



VOSH PROGRAM DIRECTIVE: 02-422A

ISSUED: August 15, 1996

SUBJECT: Inspection Procedures for Occupational Exposure to Asbestos Final Rule, §§ 1910.1001, 1926.1101 and 1915.1001

A. Purpose.

This directive re-transmits to field personnel inspection clarification of procedures for Occupational Exposure to Asbestos, §§ 1910.1001, 1926.1101, and 1915.1001.

This directive also contains revised pages from OSHA Instruction CPL 2-2.63 CH-1 (January 9, 1996) which provide additional changes to the inspection procedures of these standards. The revised pages have already been incorporated into this directive.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This Directive applies to all VOSH personnel and specifically to Occupational Health Compliance personnel.

C. References.

OSHA Instruction CPL 2-2.63 (November 3, 1995); and
OSHA Instruction CPL 2-2.63 CH-1 (January 9, 1996).

D. Cancellation.

VOSH Program Directive 02-422 (April 4, 1988).

E. Action.

The Deputy Commissioner, Compliance Directors and Regional Directors shall assure that field personnel use the attached guidelines to ensure uniform enforcement of the standards for Occupational Exposure to Asbestos for General Industry, § 1910.1001, Construction Industry, § 1926.1101, and Shipyard Employment, § 1915.1001. **In Appendix C, existing pages C-2 and C-14 were removed and replaced with new pages C-2 and C-14. Also in Appendix D, page D-2 was removed and replaced with new page D-2.**

F. Effective Date.

August 15, 1996

G. Expiration Date.

Not Applicable.

H. Background.

The final standards concerning the Occupational Exposure to Asbestos, 29 CFR 1910.1001, 1926.1101 and 1915.1001, were published in the Federal Register on August 10, 1994, and became effective in Virginia on May 1, 1995. These final standards amend the Asbestos Standards for General Industry, § 1910.1001 and for the Construction Industry, § 1926.1101, which was previously § 1926.58. In addition, a separate standard covering Occupational Exposure to Asbestos in the Shipyard Industry, § 1915.1001, was issued. Major revisions in the standards include:

1. A reduced time-weighted average permissible exposure limit (PEL) of 0.1 fiber per cubic centimeter (f/cc) for all asbestos work in all industries.
2. A new classification scheme for asbestos construction and shipyard industry work which ties mandatory work practices to work classification.
3. A presumptive asbestos identification requirement for certain asbestos-containing building materials.
4. Limited notification requirements for employers who use unlisted compliance methods in high-risk asbestos abatement work.
5. Mandatory methods of control for brake and clutch repair.

I. Summary.

The final standards for asbestos apply to all activities (except agriculture) covered by the Occupational Safety and Health Act. The Construction standard, § 1926.1101, covers (but is not limited to) activities involving asbestos: demolition, removal, alteration, repair, maintenance, installation, clean-up, transportation, disposal, and storage. The Shipyard standard, § 1915.1001, covers workers engaged in shipyard industry activities such as shipbuilding, ship repair and other work in shipyards.

1. The Construction and Shipyard asbestos standards contain both performance and specification standard elements. The standards have classified work activities into four (4) classes based on the potential of those activities to result in exposure.
2. The three standards are not identical, so the CSHO will have to give special attention to first defining which standard applies before proceeding. The Construction standard and the Shipyard standard are essentially the same while the General Industry standard differs mainly in the fact that work covered by General Industry is not included in the “class system”. The General Industry standard **does** have a **mandatory** appendix for Brake and Clutch repair and specific floor maintenance provisions.

J. Inspection Guidelines for Occupational Exposure to Asbestos. The following guidance provides a general framework to assist the CSHO in conducting an inspection (See Appendices A through D):

1. The CSHO shall request that the employer provide copies of its initial exposure assessment and any monitoring data that may be available for review prior to the walk-around. This provides the CSHO with the basic information necessary to make the appropriate choice of Personal Protective Equipment (PPE).
 - a. If the employer has relied upon objective data, additional time may be needed to locate and review these data. If the material is not readily available, the CSHO shall presume initially that potential over-exposure exists and evaluate the work area to select appropriate entry procedures.
 - b. As a time-saving measure, the CSHO should request during the opening conference that the employer begin collecting other required documents, e.g., medical surveillance records, training records, and the respiratory protection program for all affected employees.
 - c. In general industry, if the TWA and/or the Excursion Limit are exceeded, the employer is required to have established a written compliance program. The CSHO should request this document. This written document can be reviewed at a later time.

K. Specific Provisions of §§ 1910.1001, 1926.1101 and 1915.1001. Guidelines and clarifications relating to specific provisions of the standard are provided in Appendices A through D to assist CSHOs are conducting inspections.

- < Appendix A--Construction/Shipyard Decision Flow Chart
- < Appendix B--Summary of EPA/OSHA Training Requirements
- < Appendix C--Questions and Answers
- < Appendix D--Supplemental Information

L. Classification and Grouping of Violations. The procedures in the VOSH Field Operations Manual, Chapters IX and X, shall be followed. If deviations appear appropriate, however, they may be discussed with the Regional Office.

M. Authorization to Review Limited Medical Information. Appropriately qualified compliance personnel, under the direction of the Occupational Health Compliance Director and the appropriate Regional Director, are authorized to review medical records and medical opinions pertinent to an evaluation of compliance with the asbestos standards. This authorization has limitation and procedures which must be followed as set forth in the following VOSH Program Directives: 02-008, Access to Employee Exposure and Medical Records, § 1910.20; and 02-059, Authorization and Procedures for Reviewing Specific Medical Records to Verify Compliance with ARM § 11.

N. Training for VOSH Personnel.

1. For all inspections on a site where asbestos exposures are expected to be above the TWA or the excursion limit or where Class I through IV work is being conducted, only experienced and properly trained CSHOs shall perform the on-site asbestos evaluation. CSHOs are expected to be knowledgeable of the:
 - a. Potential hazards which may be encountered at the site, including the potential hazards of asbestos, as well as the relationship between smoking and asbestos in producing lung cancer.
 - b. Contents of the asbestos standards including the appendices.
 - c. Appropriate PPE to be worn. Each CSHO who will be expected to use PPE shall be trained in the proper care, use, and limitations of the PPE.
 - d. Emergency procedures.
 - e. Disposal of asbestos-related waste generated by the CSHO and decontamination

procedures.

O. Medical Examinations for VOSH Personnel.

1. Many of the hazards that CSHOs may encounter are already regulated by the medical surveillance requirements in other VOSH standards. In addition, VOSH Compliance Directors and Regional Directors are responsible for implementing the CSHO medical examination program.
2. CSHOs who are required to wear any respiratory protection PPE shall be medically cleared via the CSHO Physical Examination procedures.

P. Protection of VOSH Personnel. The paramount concern addressed in this section is the protection of the CSHO. Compliance Officers are reminded about Department policy that appropriate personal protective equipment be used when a CSHO is exposed to a hazard.

1. Personal Protective Equipment (PPE).
 - a. VOSH Compliance Directors and Regional Directors shall ensure that appropriate PPE is available for the CSHO.
 - (1) Respirators shall be selected in accordance with the respirator selection tables of the asbestos standards. If the CSHO uses negative pressure respirators to perform asbestos inspections, the CSHO must be provided with semi-annual respirator fit-testing in accordance with the asbestos standards.
 - (2) For inspections conducted under the asbestos standards, in which the CSHO is required to enter a regulated area or negative-pressure enclosure, disposable coveralls, head coverings, foot coverings, and gloves shall be worn.
2. Decontamination Procedures for VOSH Personnel. Prior to site entry CSHOs shall determine if decontamination facilities exist, whether they are adequate for the expected conditions at the site, and if they will be available for VOSH's use.
 - a. CSHOs shall not enter negative pressure enclosures unless it is absolutely necessary. Where the CSHO enters areas at the worksite where the asbestos standards would require decontamination, then the CSHO shall also utilize decontamination procedures.
 - b. In the event that decontamination facilities are nonexistent, inadequate, or not available for use, CSHOs shall determine if adequate decontamination can be provided. If the CSHO decides that decontamination cannot be adequately provided, the CSHO shall contact the Regional Director for guidance.

Theron J. Bell
Commissioner

e-Attachments: OSHA Instruction CPL 2-2.63 Appendices A - D (November 3, 1995);
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1576&p_text_version=FALSE

OSHA Instruction CPL 2-2.63 CH-1 (January 9, 1996)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1575&p_text_version=FALSE

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