

# Hazardous Materials

MNOSHA Construction Seminar

Sept. 24, 2019

# What types of hazardous materials are we talking about?

The big ones:

- Asbestos
- Lead
- Silica



The other ones:

- Isocyanates (spray foam)
- Solvents
- Paints and stains
- Epoxy coatings
- Asphalt coatings
- What else?

# General contractor

- Have you requested all the information about hazardous materials from the building owner?
- Have you assigned specific responsibilities regarding communication?
- Have you communicated all the information about any hazardous materials to the bidding contractors?
- Do you communicate throughout the project as new things are discovered or brought on site?

# Subcontractor

- Have you requested all the information about the hazardous materials from the general contractor?
- Have you trained your employees so they know how to work around hazardous materials?
- Do you know the most common materials that may contain asbestos, lead or other hazardous materials?
- What activities do your employees conduct that expose them to hazardous materials?
- What activities on the site may expose your employees to hazardous materials?

# 1926.59 (1910.1200) Hazard communication

*Information* – Employees shall be informed of:

- the requirements of this section;
- any operations in their work area where hazardous chemicals are present; and
- the location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals and safety data sheets required by this section.



# 1926.59 (1910.1200) Hazard communication

*Training* – Employee training shall include at least:

- methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring, continuous monitoring devices, visual appearance or odor);
- the hazards of the chemicals in the work area;
- the measures employees can take to protect themselves from these hazards, such as appropriate work practices, emergency procedures and personal protective equipment to be used; and
- the details of the hazard communication program developed by the employer, including an explanation of the labels and the safety data sheet, including how employees can obtain and use the appropriate hazard information.

# 1926.59 (1910.1200) Hazard communication

In multi-employer workplaces, employers that produce, use or store hazardous substances in such a way that the employees of other employers may be exposed shall additionally ensure the employee right-to-know program developed and implemented under item B includes the following:

1. the methods the employer will use to provide the other employers with a copy of the material safety data sheet, or to make it available at a central location in the workplace, for each hazardous substance the other employers' employees may be exposed to while working;

# 1926.59 (1910.1200) Hazard communication

2. the methods the employer will use to inform the other employers of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies; and
3. the methods the employer will use to inform the other employers of the labeling system used in the workplace.

# 1926.1101(k)(1) Hazard communication

- This section applies to the communication of information concerning asbestos hazards in construction activities to facilitate compliance with this standard.
- Employers and building owners shall identify TSI and sprayed or troweled on surfacing materials in buildings as asbestos-containing, unless they determine in compliance with paragraph (k)(5) of this section that the material is not asbestos-containing. Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing unless the employer, pursuant to paragraph (g)(8)(i)(I) of this section determines that it is not asbestos-containing.

# 1926.1101(k)(2) Duty of building/facility owners

- Before work subject to this standard is begun, building and facility owners shall determine the presence, location and quantity of ACM and/or PACM at the worksite pursuant to paragraph (k)(1)(i) of this section.



The screenshot shows the OSHA website interface. At the top is the United States Department of Labor logo and name. Below that is the Occupational Safety and Health Administration logo. A navigation menu includes OSHA, WORKER, EMPLOYER, STANDARDS, and ENFORCEMENT. The main content area features a link for 'eTools, eMatrix, Expert Advisors and v-Tools / Asbestos Advisor'. Below this, the text 'OSHA Software' is followed by the stylized blue text 'Expert Systems', and 'Asbestos Advisor' is listed at the bottom.

# 1926.1101(k)(2) Duty of building/facility owners

Building and/or facility owners shall notify the following persons of the presence, location and quantity of ACM or PACM, at the worksites in their buildings and facilities. Notification either shall be in writing or shall consist of a personal communication between the owner and the person to whom notification must be given or their authorized representatives:

- prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;

# 1926.1101(k)(2) Duty of building/facility owners

- employees of the owner who will work in or adjacent to areas containing such material:
  - on multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials; and
  - tenants who will occupy areas containing such material.

# 1926.1101(k)(3) Duties of employers

- Duties of employers whose employees perform work subject to this standard in or adjacent to areas containing ACM and PACM. Building/facility owners whose employees perform such work shall comply with these provisions to the extent applicable.
- Before work in areas containing ACM and PACM is begun, employers shall identify the presence, location and quantity of ACM and/or PACM therein pursuant to paragraph (k)(1)(i) of this section.

# 1926.1101(k)(3) Duties of employers

Before work under this standard is performed employers of employees who will perform such work shall inform the following persons of the location and quantity of ACM or PACM present in the area and the precautions to be taken to ensure airborne asbestos is confined to the area:

- owners of the building/facility; and
- employees who will perform such work and employers of employees who work and/or will be working in adjacent areas.

# 1926.1101(k)(3) Duties of employers

- Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, shall inform the building/facility owner and employers of employees who will be working in the area of the current location and quantity of PACM or ACM remaining in the area and final monitoring results, if any.

# 1926.1101(k)(4) Discovery of ACM

- In addition to the above requirements, all employers that discover ACM or PACM on a worksite shall convey information concerning the presence, location and quantity of such newly discovered ACM or PACM to the owner and to other employers of employees working at the worksite within 24 hours of the discovery.

# 1926.1101(d) Multi-employer worksites

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 PACM, of the existence of and requirements pertaining to regulated areas, and the measures taken to ensure employees of such other employers are not exposed to asbestos.

# 1926.1101(d) Multi-employer worksites

- Asbestos hazards at a multi-employer worksite shall be abated by the contractor that 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.
- 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 (f) of this section.

# 1926.1101(d) Multi-employer worksites

- All employers of employees working adjacent to regulated areas established by another employer on a multi-employer worksite 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 asbestos fibers do not migrate to such adjacent areas.

# 1926.1101(d) Multi-employer worksites

- All general contractors on a construction project that 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 paragraph (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.

# HazComm: Small-entity compliance guide

## **Informing other employers or contractors**

- It is the responsibility of (name) to provide other employers and contractors with information about hazardous chemicals their workers may be exposed to on this worksite and suggested precautions for workers.
- It is the responsibility of (name) to obtain information about hazardous chemicals used by other employers to which our workers may be exposed.

# HazComm: Small-entity compliance guide

- Other employers and contractors will be provided with safety data sheets (SDSs) for hazardous chemicals generated by this company's operations in the following manner: (Describe company policy here). In addition to providing a copy of an SDS to other employers, other employers will be informed of necessary precautionary measures to protect workers exposed to operations performed by this company.
- Also, other employers will be informed of the hazard labels used by the company. If alternative workplace labeling systems are used, the other employers will be provided with information to understand the labels used for hazardous chemicals to which their workers may have exposure.

# Proposed adoption of federal regulations

- **Standards Improvement Project – Phase IV, Final rule**
- **Cranes and Derricks in Construction; Operator Qualification; Final rule**

Published in the *State Register* on Sept. 3, 2019, for a 30-day comment period.

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