ABSTRACT

Purpose: This notice describes policies and procedures for implementing a Local Emphasis Program (LEP) to identify and reduce or eliminate the workplace hazards in asbestos abatement projects which are likely to cause serious illnesses such as asbestosis, mesothelioma and cancer.

Scope: This notice applies to the jurisdiction of the Englewood Area Office.

References: OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.

State Impact: None

Action Offices: Englewood Area Office

Originating Office: Englewood Area Office

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By and Under the Authority of:

Gregory J. Baxter
Regional Administrator, VIII
Executive Summary

This Notice describes policies and procedures for implementing a Local Emphasis Program (LEP) to identify and reduce or eliminate the workplace incidence of asbestosis associated with asbestos abatement industry.
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I. **Purpose:** The purpose of this notice is to establish a local emphasis program (LEP) for asbestos abatement industry operations, NAICS 562910.

II. **Scope:** This Notice applies to asbestos abatement project sites within the Englewood Area Office’s jurisdiction of Region VIII in NAICS code 562910.

III. **References:**

A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

B. OSHA Instruction CPL 2-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, February 22, 2013, or the most current version at time of opening conference.

C. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011, or the most current version at the time of the opening conference.

D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health.


F. October 18, 2002, OSHA Memorandum: Annual Evaluations of Local Emphasis Programs.


H. NIOSH Work-Related Lung Disease Surveillance Report, 2007: Section 1 (Asbestosis), Section 7 (Malignant Mesothelioma) and Section 13 (Lung Cancer).

I. CDPHE Asbestos Abatement Projects by Contractor for Quarter 4, 2009.

IV. **Expiration:** This LEP expires on September 30, 2015, but may be renewed on an annual basis.

V. **Action Office:** Englewood Area Office

VI. **Background:** Asbestos is a general commercial name given to a group of long, thin, fibrous minerals which are resistant to heat and chemicals. Commonly used forms of asbestos in construction include chrysotile, amosite and crocidolite. Asbestos has been used in materials for thousands of years to add strength and fire resistance. Though use of asbestos has decreased in the past few decades, it is still found in existing residential and commercial structures and disturbance of these materials during renovation or
demolition can create risk of exposure for workers, as well as occupants of buildings, if the work is not properly conducted by highly specialized contractors.

Asbestos abatement and demolition projects involve the disturbance of asbestos containing materials (ACM). In asbestos abatement (which often precedes renovation), ACM is removed or stabilized in a manner which often involves the release of asbestos fibers. Asbestos demolition projects involve the controlled removal of all ACM or friable ACM from structures before they are demolished in order to minimize the generation of asbestos fibers during the demolition phase. Each year thousands of these projects occur in the State of Colorado.

Exposure to asbestos fibers is known to cause serious illnesses such as asbestosis (scarring of the lungs), cancer, and mesothelioma (cancer of the chest cavity lining specifically linked to asbestos exposure). The onset of these illnesses can be 20-40 years after exposure. Evidence suggests that these illnesses continue to increase. The most recent Work Related Lung Disease Surveillance Report (2007) from NIOSH indicates that asbestosis rates continue to rise and have increased six fold since 1970. NIOSH also reports that construction is the most frequently recorded industry on death certificates related to asbestosis and mesothelioma. In fact, 25% of all asbestosis deaths and 14% of all mesothelioma deaths come from former construction workers.

Asbestos work has been divided into four classifications by OSHA (Class I-IV). Class I asbestos materials have the greatest potential for fiber generation as they are friable (easily crushed or pulverized by hand pressure). Class I asbestos work includes the removal of thermal system insulation (TSI) such as water pipe and boiler wrap and sprayed on surfacing materials such as acoustical ceiling coverings. The OSHA required engineering controls, personal protective equipment, decontamination and training requirements triggered by the removal of these materials are very complicated and the failure to comply with these requirements can lead to overexposures.

Class II asbestos work can also create overexposures when inappropriate removal methods (cutting, grinding, excessive breaking of dry materials) are used. Class III and IV asbestos work involves exposure to Class I materials on a much smaller scale where materials are disturbed rather than removed. Class III and IV typically cover maintenance activities.

Information obtained from the Colorado Department of Public Health (CDPHE) showed evidence of non-compliance with the asbestos standards enforced by their department. Non-compliance with these closely related environmental regulations which pertain to the handling of asbestos indicates a likelihood of non-compliance with OSHA standards. From approximately 2008 to 2014, 230 asbestos enforcement cases have been pursued by CDPHE.
A. Selection of Sites: The Area Office will use the Colorado Department of Public Health and Environment's (CDPHE) asbestos abatement and demolition project database as the main resource for the generation of a cycle of establishments. The list is available on the CDPHE website; however, it may be necessary to visit the office to obtain the most current project data. From this database (which may contain over 1000 quarterly entries), the following method will be used to select projects for inspection:

1. The database will be reduced to all projects that meet all of the following criteria:
   a. projects within the EAO jurisdiction;
   b. projects conducted by an employer (some projects may be home owners with no employees);
   c. projects with at least 100 linear feet or 1000 square feet of asbestos;
   d. projects that contain thermal system insulation or surfacing material ACM work; and
   e. projects with a duration of at least 30 days.

2. The database will then be reduced to the desired inspection cycle size in accordance with the April 21, 2014, OSHA Memorandum: Generation and Randomization of Inspection Targeting Lists. Note that if an employer has multiple projects on-going at the same time, the largest and/or most active project site will be chosen from the list. All projects selected for the cycle will be inspected, unless the deletion criteria apply or a project is found not to be covered under the criteria set forth above.

One primary cycle can be generated as needed. Most projects have duration of 30 days, so small inspection cycles will need to be generated and completed quickly. When all inspections on a list have been completed, a new cycle can be generated from the current CDPHE database.

B. Additions: None.

C. Deletions: The Area Office may delete an establishment if they have received a comprehensive health inspection in the previous year and no citation or other written notice of hazard related to the construction standards for asbestos or respiratory protection was issued.

The Area Office may delete an establishment if it is determined that:

1. The establishment is a residence.

2. The establishment is not in the scope of the LEP (e.g., the establishment is clearly conducting business other than that covered by the LEP).
3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).

4. Upon arrival at a project site, work at that site has been completed.

The criteria used to delete any establishment must be fully documented by the Area Office.

D. In the event a cycle is not completed on or before expiration of this Notice, the cycle will be extended into the new fiscal year, provided this Notice is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the Notice is not renewed, the outstanding cycle is effectively cancelled and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.

VIII. **Inspection Procedures:** Inspection procedures outlined in the FOM will be followed on all asbestos inspections. Based on the class of ACM, inspections should focus on the relevant sections of the asbestos standard but any other obvious, plain view health hazards (i.e. lead exposure) or safety hazards shall be addressed by the CSHO. Safety hazards pertaining to ladders, fall protection, scaffolds, electrical exposure and aerial lifts are common on these types of projects and should be addressed through citation or referral.

**Ten or fewer employees on programmed activity**

Since North American Industry Classification System number 562910 (Remediation Services) is included on the Exemptions and Limitations list in CPL 02-00-051 of February 22, 2013, apparent safety violations noted during the inspection will be cited or referred for later inspection only if OSHA has verified that the employer had more than 10 employees at some point during the previous 12 months. If the list is updated during the period of this LEP, the new list will be used.

IX. **Outreach:** At the discretion of the Area Director, outreach materials may be mailed directly or made available on request to employers, professional associations and local unions.

X. **Partnerships:** Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, November 6, 2013, OSHA Strategic Partnerships Program for Worker Safety and Health.
XI. **OIS Coding:** Inspections conducted under this LEP will be identified in the OSHA Information System (OIS) as follows:

A. Current instructions for inspections classification on the OIS Inspection Form will be followed.

B. Inspections which are targeted as a result of this LEP, will be coded as “ASBESTOS” in the *Local Emphasis Program* block and as “Programmed Planned” in the *Initiating Type* block.

C. Inspections involving the asbestos abatement industry, which are initiated by a complaint, referral by another agency, or fatality/catastrophe, will be coded as “ASBESTOS” in the *Local Emphasis Program* block.

D. For any programmed or unprogrammed activity involving the asbestos abatement industry, the *Local Emphasis Program* block shall be chosen and the code “ASBESTOS” will be selected.

E. Refer to the following memorandums for *Strategic Plan Activity* codes that may be applicable for inspections conducted under this LEP.


XII. **Program Evaluation:** No later than October 31, 2015, the Area Office will provide an evaluation of this LEP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this LEP. At a minimum, the evaluation should respond to the requirements of CPL-04-00-001, Section D, Appendix A and Directorate of Enforcement Programs memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs (LEPs).

**DISTRIBUTION:**
Directorate of Enforcement Programs
Directorate of Construction
Regional Office of the Solicitor