ALASKA DEPARTMENT OF LABOR
LABOR STANDARDS AND SAFETY DIVISION

DOSH Program Directive 90-3

May 10, 1990

To: All OSH Staff

Subject: Inspection Procedures for 04.0110 Occupational Health and Environmental Control Code (OHEC), and 05.045 Construction Code (CC) - Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite.

A. Purpose: This program directive establishes policies and provides clarification to ensure uniform enforcement of the above stated standards.

B. Directives Affected: DOSH PD 87-4 is rescinded.

C. Background: The new asbestos standards are organized as follows:

1. The new asbestos standards incorporate a much improved set of criteria against which employers can be evaluated on compliance inspections. Every attempt has been made to develop a clear standard that will result in uniform application. The purpose of this instruction is to supplement the guidance that is already present in the two standards.

2. Compliance Officers (COs) and Industrial Hygienists (IHs) must look to the standards for much of the guidance necessary for the implementation of these standards. The standards are generally written in specification language providing clear goals.

D. Inspection Guidelines. The following guidelines provide a general framework that is designed to assist the CO and IH with inspections:

1. Personal Protective Equipment (PPE) and Decontamination Procedures.

a. Respiratory Protection.

(1) Respirators will be selected in accordance with Table 1 or 04.045 and Table 1 of 04.0110, or in accordance with any additional guidelines which require a more protective respirator.

(2) If the CO or IH uses negative-pressure respirators to perform asbestos inspections, the supervisor must ensure that semi-annual fit tests are provided in accordance with 05.045(h)(4)(B), and 04.0110(g)(4)(B).

b. Protective Clothing.

(1) For inspections conducted under either standard requiring the CO or IH to enter into a regulated area or negative-pressure enclosure, disposable coveralls, head coverings, foot coverings, and gloves shall be worn. COs and IHs will be provided two sets of personal protective equipment so they can wear two suits of protective clothing in situations described under C.1.e.(7).

(2) Clothing such as bathing suits may be worn beneath the disposable garments, in circumstances where the CO or IH has obtained the employer's permission to use his/her decontamination facilities, and the decontamination area complies with 05.045(j) or 04.0110(i).

c. Decontamination Procedures.

(1) For any investigation where the presence of airborne asbestos fibers in concentrations above the action level are suspected, only experienced and properly trained COs or IHs shall perform the site evaluation. Inexperienced or untrained COs and IHs shall submit a referral to their supervisor in the event that the presence of asbestos is discovered during the course of an inspection.

(2) If the site evaluation indicates that personal protective equipment is required to conduct the inspection, then the CO or IH shall determine if two COs or IHs will be necessary to conduct the inspection and to perform the requisite decontamination procedures.

NOTE: If the CO or IH uses negative-pressure respirators to perform asbestos inspection,

the CO or IH may not have a beard or other facial hair at the point of respirator contact with the skin.

(3) For Alaska OSH inspections of removal, demolition, and renovation operations, the CO or IH shall not enter into the negative-pressure enclosure unless it is absolutely necessary to document a violation of an OSH standard.

(4) If it is determined to be necessary to enter into the negative-pressure enclosure, the CO or IH shall enter through the employer's decontamination area's clean room. If the employer denies the CO or IH entry through the decontamination unit, then the CO or IH shall consider this to be a denial of entry and the requisite warrants shall be obtained.

(5) Prior to entering into the negative-pressure enclosure or regulated area, the CO or IH shall determine if the employer has a decontamination area that complies with 05.045(j) or 04.0110(i), and obtain the employer's permission to use the decontamination unit. Upon exiting from the negative-pressure enclosure or regulated area, the CO or IH shall follow the exiting procedures required by 05.045(j)(2) or 04.0110(k)(2), to avoid contaminating the employer's clean room.

(6) The supervisor shall be consulted if the COs or IHs have difficulty complying with the required decontamination procedures.

(7) For construction activities not requiring hygiene facilities (viz).; small-scale, short-duration operations) or where the employer's hygiene facilities are inadequate, or where the employer refuses to allow the COs or IHs to use their hygiene facilities, COs and IHs shall wear a double suit. They shall first use a HEPA-equipped vacuum to remove gross contamination from the first layer of protective clothing and equipment. Further suppression of the contaminants may be achieved by applying a water mist to the entire outer surface of the protective clothing. The first layer

of disposable items of PPE shall then be removed and placed in 6-mil polyethylene bags, sealed, labeled, and disposed of following the applicable Federal, State or local guidelines. Nondisposable equipment (e.g., respirator, pumps, etc.) where feasible, shall be wiped off with premoistened towelettes, or sprayed with water and placed in polythylene bags, for transport, if further washing is required. Any exposed skin areas shall be wiped clean with premoistened towelettes. Upon the removal of first layer contaminated PPE, the CO or IH shall travel to the remote location for showering and go through the rest of the decontamination procedures before disposing of the inner layer of PPE.

2. Scope and Application. The construction standard applies to all operations specified in 05.010, which includes, but is not limited to, demolition, renovation, and maintenance of structures, as well as removal of asbestos-, tremolite-, actinolite-, or anthophyllite-containing materials. The application of the standard is not restricted by the SIC code of the employer. Therefore, if a manufacturer uses his/her employees to remove asbestos from a building, a piping system, a boiler system, or the like, those employees are covered under the asbestos standard for construction. The general industry standard applies to the manufacturers of products which contain asbestos, tremolite, actinolite, or anthophyllite, automotive repair, ship repair, and other general exposures.

3. Regulated Areas. Paragraph 05.045(e)(1) requires employers to establish regulated areas where airborne concentrations of asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals exceed, or can be expected to exceed, the PEL. Paragraph 04.0110(e) of the General Industry Standard requires the same.

   a. The construction standard describes two distinctly different types of regulated areas which must be established based on the type of work being performed. Employers performing general construction operations, such as the cutting of asbestos-cement sheets, the lathing of asbestos-cement pipes, or the removal of asbestos-containing floor tiles, are required to establish regulated

areas in accordance with 05.045(e)(1) and demarcated in accordance with 05.045(e)(2).

b. 05.045(e)(6) requires employers performing asbestos removal, demolition, and renovation operations to establish negative-pressure enclosures before starting their work, wherever feasible. Negative-pressure enclosures are considered to be feasible in all situations, except where space limitations prohibit the construction of the enclosure, or where the erection of a negative-pressure enclosure would create a greater hazard (e.g., toxic gases present in area). The enclosure must be established and managed by a competent person as defined in 05.045(b)(5) and (e)(6)(C).

c. 05.045(e)(6)(D) grants exceptions from the requirements of establishing negative-pressure enclosures and designating a competent person, if the operation is small-scale and of short duration. For the purposes of this standard, a "small-scale, short-duration" operation must meet the following four criteria:

(1) Maintenance or renovation tasks, where the removal of asbestos-containing materials is not the primary goal of the job (e.g., repairing a valve that entails the removing of asbestos, installing electrical conduit which must be fastened to asbestos-cement siding, etc.).

(2) Activities where employees' exposures to asbestos can be kept below the action level via worker isolation techniques, such as glove bags or other methods described in Appendix G.

(3) An operation that has been included in the employer's asbestos maintenance program (as required in Appendix G) of all employers who are claiming an exemption from the requirements of 05.045(e)(6).

(4) Nonrepetative operations (viz.; not a series of small-scale jobs which, if performed at one time, would result in a large-scale removal).

If the operation meets the above criteria as a "small-scale, short-duration" job,

then the employer must follow the procedures set out in Appendix G of the Alaska Construction Code for Asbestos.

d. The CO and IH shall evaluate the employer's program for establishing the requisite regulated areas under both standards by examining the following:

(1) If the employer has designated a competent person to set up and manage the regulated areas in accordance with 05.045(e)(6)(B)(i)-(viii) (for construction only).

(2) If the employer's initial monitoring data or objective data was obtained in accordance with the prescribed sampling and analytical methods.

(3) If monitoring data from a similar work situation is used in lieu of monitoring the current worksite, the CO or IH must evaluate and compare the reported conditions and data and conclude whether or not they are acceptable. The following criteria may be used in evaluating objective data:

a. workplace conditions

b. types of materials worked on

c. control methods

d. work practices used

e. environmental conditions

(4) If the employer has failed to establish a negative-pressure enclosure, the CO or IH must document that such an enclosure is in fact feasible, and that the project is not a small-scale, short-duration operation. If the employer asserts that the activities are small-scale, short-duration, then the CO or IH shall review the employer's asbestos maintenance program required by Appendix G of the standard (construction only).

4. Pre-entry Appraisal. In situations where the work activities apparently involve asbestos and the employer

has not done the initial monitoring or followed any of the requirements of 05.045 or 04.0110, the CO or IH shall obtain a bulk sample of the materials that are suspected of being asbestos and obtain an expedited analysis of the materials. An expedited analysis may be achieved by:

a. K-2 tests;

b. Contracting with a local laboratory;

c. Requesting an expedited analysis from the contract laboratory; and

d. If the results are positive, the CO or IH shall consider this to be an imminent danger situation and follow the procedures established in Chapter VII of the Compliance Manual.

5. Establishing the Presence of Asbestos. In cases where there is a delay in obtaining bulk samples or in having them analyzed, the following alternate methods shall be used to verify the presence of asbestos:

a. Reviewing building plans.

b. Reviewing previous inspection files by Alaska OSH and other State, local and Federal agencies.

c. Considering the age of the building.

The methods discussed above shall be used only when the basis for an imminent danger notice is being investigated.

6. Hygiene Facilities and Practices. Shower facilities erected in accordance with the construction asbestos standard shall be considered to be feasible except:

a. Where space limitations prohibit locating the shower facilities adjacent to the equipment room.

b. Where water is not available at the job site.

In these situations, however, the use of mobile decontamination units (trailers) equipped with

an equipment room, a shower room, and a change room may be appropriate.

7. 04.0110 and 05.045 do not apply to nonasbestiforms of tremolite, anthophyllite and actinolite. A new standard based on the old asbestos standard was adopted on October 14, 1987. This standard is Section 04.0102 of the Occupational Health and Environmental Control (OHEC) Code.

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