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• **Standard Number:** [1926.1101\(b\)](#)

June 18, 1999

Mr. Ray Rivera
Department of Navy
Industrial Hygiene Division
Branch Medical Clinic
1 Administration Circle
China Lake, CA 93555-6100

Dear Mr. Rivera:

This is in further response to your facsimile of November 23, 1998, to Mr. Jorge Leong in the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA). It included, as an attachment, a letter dated April 21, 1998, concerning asbestos, by John B. Miles, Jr., Director, Directorate of Compliance Programs, National Office, OSHA. You requested verification of the letter's authenticity, asked whether certain information provided in the letter is correct, and requested information on the respiratory protection and other personal protective equipment required by employees during the removal of asbestos-containing stucco.

The San Francisco Regional Office replied to you on December 14, 1998 and verified the authenticity of the letter you sent. That Office also provided the information you requested regarding personal protection required during stucco removal. We are providing you with the remainder of the information you requested in your facsimile.

The letter you sent was written by OSHA in answer to a request for clarification regarding OSHA's asbestos standards. One of the questions involved "surfacing material" which is a term that OSHA defines and uses in its asbestos standards. Several items of material were listed and OSHA was asked if each is defined as "surfacing material."

OSHA replied that neither stucco, paint, floor leveling compound, nor resilient tile mastic is "surfacing material." You ask if this answer is correct for stucco. If it is, you ask that OSHA explain the logic behind the answer since stucco is troweled onto a surface. Moreover, you ask that OSHA explain why the other items are not "surfacing material."

It is true that stucco is not "surfacing material" as OSHA intends to define the term in its asbestos standards. The definition of "surfacing material" presented at 29 CFR 1926.1101(b) in the OSHA construction asbestos standard reads:

"Surfacing material" means material that is sprayed, troweled-on or otherwise applied to surfaces (such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, and other purposes).

Removal of "surfacing material" requires the observation of stringent precautions as specified by the standard for Class I work. The reason for the stringent precautions is that "surfacing material" is intended to include materials that present especially high risk because they contain high concentrations of asbestos fibers and the fibers are loosely bound. It is our understanding that stucco does not normally contain asbestos and that any asbestos present would likely be in low concentrations. Nevertheless, whatever the fiber content, OSHA would not regard it to be "surfacing material" because the fibers are too tightly bound for the material to be in the "high risk" category. Similarly, neither paint, floor leveling compound, nor resilient tile mastic is "surfacing material" because the asbestos fibers in these materials are too tightly bound for the material to belong in the "high risk" category.

If stucco does contain more than 1% asbestos, its removal would be a Class II activity and would still require careful precautions, including:

- supervision by a specially trained competent person;
- use of wet methods to prevent fibers from becoming airborne;
- use of HEPA vacuums to collect all debris and dust; and

- prompt cleanup of all waste and debris in leak-tight containers.

In addition, respirator use would be required if the asbestos-containing material is not removed in a substantially intact state or wet method removal of the material is not feasible.

In this regard, the statement in the December 14, 1998 letter to you from Mr. Gilbert J. Gillotti that "OSHA does not base the requirements for respiratory protection or PPE on asbestos content" is not entirely accurate. Airborne asbestos fiber concentrations during Class II removal activities will vary widely and may well exceed permitted limits if the material is not substantially intact when removed or the removal is not performed using wet methods. For that reason, the standard requires respirator use without regard to measured airborne levels when asbestos-containing material (i.e., material containing more than 1% asbestos) is not removed in a substantially intact state or is not removed using wet methods.

Thank you for your interest in occupational safety and health. We hope this provides you the clarification you were seeking and apologize for any confusion the earlier documents may have caused. As this letter demonstrates, OSHA's re-examination of an issue may result in the clarification or correction of previously stated enforcement guidance. In the future, should you wish to verify that the guidance provided herein remains current, you may consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact OSHA's Office of Health Compliance Assistance at (202) 693-2190.

Sincerely,

Richard E. Fairfax
Director
Directorate of Compliance Programs

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