

# ASBESTOS

*(Statutory authority: Labor Law, § 906)*

- Subpart 56-1 General Provisions
- Subpart 56-2 Licensing and Certification
- Subpart 56-3 In-Plant and Emergency Operations
- Subpart 56-4 Work Area Entry and Exit Procedures
- Subpart 56-5 Equipment and Waste Container Decontamination and Removal Procedures
- Subpart 56-6 Engineering Controls
- Subpart 56-7 Materials and Equipment
- Subpart 56-8 Work Area Preparation
- Subpart 56-9 Personal Decontamination Enclosure System
- Subpart 56-10 Waste Decontamination Enclosure System
- Subpart 56-11 Access to and Maintenance of Decontamination Enclosure systems and Work Area Barriers
  
- Subpart 56-12 Handling and Removal Procedures
- Subpart 56-13 Encapsulation Procedures
- Subpart 56-14 Asbestos Material Enclosure Procedures
- Subpart 56-15 Cleanup Procedures
- Subpart 56-16 Minor Project Procedures
- Subpart 56-17 Air Sampling, Monitoring and Analysis
- Subpart 56-18 Miscellaneous

**Historical Note:** Part (Subparts 56-1 - 56-17) filed July 7, 1987 eff. July 28, 1987.

## **SUBPART 56-1**

### GENERAL PROVISIONS

Sec.

- 56-1.1 Title and citation
- 56-1.2 Purpose and intent of this Part
- 56-1.3 Application
- 56-1.4 Definitions
- 56-1.5 Responsibility of contractor
- 56-1.6 Notice and recordkeeping requirements
- 56-1.7 Emergency asbestos project notification Procedures
- Subpart 56-17 Air Sampling, Monitoring and Analysis
- Subpart 56-18 Miscellaneous

**Historical Note:** Subpart (§§56-1.1 - 56-1.7) filed July 7, 1987 eff. July 28, 1987.

#### **§ 56-1.1 Title and citation.**

Within and for the purposes of the Department of Labor, this Part (rule) may be known as Industrial Code Rule No. 56, relating to hazards to the public safety and health, during the removal, encapsulation, enclosure or the disturbance of friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber. It may be cited as Rule 56 Asbestos as an alternative and without prejudice to its designation and citation established by the Secretary of State.

**Historical Note:** Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan 1, 1992.

## § 56-1.2 Purpose and intent of this Part.

(a) *Legislative concern.* The Legislature has declared that exposure to asbestos fibers, a known carcinogenic agent, creates a serious risk to the public safety and health, and that the public is more frequently exposed to these risks as a result of an increasing number of rehabilitation, reconstruction and demolition projects on buildings or structures containing asbestos or asbestos materials.

(b) *Purpose and intent.* It is the purpose and intent of this Part (rule) to reduce the public associated with exposure to asbestos and to conform to Federal requirements set forth in the Asbestos Hazard Emergency Response Act (AHERA) by requiring appropriate training and certification of persons employed in all aspects of an asbestos project, as well as those who supervise and employ them; by requiring the licensing of asbestos contractors; by setting forth standards and procedures that shall be followed when removing, enclosing, encapsulating, or disturbing friable asbestos or handling asbestos or asbestos materials in a manner which may result in the release of asbestos fiber; by requiring notification of the Department of Labor prior to commencement of large asbestos projects; by requiring notification of building occupants and predemolition surveys; by setting forth recordkeeping and reporting requirements for asbestos contractors; and by establishing an inspection and enforcement program within the Department of Labor.

**Historical Note:** Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

## § 56-1.3 Application.

This Part (rule) shall apply throughout the State of New York to the State, any political subdivision of the State, public authorities, or any other governmental agencies or instrumentalities thereof, self-employed persons, companies, unincorporated associations, firms, partnerships or corporations, and any owners or operators thereof, which engage in and employ persons in the conduct of any phase of an asbestos project, including planning, design, monitoring, inspection, or an actual abatement. This Part (rule) shall not apply to the manufacture of asbestos or asbestos material or to manufacturing processes involving the use of asbestos or asbestos material.

**Historical Note:** Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

## § 56-1.4 Definitions.

As used in or in connection with this Part (rule), the following terms shall mean:

(a) *Abatement.* Procedures to control fiber release from asbestos material. This includes removal, encapsulation, enclosure and repair, disturbance of friable asbestos or any handling of asbestos material that may result in the release of asbestos fiber.

(b) *Aggressive sampling.* A method of sampling in which the person collecting the air sample creates activity by the use of mechanical equipment during the sampling period to stir up settled dust and simulate activity in that area of the building.

(c) *Agricultural building.* A building which is/was exclusively used for agricultural or horticultural activity but not structures or buildings used for residential purposes or the processing or retail merchandising of agricultural or horticultural commodities.

(d) *AIHA.* The American Industrial Hygiene Association. (As of 1991, located at P.O. Box 8390, 435 White Pond Drive, Akron, OH 44320.)

(e) *Airlock.* A system for permitting entrance and exit while restricting air movement between a contaminated area and an uncontaminated area. It consists of two curtained doorways separated by a distance of at least three feet, such

that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.

(f) *Air sampling.* The process of measuring the fiber content of a known volume of air collected during a specific period of time.

(g) *Amended water.* Water to which a surfactant has been added.

(h) *Approved asbestos safety training program.* A program, approved by the Commissioner of Health, providing training in the various disciplines which may be involved in an asbestos project.

(i) *Area air sampling.* Any form of air sampling or monitoring where the sampling device is placed at some stationary location.

(j) *Asbestos.* Any naturally occurring hydrated mineral silicate separable into commercially usable fibers, including chrysotile (serpentine), amosite (cumingtonite-grunerite), crocidolite (riebeckite), tremolite, anthophyllite and actinolite.

(k) *Asbestos handler.* Any person who performs the duties described in section 56-2.2(c)(1) of this Part.

(l) *Asbestos handling certificate.* A certificate issued by the commissioner in any of the categories set forth in section 56-2.2(c) of this Part.

(m) *Asbestos handling license.* A license issued by the commissioner pursuant to the provisions of this Article to a contractor engaged in an asbestos project.

(n) *Asbestos material.* Any material containing more than one percent by weight of asbestos.

(o) *Asbestos project.* Work undertaken by a contractor which at any time involves any aspect of the removal, encapsulation, enclosure or disturbance of friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber, except work in an owner-occupied single family dwelling performed by the owner of such dwelling. An asbestos project shall include the planning, design, monitoring, inspection and air sampling of abatement work, as well as the supervising of such activities.

(1) Where all asbestos work on a project is subcontracted to a contractor with an asbestos handling license, only that part of the work involving asbestos shall be deemed to be an asbestos project.

(2) Asbestos projects include large asbestos projects, small asbestos projects, minor asbestos projects, repairs and emergency projects as defined elsewhere in the Part (rule). For purposes of licensing, certification, notification, and air monitoring, asbestos project shall include in-plant operations.

(p) *Asbestos project air sampling technician.* An individual who performs the duties described in section 56-2.2(c)(3) of this Part.

(q) *Asbestos waste.* Asbestos material or asbestos contaminated objects requiring disposal pursuant to any applicable State or Federal law or regulation.

(r) *Authorized visitor.* The building owner, his or her agent or representative, any party contracting for services on an asbestos project whether on his or her own behalf or on behalf of another, insurance appraisers or inspectors, utility company representatives, the commissioner or his/her agents, and personnel of any regulatory or other agency having jurisdiction over the project.

(s) *Background level monitoring.* A method used to determine airborne asbestos fiber concentrations inside and outside of a building or structure prior to starting an asbestos project.

(t) *Building owner.* The person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance building owner means the person in whom beneficial title is vested.

(u) *CIH.* Certified Industrial Hygienist is the certification status designated by the American Board of Industrial Hygiene (ABIH) (As of 1991, located at 4600 Saginaw, Suite 101, Lansing, MI 48917-2737).

(v) *Clean room.* An uncontaminated area or room which is a part of the personal decontamination enclosure with provisions for storage of persons' street clothes and protective equipment.

(w) *Cleanup.* The utilization of HEPA vacuuming and/or wet cleaning to control and eliminate accumulations of asbestos material and asbestos waste material.

(x) *Clearance air monitoring.* The collection of a volume of air using aggressive sampling techniques and analyzed to determine the airborne concentration of fibers upon conclusion of an asbestos abatement project.

(y) *Commissioner.* The Commissioner of Labor.

(z) *Contractor.* The State, any political subdivision of the State, a public authority or any other governmental agency or instrumentality thereof, self-employed person, company, unincorporated association, firm, partnership or corporation and any owner or operator thereof, which engages in an asbestos project or employs persons engaged in any phase of an asbestos project.

(aa) *Curtained doorway.* A device which consists of at least three overlapping sheets of plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

(ab) *Decontamination enclosure system.* A series of connected rooms, separated from the work area and from each other by air locks, for the decontamination of persons, materials and equipment.

(1) The component rooms of the personal decontamination system shall consist of the following:

(i) clean room;

(ii) shower room; and

(iii) equipment room.

(2) The component rooms of a waste decontamination system shall consist of the following:

(i) washroom or clean-up room; and

(ii) holding area.

(3) See Figures 1, 2, 3 and 4 and the definitions for each room or area found elsewhere in section 56-1.4 of this Subpart. See also Subparts 56-9 and 56-10 of this Part.

(ac) *Demolition.* The total razing of a building or an entire portion thereof.

(ad) *Department.* The Department of Labor.

(ae) *Emergency*. An unexpected, unanticipated or unforeseen occurrence, including but not limited to, a steam, chemical, gas or water line rupture, a boiler failure, or a building collapse, which poses (1) an imminent danger to the health and safety of the public, the response to which will constitute an asbestos project; or (2) an asbestos-related risk to the health and safety of the public from exposure to asbestos fibers. See Subpart 56-3.2 of this Part.

(af) *Encapsulant (sealant) or encapsulating agent*. A liquid material which can be applied to asbestos material and which prevents the release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant). (ag) *Encapsulation*. The coating or spraying of asbestos material with an encapsulant (sealant) or encapsulating agent.

(ah) *Enclosure*. The construction of airtight walls, ceilings and floors between the asbestos material and the facility environment, or around surfaces coated with asbestos material, or any other appropriate procedure as determined by the department which prevents the release of asbestos fiber.

(ai) *EPA*. The Environmental Protection Agency, Region II, Air and Hazardous Material Division. (As of 1990, located at 26 Federal Plaza, New York, NY 10278.

(aj) *Equipment room*. A contaminated area or room which is part of the personal decontamination enclosure system with provisions for the storage of contaminated clothing and equipment. See Subpart 56-9 of this Part.

(ak) *Fixed object*. A unit of equipment, furniture or other fixture in the work area which cannot be readily removed from the work area.

(al) *Friable*. That condition of crumbled, pulverized, powdered, crushed or exposed asbestos which is capable of being released into the air by hand pressure.

(am) *Friable material containment*. The encapsulation or enclosure of any friable asbestos material.

(an) *Glovebag technique*. A method for removing asbestos material from heating, ventilating, and air conditioning (HVAC) ducts, piping runs, valves, joints, elbows, and other nonplanar surfaces. The glovebag assembly is a manufactured device consisting of a glovebag constructed of at least six-mil transparent plastic, two inward-projecting long-sleeve gloves, which may contain an inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle or portion for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the abatement process.

(ao) *HEPA filter*. A high efficiency particulate air filter capable of trapping and retaining 99.97 percent of asbestos fibers greater than 0.3 microns equivalent aerodynamic diameter.

(ap) *HEPA vacuum equipment*. Vacuuming equipment with a high efficiency particulate air filtration system.

(aq) *Holding area*. A chamber in the waste decontamination enclosure located between the washroom and an adjacent uncontaminated area.

(ar) *Homogeneous work area*. A site within the abatement area where one type of asbestos material is contained and one type of abatement is used.

(as) *In-plant operations*. Any work within the premises of an employer other than the State, any political subdivision of the State, a public authority or other governmental agency or instrumentality thereof, in an area to which persons other than those directly involved in the work will not have access during the course of the work and which is performed in a manner consistent with Federal regulations promulgated under the Federal Occupational Safety and Health Act pursuant to chapter 15 of title 29 of the United States Code (OSHA), and is performed in a manner which

will not expose the public to asbestos fibers in excess of background levels or .01 fibers per cubic centimeter, whichever is greater, provided that the work involves the encapsulation, enclosure, removal, disturbance or handling of: less than 160 square feet or 260 linear feet of asbestos or asbestos material and is performed by employees of such employer; or built-up roofing material, flashing, transite roofing and siding, roofing shingles, asbestos cement siding and pipe, galbestos roofing and siding, shingle siding, transite pipe, vinyl asbestos tile, ceiling tiles/panels, fire curtains, and transite or galbestos panels (such as, but not limited to, those used in soffits, fences, thermal dividers, laboratory hoods, drive-in screens and water towers).

*Note:* The "in-plant operations" exception created in section 901(12) of the Labor Law is LIMITED in scope.

(1) There is no exemption from requirements for licensing and certification set forth elsewhere in this Part (rule). See Subpart 56-2 of this Part.

(2) There is no exemption from requirements for air monitoring set forth in this Part (rule). See Subpart 56-17 of this Part.

(3) There is no exemption from requirements for project notification or from notice to residents/occupants set forth in this Part (rule). See sections 56-1.6 and 56-1.8 of this Subpart, respectively.

(4) There is no exemption from recordkeeping requirements of Labor Law, section 904 and section 56-1.6(a)(1)(i)-(ix) of this Subpart.

(5) For all of these purposes, in-plant operations are asbestos projects as defined in section 56-1.4 (o) of this Subpart.

(6) There is a LIMITED EXEMPTION from other Code Rule 56 work practices where ALL of the following conditions are met:

- (i) the project takes place within the premises of the nonpublic employer;
- (ii) the project takes place in an area to which persons other than those directly involved in the work will not have access during the course of the work;
- (iii) the project is performed in a manner consistent with OSHA standards;
- (iv) the project is performed in a manner which will not expose the public to fiber concentrations exceeding background levels or .01 fibers per cubic centimeter, whichever is greater; and
- (v) The project.

(a) involves encapsulation, enclosure, removal, disturbance or handling of less than 160 square feet or 260 linear feet of asbestos or asbestos material and the work is performed by employees of the employer; or

(b) involves the encapsulation, enclosure, removal, disturbance or handling of built-up roofing material, flashing, transite roofing and siding, roofing shingles, asbestos cement siding and pipe, galbestos roofing and siding, shingle siding, transite pipe, vinyl asbestos tile, ceiling tiles/panels, fire curtains, and transite or galbestos panels (such as, but not limited to, those used in soffits, fences, thermal dividers, laboratory hoods, drive-in screens and water towers).

(7) If the materials listed in clause (6)(v)(b) of this subdivision are involved, an employer may employ an outside contractor (i.e., the work need not be performed by employees of such employer).

(at) *Inspector.* Any person who performs the duties described at section 56-2.2(c)(4) of this Part.

(au) *Large asbestos project.* An asbestos project involving the removal, disturbance, enclosure, encapsulation or handling of 160 square feet or more of asbestos or asbestos material or 260 linear feet or more of asbestos or asbestos material.

(av) *Management Planner.* Any person who performs the duties described at section 56-2.2 (c)(9) of this Part.

(aw) *Minor asbestos project.* An asbestos project involving the removal, disturbance, repair, encapsulation, enclosure or handling of 10 square feet or less of asbestos or asbestos material, or 25 linear feet or less of asbestos or asbestos material.

(ax) *Movable object.* A unit of equipment, piece of furniture or any fixture in the work area which can be readily removed from the work area.

(ay) *Negative air pressure equipment.* A local exhaust system equipped with HEPA filtration. The system shall be capable of creating and maintaining a negative pressure differential between the outside and the inside of the work area.

(az) *NIOSH.* The National Institute for Occupational Safety and Health. (As of 1990 located at CDC - NIOSH, Building J N.E., Room 3007, Atlanta, GA 30333.)

(ba) *Nonasbestos material.* Any material containing one percent or less by weight of asbestos.

(bb) *Occupied area.* Any frequented portion of the work site where abatement is not taking place.

(bc) *Operations and maintenance worker.* Any person who performs the duties described at section 56-2.2(c)(5) of this Part.

(bd) *OSHA.* The Occupational Safety and Health Administration. (As of 1990, located at 200 Constitution Avenue, N.W., Washington, DC 20210.)

(be) *Outside air.* The air outside the building or structure.

(bf) *Person.* Any natural person.

(bg) *Personal decontamination enclosure system.* An area designated for controlled passage of all persons, consisting of a clean room, a shower room, and an equipment room, in series, separated from each other and from the work area by airlocks.

(bh) *Personal protective equipment.* Clothing, head gear, eye protection, footwear and gloves as required by this Part (rule).

(bi) *Plasticize.* To cover floors, walls, ceilings and other surfaces with fire-retardant plastic sheeting as herein specified.

(bj) *Project Designer.* Any person who performs the duties described at section 56-2.2(c)(7) of this Part.

(bk) *Project Monitor.* Any person who performs the duties described at section 56-2.2(c)(8) of this Part.

(bl) *Public.* Any natural person except (1) a person engaged in an asbestos project; (2) an authorized visitor; (3) police, fire, or other public safety personnel.

(bm) *Removal.* The stripping of any asbestos material.

(bn) *Repair*. Corrective action using required work practices to control fiber release from damaged asbestos material.

(bo) *Respiratory protection*. Respiratory protection required of authorized visitors in accordance with this Part (rule).

(bp) *Restricted asbestos handler-allied trades*. Any person who performs the duties described at section 56-2.2(c)(2) of this Part.

(bq) *Satisfactory clearance air monitoring results*. For all post-abatement samples, airborne concentrations of asbestos fibers that are less than 0.01 fibers per cubic centimeter or background levels, whichever is greater.

(br) *Shower room*. A room between the clean room and the equipment room in the personal decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

(bs) *Small asbestos project*. An asbestos project involving the removal, encapsulation, enclosure, or disturbance of friable asbestos, or any handling of more than 10 and less than 160 square feet of asbestos or asbestos material or more than 25 and less than 260 linear feet of asbestos or asbestos material.

(bt) *Staging area*. The area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the work area.

(bu) *Supervisor*. Any person who performs the duties described at section 56-2.2(c)(6) of this Part.

(bv) *Surfactant*. A chemical wetting agent added to water to improve its penetration.

(bw) *Visible emissions*. Any emissions of particulate material that can be seen without the aid of instruments.

(bx) *Washroom*. A room between the work area and the holding area in the waste decontamination enclosure system, where equipment and waste containers are wet cleaned and/or HEPA vacuumed.

(by) *Waste decontamination enclosure system*. An area, consisting of a washroom and a holding area, designated for the controlled transfer of materials and equipment.

(bz) *Wet cleaning*. The process of eliminating asbestos contamination from surfaces, equipment or other objects by using cloths, mops, or other cleaning tools which have been dampened with amended water.

(ca) *Work area*. Designated area within a work site where an asbestos project occurs which either is contained or to which access is restricted under this Part (rule).

(cb) *Work site*. Premises where an asbestos project takes place.

**Historical Note:** Sec. filed July 7, 1987; amd. filed Oct. 31, 1989; repealed, new filed Oct. 18, 1991; amd. filed Oct. 25, 1994 eff. Nov. 9, 1994.

### **§ 56-1.5 Responsibility of contractor.**

The contractor shall permit only those persons who hold valid asbestos handling certificates appropriate to the tasks actually performed by such persons to engage in work on an asbestos project.

**Historical Note:** Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

## **§56-1.6 Notice and recordkeeping requirements.**

(a) *Recordkeeping.* (1) Detail. Every contractor shall maintain for at least 30 years a record of each asbestos project in which the contractor engages. Such record shall include the following information:

(i) the name, address, social security number and asbestos certificate number of the person who supervised the asbestos project;

(ii) the location and description of the asbestos project;

(iii) the amount of asbestos or asbestos material that was removed, enclosed, encapsulated, disturbed or handled;

(iv) the commencement and completion date of the asbestos project;

(v) the name and address of the deposit or waste disposal site or sites where the asbestos waste material was deposited or disposed of;

(vi) the name and address of any sites that were used for the interim storage of asbestos or asbestos waste materials prior to final deposit or disposal;

(vii) the name and address of any transporters that were used to transport asbestos or asbestos material;

(viii) the name, address, social security number and asbestos license or certificate number of all persons who were engaged on that portion of the asbestos project for which the contractor has responsibility; and

(ix) any other information which the commissioner may require on a form and according to instructions provided by the commissioner.

(2) Surrender of records. Within 10 working days of the expiration, revocation or nonrenewal of a contractor's asbestos handling license, or upon the receipt of the written request of the commissioner, any records kept pursuant to this Part shall be delivered to the department's Division of Safety and Health, Asbestos Control Bureau.

(b) *Notification.* (1) When required. Any contractor who proposes to engage in an asbestos project involving more than 260 linear feet or more than 160 square feet of asbestos or asbestos materials shall notify in writing both the EPA and the Asbestos Control Bureau of the department's Division of Safety and Health. For the purposes of this section, an asbestos abatement contractor shall be the contractor who engages in that portion of the project which involves the removal, encapsulation, enclosure, or disturbance of friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber. Such notice must be received at least 10 days prior to commencement of the project. If an asbestos hazard is present which requires immediate attention, or if emergency conditions make it impossible to give notification 10 days prior to commencement of the project, notification, in accordance with section 56-1.7 of this Part (rule), shall be given. All project notifications shall be accompanied by a nonrefundable fee paid by non-certified or bank cashier's check or bank or postal money order made payable to the Commissioner of Labor in the amounts set forth in the Labor Law. Any such checks which are returned to the commissioner as unpaid, for any reason, shall be subject to a return check processing fee of \$20 and any entity submitting such checks to the department may be subject to all other appropriate penalties set forth in statute and code, including but not limited to enjoining of the asbestos project.

(2) Content. The written notification to the Division of Safety and Health's Asbestos Control Bureau shall be made on a form(s) provided by the commissioner and shall include, but not be limited to, the following:

(i) the name, address and asbestos license number of the contractor for the project;

(ii) the address and description of the building or area, including size, age and prior use of the building or area;

- (iii) the amount of asbestos or asbestos material present in square feet and/or linear feet, if applicable;
- (iv) room designation numbers or other local information where asbestos material is found, unless such material is found throughout the entire building or structure;
- (v) the proposed commencement and completion dates for abatement;

*Note:* A separate notification must be submitted for each period of up to 12 months during which work will be performed. No additional fee is required unless the size of the project increases from that originally submitted on the initial notification, then a fee would be required for the additional material only.

- (vi) the procedures and equipment, including ventilating/exhaust systems, that will be employed;
- (vii) the name and ELAP registration number of the laboratory which will perform analysis of air samples for the project;
- (viii) any other information which the commissioner may require.

(3) Postponement or cancellation of projects.

(i) Whenever the starting date of a project for which notification has already been submitted is postponed, or if a project for which a notification has been submitted is cancelled, the contractor shall notify the Asbestos Control Bureau of the postponement or cancellation, in writing or by telephone, no later than one day prior to the start day set forth on the previously submitted notification.

(ii) If notice of postponement or cancellation is given by telephone, it shall be followed by written confirmation of the postponement or cancellation which shall be provided to the Asbestos Control Bureau within five working days of the telephone notice.

(iii) In any case in which the starting date of a project has been postponed, an amended notification form shall be submitted to the Asbestos Control Bureau no later than three days prior to the commencement of the project.

(iv) Where time periods set forth herein allow, the notice requirements of subparagraphs (ii) and (iii) of this paragraph may be satisfied by the submittal of a single amended notification form.

(4) Cumulative project notification. If a single asbestos project involves several locations in a building or area, each of which does not involve the amounts of asbestos or asbestos material specified in section 56-1.6(b) of this Part, but which in total equal or exceed this amount, written notification shall be required. Each building will be considered a separate project for the purpose of meeting all notification requirements set forth in the statute and code. A separate project notification form and fee must be submitted for each building.

*Note:* Where one contract is entered into for several component projects, notification will be required. Similarly, separate bids for component projects will not necessarily avoid notification requirement. (Substance rather than form will be determinative.)

**Historical Note:** Sec. filed July 7, 1987; amsd. filed: Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994. Amended (b).

### **§ 56-1.7 Emergency asbestos project notification.**

(a) *Initial notification.* Prior to the commencement of an asbestos project which is necessary to respond to an emergency as defined in section 56-1.4(ad) of this Subpart (rule), the owner, owner's agent, consultant or contractor shall contact the Program Manager's Office, Asbestos Control Bureau, in Albany, New York, via telephone or in person

to request permission to proceed with the asbestos project. The individual giving such notification may be asked to provide some or all of the information required of an individual giving full written notification of an asbestos project.

(b) *Emergency approval.* The Program Manager, Asbestos Control Bureau, or other duly authorized representative of the commissioner, upon ascertaining all pertinent facts relating to the request, shall be empowered to either allow or deny the request for permission to proceed with an emergency asbestos project without the filing of prior notification. Unless permission to proceed with the project under alternative conditions is granted pursuant to section 56-3.2 of this Part (rule), all work on the project shall conform to the requirements set forth in this Part (rule).

(c) *Follow-up notification.* If permission to proceed with the emergency asbestos project is granted, the person to whom such permission is granted shall within two working days, file the written notification required by section 56-1.6 of this Subpart (rule) with the Program Manager, Asbestos Control Bureau, Albany, New York.

**Historical Note:** Sec. filed July 7, 1987; repealed, new filed Oct. 18, 1991 eff. Jan. 1, 1992.

### **§ 56-1.8 Notification of residential and business occupants.**

(a) *Ten-day notice.* (1) Every contractor engaged in the abatement portion of a project shall post or otherwise provide for a written notification to residential and business occupants of a building 10 days prior to the commencement of work on any asbestos project in the building. With regard to projects being conducted in school buildings, the faculty, staff and students attending such school shall be considered to be business occupants and shall receive notice as required in this Part (rule).

(2) *Notification-procedure-detail.* The written notification shall be given to those business and residential occupants of a building, or portion thereof, who are located on the floor or floors where the actual project is to be conducted, and one floor above and one floor below the floor or floors containing the project. In addition, such written notification shall also be given to those occupants of adjacent buildings who have direct horizontal access to these floors. Posted notice shall be provided at all direct means of access to the floor, such as but not limited to, stairways, ramps, emergency ingress/egress, elevators, escalators, ladders, hallways, corridors and trapdoors.

(b) *Three-day notice.* If the work is scheduled to begin less than 10 days after the execution of the contract, each contractor shall post or otherwise provide written notice of any asbestos project to residential and business occupants in the building where work will be performed at least three days prior to commencement of work.

(c) *Other notice.* If an emergency makes it impossible to provide the notice required by subdivision (a) or (b) of this section, every contractor shall post or otherwise provide for written notification to residential and business occupants of the building, as soon as practicable after identification of the project, in the manner set forth in section 56-1.7 of this Subpart.

(d) *Duration of posting.* Posted notices shall remain in place until completion of the project.

(e) *Content.* Each notification shall include the following information:

- (1) the room, location(s) or area designation of the asbestos project;
- (2) the amounts and types of asbestos or asbestos material, in square feet and/or linear feet, that is being handled, removed, enclosed, encapsulated, or disturbed;
- (3) the commencement and completion dates of the asbestos project;
- (4) the name and asbestos license number of the contractor performing the project; and

(5) the name and address of the air monitor and laboratory for the project.

(f) *Noninterference.* No person shall interfere with the obligations of a contractor under this section.

**Historical Note:** Sec. filed Oct. 18, 1991; amd. filed Oct. 25, 1994 eff. Nov. 9, 1994. Amended (a)(1).

**§ 56-1.9 Building demolition survey.**

(a) *Survey required.* Prior to advertising for bids or contracting for or commencing work on any demolition work on a building, except an agricultural building or a building the construction of which was begun on or after January 1, 1974, an owner and his/her agents, except the owner of one and two-family dwellings who contracts for but does not direct or control the work, shall conduct or cause to be conducted a survey to determine whether or not the building or portion thereof to be demolished contains asbestos or asbestos material as defined in section 56-1.4 of this Subpart. All such surveys shall be conducted in conformance with the requirements of subdivision (b) of this section.

(b) *Building survey requirements.* The survey shall include the inspection for and identification of all asbestos or asbestos material throughout the building or portion thereof to be demolished. The required inspection shall be performed by a certified inspector, and, at a minimum, shall include identification of asbestos or asbestos material by the following methods:

(1) The review of building plans and records, if available, for references to asbestos or asbestos material used in construction, renovation or repair.

(2) The sampling of suspect material and subsequent analysis by a laboratory that meets the requirements of section 56-17.4 of this Part.

(3) The mapping out of all locations of asbestos or asbestos material.

(c) Building survey information.

(1) The survey shall, at a minimum, identify and assess the condition of the following types of installations relative to the asbestos or asbestos material contained therein:

(i) Surface treatments:

(a) fireproofing;

(b) acoustical plaster; and

(c) finish plasters.

(ii) Thermal system insulation:

(a) equipment insulation;

(b) boiler/breaching/duct/tank insulation; and

(c) piping and fitting insulation, including aircell, millboard, preformed plaster, job molded plaster and fibrous glass.

(iii) Roofing and siding:

(a) felts;

(b) cementitious board (transite);

- (c) flashing;
- (d) shingles; and
- (e) galbestos.
- (iv) Other materials:
  - (a) dust and debris;
  - (b) vinyl asbestos tile;
  - (c) ceiling tile;
  - (d) gaskets/seals/sealants;
  - (e) vibration isolators;
  - (f) laboratory tables and hoods;
  - (g) cementitious board;
  - (h) fire curtains;
  - (i) fire blankets; and
  - (j) fire doors.

(2) All asbestos or asbestos material reported under paragraph (1) of this subdivision shall include an estimate of the quantities, types, and condition of same.

(3) The building survey shall also include the building location/identity, the building owner's name and address, the name and address of the owner's agent and the party performing the survey, the dates of the survey and the laboratory used for analysis of samples taken during the survey.

(d) *Transmittal of building survey information.* Information derived from the building survey shall be immediately transmitted by the building owner or his/her agent to the commissioner through the Department's Division of Safety and Health, Asbestos Control Bureau, and to the local government entity charged with issuing a permit for such demolition under applicable State or local laws or, if no such permit is required, to the town or city clerk where the building is located.

(e) *Abatement required.* If the building survey finds that a building to be demolished contains asbestos or asbestos material as defined in section 56-1.4 of this Subpart, no bids shall be advertised nor contracts awarded nor demolition work commenced by any owner or agent prior to completion of an asbestos remediation contract performed by a licensed asbestos contractor, in conformance with all standards set forth in this Part (rule).

**Historical Note:** Sec. filed Oct. 18, 1991 eff. Jan. 1, 1992.