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## CAL\OSHA Title 8 Section 1529

CAL\OSHA is the regulatory agency responsible for the enforcement of worker protection laws throughout the state of California. The laws related to asbestos in the construction industry are generally found in Title 8 Section 1529 of the California Codes of Regulations. A copy of that regulation is attached to this document.

- (a) “Scope and application.
  - (1) This section regulates asbestos exposure in all construction work as defined in Section 1502 including but not limited to the following:
    - (A) **Demolition or salvage of structures where asbestos is present;**
    - (B) **Removal or encapsulation** of materials containing asbestos;
    - (C) **Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain asbestos;**
    - (D) Installation of products containing asbestos;
    - (E) **Asbestos spill/emergency cleanup;**
    - (F) Transportation, disposal, storage, containment of and **housekeeping activities involving asbestos** or products containing asbestos, on the site or location at which construction activities are performed;
    - (G) Excavation which may involve exposure to asbestos as a natural constituent which is not related to asbestos mining and milling activities;
    - (H) **Routine facility maintenance;** and
    - (I) Erection of new electric transmission and distribution lines and equipment, and alteration, conversion and improvement of the existing transmission and distribution lines and equipment.
  - (2) Whenever employee exposures to asbestos, as defined in subsection (b) of this section consist only of exposure to tremolite, anthophyllite, and actinolite in the nonasbestiform mineral habit, the provisions of Section 5208.1 shall apply.
  - (3) The provisions of this section are subject to the requirements of the Occupational Carcinogen Control Act of 1976 (Labor Code, Division 5, Part 10).
  - (4) Coverage under this Section shall be based on the nature of the work operation involving asbestos exposure.”

Where Rule 1403 regulates asbestos containing materials at quantities greater than 1%, 1529 regulates asbestos containing materials at quantities greater than 1/10<sup>th</sup> of 1%.

“Asbestos-containing construction material” means any manufactured construction material which contains **more than one tenth of 1 percent asbestos by weight.**”

1529 has limited requirements where less than 100 square feet of asbestos containing materials are being dealt with. Otherwise, those working with greater than 100 square feet of asbestos must be registered as asbestos removal contractors with OSHA.

Note: Employers registered with the Chief in accordance with Sections 341.6 to 341.9 for the purpose of conducting **asbestos-related work involving over 100 square feet**, as defined in Section 341.6(a), of asbestos-containing construction material shall be deemed to be in compliance with section 5203 for the asbestos-related work requiring registration. Except that emergencies as defined in section 5203(a) must be reported as required in section 5203(f).

1529 Requires a Certified Asbestos Consultant be utilized for many procedures where more than 100 square feet of asbestos containing materials are determined to exist. Please note the activities listed here that require the services of an asbestos consultant.

“Asbestos consultant” means any person who contracts to provide professional health and safety services relating to asbestos- containing construction material as defined in this subsection, **which comprises 100 square feet or more** of surface area. The activities of an asbestos consultant include **building inspection, abatement project design, contract administration, sample collection, preparation of asbestos management plans, clearance monitoring,** and supervision of site surveillance technicians as defined in this subsection.”

1529, regardless of the quantity of asbestos requires that workers performing work with or around asbestos containing materials be protected. Under no circumstances, whether less than 100 square feet is involved or less than 1/10<sup>th</sup> of 1% asbestos is involved, can workers be exposed to asbestos above the Permissible Exposure Limit (PEL) or be exposed without the proper safeguards.

“(c) Permissible exposure limits (PELS).

- (1) Time-weighted average limit (TWA). **The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.1 fiber per cubic centimeter of air** as an eight (8) hour time-weighted average (TWA), as determined by the method prescribed in Appendix A to this section, or by an equivalent method.
- (2) Excursion limit. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 1.0 fiber per cubic centimeter of air (1 f/cc) as averaged over a sampling period of thirty (30) minutes, as determined by the method prescribed in Appendix A to this section, or by an equivalent method.”

Furthermore, the General contractor on a project can be held responsible for other contractor’s work at a site that may affect his or other workers. Contractors having knowledge of asbestos hazards or potential hazards at a work site become responsible parties to ensuring proper asbestos procedures.

“(d) Multi-employer worksites.

- (1) On multi-employer worksites, **an employer performing work requiring the establishment of a regulated area shall inform other employers on the site** of the nature of the employer's work with asbestos and/or PACM, of the existence of and requirements pertaining to regulated areas, and the measures taken to ensure that employees of such other employers are not exposed to asbestos.
- (2) **Asbestos hazards at a multi-employer work site shall be abated by the contractor who created or controls the source of asbestos contamination.** For example, if there is a significant breach of an enclosure containing Class I work, the employer responsible for erecting the enclosure shall repair the breach immediately.
- (3) **In addition, all employers of employees exposed to asbestos hazards shall comply with applicable protective provisions to protect their employees.** For example, if employees working immediately adjacent to a Class I asbestos job are exposed to asbestos due to the inadequate containment of such job, their employer shall either remove the employees from the area until the enclosure breach is repaired; or perform an initial exposure assessment pursuant to subsection (f) of this section.
- (4) **All employers of employees working adjacent to regulated areas established by another employer on a multi-employer work-site, shall take steps on a daily basis to ascertain the integrity of the enclosure and/or the effectiveness of the control method** relied on by the primary asbestos contractor to assure that asbestos fibers do not migrate to such adjacent areas.
- (5) **All general contractors on a construction project which includes work covered by this standard shall be deemed to exercise general supervisory authority over the work covered by this standard,** even though the general contractor is not qualified to serve as the asbestos “competent person” as defined by subsection (b) of this section. As supervisor of the entire project, the general contractor shall ascertain whether the asbestos contractor is in compliance with this standard, and shall require such contractor to come into compliance with this standard when necessary.”

In summary, 1529 requires the following of a contractor on a job site:

1. Determine if and where asbestos is present before starting work.
  - a. Asbestos for this purpose includes materials containing greater than 1/10<sup>th</sup> of 1% asbestos.

- b. If asbestos is present in quantities less than 100 square feet, the contractor must utilize the same procedures and provide the same protection for his workers as if an asbestos contractor was performing the work.
    - i. Most contractors do not have the required respiratory protection program, equipment, and training for their workers that compliance with this requires.
- 2. Ensure the proper handling of, and protection from any asbestos present.
  - a. This includes the requirement that a CAC conduct the sampling, provide the recommendations, and perform the final air testing to assure safety of the workers and the site.
- 3. Inform any other affected parties of any asbestos threat and the measures being taken to minimize or prevent it.