

INTEROFFICE MEMORANDUM

Oregon Occupational Safety & Health Division

Date: June 16, 1998
To: All Oregon OSHA
From: Rodney E Boast Jr., Technical Section
Subject: Asbestos Bulk Sampling

Recently a question came up on whether our employees needed to be a "CIH" or "accredited inspector" in order to conduct an inspection (sampling for asbestos) in a public building. When this question was asked of federal OSHA the answer was no that we did not have to be a CIH or accredited inspector to conduct sample collection however; they could not provide anything in writing indicating this. In an attempt to get a definite answer I contacted Jayne Carlin, Region 10 asbestos manager for the EPA in Seattle, WA. Jayne faxed me some clarification on this topic and I wanted to share it with all of you. There are three exemptions in the February 3, 1994 Federal Register (Vol. 59. No.23) that states different scenarios where personnel may be exempt from the accreditation requirements and the second one is the one that applies to us. I have copied that exemption that applies to us below.

The second type of activity that is excluded from the definition of inspection is compliance inspections performed by Federal, State, or local regulatory agencies. These are excluded from accreditation because their primary purpose is to determine adherence to applicable statutes or regulations, and not to locate, assess, or remedy the condition of ACBM. TSCA title II does not provide a clear definition of the types of inspection activities that require training. The legislative history of ASHARA however, indicates that Congress intended to require training only for those persons who actually inspect for or abate asbestos in public and commercial buildings. See 136 Cong. Rec S15304 (Oct. 15, 1990). Based upon the purpose of ASHARA, EPA has concluded that government personnel who inspect to determine compliance with laws regulating asbestos are not required to obtain accreditation.

If you have any questions pertaining to this matter please contact me at (503) 378-3272.