U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of

DRAFT

6/21/86

OSHA Instruction CPL

Office of Health Compliance Assistance

Subject: Inspection Procedures for 29 CFR 1910.1001--Asbestos, Tremolite, Anthophyllite, and Actinolite Standard

A. Purpose. This instruction establishes policies and provides clarification to ensure uniform enforcement of 29 CFR 1910.1001--Asbestos, tremolite, anthophyllite, and actinolite.

B. Scope. This instruction applies OSHA-wide.

C. References. 29 CFR 1910.1200--Hazard Communication Standard

D. Cancellation. This instruction cancels OSHA Instructions CPL 2-2.2 and CPL 2-2.21A.

E. Action. OSHA Regional Administrators and Area Directors shall ensure that the guidelines presented in this instruction are followed. The Directorate of Field Operations shall provide whatever support is necessary to assist the Regional Administrators and Area Directors to enforce the asbestos, tremolite, anthophyllite, and actinolite standard.

F. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:

1. Ensure that this change is forwarded to each State designee.

2. Provide a copy of the Federal Register notice to the State designee upon request.

3. Explain the technical content of the Federal Register notice to the State designee upon request.

I. Regional Input. Regional Administrators and Area Directors shall communicate all related difficulties to the Office of Health Compliance Assistance, Directorate of Field Operations.

J. Inspection Guidelines. The following guidance provides a general framework that is designed to assist the CSHO with inspections.

1. CSHO Protective Equipment. CSHOs shall determine during the opening conference the types of personal protection needed in the workplace. A review of employer air monitoring may be necessary during the opening conference to assist in determining the types of protection necessary before the walkaround begins.

2. Definitions--1910.1001(b). Specifically noteworthy is the definition for the term "Asbestos". The definition broadens the meaning to include all known forms of asbestos regardless of whether or not they have been chemically treated.

3. Exposure Monitoring. This section requires employers to complete initial monitoring within 120-days from the publication of the standard. Personal monitoring is to be performed within the breathing zone of employees. Samples taken must be representative of all potentially exposed job classifications on all shifts.

   a. All job classifications with exposures above the action level must be remonitored at least every six-months. Such monitoring may be discontinued where the results of monitoring support a statistically reliable reduction to a level below the action level.

   b. Objective Data. No air monitoring is required where the employer has reliable information supporting a technical claim that a product will not expose employees above the action level. Such supportive data might be samples taken more than 7 days apart are necessary to serve as an indication of employee exposures.

f. Additional Monitoring. As in all OSHA expanded health standards additional monitoring must be performed whenever a personnel, work practice, process or other change such as environmental factors that may influence ambient conditions or any other relevant condition is encountered.

g. Operational Variability. Many factors effect airborne contaminant levels. Significant variations in ambient concentrations can result for reasons ranging from production changes to process upset. CSHO's shall speak to employees to document the frequency and existence of conditions that may result in varying exposure levels. These factors must be considered during the evaluation of the employers monitoring program.

4. Regulated Areas. Paragraph (e)(1) requires employers to establish regulated areas as soon as possible after the results of the initial monitoring, but no later than 150 days from the date of publication in the Federal Register.

a. The CSHO shall review and evaluate the employers initial monitoring data (i.e., area and personal sampling results) to determine if a valid method was used in establishing regulated areas. CSHOs may determine valid methods by examining the following:

(1) If qualified personnel conducted the sampling,

(2) The calibration and sampling equipment utilized,

tion with respiratory protection capable of further reducing employee exposures to or below the PEL.

(2) Paragraph (f)(1)(vii) prohibits the spraying of materials containing asbestos, tremolite, anthophyllite, or actinolite.

(3) Paragraph (f)(1)(ix) prohibits the use of compressed air to remove asbestos tremolite, anthophyllite, or actinolite or materials containing them unless used in conjunction with a ventilation system capable of capturing the dust cloud.

(4) <u>Assessing engineering and work practice controls</u>. All engineering and work practice controls are required to be installed as soon as possible but no later than 25 months from the date of publication of the standard in the Federal Register or 12 months after the compliance plan must be completed.

(a) <u>Documentation of violations of (f)(1) prior to the expiration of the 25 months period</u>. In order to demonstrate that the employer did not install a particular engineering or work practice control as soon as possible the CSHO must document that:

<u>1</u> feasible controls are available

<u>2</u> the controls are capable of reducing employee exposure

NOTE: All testing including point source studies where necessary, must be completed within the 13 month period alloted by the standard for completion of the compliance plans.

(1) Assessing Compliance Programs.

(a) The compliance program should contain at least the following:

1 a description of the process which exceeds the PEL, and an indication of the factor(s) which apparently are causing the overexposure(s)

2 a description of the engineering and/or work practice controls that are to be implemented to reduce employee exposure to or below the PEL

3 a time table for the implementation of the engineering/work practice controls.

4 Where permitted by the standard, a description of the combination of engineering controls, work practice controls, and respiratory protection that will be used to achieve the PEL.

(b) Administrative controls. Paragraph (f)(2)(iv) prohibits the use of employee rotation to achieve compliance with the PEL.

(2) Citations. There are no parallel provisions in the asbestos standard issued in June, 1972 as amended and published in 29 CFR 1910.1001 (1985) requiring the establishment and implementation of compliance plans. There-

2 changes in employee exposure levels subsequent to the last revision of the compliance program

6. Respiratory Protection. Paragraph (g) of the standard requires employers to provide and ensure the use of respirators where employees are exposed in excess of the PEL. Some of the significant changes from the requirements of the asbestos standard issued in June 1972 as amended and published in 29 CFR 1910.1001(1985) are as follows:

a. Respirator selection. The respirator selection table is presented in the standard as Table I. In addition, paragraph (g)(2)(i) requires employers to furnish employees with powered air purifying respirators whenever:

(1) The employee chooses to use this type of respirator.

(2) The powered air purifying respirator will provide adequate protection to the employee.

b. Respirator program. Paragraph (g)(3) requires the employer to establish a respirator program. The respirator program must:

(1) Be in accordance with 29 CFR 1910.134(b),(d),(e) and (f).

(2) Allow employees to leave the regulated area to wash their faces and respirator facepieces

(3) Provide for the removal of employees from the regulated area if an examining physician determines that the employee will be unable to function normally wearing a respirator. The employer will

a. Appropriate protective work clothing include, but is not limited to the following:

(1) Coveralls or similar full-body work clothing

(2) Gloves, head coverings, and foot coverings

(3) Face shields, vented goggles, or other appropriate protective equipment which complies with 29 CFR 1910.133

b. Removal and storage. Paragraph (h)(2)(i) requires employers to ensure that employees remove all contaminated working clothing in change rooms provided in accordance with paragraph (i)(1) of the standard.

(1) All contaminated work clothing shall be placed and stored in containers which prevent the dispersion of asbestos, tremolite, anthophyllite, and actinolite outside the container.

(2) Paragraph (h)(2)(iv) requires employers to label containers containing contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance or disposal. Containers not properly labeled will result in a violation of 29 CFR 1910.1001 (j)(2).

c. Cleaning and Replacement. Paragraph (h)(3)(i) requires the employer to clean, launder, repair, or replace protective clothing and equipment to maintain their effectiveness. Clean clothing and equipment shall be provided at least weekly.

(1) The removal of asbestos, tremolite, anthophyllite, and actinolite by blowing or shaking is prohibited by paragraph (h)(3)(ii).

(1) Identity of the product, reference 29 CFR 1910.1200(f)(i)(i) and

(2) The name and address of the chemical manufacturer or importer, reference 29 CFR 1910.1200 (f)(1)(iii). (Note: For shipped products only).

b. Material Safety Data Sheets (MSDS). MSDS must comply with the HCS requirements. The MSDS must also reflect all other hazardous components.

c. Transmission of MSDS and Labels. Paragraph (j)(4) of the standard establishes a different criteria than the HCS for the creation of labels and MSDS's for the asbestos constituent of a product. Essentially the asbestos constituent of a product does not have to be communicated by labels or on the MSDS unless:

(1) Exposure above the action level can occur during any forseeable use or,

(2) A combination of these minerals are present in the product at 0.1 percent or above.

d. Employee Information and Training. Employee information and training, section 1910.1001-(j)(5) supersedes the information and training provision of the HCS.

(1) The employer needs to institute a training program only when employees are exposed to asbestos at or above the action level. Training may be in a language other than english.

(2) The effectiveness of the training program must be evaluated through a review of the program and discussion

(d) The engineering controls and work practices associated with the employee's job assignment

(e) The specific procedures implemented to protect employees from exposure to asbestos, tremolite, anthophyllite, or actinolite, such as appropriate work practices, emergency and clean-up procedures, and personal protective equipment to be used

(f) The purpose, proper use, and limitations of respirators and protective clothing

(g) The purpose and a description of the medical surveillance program required by paragraph (l) of this standard

(h) A review of this standard, including appendices

e. Access to information and training requirements. Paragraph (j)(5)(iv) requires he employer to make available without cost, a copy of the standard and its appendices to all employees exposed at or above the action level.

10. Housekeeping.

a. CSHO shall determine and observe clean-up methods where feasible to evaluate whether proper techniques are being utilized. Poor housekeeping work practices are well documented sources of significant exposure.

b. Exposure resulting from clean-up shall be included as part of an employees exposure when clean-up is a normal part of the duties attached to the occupation being evaluated.

12. Recordkeeping. Paragraph (m) of the standard requires the employer to maintain records of employee exposure measurements, of objective data on which an exemption from the standard is based under paragraph (d)(2)(iii), of employee medical surveillance, and of employee training. CSHO's shall examine the employer's record to determine, if they are being maintained accurately, completely and in accordance with this standard.

   a. Exposure records. . The CSHO shall examine employer exposure data as well as OSHA air sampling results to determine if the employer is in compliance with all of the provisions of the standard that are triggered by the action level and the PEL.

   b. Medical Records Examination. The CSHO shall examine a representative number of employee medical surveillance records to ensure that the medical records are complete, are accurate, and are up to date. Paragraph (m)(5)(i) requires the employer to furnish the records to OSHA. When the requested medical records are employee identifiable, the records shall be obtained in accordance with the requirements of 29 CFR 1910.20(e)(3)(ii), and the Field Operations Manual (FOM).

   c. Effective Date. The effective date for the recordkeeping requirements of the standard is 30 days from the date of publication of the standard in the Federal Register. However, many of the provisions of the standard which require that data be obtained do not go into effect for several months following the effective date of the standard. The effective dates of these provisions are as follows:

      (1) Initial exposure monitoring - 120 days from publication

      (2) Medical surveillance - 150 days from publication