

Attachment D
Written Comments

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JOSEPH CARLE

From: Scott Compton <swc@asbestos.org>
Sent: Wednesday, November 05, 2014 10:09 AM
To: JOSEPH CARLE
Subject: Comment, proposed Rule 902

J Carle,

The wording of Sections 204, 205 and 301.1b would seem to legitimize asbestos abatement contractors conducting asbestos surveys, contrary to California Business and Professions Code section 7180 – 7189.7.

For reference:

7180. **(a) No person shall, on or after July 1, 1992, engage in the practice of an asbestos consultant as defined in Section 7181, or as a site surveillance technician as defined in Section 7182, unless he or she is certified by the Division of Occupational Safety and Health pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code.**

(b) Certification as an asbestos consultant or site surveillance technician shall not be required when a licensed contractor or registered asbestos abatement contractor takes no more than 12 bulk samples of suspected asbestos-containing material that is required to be removed, repaired, or disturbed as part of a construction project in a residential dwelling solely for any of the following purposes: (1) bid preparation for asbestos abatement; (2) evaluating exposure to its own employees during construction or asbestos abatement; or (3) determining for its own purposes or for the purpose of communicating whether or not a contract for asbestos abatement has been satisfactorily completed. Persons taking samples for the purposes described in this section shall be certified building inspectors under the Asbestos Hazard Emergency Response Act, as specified in Section 763 of Title 40 of the Code of Federal Regulations, appendix (c) to subpart (e). **No licensed contractor or asbestos abatement contractor may provide professional health and safety services or perform any asbestos risk assessment.** A bid for asbestos abatement may communicate the results and location of sampling for the presence of asbestos and how the asbestos will be abated. This section does not affect the requirement that asbestos abatement contractors be registered under Section 6501.5 of the Labor Code, nor does it permit a licensed contractor or asbestos abatement contractor to perform clearance air monitoring following asbestos abatement, unless otherwise permitted by law.

Respectfully submitted,

Scott Compton

CAC 92-0018

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JOSEPH CARLE

From: Tom Wangerin <tomwangerin@gmail.com>
Sent: Friday, December 19, 2014 1:04 PM
To: JOSEPH CARLE
Subject: Comments Regarding Proposed 902 revision

I am the Director of the UC Berkeley Center for Occupational and Environmental Health (COEH) AHERA asbestos training program. I appreciate the significant effort you've made in updating your rule to make it clearer and more easily enforceable. I wish you success in this process.

I have a brief comment about Appendix C (Guidance on minimum number of samples to collect) in staff report. The following comments reflect what has been taught in our EPA and DOSH approved AHERA inspector course since 1987.

Your Appencic C table states that the AHERA sampling protocol for materials such as plaster, wall texture, and stucco is 3/5/7. I don't believe that is a correct interpretation of the AHERA sampling protocol. The 3/5/7 sampling protocol in AHERA is only for "friable surfacing material." See 786.86 "Sampling" "a" and you'll note that while this introductory paragraph is titled "surfacing," it specifically states that it only applies to "friable" surfacing materials. Thus the 3/5/7 sampling discussion is only for friable materials. This would NOT include nonfriable surfacing such as plaster, wall texture (that is normally not friable), and stucco. The sampling of these nonfriable surfacing materials is covered later by "d" Nonfriable suspected ACBM.

Whether or not you want to require 3/5/7 for all surfacing materials is up to you, but the AHERA sampling protocol does not require 3/5/7 for nonfriable surfacing such as plaster, texture coats, skim coats, joint compound, stucco, construction mastics, and roofing mastics. All these are spray or troweled on a building but under AHERA the sampling protocol is "sufficient to determine." Therefore you need to change your table to accurately reflect the correct AHERA sampling protocols for these materials.

Personally I think there is something to be recommended for using the 3/5/7 rule for plaster and other interior nonfriable surfacing materials, except for joint compound. (The 3/5/7 protocol would probably not provide an adequate number of samples for the random applications of joint compound.) However, the collection difficulty and the building skin damage created by stucco sampling leads me away from recommending that 3/5/7 be used for exterior nonfriable surfacing.



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