

Standard Interpretations / Class III asbestos work: training, medical surveillance, PPE, and surfacing materials.**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>.

April 21, 1998

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Dear Ms. Lagomarisino:

This is in response to your letter of August 29, 1997, to Stephen Mallinger, former Acting Director, Office of Health Compliance Assistance, Occupational Safety and Health Administration (OSHA), requesting clarification of the applicability of the asbestos standard to certain work activities. We apologize for the delay in our response to you.

You ask if pounding a nail or installing a molly anchor into wall materials, such as, joint compound, finishing/texture material, wall plaster, or paint, that contain more than 1% asbestos, to hang a picture, bulletin board, or clock, etc. is considered to be work that is covered by tile construction asbestos standard (29 CFR 1926.1101). You also ask if installing a molly anchor or other fasteners into wall materials as described above or into floor materials such as asbestos-containing resilient floor tile or sheeting in order to seismically brace a file cabinet, bookcase, etc., is construction work that is covered by the construction asbestos standard. Such work must be evaluated case by case to determine whether it is covered by the construction asbestos standard. If the task is difficult or complex enough to require that construction workers, maintenance persons, or repair persons perform the work, then the work is Class III work covered by the construction asbestos standard. If the task is easy or simple enough to not require that construction workers, maintenance persons, or repair persons perform the work, then the work is covered by the general industry asbestos standard, 29 CFR 1910. 1001, instead of the construction asbestos standard.

You seek clarification of what training must be provided employees performing that work described above that is Class III work covered by the construction asbestos standard. If the employees are employed at carrying out an operation and maintenance program for the building or facility, they require training equivalent to the Environmental Protection Agency's (EPA's) Operation and Maintenance (O&M) training as outlined in 40 CFR 763.92. On the other hand, if Class III work described in the preceding paragraph is the only Class III work conducted by the employees, the employer may rely on the competent person it uses for asbestos projects to

determine whether the O&M-type course is appropriate for these employees. If the competent person determines that much of the curriculum in the O&M-type course is not relevant, the competent person may certify that the training contained in 29 CFR 1926[.1101](k)(9)(viii) is more applicable and may opt to designate this training for the employees provided relevant engineering and work practice controls, other controls, and "hands-on" training will be adequately covered. Both initial training and annual refresher training must be provided. There is no specified minimum time that must be devoted to refresher training. The duration of the initial training will depend on the complexity and hazard of the operation, but it is likely that at least 4 hours will be required to cover the topics, methods, and hands-on portion.

As to your inquiry about medical surveillance for employees performing that work you describe above that is Class III work, an employee must be offered medical surveillance if there are more than 30 days per year the employee spends any amount of time performing the activities. Those days on which an employee spends less than an hour performing the work are not excluded from the count because the work produces asbestos-containing aerosols or shavings. The days on which an employee spends less than an hour on Class III (or Class II) work are excluded only if the asbestos-containing material stays intact while being disturbed (or removed).

You are correct that regardless of exposure levels, regulated areas must be established wherever Class III asbestos work is conducted. According to 29 CFR 1926.1101(e)(1), all Class III asbestos work must be conducted within a regulated area. Moreover, the regulated area is required even should a negative exposure assessment be produced. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne asbestos. Signs shall be provided and displayed pursuant to the requirements of 29 CFR 1926.1101(k)(7).

You are correct that until the employer produces negative exposure assessments for Class III asbestos work, the employees performing the work must be provided and must use respirators and protective clothing. If Class III asbestos work is not performed using wet methods, or if the Class III asbestos work is performed on asbestos-containing surfacing material, then respirators shall be used even after negative exposure assessments have been produced.

The protective clothing required for Class III asbestos work if a negative exposure assessment has not been produced is coveralls or similar whole-body clothing, and head coverings, gloves, and foot coverings. In those instances where negative exposure assessments have been produced for Class III asbestos work, no protective clothing is required.

You end your inquiry into the requirements that pertain when pounding a nail or installing a molly anchor into a wall by asking whether the use of coveralls and a respirator, establishment of a regulated area, and posting of an asbestos warning sign are required just to hang a picture on a plaster wall or on a sheetrock wall coated with finishing material, even after a negative exposure assessment has been produced. As you will note from the answers we provide later in this letter to your questions about surfacing material, the project you ask about may not involve surfacing material. Also, as we stated earlier in this letter, if the task is easy or simple enough to not require that construction workers, maintenance persons, or repair persons perform the work, then the work is covered by the general industry asbestos standard, 29 CFR 1910.1001, instead of the construction asbestos standard.

If the work is covered by the general industry asbestos standard, then if a negative exposure assessment has been produced, no respiratory protection or protective clothing is required, and neither the establishment of a regulated area nor the posting of an asbestos warning sign is required.

You ask for the definition of "routine facility maintenance." OSHA has not defined the term with regard to its relationship to the Asbestos Construction Standard because the term has no special application to the standard.

You ask that OSHA provide examples of materials it considers surfacing materials besides acoustical plaster and fireproofing coatings for structural members. Decorative plaster with a honeycombed structure and loosely bound fibers is an example of another material that OSHA considers surfacing material.

You list a number of materials and ask if they are surfacing materials as defined by OSHA. We repeat each of the materials you list and comment on them.

- Wall/ceiling plaster (cementitious-type) that has been troweled onto wire lath, button board, or other substrate -- Unless the plaster is acoustical plaster as indicated by a honeycombed structure, or the plaster is decorative plaster with an appearance similar to acoustical plaster, it is not surfacing material.
- Stucco -- This is not surfacing material.
- Paint that has been sprayed on or otherwise applied to wall/ceiling or other building surfaces -- This is not surfacing material.
- Finishing material that has been troweled onto or spray-applied to wall/ceiling sheetrock, concrete, or other surfaces (e.g., "joint compound" that has been applied to a sheetrock wall/ceiling surface to provide a textured finish and covers the entire surface [not just the joints], or a skimcoat application of a light cement finish coat that has been used to provide a smooth finish on sheetrock or concrete -- "Joint compound" used to provide a textured finish for the entire wall or ceiling is usually not surfacing material since usually any fibers it may contain are firmly bound. However, if the textured finish is not readily distinguishable visually from acoustical plaster, it is surfacing material within the meaning of the use of the term in the standard. Cement skimcoats applied to sheetrock or concrete to provide a smooth finish are not surfacing materials.
- Floor leveling compound -- This is not surfacing material.
- Mastic that has been troweled onto a concrete floor surface to adhere resilient tile -- This is not surfacing material.

We appreciate the opportunity to clarify these matters for you. If you have further questions please contact [the Office of Health Compliance Assistance at (202) 693-2190].

Sincerely,

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Director
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