

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

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ADDRESS REPLY TO:
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March 7, 2012

Kevin Olson, Staff Chief, Department Training and EMS Chief
Mike Richwine, Staff Chief, State Fire Training Chief
California Department of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

RE: CALIFORNIA CODE OF REGULATIONS TITLE 8, SECTION 1529 AND LIVE FIRE SAFETY TRAINING EXERCISES IN ACQUIRED STRUCTURES.

Dear Chiefs Olson and Richwine,

I am writing in response to your February 1, 2011 letter to our then department Director Duncan. In your letter and in follow up conversations I had with Deputy Chief Roberts, your department asks for our concurrence that live fire training exercises in acquired structures do not fall within the scope of Title 8 of the California Code of Regulations (T8CCR) section 1529 regarding occupational exposure to asbestos.

Regarding the scope of T8CCR 1529, subsection (a) Scope and application, states in part: "This section regulates asbestos exposure in all construction work as defined in Section 1502 ..." The applicable definition in T8CCR 1502 (a) states: "These Orders establish minimum safety standards whenever employment exists in connection with the construction, alteration, painting, repairing, construction maintenance, renovation, removal, or wrecking of any fixed structure or its parts. These Orders also apply to all excavations not covered by other safety orders for a specific industry or operation."

As described in your letter and conversations, your live fire training exercises do not fall within the definition of construction in T8CCR 1502(a) and therefore, do not fall under the scope of T8CCR 1529. More appropriately your operations that involve occupational exposure to asbestos would fall under General Industry Safety Order T8CCR section 5208 which states in subsection (a) Scope and application that it "applies to all occupational exposures to asbestos in all industries covered by the California Occupational Safety and Health Act, except construction work as defined in Section 1502,"

Please note that the requirements for respiratory protection specified in T8CCR 5208 would also apply during post-fire overhaul operations.

In conclusion, your department should conduct its live fire exercises in acquired structures under the requirements of T8CCR section 5208 to ensure your firefighters and other potentially exposed non-construction workers are adequately protected from asbestos. If you have any questions or would like to discuss this matter more fully, please feel free to contact me at the above address or telephone number.

Regards,



Jeff Ferrell, Senior Safety Engineer
Cal/OSHA Asbestos Unit

Cc: Ellen Widess, Chief, Cal/OSHA
Steve C. Smith, Principal Safety Engineer
Deborah Gold, Deputy Chief of Health, Cal/OSHA

Tony Roberts, DFFP Deputy Chief
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1529 & 5208 file