



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 5 2005

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Richard B. Tucker
Technical Training Director
AAA Environmental
P.O. Box 5605
Spartanburg, SC 29304

Dear Mr. Tucker:

This is in response to your letter on April 14th, 2005, which asked whether an operations and maintenance (O&M) worker (two hours of general asbestos awareness training and 14 hours of additional training as described in 40 CFR 763.92) can clean up asbestos-containing ceiling tile debris from a floor. A person with 16 hours of training as described in 40 CFR 763.92 can pick up asbestos-containing material (ACM) including ceiling tiles, if the tiles are not friable and will not be broken into smaller pieces. If the material is friable and left over from an asbestos abatement, then accredited asbestos abatement workers must remove the material. However, if the removal of the material is required in the performance of an emergency or routine maintenance activity, not intended solely as asbestos abatement, then operations and maintenance personnel may remove small amounts of friable ACM. Please note that if there is a major fiber release episode, where there is the falling or dislodging of more than 3 square or linear feet of friable ACM as discussed at 40 CFR 763.91(f)(2), then the response action must be designed by persons accredited to design response actions and conducted by persons accredited to conduct response actions (not O&M personnel).

In summary, EPA believes that friable ACM should be handled by asbestos abatement workers accredited under the EPA Model Accreditation Plan (Appendix C to 40 CFR 763, Subpart E) if that material is left over from a response action (40 CFR 763.90), and not required in the performance of an emergency or routine maintenance activity which is not considered a major fiber release episode.

If you have any further questions, please contact Robert Courtnage or my staff at 202-566-1081.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Baney', with a large, stylized 'B' at the end.

Tony Baney, Chief
Fibers and Organics Branch
National Program Chemicals Division



AAA
ENVIRONMENTAL

"building a better environment"

April 14, 2005

Tony Baney
Fibers & Organics Branch (7404T)
National Program Chemicals Division, OPPT
USEPA
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Sir:

I'm writing with regards to 40 CFR 763 AHERA and any debris clean-up limitations it might impose on an AHERA & OSHA trained and accredited Operations and Maintenance (O&M) Class III worker in the public school system (K-12). I am unable to find any limitation on the amount of "debris" clean up that the O&M worker can do. Although EPA and OSHA regulations are completely separate entities, they are interconnected in certain instances (see 763.91b and 763.92). Therefore, I went to OSHA for interpretations of OSHA Class III & IV activities involving clean up.

OSHA currently has an interpretation (8/26/02 – "Application of the Asbestos Standard to the removal of ACM debris and intact material" Question 5) that a Class IV worker (2 hours training) is unlimited in the amount of debris that can be cleaned-up, so long as the debris will not be broken down into smaller pieces. To accomplish clean up of debris "intact", the Class IV worker must wet the material with amended water and HEPA vacuum it up. The material given in the interpretation was pieces of spray applied fireproofing.

It is known that the OSHA Class III worker training encompasses the two hours of Class IV plus an additional Fourteen hours. This would allow the Class III worker to perform the tasks of a Class IV worker, but not of a higher Class such as Class I and II. Therefore, OSHA does not limit the Class III worker in the amount of clean-up of debris except to say that the Class III activity must disturb "break down" no more material than can be contained in one 60" x 60" glovebag or waste bag. Therefore, if an O&M trained and accredited worker in a public school system K-12 wishes to clean up, for instance, ceiling tile debris from a floor in amounts of 10, 20, or even 50 Sq.ft., would he/she be able to do so, so long as all work practice, disposal, training requirements, etc. are met?

Sincerely,

Richard B. Tucker
Technical Training Director
AAA Environmental

P.O. Box 5605
Spartanburg, SC 29304
864-582-1222 • Fax 864-583-0709
1-888-296-3803