

Standard Interpretations (Archived) / Power Roof Cutter on a Built-up Roof.

- **Standard Number:** 1926.1101

OSHA ARCHIVE

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July 15, 1996

Mary T. Giguere, CIH
State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Epidemiology
Post Office Box 27687
Raleigh, North Carolina 27611-7687

Dear Ms. Giguere:

Thank you for your letter of June 8, regarding the use of a power roof cutter on a built-up roof. More specifically, you asked does the use of a powered roof cutter constitute non-intact work; therefore, requiring the supervisory five-day class.

Corrections to the final rule (Federal Register, Volume 60, Number 125, June 29, 1995) on page 33979 addressed the issue of a powered roof cutter. Those worksites where powered roof cutters are used on built-up roofs has been deemed to be non-intact operations, solely because the roofing material has been separated into pieces. However, the pieces of the roof may be considered intact if they have not been crumbled, pulverized or otherwise deteriorated to the point that the material is no longer bound to the matrix. A copy of page 33979 of the Federal Register is being provided for your information.

The training requirement for the supervisor of the power roof cutting operation would be, as you stated in your letter, the five day EPA Model Accreditation Plan (40 CFR part 763) or a course equivalent in stringency, content, and length.

If you should have any additional questions regarding this matter please contact us at (202) 219-8036.

Sincerely,

Ruth McCully, Director
Office of Health Compliance Assistance

Enclosure

June 8, 1996

Ruth McCully, Director
Office of Health Compliance
Occupational Safety and
Health Administration
U.S. Department of Labor (N-3718)
200 Constitution Avenue, NW
Washington, D.C. 20210

SUBJECT: Request for Further Clarification on the Asbestos Construction Standard (29 CFR 1926.1101)

Dear Ms. McCully:

First, we would like to thank you for the letter of interpretation on the training course requirements for the competent person training for class II asbestos roofing work.

Based upon your letter dated April 2, 1996, it is our understanding the EPA's model five day supervisor training course is only required for class II asbestos roofing projects that are considered non-intact removal projects. However, after reviewing this letter there is still one aspect of this interpretation that we feel needs further clarification. This issue is, does the use of a power roof cutter on an initially intact asbestos built-up roof create a project that is considered a non-intact removal project, and; therefore must be supervised by a person who has been trained in a five day asbestos supervisor course. The explanation on intact versus nonintact which is addressed on page D-25 of the compliance directive that was attached with this letter is unclear on this issue.

We have discussed this issue with Mr. Bruce Justh with your agency and it was his opinion that using a power roof cutter on an intact built-up roof does not constitute a non-intact removal project. It is our understanding Mr. Justh was involved with the settlement agreement with the National Roofing Contractor Association and the intact versus nonintact issue was worked out during this settlement. He suggested that we send this letter to your attention and request further clarification on this issue.

The proposed rule revisions on asbestos roofing training courses that was discussed in our original letter of November 30, 1995, have been adopted and become effective July 1, 1996. Under these revised rules the minimum training course length for asbestos roofing supervisor/competent person is two days. There are training providers who have already been conducting the two day course. So, as you can see, it is imperative we get written clarification on this issue as soon as possible.

We look forward to hearing from your office on this issue in the near future. If you have any questions on our request, please contact me at (919) 733-0503.

Sincerely,

Mary T. Giguere, CIH
Industrial Hygiene
Consultant Supervisor
Health Hazards Control Branch
Occupational and Environmental
Epidemiology Section

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UNITED STATES DEPARTMENT OF LABOR

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