

**ASBESTOS AND LEAD TRAINING
REQUIREMENTS**

FOR

**UNIVERSITY OF CALIFORNIA PERSONNEL,
CONTRACTORS, AND CONSULTANTS**

May 28, 2003

Intercampus Asbestos and Lead Committee

CONSENSUS DOCUMENT FIVE

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Identification of Issue:

What are the training requirements for University of California entity (UC entity) employees, contractors and consultants performing lead or asbestos related activities on any of the University owned or operated facilities? Consensus was reached regarding the lead related DHS Certifications Issue in Consensus Document #2.

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Date of Consensus: May 28, 2003

Applicable Code Citations and Guidelines:

The regulatory agency requirements mentioned here are specific to lead and asbestos related activities and do not include other training requirements such as respiratory protection, hazard communication, and waste management, though some of those subjects may be covered in the training mentioned below.

Lead Related Regulations and Activities Covered

Cal/OSHA §1532.1 Construction Related Lead Awareness Training and Department of Health Services (DHS) Title 17 Lead Supervisor or Worker Certification for each of the following activities.

Employees and Tasks Covered

- UC entity or contractor's employees performing building maintenance or construction activities that may disturb lead and exposure could be over the PEL.
- Lead related activities in child care facilities owned or operated by UC entities.
- Lead hazard abatement activities in child occupied residences.

DHS Title 17 Lead Inspector/Assessor Certification (40 hour training at a DHS accredited training provider, passage of a state test, and successful certification by the state)

Employees and Tasks Covered

- Lead risk assessments or inspections conducted by UC entity employees or consultants in childcare or residential facilities.

DHS Title 17 Lead Project Monitor Certification (40 hour training at a DHS accredited training provider, passage of a DHS test, and successful certification by DHS)

Employees and Tasks Covered

- Lead project clearance and/or worker exposure assessment conducted by UC entity employees or consultants on childcare or residential facilities.

Cal/OSHA §5198 (l) and §5216 (l)(Approximately 2 hour training and annual refreshers Also, there is a provision for “awareness training” for workers that have a potential to be exposed at any level)

Employees and Tasks Covered

- Non-construction related activities that disturb lead containing materials, including but not limited to research and testing, prototype building, and custodial activities. Examples of this work include handling of lead bricks (or other shielding materials), disturbing lead containing paint on vehicles or other non-building related equipment.

Asbestos Related Regulations and Activities Covered

Cal/OSHA §1529 (Training time and subjects covered depends on the type of asbestos containing materials being disturbed according to the four classes of work under this CCR)

Employees and Tasks Covered

- UC entity employees or contractors performing construction related work that disturbs asbestos

40 CFR Part 763, EPA Inspector/Management Planner Training and Certification

Employees and Tasks Covered

- UC Entity employees that are collecting asbestos samples, managing an asbestos project, or conducting an asbestos survey (Consultants performing similar work must be in compliance with Cal/OSHA §1529 (q) and §341.15 and thus be a Certified Asbestos Consultant) or:

- Certified Industrial Hygienists (CIH)
- Technician working under the supervision of a CIH
- Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST)

Cal/OSHA §5208 (Approximately 2 hour training and annual refreshers. Also, there is a provision for "awareness training" for workers that have a potential to be exposed at any level)

Employees and Tasks Covered

- UC entity employees, contractors, or consultants disturbing asbestos as part of non-construction activities. This includes, but is not limited to, research and testing, prototype production, and custodial activities. Some examples include working on asbestos containing wiring or insulation on non-building equipment and automotive brake and clutch work.

Definition of the Issue

Cal/OSHA has four classifications of employers associated with multi-employer worksites. UC entities, as "controlling employers," can be co-cited and fined by Cal/OSHA for activities, accidents, and injuries associated with an "exposing" or "creating" employer the UC entity has hired as a contractor. Additionally, if we allow contractors (including subcontractors) to use a lesser standard of protection than our own personnel, we have greater exposure to third party litigation. Thus, it is in the best interest of UC entities to oversee and verify the qualification and work activities of contractors and consultants. Also, to be sure they are properly informed of Cal/OSHA requirements and hazards associated with UC entity owned facilities. Training requirements are included as part of hazardous material disclosure and specifications for the project.

Cal/OSHA, and in some cases DHS, require training for activities that disturb lead. In addition to that Cal/OSHA requires separate training, for activities that disturb asbestos. For lead training, the overlapping training requirements are based on the activities that are being conducted, the potential (presumed or proven) exposure to the personnel performing the activities, and whether or not the facility is child-occupied.

The following descriptions are based on general types of tasks. The item numbers are a general description of the tasks or the exposures expected to be associated with a task. The bulleted items following the tasks are the regulations and training associated with the task.

Lead Disturbance (construction related) Web Address,

<http://www.dir.gov/title8/1532.1.html> and , www.dhs.gov/childlead/html/GENregs.html

1. If personnel may be exposed above the action level of 30 ug/m³ though below the PEL of 50 ug/m³. This doesn't apply if exposure has been shown to be under action level.
 - Cal/OSHA §1532.1, Initial Training
2. If personnel are exposed, or are assumed to be exposed, above the PEL of 50 ug/m³ on a TWA basis, or are performing work that disturbs lead containing materials in a childcare, child-occupied public or residential facility.
 - Cal/OSHA §1532.1, Initial Training
 - DHS Lead Worker 24 hour training provided by a DHS Certified Lead Training Provider.
 - DHS Lead Worker Certification (must be supervised by a DHS certified supervisor)
3. The Supervisors of personnel who are exposed or are assumed to be exposed above the Cal/OSHA PEL of 50 ug/m³ TWA, or are performing work that disturbs lead containing materials in a childcare, child-occupied public or residential facility.
 - Cal/OSHA §1532.1, Initial Training
 - DHS Lead Project Supervisor 40 hour training provided by a DHS Certified Lead Training Provider.
 - DHS Lead Supervisor Certification (may perform activities of a DHS certified worker)
4. Personnel that are monitoring lead abatement activities in a childcare, child-occupied public or residential facility.
 - DHS lead Project Monitor or Inspector/ Assessor 40 hour training, provided by a DHS Certified lead Training provider and DHS Lead project Monitor or Inspector/ Assessor Certification.
5. Personnel conducting Lead Risk Assessment or Inspections in childcare facilities, child-occupied public or residential facilities

- Lead Inspector/Assessor 40 hour training, provided by a DHS Certified Lead Training Provider
 - DHS Lead Inspector/ Assessor Certification
6. Consultants conducting lead related services for a UC entity.
- 6a. Lead exposure assessments for UC employees
- DHS Project Monitor Certification
- 6b. Lead clearance for lead abatement activities
- DHS Lead Project Monitor or Inspector/ Assessor Certification
- 6c. Lead risk assessments or inspections of child occupied facilities
- DHS Lead Inspector/ Assessor Certification

Lead disturbance (non-construction related) <http://www.dir.ca.gov/title8/5198.html> and http://www.access.gpo.gov/nara/cfr/waisdx_02/40cfr763_02.html

7. Non-construction activities that disturb lead containing materials including but not limited to research activities, prototype construction, and custodial services. Examples of this work include handling of lead bricks (or other shielding materials), disturbing lead containing paint on vehicles or other non-building related equipment.
- Cal/OSHA, 8 CCR §5198 (l), and § 5216 (l) Approximately 2 hour training and annual refreshers Also, there is a provision for “awareness training” for workers that have a potential to be exposed at any level

Asbestos Disturbance (construction related) , <http://www.dir.gov/title8/5198.html>,

1. If the task is intended as a friable asbestos abatement activity, including but not limited to thermal system insulation (TSI) or fireproofing removal:
 - Cal/OSHA §1529, (k)(9)(C), (40 CFR Part 763, Subpart E, appendix C) 40 hour Class I & II Worker training
2. If the task is intended as a non-friable asbestos abatement activity, including but not limited to floor tile, roofing removal, or “Transite” removal:
 - Cal/OSHA §1529, (k)(9)(D), (40 CFR Part 763, Subpart E, appendix C) 40 hour Class I & II Worker training

3. If the task is not intended as an abatement activity but a "miniscule" amount of asbestos must be disturbed to repair or replace equipment, including but not limited to; drilling holes in walls or floors that contain asbestos, changing pipe flange gaskets, or roofing repairs.
 - Cal/OSHA §1529, (k)(9)(C), (40 CFR Part 763.92, (a)(2)), 16 hour training.
4. UC employees that are monitoring or performing clearance testing for asbestos related projects should have one or more of the following qualifications:
 - 40 CFR Part 763, AHERA, EPA Inspector/Management Planner, or Supervisor 40 hour Training, or
 - Certified Industrial Hygienists (CIH) or a
 - Technician working under the supervision of a CIH
 - Certified Asbestos Consultant (CAC) or Certified Site Surveillance Technician (CSST)

Asbestos Disturbance (non-construction related) <http://www.dir.ca.gov/title8/5208>

Non-construction activities that disturb friable or non-friable asbestos containing materials including but not limited to equipment repair, research activities, and prototype construction.

- Cal/OSHA §5208 (j) Awareness training program for employees exposed to airborne concentrations at or above the PEL or excursion limit.

Table I

**Preferred General Industry Standard Training for Lead
(DHS Certification is not required)**

Task	Lead Handling			Lead Sampling			Pr
	<Action Level	>AL, <PEL	>PEL	Drinking Water	Swipe	Personal Air	In
Training Courses OSHA (Title 8CCR 5198)							
Awareness	X						
Worker		X	X				
DHS Certified Training							
Supervisor/Worker					X		
Inspector				X		X	
Project Manager							

* An in-house EH&S Department professional (or a technician working under supervision) may perform this work without meeting these requirements

Table II

**Asbestos Construction and General Industry Training for Personnel
Performing Asbestos Related Work**

Training (hours)	Abatement ¹	Abatement Supervisor ¹	Maintenance (disturbs ACM ¹)	Abatement Project Management	Custodial ²	Research that Disturbs ACM ²	C
Awareness (2)					X	X	
Worker Class 1&2 (32)	X						
Worker, Class 3 (16)			X				
Supervisor (40)		X					
Inspector/Management Planner(40)				X			
Project Design (24)				X			
Certified Asbestos Consultant							
Yearly Refresher	X	X	X	X	X	X	

¹ 8 CCR 1529 Asbestos Construction Standard

² 8 CCR §5208 General Industry Asbestos Standard

³ 8 CCR §341.15 Certification of Asbestos Consultants and Site Surveillance Technicians.

Table III

Lead Related Construction and Maintenance Training Requirements

Training/ Certification	General Maintenance < PEL	Childcare Construction (lead disturbance)	Construction > PEL	Childcare Inspection/ Risk Assessment	Supervisor (workers >PEL or lead work in a childcare)
Cal/OSHA Initial Training	X				
DHS Worker Training & Certification		X	X		
DHS Supervisor Training & Certification					X
DHS Project Monitor Training & Certification					
DHS Inspector/Assessor Training and Certification				X	
DHS Bi-yearly Refresher		X	X	X	X

Consensus Statement

This committee agrees that all personnel should, as a minimum, be trained in accordance with Cal/OSHA and applicable DHS training and certification requirements for the activities in their work that disturbs lead and/or asbestos containing materials. The definition of those tasks should be based on their actual activities or potential activities irrespective of their job title or classification.

Justification for the Consensus

The need for clarification of the training requirements based on activities, rather than job or position titles, that disturbs asbestos and or lead-containing materials has become clear. This consensus is an attempt to assist in the consistent planning and implementation of activities involving lead and asbestos.

It is unusual for Cal/OSHA regulations to interact the way the Cal/OSHA lead standard and the DHS Title 17 lead standard do. There are confusing parts of the lead standard regarding DHS training and certification requirements that this committee believes should be clarified. The confusing aspects are:

- Lead exposure or potential exposure, found according to Cal/OSHA requirements, determines the applicability of the DHS lead certifications required for workers and their supervisors.
- If the building is "child occupied" DHS Certification is required for all personnel performing activities associated with lead containing materials.
- The DHS definition of abatement is different from the use of the term the construction industry is accustomed to. For DHS, "abatement" means the abatement of the hazard, while the industry use of the term means the removal of a material, such as asbestos.

These points have resulted in under and over training based on the tasks that are being done by workers and the function of the buildings they are working in.

The asbestos training requirements of Cal/OSHA are not as confusing as lead training requirements. However, the personnel that are performing lead-related work are likely to encounter activities that require some disturbance of asbestos containing materials, such as carpenters performing renovations on walls with asbestos skim coat or a lead-containing coating.

Health complaints and concerns expressed by faculty, students, staff or the public stemming from renovations or maintenance activities are potential liabilities in terms of litigation and the time and effort EH&S staff must devote to such complaints. Construction and maintenance staffs that are fully aware of the effective means of asbestos and lead exposure controls and containment (through training) are less likely to be the source of complaints and concerns.

Policy Outcomes/Implications

Providing training for potentially exposed personnel according to Cal/OSHA and DHS regulations is not likely to affect the policy of EH&S departments in the UC system.

If personnel have not been trained according to the Cal/OSHA-DHS regulations associated with the tasks mentioned above, annual training costs could increase due to initial training, annual refresher training, certification fees and re-certification fees. In addition, the university could incur OSHA fines, workers comp claims, and potential litigation. Additionally, ensuring that contractors meet these requirements may have additional costs through oversight/quality assurance checking and the possibility of limiting the eligible contractors that are qualified to safely perform the work. Any additional costs that may be incurred may be offset by the reduction in UC liability and hopefully increased quality of work.