

ARTICLE 55

Asbestos

Section 1. The Agency shall administer the Asbestos Control Program in accordance with FAA Orders 1050.20 and 3900.19.

Section 2. At intervals not greater than ~~nine (9)~~twelve (12) months, the Agency shall conduct an inspection of asbestos containing building materials (ACBM) and air monitoring for airborne asbestos fibers in accordance with OSHA/EPA protocol, in all manned facilities known to contain friable asbestos-containing materials (ACM) or non-friable ACM which is likely to become friable, whether exposed or contained internally in the construction of the facility. The testing of unmanned facilities will be done in accordance with the OSHA/EPA standards. Upon request, the Union Representative or his/her designee shall be allowed to observe the test process and shall receive a written copy of the results. All testing shall be conducted by a qualified employee or certified contractor specializing in asbestos/air quality monitoring. The Union, at its own expense, may designate a Certified Industrial Hygienist (CIH) to observe all air monitoring activities conducted by the Agency's qualified employee or certified contractor.

Section 3. All employees who work in facilities with Asbestos Containing Material and/or Presumed Asbestos Containing Materials (ACM/PACM) shall receive Asbestos General Awareness Training in accordance with FAA Order 1050.20.

Section 4. The Agency will notify the designated Union representative and all potentially impacted employees when an unanticipated release of asbestos is known. Within six working days of each occurrence, where it becomes known that an asbestos exposure meets or exceeds the Occupational Safety and Health (OSHA) Permissible Exposure Limit (PEL), Time Weighted Average (TWA) or Excursion Level (EL), the Agency will document the bargaining unit employee(s) exposure and provide written notification to each of those bargaining unit employee(s) that the incident has been appropriately documented.

Section 5. Medical surveillance requirements for FAA employees following unanticipated, episodic releases of asbestos containing dust shall be in accordance with FAA Order 3900.19.

Section 6. Any evidence of visible release or airborne asbestos contamination, in excess of FAA/OSHA safety limits, shall result in immediate control steps by the Agency to abate the hazard caused by the asbestos. The Agency shall retain an asbestos abatement contractor as soon as possible, if needed to abate the hazard.

Section 7. If protection measures will not provide adequate protection of occupants, the Agency will relocate bargaining unit employees outside of the affected work area while asbestos removal or renovation work is being done. This includes any work where asbestos may be disturbed due to construction activity.

Section 8. All abatement workers will be trained in accordance with OSHA, EPA, state and local regulations. Bargaining unit employees who work in facilities known to contain asbestos will receive a pre-construction briefing before any major renovation or removal project in their work place.

Section 9. When air sampling is required, the Agency will ensure the air samples are taken according to OSHA regulations and FAA orders, both inside and outside the containment. Sample results will be posted the day they are received. Results will be made available to the appropriate Union Representatives immediately upon request. At the request of the Union, personal monitoring shall also be conducted in accordance with the model contingency plan on at least one (1) employee in areas occupied by bargaining unit employees.

Section 10. The abatement area cannot be reoccupied until it has passed a visual inspection and met clearance air sampling criteria, e.g., by PCM or Transmission Electron Microscopy (TEM), in accordance with applicable regulations and FAA Orders.

Section 11. A Certified Industrial Hygienist (CIH) will oversee abatement activities and associated air monitoring as required by FAA Orders. Any reports received by the Agency from the CIH will be shared with the Union. The Union, at its own expense, may designate a CIH to observe the work of the abatement contractor. The Union will provide the Agency advance notice of visits by its CIH.

Upon request, the Union will be given the air sampling slides for validation by an accredited laboratory. These materials will be returned to the Agency with a written chain-of-custody record covering the period during which they were outside the possession of the Agency. Upon request, the Union's CIH will be given the opportunity to validate, through an accredited laboratory, any air samples collected by the Agency. The Union's CIH will be allowed to perform side-by-side air monitoring on a random basis, on days and times to be determined by the Union, at the Union's expense. The Parties will exchange copies of all reports, records, memoranda, notes, and other documents prepared by the Agency, the Agency's contractor, the Union, the Union's CIH, and the Union's accredited laboratory.

Section 12. The Agency will ensure that all asbestos abatements and/or cleanup operations from accidental release are conducted according to FAA Orders and applicable regulations. The Agency may create a team of specially trained employees to respond and contain the area to prevent the spread of contamination to nearby work areas, until such time as a licensed contractor can be obtained. 29 CFR 1910.~~1101~~1001 shall apply under this Section.

Section 13. Should the Agency appoint a national investigative team or similar group as a result of incidental asbestos release at any manned facility, the Union's National Safety Representative or designee shall be offered participation on the team. Official time,

travel and per diem for the National Safety Representative shall be authorized and paid for by the Agency.

Section 14. When the Agency convenes a meeting under paragraph 2 of the Agency's Policy Memorandum AEE097-01 to address potential exposure of bystander employees not supported by valid employee air monitoring, the Union's National Safety Representative or designee will be invited to attend the meeting and shall assist in making recommendations regarding the likelihood of an employee's exposure to asbestos. The Union Representative will be provided a copy of all data used in the evaluation, unless prohibited by law. The decision regarding whether an exposure above the PEL occurred will be made by the Agency.

Section 15. No bargaining unit employees, other than those who may be required to use a respirator, shall be required to complete the medical questionnaire under 29 CFR 1910.~~34~~134(e).

Section 16. Any bargaining unit employee who is medically unable to use a respirator shall be accommodated to the full extent of the law and applicable regulations, directives and this Agreement.

Section 17. The Agency has determined that an assignment of an employee to the full scope of work responsibilities associated with a Facility Asbestos Coordinator (FAC) requires a level of oversight, training and experience commensurate with the Safety Environmental and Compliance Manager (SECM) position. However, there are duties associated with the responsibilities of a FAC which may be assigned to other qualified bargaining unit employees, provided the employee is given oversight by a SECM or other appropriate Agency personnel, and has received training appropriate for the specific task assignment.

Section 18. Naturally Occurring Asbestos. When the Agency becomes aware of the presence of naturally occurring asbestos where bargaining unit employees perform their duties, including traveling to and from duty sites, the Agency shall:

1. ~~provide~~Provide all relevant information in the Agency's possession to the local Union representative and the Union's Regional Safety Representative, unless prohibited by law; and
2. ~~ensure~~Ensure employees who may encounter naturally occurring asbestos at FAA facilities or while traveling on official duty to FAA facilities, are provided with personal protective equipment (PPE) or other control measures as necessary to prevent exposure in excess of OSHA Permissible Exposure Limits.