350. ASBESTOS

01. Scope

a. Asbestos exposure and work procedures shall conform to all other applicable requirements of this standard, as well as the following provisions. Nothing in this standard shall be construed to prohibit better or otherwise safer conditions than specified herein. (7-1-97)

02. Definitions

a. Administrator is the State of Idaho Industrial Commission or their appointed representative. (7-1-97)
b. Asbestos is the asbestiform varieties of chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingstoniticgrunerite); tremolite; anthophyllite; and actinolite. (7-1-97)

c. Asbestos Abatement Project is any activity involving the removal, enclosure, or encapsulation, or repair of friable asbestos material. (7-1-97)

d. Authorized Person is any person authorized by the employer and required by work duties to be present in regulated areas. (7-1-97)

e. Competent Person is a person who is capable of identifying existing asbestos hazards in the workplace and who has the authority to take prompt corrective measures to eliminate them. The duties of the competent person include at least the following: establishing the negative pressure enclosure, ensuring its integrity, and controlling entry to and exit from the enclosure; supervising any employee exposure monitoring required by this rule; ensuring that all employees working within such an enclosure wear the appropriate personal protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decontamination procedures specified in this rule; and ensuring that engineering controls in use are in proper operating condition and are functioning properly. In addition is trained in a training course which meets the criteria of the Environmental Protection Agency Model Accreditation Plan for supervisors. (7-1-97)

f. Demolition is the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products. (7-1-97)

g. Emergency Project is a project involving the removal, enclosure, or encapsulation of friable asbestos-containing material that was not planned but resulted from a sudden unexpected event. (7-1-97)

h. Employee Exposure means that exposure to airborne asbestos would occur if the employee were not using respiratory protective equipment. (7-1-97)

i. Employer is the public department, agency, or entity which hires an employee. The term includes, but is not limited to, any departments or agencies of the State, Counties, Cities, School Districts or other political subdivisions of the state which operate or administer a fire department, police department, a library or similar public service agencies. (7-1-97)

j. Encapsulation is the treatment of asbestos containing material with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant). (7-1-97)

k. Enclosure is an airtight, impermeable, permanent barrier around asbestos containing material to prevent the release of asbestos fibers into the air. (7-1-97)

l. Fiber is a particulate form of asbestos, five (5) micrometers or longer, with a length-to-diameter ratio of at least three (3) to one (1). (7-1-97)
m. Friable Asbestos Material is any material containing more than one (1) percent asbestos by weight which, when dry, may be crumbled, pulverized or reduced to powder by hand pressure. (7-1-97)

n. High-Efficiency Particulate Air (HEPA) Filter is a filter capable of trapping and retaining at least ninety-nine-point-nine-seven (99.97) percent of all monodispersed particles of zero-point-three (0.3) micrometer in diameter or larger. (7-1-97)

o. Regulated Area is an area established by the employer to demarcate areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limit. The regulated area may be a temporary enclosure or an area demarcated in any manner that minimizes the number of employees exposed to asbestos. (7-1-97)

p. Removal is the taking out or stripping of asbestos or materials containing asbestos. (7-1-97)

q. Renovation is modification of any existing structure, or portion thereof, where exposure to airborne asbestos may result. (7-1-97)

r. Repair is overhauling, rebuilding, reconstructing, or reconditioning of structures or substrates where asbestos is present. (7-1-97)

s. Small-Scale/Short Duration are activities not to exceed three (3) linear feet or three (3) square feet, that are involving: Repairs, encapsulation, enclosure, or removal, of small amounts of friable asbestos containing materials only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. (7-1-97)

03. General Requirements: (Reserved) (7-1-97)

04. Permissible Exposure Limit (PEL): (7-1-97)

a. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of zero-point-one (0.1) fiber per cubic centimeter of air as an eight (8) hour time-weighted average (TWA), as approved by the Environmental Protection Agency and prescribed in 40 CFR Part 763, Appendix A. or by an equivalent method. (7-1-97)

b. No employee shall be exposed at any time to airborne concentrations of asbestos in excess of one-point-zero (1.0) fiber per cubic centimeter of air during any fifteen (15) minute period, as determined by the methods prescribed in 40 CFR Part 763, Appendix A, or by an equivalent method. (7-1-97)

05. Communications Among Employers: (7-1-97)

a. On multi-employer work sites, an employer performing asbestos work requiring the establishment of a regulated area shall inform other employers (as defined in sub-section 350.02.o. of this section) on the site of the nature of the employer's work with asbestos and of the existence of and requirements pertaining to regulated areas. (7-1-97)
06. Regulated Areas: (7-1-97)

a. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limit as described in sub-section 350.04.a of this section. (7-1-97)

b. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limit and/or ceiling concentration. (7-1-97)

c. Access to regulated areas shall be limited to authorized persons. (7-1-97)

d. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with sub-section 350.10 of this section. (7-1-97)

e. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated area. (7-1-97)

f. Asbestos, repair, removal, demolition, and renovation operations shall be conducted in accordance with nationally recognized industry standards. (7-1-97)

07. Friable Asbestos Material: (7-1-97)

a. All friable or damaged asbestos materials shall be repaired, encapsulated, enclosed, or removed to the extent that the airborne fiber hazard has been abated. (7-1-97)

08. Identification: (7-1-97)

a. The employer shall make reasonable efforts to determine if building materials contain asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals. Reasonable efforts would include, but not be limited to, obtaining manufacturer's information, laboratory analysis of bulk samples, or records indicating the age and composition of building materials. A determination shall not be required when an employer assumes that the suspect material contains asbestos, tremolite, anthophyllite, actinolite or a combination of these minerals and performs the construction work involving these materials in accordance with the provisions of all applicable regulations. (7-1-97)

09. Exposure Monitoring: (7-1-97)

a. Each employer who has a workplace or work operation covered by this rule shall perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed. (7-1-97)

b. Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight (8) hour TWA of each employee. (7-1-97)
c. Representative eight (8) hour TWA employee exposure shall be determined on the basis of one or more samples representing full shift exposure for employees in each work area. (A) TWA shall be determined as follows: $TWA = \frac{(C_1 \times T_1) + (C_2 \times T_2) + (C_3 \times T_3) + \ldots (C_n \times T_n)}{T_1 + T_2 + T_3 + \ldots + T_n}$ where $C =$ Concentration in fibers per cubic centimeters and $T =$ time in minutes. (7-1-97)

d. Representative employee ceiling exposure shall be determined on the basis of one or more samples representing exposure for employees in each work area. Sampling periods for ceiling concentration evaluations shall not exceed fifteen minutes. (7-1-97)

e. All samples taken to satisfy the monitoring requirements of sub-section 350.08 shall be personal samples collected following the procedures specified in 40 CFR Part 763, Appendix A. (7-1-97)

f. All samples taken to satisfy the monitoring requirements of sub-section 350.08 of this section shall be evaluated using the EPA/OSHA Reference Method (ORM) specified in 40 CFR Part 763, Appendix A. (7-1-97)

g. Monitoring shall be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques. (7-1-97)

h. The employer shall notify in writing (either individually or by posting at a centrally located place) affected employees of the monitoring results that represent the employees' exposure as soon as possible following receipt of monitoring results. (7-1-97)

10. Methods of Compliance: (7-1-97)

a. The employer shall use one or any combination of the following control methods to achieve compliance with the permissible exposure limit and/or ceiling concentration: local exhaust ventilation equipped with HEPA filter dust collection systems; general ventilation systems; vacuum cleaners equipped with HEPA filters; enclosure or isolation of processes producing asbestos dust; use of wet methods, wetting agents, or removal encapsulant to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup; prompt disposal of wastes contaminated with asbestos in leak-tight containers; or use of work practices or other engineering controls that the employer can show to be feasible. (7-1-97)

b. Whenever the feasible engineering and work practice controls described in this paragraph are not sufficient to reduce employee exposure to or below the permissible exposure limit and/or ceiling level, the employer shall use them to reduce employee exposure to the lowest levels attainable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of sub-section 050.05 of this standard. (7-1-97)

c. The employer shall not use employee rotation as a means of compliance with the permissible exposure limit prescribed in sub-section 350.04. (7-1-97)

11. Respiratory Protection: (7-1-97)

a. General. The employer shall provide respirators, and ensure that they are used, where required by this rule. Respirators shall be used in the following circumstances: during the interval necessary to install or implement feasible engineering and work practice controls; in
work operations such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible; in work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the exposure limit; in emergencies; and in areas where friable asbestos containing materials exists. (7-1-97)

b. Where respiratory protection is used, the employee shall institute a respirator program, which shall include all requirements of the respirator program of sub-section 050.05 of this standard. (7-1-97)

c. The employer shall provide a powered, air purifying respirator in lieu of any negative-pressure respirator whenever: an employee chooses to use this type of respirator; and this respirator will provide adequate protection to the employee. (7-1-97)

12. Protective Clothing: (7-1-97)

a. The employer shall provide and require the use of protective clothing, such as coveralls or similar whole-body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos that exceed the permissible exposure limit and/or ceiling concentration. (7-1-97)

13. Communication of Hazards to Employees: (7-1-97)

a. Warning signs that demarcate the regulated area shall be provided and displayed at each location where airborne concentrations of asbestos may be in excess of the permissible exposure limit. Signs shall be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. (7-1-97)

b. The warning signs required by sub-section 350.13.a. of this section shall bear the following information: (see Figure 350.13-A) (7-1-97)

FIGURE 350.13-A

![Danger Sign](image-url)
c. Labels shall be affixed to all products containing asbestos and to all containers containing such products, including waste containers. Where feasible, installed asbestos products shall contain a visible label. (7-1-97)

d. Labels shall be printed in large, bold letters on a contrasting background. (7-1-97)

e. Labels shall be used and shall contain the following information: (see Figure 350.13-B) (7-1-97)

**FIGURE 350.13-B**

- **DANGER**
- **CONTAINS ASBESTOS FIBERS**
- **AVOID CREATING DUST**
- **CANCER AND LUNG DISEASE HAZARD**

f. Labels shall contain a warning statement against breathing airborne asbestos fibers. (7-1-97)

14. **Training**: (7-1-97)

a. The employer shall institute a training program for all employees exposed to asbestos and shall ensure their participation in the program. (7-1-97)

b. Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve (12) months. (7-1-97)

c. The training program shall be conducted in a manner that the employee is able to understand. (7-1-97)

d. Maintenance and custodial staff (custodians, electricians, heating/air conditioning engineers, plumbers, etc.) who may work in a building that contains asbestos containing materials receive awareness training of at least two (2) hours whether or not they are required to work with the asbestos containing materials. Training shall include, but not be limited to: information regarding asbestos and its various uses and forms; information on the health effects associated with asbestos exposure; and locations of asbestos containing materials identified throughout each building in which they work. (7-1-97)

e. Maintenance and custodial staff who conduct any activities that will result in the disturbance of asbestos containing materials shall receive the training described in subsection (previous paragraph) of this section and fourteen (14) hours of additional training. Additional training shall include, but not be limited to: descriptions of the proper methods of handling asbestos containing
materials; information on the use of respiratory protection as contained in sub-section 050.05 of this standard, and other personal protection measures; the provisions of this section of this standard, and in 40 CFR Part 61, Subpart M, and 40 CFR Part 763, Subpart G; and hands-on training in the use of respiratory protection, other personal protection measures, glove-bag techniques, and good work practices. (7-1-97)

f. Workers who do removal of asbestos, other than small-scale short-duration, shall attend an Environmental Protection Agency approved thirty-two (32) hour worker course, and eight (8) hours Worker refresher course annually thereafter. (7-1-97)

g. Supervisors shall attend an Environmental Protection Agency approved forty (40) hour Contractor/Supervisor course, and eight (8) hour Contractor/Supervisor refresher course annually thereafter. (7-1-97)

h. The employer shall make readily available to all affected employees without cost all written materials relating to the employee training program, including a copy of this rule. (7-1-97)

i. The employer shall provide to the Industrial Commission, upon request, all information and training materials relating to the employee information and training program. (7-1-97)

15. Housekeeping: (7-1-97)

a. Where vacuuming methods are selected. HEPA filtered vacuuming equipment must be used. The equipment shall be used and emptied in a manner that minimizes the reentry of asbestos into the workplace. (7-1-97)

b. Asbestos waste, scrap, debris, bags, containers, equipment, and contaminated clothing consigned for disposal shall be collected and disposed of in sealed, labeled, impermeable bags or other closed, labeled, impermeable containers. (7-1-97)

16. Medical Surveillance. (7-1-97)

a. The employer shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level and/or ceiling concentration for thirty (30) or more days per year, or who are required by this section to wear negative pressure respirators. (7-1-97)

b. The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided at no cost to the employee and at a reasonable time and place. (7-1-97)

c. The employer shall make available asbestos medical examinations and consultations to each employee covered on the following schedules: (7-1-97)

i. Prior to assignment of the employee to an area where negative pressure respirators are worn; (7-1-97)

ii. When the employee is assigned to an area where exposure to asbestos may be at or above the permissible exposure limit and/or ceiling concentration for thirty (30) or more days per year, a
medical examination must be given within ten (10) working days following the thirtieth (30th) day of exposure; (7-1-97)

iii. No medical examination is required of any employee if adequate records show that the employee has been examined in accordance with this subsection with the past one (1) year period; (7-1-97)

iv. At least annually thereafter; (7-1-97)

v. And if the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician. (7-1-97)

17. Record Keeping. (7-1-97)

a. The employer shall maintain an accurate record of but not limited to: Employees exposure measurements, Employee medical surveillance, and training records. (7-1-97)

b. Records shall be maintained for the duration of the employment plus thirty (30) years. The employer may utilize the services of competent organizations such as employee associations to maintain the records required by this subsection. (7-1-97)

c. The employer upon request, shall make all records required by this subsection available to the affected employees, former employees, designated representatives, and the Administrator. (7-1-97)

18. Reporting: (7-1-97)

a. Employers subject to this rule must report to the Idaho Division of Building Safety at least ten (10) days before they begin any asbestos abatement project, except one that involves less than either three (3) linear feet or three (3) square feet of friable asbestos material, and an emergency project. Employers must report any emergency project covered by this rule as soon as possible but in no case more than forty-eight (48) hours after the project begins. (7-1-97)

b. The report shall be on the Environmental Protection Agency=s National Emission Standard of Hazardous Air Pollutants notification form. (7-1-97)

c. If a report is mailed to the Division of Building Safety, the report must be postmarked at least ten (10) days before the asbestos abatement project begins unless the report is for an emergency project. In such a case, the report must be postmarked as soon as possible but in no case more than forty-eight (48) hours after the project begins. (7-1-97)

19. Appendices:(7-1-97)

a. Appendices A, C, D, and E of 40 CFR Part 763; Environmental Protection Agency; Asbestos Abatement Projects Worker Protection; Final Rule are incorporated by reference into this regulation and are mandatory. Appendix B of 40 CFR Part 763 is informational and is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations. (7-1-97)
20. Schools (Local Education Agencies) K-12  (7-1-03)

a. Schools shall maintain an asbestos management plan for each building or part of a building used for educational purposes. (7-1-03)

b. Custodial and maintenance employees who work in any building that contains asbestos containing material, shall receive two (2) hours of asbestos awareness training. (7-1-03)

c. Custodial and maintenance employees who conduct any activities that may result in the disturbance of asbestos containing material, shall receive an additional fourteen (14) hours training. (7-1-03)

d. At least once every six months the local education agency shall conduct a periodic surveillance inspection in each building or part of a building used for educational purposes that contains asbestos containing building material. (7-1-03)

e. At least once every three years, the local education agency shall have an accredited inspector re-inspect all buildings containing friable or non-friable asbestos building materials and have the accredited inspector reassess specific materials in each building or portion of a building used for education purposes. (7-1-03)

Exception: In the event that no asbestos was found in a specific school building during the initial inspection, re-inspection of that building is not required. (7-1-03)

f. Outside contractors and other short term workers shall be provided information regarding the location(s) of asbestos containing building materials. (7-1-03)

g. Operations and maintenance actions that require the removal of building materials containing asbestos shall only be accomplished by properly trained personnel and shall be limited to three (3) square feet or three (3) linear feet. Removal of asbestos for abatement reasons only is not allowed under this provision. (7-1-03)

h. At least once each school year the local education agency shall inform workers and building occupants, or their legal guardians about inspections, response actions, and post-response action activities, including periodic re-inspection and surveillance activities that are planned or in progress. (7-1-03)

i. Warning labels shall be posted immediately adjacent to any building materials containing friable or non-friable asbestos, in routine maintenance areas of each school building. (7-1-03)

351. -- 359.  (RESERVED)