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September 11, 2013

Peter Anderson, Director of Safety & Health
Associated General Contractors of Michigan
2323 N. Larch Street
Lansing, Michigan 48906

Dear Mr. Anderson:

Thank you for your June 17, 2013 letter requesting interpretive information regarding asbestos awareness and Class IV training requirements. After a short background explanation, your questions and comments are paraphrased and summarized below, followed by my responses.

Background: To be clear, the term “asbestos awareness training” is a term used in Part 305 Asbestos for General Industry. The training requirements for employees who perform Class IV asbestos work are found in Part 602 Asbestos Standards for Construction. Even though there is little difference between “asbestos awareness training” and “Class IV training,” I use the term “Class IV training” instead of “asbestos awareness training” in this letter because we are talking about construction work, not general industry work.

Question 1: What is Class IV asbestos work?

Reply: There are two types of work described in the definition of Class IV asbestos work:

1. Maintenance and custodial activities where asbestos-containing material (ACM) or presumed asbestos-containing material (PACM) is contacted but not disturbed, and
2. Cleanup of dust, waste, and debris resulting from Class I, II, or III activities.

Maintenance activity is work to preserve, retard future deterioration of, maintain or improve the functional condition of, or restore a structure to an adequate level of service. Maintenance activity is typically smaller-scale work that is performed by a custodian, maintenance person, or outside contractor.

- Maintenance activities may include, but are not limited to, plumbing, heating, air conditioning, painting, paper hanging, electrical work, masonry, plastering, drywall work, insulation work, terrazzo work, carpentry work, floor laying, roofing, siding, and concrete work.

Custodial activity is work to clean, maintain, provide security for, or initiate or make minor repairs to a structure.

- Custodial activities include, but are not limited to, acoustical tile cleaning service, building cleaning service, floor waxing service, lighting maintenance service, and window cleaning service.

Question 2: What does “contacted but not disturbed” mean in the definition of Class IV asbestos work?

Contact is an activity during which an employee or the employee’s tools, supplies, materials, or other objects physically touch, collide with, impinge upon, or strike ACM or PACM but do not disturb the ACM or PACM. The activity could potentially disturb the ACM or PACM.

Disturbance is an activity that disrupts the matrix of, crumbles or pulverizes, or generates visible debris from ACM or PACM.

Question 3: What are some examples of work that would require Class IV training?

Examples of maintenance activities requiring Class IV training:

- Leaning against intact thermal system insulation (TSI) while repairing a boiler, but not disturbing the TSI. The weight of the plumbers physically touching the TSI could potentially disrupt the matrix of the insulation.
- Driving a manlift over intact asbestos-containing asphalt or vinyl flooring, but not disturbing the flooring. The weight of the manlift on the flooring could potentially break the flooring and generate visible debris unless adequate flooring protection is provided.
- Dragging scaffolding over intact asphalt or vinyl flooring that was installed on or before 1980, but not disturbing the flooring. Dragging the scaffold over the flooring could potentially break the flooring and generate visible debris unless adequate flooring protection is provided.

Examples of maintenance activities requiring more than Class IV training:

- Cutting away small amounts of ACM drywall (that which fits into a standard glovebag or disposal bag) to install a replacement receptacle or fixture; this work requires Class III training.
- Disturbing the asbestos insulation on the structural steel when moving a computer cable above a suspended ceiling; this work requires Class III training.
- Disturbing ACM or PACM when testing, cleaning, or replacing smoke or heat detectors that are connected to ceilings; this work requires Class III training.

Examples of custodial activities requiring Class IV training:

- Wiping or cleaning intact asbestos-containing plaster walls with cleaning agents.
- Buffing or mopping intact asbestos-containing asphalt or vinyl flooring.
- Sweeping intact asbestos-containing asphalt or vinyl flooring.

- Cleaning windows that have intact asbestos-containing glazing on them, and not disturbing the ACM.
- Cleaning dust off of pipes insulated with intact asbestos-containing TSI.
- Removing carpet that covers asbestos-containing flooring in a way that does not pop-up or break the flooring.
- Stripping wax from asbestos-containing flooring with a low-speed buffer (175-300 rpm).

Examples of custodial activities requiring more than Class IV training:

- Cleaning a carpet contaminated with TSI or asbestos-containing surfacing material; this work requires Class III training.
- Pulling equipment, materials, or other objects across floor tiles and disturbs several of the floor tiles that contain asbestos. Cleanup of the debris requires Class III training.
- Cleaning up broken floor tiles that contain asbestos. Not remove all tiles, but just picking up broken pieces. This work requires Class III training.
- Cleaning windows with non-intact glazing (the glazing comes off during cleaning). This work requires Class III training.
- Removing carpet that covers asbestos-containing flooring in a way that causes tiles to pop-up or break. This work requires Class III training.
- Stripping wax from asbestos-containing flooring with a high-speed buffer (greater than 300 rpm). This work requires Class III training.

Examples of cleanup of dust, waste, and debris resulting from Class I, II, or III activities requiring Class IV training:

- Handling trash bags that contain ACM or PACM that were filled inside a regulated area by asbestos abatement workers trained in Class I work. Asbestos abatement workers cleaned the outside of the bags prior to removing them from the regulated area.
- Setting up and tearing down a negative-pressure enclosure for Class I work.

Example of cleanup of dust, waste, and debris resulting from Class I, II, or III activities requiring more than Class IV training:

- Dry-sweeping debris on the floor during and after demolition of asbestos-containing plaster walls. Please note that dry sweeping is prohibited and violates the asbestos regulation. Vacuum cleaners equipped with HEPA filters must be used. This work requires Class III training.

Question 4: Does the mere presence of asbestos-containing floor tile in a building being renovated prompt the requirement for Class IV training for employees who may work in the general area of the tile, even though it is not planned to be disturbed?

Reply: The mere presence of asbestos-containing floor tile does not necessarily prompt the requirement for Class IV training. A competent person must determine the class of the work.

Question 5: Is Class IV training required for employees who may work in structures where there is potential to be exposed to asbestos?

Reply: If the employee performs Class IV work, then Class IV training is required. If more than one class of work occurs simultaneously, the work must be performed according to the highest hazard classification. A competent person must evaluate and classify the work. A competent person must receive more than Class IV training.

Competent person training for Class I and II asbestos work: For Class I and II asbestos work the competent person must be trained in all aspects of asbestos removal and handling, including: abatement, installation, removal and handling; the contents of Part 602 Asbestos Standards for Construction; the identification of asbestos; removal procedures, where appropriate; and other practices for reducing the hazard. Such training must be obtained in a comprehensive course for supervisors that meets the criteria of EPA's Model Accredited Plan (40 CFR part 763, subpart E, Appendix C), such as a course conducted by an EPA-approved or state-approved training provider, certified by EPA or a state, or a course equivalent in stringency, content, and length.

Competent person training for Class III and IV asbestos work: For Class III and IV asbestos work, the competent person must be trained in aspects of asbestos handling appropriate for the nature of the work, to include procedures for setting up glove bags and mini-enclosures, practices for reducing asbestos exposures, use of wet methods, the contents of Part 602 Asbestos Standards for Construction, and the identification of asbestos. Such training shall include successful completion of a course that is consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2), or its equivalent in stringency, content, and length. Competent persons for Class III and IV work, may also be trained pursuant to the requirements of paragraph (o)(4)(i) of Part 602 Asbestos Standards for Construction.

Question 6: During a renovation project at a K-12 school or other commercial property, if an asbestos abatement contractor has removed all the asbestos in the specific areas where the construction contractors are going to be working and the demolition survey and owner have verified that all the asbestos in these specific areas has been removed, is Class IV training required for the construction contractors?

Reply: Class IV training is not required because the construction contractors performing maintenance and custodial activities would not contact ACM or PACM, and they are not cleaning up dust, waste, and debris resulting from Class I, II, or III activities.

Question 7: What are the requirements for Class IV training?

Reply: The initial training must be a minimum of two hours in length and be consistent with the EPA training requirements set forth in 40 CFR 763.92(a)(1). Class IV training does not require "hands-on" training.

Class IV training that is consistent with the EPA training requirements and also complies with the asbestos regulation, includes at least the following topics:

- Information regarding asbestos and its various uses and forms
- Information on the health effects associated with asbestos exposure

- Available information concerning the locations of thermal system insulation and surfacing ACM/PACM, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not yet been certified
- Recognition of damage, deterioration, and delamination of asbestos containing building materials

Question 8: Who can provide Class IV training?

Reply: The construction asbestos regulation does not specify who must provide Class IV training. Since the regulation does not specify who must provide Class IV training, the training requirement for this scenario is largely performance-based. The employer is responsible for determining if the trainer provides adequate training to enable the employees to perform Class IV asbestos work at each individual site that they work.

Class IV asbestos training that is provided by an EPA- or Michigan-approved training provider should be adequate if it is supplemented with site-specific ACM- or PACM-related information..

Question 9: What are the requirements for Class IV refresher training?

Reply: Annual refresher training is required for Class IV work. The duration of this refresher training is not specified, and “hands-on” training is not a mandatory component of the training.

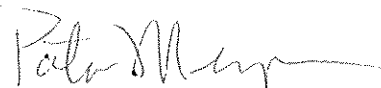
Refresher training should include a review of the topics originally presented in the initial training course. The refresher training should also present new developments in government regulations, state-of-the-art work practices, and asbestos abatement industry standards.

Question 10: Is Internet Class IV training acceptable or does the training have to be instructor-lead?

Reply: Internet- or computer-based training may meet some refresher or annual training requirements, provided it covers topics relevant to workers' assigned duties. Internet- or computer-based training must be supplemented by the opportunity to ask questions of a qualified trainer.

I hope this letter of interpretation provides you with the information you need. If you would like to discuss this matter further, or seek clarification, please contact me at 517-322-1857.

Sincerely,



Patricia Meyer, Director
Construction Safety & Health Division