, spell out the builder owner notification requirements pertaining to the presence, location and quantity of ACM and/or PACM, at the work sites in their buildings.

I would appreciate if you can send either one or two letters of written interpretation stating OSHA's clarification of the ACM and PACM notification requirements under both the General Industry and Construction Standards. My address is:

Merck and Company, Inc.
Sandra Wiseman
WP20-111
Safety and IH, P.O. Box 4
Sumneytown Pike
West Point, PA 19486

Thank you for your assistance with this matter

Sincerely,

Sandra L. Wiseman
Project Engineer

UNITED STATES DEPARTMENT OF LABOR

Occupational Safety & Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

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