

Standard Interpretations

/ Classification of asbestos work for employees performing asbestos inspections and obtaining bulk samples.

- **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 28, 1997

Mr. Clifford Frey
Project Scientist
Malcolm Pirnie, Inc.
104 Corporate Park Drive
Box 751
White Plains, New York 10602-0751

Dear Mr. Frey:

This is in response to your letter of December 30, 1996, that was addressed to the Office of Health Compliance of the Occupational Safety and Health Administration (OSHA). We apologize for the delay in providing you a response. Your questions concern the classification of asbestos work for employees performing asbestos inspections and obtaining bulk samples. Your second question asks, is Class III training required for asbestos inspectors if they have already received the EPA approved asbestos inspector training?

Bulk sampling for asbestos is a Class III operation as defined by the asbestos standard in construction, 29 CFR 1926.1101. It is a disturbance that entails activities that disrupt the matrix of asbestos-containing material (ACM), or presumed asbestos containing material (PACM). The employee performing the task of collecting bulk samples shall conduct the work in accordance with the work practices and engineering controls as required in paragraphs (g)(9)(i)-(v) of the standard. In summary, these paragraphs require the use of wet methods, local exhaust ventilation where feasible, dropcloths or barriers, and the use of a respirator. Once a negative exposure assessment has been determined, the use of barriers and respirators can be discontinued. These requirements are commonly practiced and easily accomplished. Professional asbestos inspectors, consultants, industrial hygienist and assistants observed taking precautions, serve as a good role model as well as protecting their own health.

The second issue is the question of training. You ask if an individual who received the Environmental Protection Agency (EPA) approved asbestos inspector training is required to take the training required of workers performing Class III work. Be advised that additional training is not required. It is reasoned that a higher level of training such as you describe would indicate an individual is competent in asbestos operations.

Thank you for your interest in safety and health. If you have further questions, please feel free to contact Wanda Bissell of the Office of Health Compliance Assistance at (202) 219-8036 ext. 36.

Sincerely,

Stephen Mallinger, Acting Director
Office of Health Compliance Assistance

December 30, 1996

Ruth McCully, Director
Office of Health Compliance Assistance
U.S. DOL, Occupational Safety and Health Administration
Frances Perkins Building, Room N-3467
200 Constitution Ave., NW
Washington, D.C. 20210

Dear Ms. McCully:

We are seeking clarification on the applicability of regulations contained in 29 CFR part 1101 to routine asbestos inspection and bulk sampling activities.

The description of work practices for Class III asbestos work (1926.1101(g)(9)(iii)) states:

Where the disturbance involves drilling, cutting, abrading, sanding, chipping, breaking, or sawing of thermal system insulation or surfacing material, the employer shall use impermeable dropcloths, and shall isolate the operation using mini-enclosures or glove bag systems pursuant to: paragraph (g)(5) of this section or another isolation method.

The description of Class III asbestos work does not include an exemption for routine bulk sampling of suspect ACM which normally requires coring or cutting of the ACM and subsequent repair of the sample location. Is it correct to assume that asbestos inspection work including bulk sampling is considered Class III asbestos work and subject to all the requirements of Class III asbestos work?

Furthermore, Section 1926.1101(e)(6) requires that Class III asbestos work be supervised by a Competent Person which is defined as someone who is "trained in a manner consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92 (a)(2)." The definition does not include an exemption from this training requirement for individuals who have received the EPA approved asbestos inspector training. Does this mean that all asbestos inspectors who collect bulk samples need the maintenance and custodial training in addition to the inspector training?

We are requesting a written letter of interpretation clarifying whether it is the intent of 1926.1101 to cover routine asbestos inspection and bulk sampling activities.

Thank you for your assistance with this matter.

Sincerely,

Clifford Frey
Project Scientist

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