

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



October 3, 1990

Mr. John B. Moran
Laborers' National Health
and Safety Fund
905 16th Street, N.W.
Washington, D.C. 20006-1765

Dear Mr. Moran:

This is in response to your most recent letter concerning the Occupational Safety and Health Administration (OSHA) standard for Hazardous Waste Operations and Emergency Response (29 CFR 1910.120).

You restated several questions on the application of the training requirements for clean-up workers (29 CFR 1910.120(e)). Specifically you have asked what criteria one uses to determine whether or not employees are exposed or potentially exposed in order to trigger the training requirements.

The definition of the term "employee exposure" utilized in the scope and application section (29 CFR 1910.120(a)(1)) is consistent with the definition provided in OSHA's Hazard Communication Standard at 29 CFR 1910.1200(e) which includes potential (e.g. accidental or possible) exposure. This broad definition is necessary to characterize sites in order to identify site hazards and select worker protection methods.

As I mentioned in my previous letter, it is the responsibility of the employers of any workers at the site to ensure adequate site characterization. The information that is needed to be gathered is set forth in 1910.120(c). As a result of this process, employers are able to designate contaminated (hot zones) and uncontaminated areas (low hazard areas where no special personal protective equipment is necessary). If site activities or weather conditions change, employers must have ongoing site characterization programs.

Employees who have minimal (low risk) exposures or low probability of exposures to hazardous substances, as determined by the site characterization requirements under 29 CFR 1910.120(c), are covered by the training requirements of other standards such as 29 CFR 1910.1200. Where employee exposures approach permissible exposure limits or published exposure levels, or there is a potential for an emergency, then the training requirements under 29 CFR 1910.120 are applicable.

Thus, anyone who enters a hazardous waste site must recognize and understand any potential hazards to health and safety associated with cleanup of that site. The level of training provided must be consistent with the worker's job functions and responsibilities, the toxicity of the materials, the levels of exposure and the potential for an emergency to develop. The Hazardous Waste Operations and Emergency Response Standard along with other OSHA standards ensure this training.

In response to your concerns regarding compliance policy, you should be aware that we work closely with the Environmental Protection Agency (EPA) on issues relating to our equivalent worker protection standard. All letters of interpretations under 29 CFR 1910.120 including our correspondence with you are shared with them and OSHA Regional and Area Offices. All interpretations are fully reviewed prior to issuance and offer guidance in response to questions submitted to OSHA. As some questions are general in nature, our response must also be general in nature. This Directorate is presently engaged in developing an OSHA Instruction to provide further field compliance guidance on 29 CFR 1910.120. Copies will be made available to all interested parties when finalized.

I trust this response answers your questions. If you desire to meet with us please contact David M. Smith at (202) 523-8036.

Sincerely,

Patricia K. Clark
Director Designate
Directorate of Compliance