CONTRACTOR/SUPERVISOR ISSUES

Pre-work Activities

Supervisors on asbestos jobs have additional responsibilities that differ from regular work sites. The following is a partial list of those responsibilities.

Inspection Report

The inspection report must be reviewed so that the supervisor is familiar with the scope of the work to be performed. The inspection report must be maintained onsite.

Materials

The materials needed for an asbestos job differ from other jobs. Cleaning supplies are constantly needed. Disposable suits must be on-hand. Negative air machines and extra filters will be needed for the duration of the job.

Notifications

Have the proper federal, state, and local agencies been notified? Are all needed permits in place?

Training

Do all workers have the needed training and certifications/licenses? Have the workers received the required medical exams and fit-testing for respirator usage.

Responsibility

Who is responsible for removing any furnishings? Has the work area been secured? What about temporary power? Is there an area for storing waste before it is transported to the disposal site? Has a trucking firm been selected to transport the waste and are they licensed? All of these matters and others need to be addressed before the job starts.

Insurance

Contractors performing asbestos abatement need several types of

insurance. The different insurances protect the contractor if there is an accident or property damage associated with the work being performed.

Workers Compensation

Workers Compensation insurance **is designed to provide income for a worker who suffers an injury or illness associated with the job.** The money is paid into a fund for the worker, and the worker cannot hold the employer liable for the injury/illness.

General Liability

General Liability insurance **is designed to protect the employer from claims of personal property damage or injuries by non-employees associated with the work being performed.**

Professional Liability/Errors and Omissions

This type of insurance **is designed to protect the employer if decisions are made by the contractor or other professionals that result in extended completion dates, personal injury, or facility damage.** This insurance is usually purchased by project designers, building inspectors, and industrial hygienists.

Claims Made/Occurrence

Asbestos abatement has its own **special health hazards.** To protect workers from the **financial hardship** associated with these hazards, employers often carry a special type of insurance.

Claims-Made Insurance

...covers the worker if the claim is made while the **policy is still in effect.**

Occurrence Insurance

...covers the worker if the incident happened **during the time that the policy was in effect.**

Bonding

Another type of insurance that contractors carry is called a bond. **A bond is a type of insurance that ensures that the work will be completed.** Costs for bonding may either be based on the cost of the project for larger jobs or a flat fee for smaller jobs. Bonds are divided into three types: Bid; Performance; and Payment.

Bid

A Bid Bond **ensures that the contractor is capable of performing the work on time, within budget, and satisfactory workmanship.**

Performance

A Performance Bond **ensures that the job will be completed even if the original contractor fails to do so.** Performance bonds pay for an additional contractor to finish the work if the original contractor does not.

Payment

A Payment Bond ensures that the contractor will have the funding to complete the job. This is similar to the Performance Bond, except that it provides the contractor with funding if the facility owners miss payments for work completed.

Liability

There are three types of legal responsibility (liability) that contractors face on asbestos work sites. They are: regulatory, criminal, and civil.

Regulatory

Regulatory liability **is failure to comply with applicable federal, state, and local regulations.** These regulations include safety issues, the way that work is performed, and the way that the waste is disposed of. Penalties for failure to follow these regulations may result in fines or having licences revoked.

Civil

Civil liability **involves disputes between private parties.** Examples may include: failure to fulfill the terms of the contract;

disagreement of contract terms; or material and workmanship quality.

If any of the above result in an injury or damage, the actions can be considered “tort liability”.

Criminal

If the contractor willingly violates the laws that govern asbestos jobs, and that violation results in injury or death, the contractor can be held criminally liable. Willful violations can result in fines, imprisonment, or both.

Contract Specifications

A Contract Specification is a written document that details how the work is to be done. It lists detailed requirements concerning:

- ☐ Bid Forms
- ☐ Qualifications & experience
- ☐ Insurance requirements
- ☐ Scope of work
- ☐ Payment schedule
- ☐ Health & Safety issues
- ☐ Meeting schedules
- ☐ Security
- ☐ Use of utilities
- ☐ Submittals and notices
- ☐ Materials & equipment
- ☐ Respiratory protection
- ☐ Air monitoring
- ☐ Waste disposal
- ☐ Terms & conditions
- ☐ Material replacement
- ☐ Tool and equipment storage
- ☐ Modifications or change orders

Contract specifications must be job specific. Job-specific issues must be addressed. The issues included will change from job to job. Using a general specification form will miss many of the issues that need to be included.

When developing contract specifications, outside professionals are included in the process. Architects, engineers, legal experts, and industrial hygienists are often included in the process for their expertise.

Recordkeeping

All asbestos jobs create a large amount of records. Keeping good records is a very important part of any supervisor. Accurate records are the best defense should conflicts arise. Records are also important for regulatory compliance, public relations, and quality control. They are useful in estimating and bidding future projects.

There are different requirements for recordkeeping depending on the governmental agency involved. Understanding and following these requirements is a vital part of the supervisory portion of the job.

OSHA

Employers are responsible for maintaining the following records under OSHA law.

Exposure Assessment

Worker exposures must be kept for 30 years plus employment. These records include: date of measurement; work task being performed; sampling method used; number, duration, and results of the sampling; type of PPE being used; and the name, SS#, and exposure results of the affected employees.

Medical Surveillance

All medical records must be kept for 30 years plus employment. These records include: name and SS#; medical exam results, including history, questionnaire responses, exam results, and physician recommendations. If exposures are above the levels that are considered safe, these monitoring results become part of the medical records.

Employees or their representatives have the right to get copies of their medical records when they leave the job. It is recommended that they do so. These records are for your protection. Keep them in a safe place. You or you family may need them in the future.

Training

All training records of employees must be kept for one year

after the last day of employment.

Identification, Location, and Quantity of ACM or PACM

Any records of asbestos containing materials, their location, and the method used to determine the findings must be kept by the owner of the facility for as long as they maintain ownership. If the building is sold, these records are transferred to the new owner.

If any tests have been done to prove that materials do not contain asbestos, they must also be kept and transferred to the new owners.

Records Transfer

All of these records must be made available to OSHA or NIOSH if requested. If the employer goes out of business, all records must be transferred to NIOSH.

EPA

The Environmental Protection Agency also requires certain records to be kept and maintained. The National Emissions Standard for Hazardous Air Pollutants (NESHAP) lists these requirements.

A Waste Shipping Record (manifest) must be kept for all shipments of asbestos waste. The landfill operator receives this manifest.

Within 35 days, the landfill operator must return a copy of the manifest to the generator (contractor). If the generator does not receive the copy, they must contact the landfill operator to determine the status of the shipment.

If the shipment cannot be tracked within 45 days, the EPA must be notified by an exception report.

AHERA

Asbestos abatement in schools have additional recordkeeping rules to follow. These records must be maintained for all asbestos work performed in schools.

- ⌂ Each preventative measure or response action.
- ⌂ Results of any air sampling.
- ⌂ Training records for anyone involved in abatement or O&M.
- ⌂ Results of periodic inspection of asbestos being managed in place.
- ⌂ Any clean-up involving ACM.
- ⌂ Any O&M activity.
- ⌂ Any maintenance involving ACM.
- ⌂ Any fiber release episode.

Key Facts

An asbestos job takes a lot of planning. There are many considerations that are not found on regular jobs.

Asbestos jobs create a large amount of paperwork.

Maintaining accurate records will aid in:

- **Reducing liability in proving that all regulations were complied with.**
- **Proving that the work was done properly.**
- **Lowering insurance costs.**
- **Marketing the company to earn additional contracts.**

In addition, it is a good idea to keep a personal journal documenting events that occurred during the job and how they were resolved. If you are required to defend your actions, this journal will detail exactly how incidents were handled.

ASBESTOS ABATEMENT CHECKLIST
SUPERVISORY CHECKLIST

This checklist should be considered only a guideline for project management and reviewed to understand the scope and responsibility a supervisor takes on when he or she agrees to manage an asbestos abatement project.

Notification Given To:	Yes	No	Comments
EPA			
State Agency(s)			
1. Preparation of the Regulated Area			
Warning Signs posted			
☐ Barrier tape and/or ☐ plastic fencing erected			
Contractor License posted			
☐ EPA notification and/or ☐ State notification posted			
Site Safety and Health plan available			
Emergency phone numbers posted			
Emergency evacuation plan posted			
Written Hazcom program available			
Written Respiratory Protection Program available			
Decon erected w/taped directional evacuation ➜			
Decon contiguous to the regulated area			
Lockers available for street clothes			
Lock box(s) for personal valuables			
Shower has hot and cold water			
Towels, soap, and shampoo available			

1. Preparation of the Regulated Area – cont'd	Yes	No	Comments
Sanitary conditions in shower maintained			
Disposal bin for disposable coveralls			
Disposal bag for filters			
Container for respirators for sanitizing			
Plan for Decon utilization - M/F			
HVAC shut down and locked out			
Holder of HVAC lockout key is: Name:			
HVAC filters discarded as ACM waste			
Interior surfaces of the HVAC duct work deconed			
Critical openings pre-cleaned and sealed			
Regulated Area pre-cleaned			
2 layers of 6 mil poly on the floor and up wall - 12"			
Poly on walls per state regulation or best practice			
First wall layer starts approx. 12" from ceiling			
Seams between layers overlapped at least 6"			
Taped directional evacuation ➜ 1' above floors			
Optional smoke testing of containment			
Entrance to Regulated Area locked at night			
Electrical system □ shut off and □ locked out			
Temporary electrical service w/GFCIs established			
Temporary low-voltage lights			
Light Fixtures cleaned			
Light fixtures □ sealed and removed			
Holder of electrical lockout key is: Name:			
Moveable items pre-cleaned			

1. Preparation of the Regulated Area – cont'd	Yes	No	Comments
Moveable items removed from the regulated area			
Stationary items pre-cleaned			
Stationary items sealed with poly critical barriers			
NAMs set up			
# of NAMS set up			
Adequate supply of ☐1st and ☐2nd pre-filters			
At least 4 air changes an hour in containment			
-0.02 pressure maintained in containment			
Manometer calibrated daily			
Manometer checked at least hourly			
Only HEPA vacuums are used			
Adequate supply of ☐1st and ☐2nd pre-filters			
# of personnel in the containment	#		
# of visitors in the containment	#		
Workers certifications current			
Supervisors certifications current			
Competent Person	Name:		
Respiratory Program Administrator	Name:		
CPR current trained person	Name:		
First Aid current trained person	Name:		
Name of company conducting employee exposure air sampling	Name:		
Name of monitoring tech(s) performing testing	Name(s):		

1. Preparation of the Regulated Area – cont'd	**Yes**	**No**	**Comments**
All air sampling data is being provided ☐ in writing and ☐ in a timely manner			
Name of company conducting air sampling outside the regulated area/containment	Name:		
All air sampling data is being provided ☐ in writing and ☐ in a timely manner			
Medical records current			
Log 300 current			
2. Personal Protective Equip & Respirators	**Yes**	**No**	**Comments**
Personnel trained in ☐ PPE and ☐ Respirators			
NIOSH – approved respirators in use			
Personnel medically approved to wear respirators			
Personnel ☐ Qualitative ☐ Quantitatively Fit-tested			
Respirator brand, model, and sizes – APR/PAPR			
Respirator brand, model, and sizes – Type C PP/PD			
Breathing Air quality for Type C checked by	Name:		
Type(s) of filters used: ☐ HEPA; ☐ Organic, ☐ Combo			
Non-alcohol wipes for personal cleaning			
Multiple wash & rinse respirator sanitizing station			
Proper storage area for respirator storage			
Stocked respirator repair kit for each brand & model			
Modesty ☐ tops and/or ☐ bottoms provided			
Hooded Tyvek® and/or Saranek® suits provided			
Protective ☐ boot covers or ☐ boots provided			
☐ Latex or ☐ Nitrile surgical gloves provided			
☐ Cotton, ☐ Leather, &/or ☐ Kevlar gloves provided			

2. Personal Protective Equip & Respirators	Yes	No	Comments
Duct tape			
Hard hats			
Goggles			
Hearing loss protection			
Personnel in PPE checked for jewelry and cosmetics			
3. Work Practices	**Yes**	**No**	**Comments**
Daily Log Book maintained			
Quality of work in the containment checked by a supervisor at least 4 times a shift			
Personnel enter the Clean Room of the Decon and don their PPE, respirator, and filter(s)			
Personnel pass through the Shower Room on their way to the Equipment Room			
Personnel enter the Equipment Room of the Decon and may put on outer ☐ boots, ☐ gloves and ☐ hard hats as needed and then enter the regulated area or containment			
Wet methods with ☐ Amended water with ☐ low pressure sprayers are used			
Excess water build-up is removed quickly			
Debris on ☐ floor and ☐ scaffolds keep to a minimum – cleanup is almost immediate			
Waste is bagged or wrap while damp/wet			
Waste is carefully lowered in bags or sent down covered chutes from heights 10' or greater			
Containment checked at the end of each shift for quality of cleanup			

3. Work Practices cont'd	Yes	No	Comments
Personnel are not allowed to eat, smoke, chew products, or drink in the containment			
Tools are insulated against electric shock			
Tools are properly stored in the containment when not in use			
Broken or worn tools replaced at shift's end			
Tools are properly cleaned prior to removal from the work area			
☐ Wooden and/or ☐ fiberglass ladders are used in the containment			
Scaffolds over 10' high have guardrails and toeboards			
Personnel HEPA vacuums PPE before entering Equipment Room of decon			
Personnel properly remove contaminated PPE in the Equipment Room of the Decon and put them is disposal containers there			
Personnel properly removes filters and rinses respirators while still on face in the Shower Room of the Decon and place filters and respirators in containers			
Personnel in the Clean Room of the Decon change into street clothes or modesty clothing and exit the Decon			
A final visual inspection is done by a supervisor prior to clearance air sampling			
A final visual inspection is done by a third party consultant prior to clearance air sampling			
Critical barriers in place during final clearance air sampling			

3. Work Practices cont'd	Yes	No	Comments
Visual inspection conducted by an inspector prior to repainting/encapsulation/removal/replacement			
Following removal of critical barriers, all surfaces in contact with the barriers are inspected to ensure that no surface contamination is visible			
4. Disposal	**Yes**	**No**	**Comments**
6 mil poly disposal bags are used			
Waste is double bagged or double wrapped			
Decon ☐ shower filters and ☐ filtered water waste are disposed of as asbestos waste			
Bags are filled no more that half-full, at most			
Bags are goose-necked			
Outside disposal bag is labeled			
Bags are cleaned (☐ rinse; ☐ HEPA vacuumed) in the containment area before transfer to the waste load-out area			
Disposal bags containing sharp-edged material are packed in a labeled cardboard or metal drum			
Bags and/or metal drums are ☐ rinsed and/or ☐ HEPA vacuumed in waste load-out area before leaving the containment			
Disposal bags and drums are handled carefully			
Waste bags and/or drums are stored in a secure area (dumpsters or a locked room) until loaded on a placarded/labeled disposal truck			
Waste hauler has ☐ proper and current licenses, ☐ forms to document waste pickup and deposit at a ☐ proper landfill, and ☐ verification of delivery form for supervisor's records + NESHAP record			