

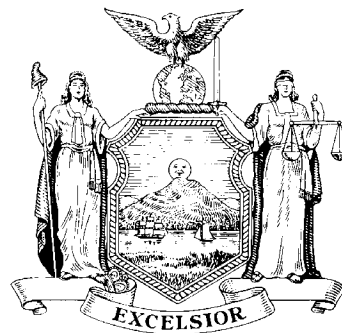
ASBESTOS

**Part 56 of Title 12 of the Official Compilation of Codes,
Rules and Regulations of the State of New York
(cited as 12 NYCRR Part 56)**

**As Amended
Effective November 9, 1994**

AND

**Section 241 and Article 30
Of the New York State Labor Law**



**State of New York State
Department of Labor**

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PART 56
ASBESTOS

(Statutory authority: Labor Law, § 906)

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

SUBPART 56-1
GENERAL PROVISIONS

Sec.

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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 risks to 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 (cummingtonite-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 longsleeve 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; amds. 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.

SUBPART 56-2

LICENSING AND CERTIFICATION

Sec.

- 56-2.1 Licensing requirements and procedures
- 56-2.2 Certification requirements and procedures
- 56-2.3 Replacement of licenses and certificates

Historical Note: Subpart (§§56-2.1 - 56-2.2) filed July 7, 1987 eff. July 28, 1987.

§ 56-2.1 Licensing requirements and procedures.

- (a) *License required.* No contractor shall engage in an asbestos project unless such contractor has a valid asbestos-handling license issued by the commissioner. All firms, corporations or other business entities providing management planning, project design, monitoring, inspection and/or air monitoring services shall obtain an asbestos handling license. In addition, the individuals employed by such firms, corporations or other business entities shall obtain the asbestos handling certificate appropriate to the tasks performed by such individuals.
- (b) *Proof of license.* A copy of a valid asbestos-handling license, or other proof of the issuance of a valid asbestos-handling license deemed suitable by the commissioner, shall be submitted by the bidder to the party soliciting bids prior to the award of any public works contract, all or part of which involves an asbestos project.
- (c) *Display of license.* A copy of a valid asbestos-handling license shall be conspicuously displayed proximate to but outside the work area on an asbestos project.
- (d) *Application for license and renewal.* (1) All applications for asbestos-handling licenses shall be submitted in writing on forms furnished by the commissioner. Copies of such forms may be obtained from the New York State Department of Labor, Asbestos Licensing and Certification Unit, One Main Street, Brooklyn, NY 11201.
(2) Completion of such forms may require the inclusion of any information required by the commissioner.
(3) Each license application shall contain a verified statement, by the contractor applying for the license or its duly authorized representative, that any person employed by the contractor on the asbestos project shall have a valid asbestos-handling certificate as required by this Part, that the contractor will provide such person with a copy of this Part (rule) and notify him/her of the obligation to abide by its provisions, and that the contractor will abide by all the rules and regulations promulgated by the Commissioners of Labor and Health pursuant to article 30 of the Labor Law. Management planners, project designers, and project monitors shall obtain an asbestos handling license in addition to the asbestos handling certificate appropriate to the task performed by such person. (See definition of "contractor" at section 56-1.4 [z] of this Part). Each license application shall include the name of the supervisor designated as the contractor's agent as required by section 902(1) of the Labor Law. Any changes or follow-up to the information contained in the contractor's license application, (including but not limited to changes in address, principals, ownership, designated supervisor[s], and insurance coverage,) shall be reported in writing to the Asbestos Licensing and Certification Unit, New York State Department of Labor, One Main Street, Brooklyn, NY 11201, within 30 calendar days of the effective date of any change.
(4) Completed applications shall be sent to the address specified in the application package, accompanied by a nonrefundable application fee in the amount set forth in section 903 of the Labor Law. The fee shall be paid in the form of a bank or postal money order, bank cashier's check or non-certified check payable to the Commissioner of Labor. 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 the immediate suspension/revocation of any license granted on the basis of such payment. No other instruments shall be used for payment of an application fee.
(5) The commissioner shall notify the license applicant in writing, no later than 30 days from receipt of the license application, of the issuance or denial of the license or the need for further information from the applicant in order to process the license application. Notification of denial of a license on any grounds other than failure to complete the license application shall set forth the grounds for such denial.
(6) An applicant denied a license on any grounds other than failure to complete a license application may request a hearing before the commissioner or his/her designee by submitting a written request for such hearing within 10 days of receipt of denial.
(7) An asbestos-handling license shall be valid for a period of one year from date of issuance.
(8) Approximately two months prior to the expiration of an asbestos handling license, the commissioner shall contact the license holder and inform him/her of the need to renew the asbestos handling license. The commissioner shall also furnish a renewal application to the licensee. The renewal application may request the license holder to inform the commissioner of any changes in information previously

provided to the Division of Safety and Health Licensing and Certification Unit, and any other information deemed by the commissioner to be relevant.

(9) Completed renewal applications shall be sent to the address specified in the application package, accompanied by a nonrefundable renewal application fee in the amount set forth in section 903 of the Labor Law. The fee shall be paid in the form of a bank or postal money order, bank cashier's check or non-certified check payable to the Commissioner of Labor. 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 the immediate suspension/revocation of any license granted on the basis of such payment. No other instrument shall be used for payment of a renewal application fee.

(10) The commissioner shall notify license renewal applicants in writing of the issuance or denial of the license renewal or the need for further information from the applicant in order to process the renewal application. Notification of denial of a license renewal on any grounds other than failure to complete the renewal application shall set forth the grounds for such denial.

(11) An applicant denied renewal of a license on any grounds other than failure to complete a license renewal application may request a hearing before the commissioner or his/her designee by submitting a written request for such hearing within 10 days of receipt of denial.

Historical Note: Sec. filed July 7, 1987; amds. filed: Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994.

Amended (d)(4), (9).

§ 56-2.2 Certification requirements and procedures.

(a) *Certification and training required.* No contractor shall engage in or permit a person employed by the contractor to engage in or supervise work on an asbestos project unless each such person has a valid asbestos handling certificate issued by the commissioner appropriate to the work performed by such person on an asbestos project as defined elsewhere in this Part (rule). Training for all certificates hereafter set forth shall meet all requirements established by the New York State Department of Health.

(b) *Employee certification.* Any person employed by a contractor on an asbestos project shall have an appropriate asbestos handling certificate or a copy thereof in his/her possession at all times during his/her work on the project. Should the commissioner at any time deem it impractical for such certificates or copies thereof to be maintained in the possession of such persons, the commissioner may permit some appropriate alternate location proximate to but outside the work area at which such certificates or copies thereof may be kept by the contractor for inspection by the commissioner or his agents. No contractor shall compel the holder of any asbestos handling certificate to surrender the original thereof for safekeeping, display, or any other purpose.

(c) The following categories of certification shall be issued pursuant to this Subpart:

(1) Asbestos handler certificate. Any person who, within a work area, removes, encapsulates or disturbs friable asbestos, or who handles asbestos material in any manner which may result in the release of asbestos fiber, and whose duties are not otherwise described in paragraphs (2) through (9) of this subdivision shall possess a valid asbestos handler certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.

(2) Restricted asbestos handler-allied trades certificate. Any person performing any limited or special tasks in preparation for or ancillary to an asbestos project, such as a carpenter, electrician, plumber or similar occupation, or any other person who may incidentally disturb asbestos during the course of any employment, shall possess a valid restricted asbestos handler - allied trades certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.

(3) Asbestos project air sampling technician certificate. Any person who performs air sampling inside the enclosure as required by section 56-17.4 of this Part shall possess a valid asbestos project air sampling technician certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.

Note: A person who possesses an asbestos handler certificate may not perform the tasks described in this paragraph without obtaining an asbestos project air sampling technician certificate.

(4) Inspector certificate. Any person who performs the limited tasks involved in the survey, identification and assessment of the condition of asbestos and asbestos material and the recording and reporting thereof, or who is involved in the collection of bulk samples of asbestos material or suspected asbestos material for laboratory analysis shall possess a valid inspector certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.

(5) Operation and maintenance certificate. Any person who performs operations, maintenance and repair activities of small scale and short duration which may disturb asbestos or asbestos material shall possess a valid operations and maintenance certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.

Note: Operations and Maintenance certification permits the holder to work only on minor asbestos projects as defined in section 56-1.4 of this Part.

- (6) Supervisor certificate. Any person who performs supervision of persons (other than authorized visitors) permitted to enter the work area, shall possess a valid supervisor certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.
- (7) Project designer certificate. Any person who plans the scope, timing, phasing and/or remediation methods to be utilized on any asbestos project shall possess a valid project designer certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.
- (8) Project monitor certificate. Any person, other than an asbestos abatement contractor, or an employee or agent thereof, who oversees the scope, timing, phasing and/or remediation methods to be utilized on any asbestos project shall possess a valid project monitor certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.
- (9) Management planner certificate. Any person who assesses the hazard posed by the presence of asbestos or asbestos-containing material and/or who recommends appropriate response actions and a schedule for such response actions shall possess a valid management planner certificate and shall have such certificate or a copy thereof in his/her possession at all times while working on the project.
- (d) *Proof of course completion.* An asbestos handling certificate shall not be issued without submission by the applicant of proof satisfactory to the commissioner of successful completion of an approved asbestos safety program. As an alternative to completing the approved asbestos safety program for the specific title for which certification is sought, the following equivalent courses may be substituted by applicants seeking the titles specified hereunder:

<i>To satisfy training requirements in this discipline(s):</i>	<i>One can substitute successful completion of training in this discipline(s):</i>
Asbestos Project Air Sampling Technician	Project Monitor
Allied Trades, Operations and Maintenance	Contractor/Supervisor or Asbestos Handler
Asbestos Project Air Sampling Technical Refresher	Project Monitor Refresher
Allied Trades Refresher, Operations and Maintenance Refresher	Asbestos Handler Refresher or Contractor/Supervisor Refresher

- (e) *Age requirement.* An asbestos handling certificate shall not be issued to any person prior to his/her 18th birthday.
- (f) *Application for certification and renewal.* All applications for asbestos handling certificates and renewals shall be submitted as follows:
- (1) All applications for asbestos handling certificates shall be submitted in writing on forms furnished by the commissioner. Copies of such forms may be obtained from the New York State Department of Labor, Division of Safety and Health, License and Certificate Unit.
- (2) Completion of such forms may require the inclusion of any information deemed appropriate by the commissioner. Along with such application forms, every applicant shall submit full face photographs of himself/herself in such numbers and sizes as the commissioner shall prescribe. Such photographs shall have been taken within 30 days of such submission.
- (3) Each application for an asbestos handling certificate shall contain a verified statement by the applicant that he/she will abide by all rules or regulations promulgated by either the Commissioner of Labor or Health pursuant to article 30 of the Labor Law.
- (4) Completed applications shall be sent to the address specified in the application package accompanied by a nonrefundable application fee in the amount set forth in section 903 of the Labor Law. The fee shall be paid in the form of a bank or postal money order, bank cashier's check or non-certified check payable to the Commissioner of Labor. 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 the immediate suspension/revocation of any certificate granted on the basis of such payment. No other instruments shall be used for payment of an application fee.
- (5) The commissioner shall notify certificate applicants in writing no later than 30 days from the receipt of the certificate application of the issuance or denial of the certificate or of the need for further information from the applicant in order to process the certificate application. Notification of denial of a certificate on any grounds other than failure to complete the certificate application shall set forth the grounds for such denial.
- (6) An applicant denied a certificate on any grounds other than failure to complete a certificate application may request a hearing before the commissioner or his/her designee by submitting a written request for such hearing within 10 days of receipt of denial.
- (7) An asbestos handling certificate shall be valid for a period of one year from date of issuance.

(8) Approximately two months prior to the expiration of an asbestos handling certificate, the commissioner shall contact the certificate holder and inform him/her of the need to renew the asbestos handling certificate. The commissioner shall also furnish a renewal application to the certificate holder. The renewal application may request the certificate holder to inform the commissioner of any changes in information previously provided to the Division of Safety and Health's Licensing and Certification Unit and any other information deemed by the commissioner to be relevant.

(9) Completed renewal applications shall be sent to the address specified in the application package accompanied by a nonrefundable renewal application fee in the amount set forth in section 903 of the Labor Law. The fee shall be paid in the form of a bank or postal money order, bank cashier's check or non-certified check payable to the Commissioner of Labor. 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 the immediate suspension/revocation of any certificate granted on the basis of such payment. No other instrument shall be used for payment of a renewal application fee.

(10) The commissioner shall notify certificate renewal applicants in writing of the issuance or denial of the certificate renewal or of the need for further information from the applicant in order to process the renewal application. Notification of denial of a certificate renewal on any grounds other than failure to complete the renewal application shall set forth the grounds for such denial.

(11) An applicant denied renewal of a certificate on any grounds other than failure to complete a certificate renewal application may request a hearing before the commissioner or his/her designee by submitting a written request for such hearing within 10 days of receipt of denial.

Historical Note: Sec. filed July 7, 1987; amds. filed: Dec. 5, 1988 as emergency measure; March 2, 1989 as emergency measure; April 4, 1989; Oct. 31, 1989; repealed, new filed Oct. 18, 1991; amd. filed Oct. 25, 1994 eff. Nov. 9, 1994. Amended (d), (f)(4), (9).

§ 56-2.3 Replacement of licenses and certificates.

(a) In the event that an asbestos handling certificate or an asbestos handling license shall be lost or stolen, the individual to whom the certificate or license had been issued may apply to the commissioner for the issuance of a replacement license or certificate.

(b) Such application shall be made in writing and shall include a notarized statement from the individual indicating the original license or certificate has been lost and verifying that the individual applying for such replacement license or certificate understands that the submittal of false statements in connection with the request for a replacement shall subject him/her to penalties and other remedies under the law.

(c) All applications for replacement licenses or certificates shall be addressed to the Licensing and Certification Unit, New York State Department of Labor, One Main Street, Brooklyn, NY 11201 accompanied by a nonrefundable fee. The fee shall be equal to that assessed for an initial certificate or license and shall be paid in the form of a bank or postal money order, bank cashier's check or non-certified check payable to the Commissioner of Labor. 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 the immediate suspension/revocation of any replacement license or certificate granted on the basis of such payment.

(d) Each application for a replacement asbestos handling certificate shall be accompanied by full face photographs of the individual seeking the replacement certificate in such numbers and sizes as the commissioner shall require.

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

SUBPART 56-3

IN-PLANT AND EMERGENCY OPERATIONS

Sec.

56-3.1 In-plant—general

56-3.2 Emergency—general

Historical Note: Subpart (§§56-3.1 - 56-3.2) filed Oct. 18, 1991 eff. Jan. 1, 1992.

§ 56-3.1 In-plant-general.

(a) In-plant operations permissible under this Subpart are only those that meet all of the following criteria:

(1) 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 (i) less than 160 square feet or 260 linear feet of asbestos or asbestos material and is performed by employees of such employer or (ii) 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, non-friable ceiling tiles/panels, fire curtains, and transite or galbestos panels.

(b) 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 Part, 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 Part.

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

(c) There is a limited exemption from other Code Rule 56 work practices where all of the following conditions are met:

(1) the project takes place within the premises of the nonpublic employer;

(2) 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;

(3) the project is performed in a manner consistent with OSHA standards;

(4) 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

(5) the project:

(i) 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

(ii) 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, non-friable ceiling tiles/panels, fire curtains, and transite or galbestos panels.

If the materials listed in subparagraph (ii) of this paragraph are involved, an employer may employ an outside contractor (i.e., the work need not be performed by employees of such employer).

(d) *In-plant operations work area.* Each and every location where an in-plant operation is performed, shall be considered to be a work area for purposes of this Subpart.

(e) *Licensing, notification and certification.* Contractors and other individuals engaged in asbestos projects conducted under this Subpart shall comply with the requirements of Subparts 56-1 and 56-2 of this Part.

(f) *Air sampling and analysis.* Air sampling and analysis on an asbestos project conducted under this Subpart shall be conducted in accordance with the requirements of Subpart 56-17 of this Part.

(g) *Failure to meet "in-plant operations" criteria.* If, at any time prior to, during or subsequent to the asbestos project, conditions are such that any of the criteria of section 56-1.4 (au) of this Subpart are not met, all anticipated, current and further work/activity on such project shall be conducted in accordance with all requirements of this Part.

Historical Note: Sec. filed Oct. 18, 1991; amd. filed Oct. 25, 1994 eff. Nov. 9, 1994.

§ 56-3.2 Emergency - general.

(a) Emergency projects permissible under this Subpart are only those that are deemed by the commissioner or his/her duly authorized representative as being necessary to respond to an unexpected, unanticipated or unforeseen occurrence, including but not limited to, a steam, chemical, gas or water line rupture, or boiler failure or a building collapse, which poses (1) an imminent danger to the health and safety of the public or (2) an asbestos related risk to the health and safety of the public from exposure to asbestos fiber.

(b) *Licensing and certification.* Emergency asbestos projects conducted under this Subpart shall comply with the requirements of Subparts 56-1 and 56-2 of this Part.

(c) *Air sampling and analysis.* Air sampling and analysis on emergency asbestos projects shall be conducted in accordance with the requirements of Subpart 56-17 of this Part.

(d) *Notification.* Prior to the commencement of an emergency asbestos project, the contractor shall comply with the notification requirements set forth in section 56-1.7 of this Part.

(e) *Approval.* The Program Manager of the Asbestos Control Bureau, or another duly authorized representative of the commissioner, upon ascertaining all pertinent facts relating to the project through the notification process set forth in section 56-1.7 of this Part, shall be empowered to either allow or deny the request for permission to proceed with an emergency asbestos project.

(f) If permission to proceed with the project as an emergency asbestos project is approved, all work done on the project must be performed in a manner consistent with any applicable provisions of this Part (rule) or variance conditions as shall be required by the commissioner or his/her designee. If permission to proceed is denied, all work on the project shall be performed in accordance with all applicable provisions of the Part (rule).

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

SUBPART 56-4

WORK AREA ENTRY AND EXIT PROCEDURES

Note: Pursuant to the definition of plasticize at section 56-1.4(bh) of this Part, fire retardant plastic sheeting is required.

Sec.

56-4.1 General requirements

Historical Note: Subpart (§56-4.1) filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

§ 56-4.1 General requirements.

The following procedures shall be followed throughout the asbestos abatement project until satisfactory clearance air-monitoring results have been achieved:

- (a) *Entry and exit.* All persons shall enter and exit the work area through the personal decontamination enclosure system.
- (b) *Entry/exit log.* All persons who enter the work area or an enclosure shall sign the entry/exit log, located in the clean room, upon every entry and exit.
- (c) *Knowledge of procedures.* All persons, before entering the work area or an enclosure, shall read and be familiar with all posted regulations, personal protection requirements, including work area entry and exit procedures, and emergency procedures. The entry/exit log headings shall indicate, and the signatures shall be used to acknowledge, that these have been reviewed and understood by all persons prior to entry.
- (d) *Personal protective equipment.* All persons shall proceed first to the clean room, remove all street clothing, store these items in clean sealable plastic bags or lockers, and don coveralls, head covering, foot covering and gloves. All authorized visitors shall also don NIOSH- approved respiratory protection. Clean respirators and protective clothing shall be utilized by each authorized visitor for each separate entry into the work area. Respirators shall be inspected prior to each use and tested for proper seal using quantitative or qualitative fit checks.
- (e) *Tools.* Persons wearing designated personal protective equipment shall proceed from the clean room through the shower room to the equipment room, where necessary tools are collected and any additional clothing shall be donned, before entry into the work area.
- (f) *Removal of gross contamination.* Before leaving the work area, all persons shall remove gross contamination from the outside of respirators and protective clothing by brushing, wet cleaning and/or HEPA vacuuming.
- (g) *Removal of personal protective equipment.* Persons shall proceed to the equipment room, where all coveralls, head covering, foot covering and gloves shall be removed. Disposable clothing shall be deposited into labeled containers for disposal. Reusable contaminated clothing, footwear, headgear and gloves shall be stored in the equipment room when not being used in the work area. Authorized visitors shall not remove respirators during this process.
- (h) *Showering.* Still wearing respirators, persons shall proceed to the shower area, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and then fully and vigorously shower and shampoo to remove residual asbestos contamination. Respirators shall be washed thoroughly with soap and water. Some types of respirators will require slight modification of these procedures. An airline respirator with HEPA- filtered disconnect protection shall be disconnected in the equipment room and worn into the shower. A powered air-purifying respirator facepiece shall be disconnected from the filter/power pack assembly prior to entering the shower.
- (i) *Clean room/clothing.* After showering and drying, all persons shall proceed to the clean room and don clean personal protective equipment if returning to the work area, or street clothing if exiting the enclosure.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

SUBPART 56-5
EQUIPMENT AND WASTE CONTAINER DECONTAMINATION AND
REMOVAL PROCEDURES

Sec.

56-5.1 Large asbestos projects

56-5.2 Small asbestos projects

Historical Note: Subpart (§§56-5.1 - 56-5.2) filed July 7, 1987 eff. July 28, 1987.

§ 56-5.1 Large asbestos projects.

- (a) *First cleaning.* External surfaces of contaminated containers and equipment shall be cleaned by wet cleaning and/or HEPA vacuuming in the work area before moving such items into the waste decontamination enclosure system airlock by persons assigned to this duty. These work area persons shall not enter the airlock.
- (b) *Removal to washroom.* These contaminated items shall be removed from the airlock by persons stationed in the washroom during waste removal operations. These washroom persons shall remove gross contamination from the exterior of their respirators and protective clothing by brushing, HEPA vacuuming and/or wet cleaning.
- (c) *Second cleaning.* Once in the waste decontamination enclosure system, external surfaces of contaminated containers and equipment shall be cleaned a second time by wet cleaning.
- (d) *Recontainerizing.* The cleaned containers of asbestos material and equipment are to be dried of any excessive pooled or beaded liquid, placed in uncontaminated plastic bags or sheeting, as the item's physical characteristics demand, and sealed airtight.
- (e) *Removal to airlock.* The clean recontainerized items shall be moved into the airlock that leads to the holding area. The washroom persons shall not enter this airlock or the work area until waste removal is finished for that period.
- (f) *Removal to holding area.* Containers and equipment shall be moved from the airlock and into the holding area by persons dressed in clean personal protective equipment who have entered from uncontaminated areas.
- (g) *Holding carts.* The cleaned containers of asbestos material and equipment shall be placed in watertight carts with doors or tops that shall be closed and secured. These carts shall be held in the holding area pending removal. The carts shall be wet-cleaned and/or HEPA-vacuumed at least once each day.
- (h) *Enclosure security.* The exit from the decontamination enclosure system shall be secured to prevent unauthorized entry.
- (i) *Enclosure restrictions.* Where the waste removal enclosure is part of the personal decontamination enclosure, waste removal shall not occur during shift changes or when otherwise occupied. Precautions shall be taken to prevent short-circuiting and cycling of air outward through the shower and clean room.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

§ 56-5.2 Small asbestos projects.

- (a) *Assigned persons.* Where only one egress exists and the shower is used as a waste removal washroom, persons shall be stationed in each area/room of the decontamination enclosure to transfer/process, as in section 56-5.1(a)-(f) of this Subpart, the contaminated containers and equipment through adjacent areas/rooms. These persons shall not cross the airlocks into the adjacent areas/rooms until the waste removal is finished for that period and all other persons have decontaminated as per these regulations. The clean room/holding area persons shall enter from uncontaminated areas dressed in clean personal protective equipment.
- (b) *Holding carts.* The cleaned containers of asbestos material and equipment shall not be stored in the clean room but shall be placed in carts, adjacent to but outside of the clean room. The carts may be used for temporary storage adjacent to the clean room until the end of the work shift.
- (1) *Cart usage and cleaning.* The carts shall be watertight and have doors or tops that shall be closed and secured. The carts shall be HEPA-vacuumed and/or wet-cleaned at least once each day.

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

SUBPART 56-6
ENGINEERING CONTROLS

Sec.

56-6.1 Ventilation

Historical Note: Subpart (§56-6.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-6.1 Ventilation.

- (a) *Negative air pressure equipment.* All large and small asbestos abatement projects shall employ negative air pressure equipment ventilation.
- (b) *Operation.* The negative air pressure equipment shall operate continuously, 24 hours a day, from the start of the abatement work through the cleanup operations and clearance air monitoring.
- (c) *Negative air pressure.* A negative air pressure, relative to areas outside of the enclosure, shall be maintained at all times in the work area during the asbestos abatement project to ensure that contaminated air in the work area does not filter back to an uncontaminated area.
- (d) *Ventilation units.* If more than one primary ventilation unit is installed, the units shall be turned on one at a time and the integrity of wall barriers, for secure attachment or the need for additional reinforcement, shall be checked. Units connected in series shall be considered a single unit for this test. A minimum of one additional unit, having a capacity at least equal to that of the primary unit, shall be installed as a backup to be used during primary unit filter changing and upon primary unit failure.
- (e) *Power supply.* A power supply shall be available to satisfy the requirements of the total of all ventilating units.
- (f) *Power failure.* On electric power failure, abatement shall stop immediately and shall not resume until power is restored and exhaust units are operating fully. On extended power failure, longer than one hour, the decontamination facilities, after the evacuation of all persons from the work area, shall be sealed airtight.
- (g) *Air changes.* Negative pressure ventilation equipment shall be installed and operated to provide at least four air changes in the work area every hour.
- (h) *Openings in enclosure.* Openings made in the enclosure system to accommodate these units shall be made airtight with tape and/or caulking. Where possible, only the intake and the filter access panel shall remain within the work area to permit filter changing, while minimizing equipment contamination and the likelihood of contamination of nonwork areas.
- (i) *Installation and care.* Negative pressure ventilation units shall be exhausted to the outside of the building or structure and away from occupied areas. Proper installation, air monitoring and daily inspections shall be conducted to insure that the ducts do not release asbestos into uncontaminated areas. Fans, ducts and joints shall comply with the following:
 - (1) Ducts, of at least equivalent shape and dimension as that of the negative pressure ventilation exhaust, shall be used to exhaust to the outside of the building or structure.
 - (2) Airtight system. All fans, ducts and joints shall be sealed, braced and supported to maintain an airtight system.
- (j) *Exhaust location.* At no time shall the negative pressure ventilation unit exhaust within 50 feet of a receptor or adversely affect the air intake of the building/structure or other buildings/structures.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (c),(i)(1).

SUBPART 56-7
MATERIALS AND EQUIPMENT

Sec.

56-7.1 General requirements

Historical Note: Subpart (§56-7.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-7.1 General requirements.

- (a) *Storage of materials.* Materials shall be stored off the ground, away from wet or damp surfaces and under protective cover to prevent damage or contamination. Replacement materials shall be stored outside the work area and enclosure until abatement is completed.
- (b) *Damaged or deteriorating materials.* Damaged or deteriorating materials shall not be used and shall be removed from the premises.
- (c) *Fireproofing or insulation protection.* When asbestos material that has been used for fireproofing or insulation protection has been removed, protection, at least equivalent to that removed, shall be provided and installed in conformance with all applicable codes.
- (d) *Plastic sheeting.* Fire-retardant plastic sheeting of at least six-mil thickness, in sizes and shapes to minimize the number of joints, shall be employed for containment.
- (e) *Adhesive materials.* Duct tape or spray adhesive shall be capable of sealing joints of adjacent sheets of plastic, facilitating attachment of plastic sheets to finished or unfinished surfaces of dissimilar materials and adhering under both dry and wet conditions.
- (f) *Surfactants.* Any surfactant used shall be noncarcinogenic and not generally toxic in normal use.
- (g) *Containers.* Watertight containers shall be provided to receive and retain any asbestos- containing or -contaminated material for storage until disposal. The containers shall be marked with caution labels.
- (j) *Plastic bags.* Plastic bags used for waste storage or disposal shall be at least six mils in thickness and be marked with caution labels.
- (i) *Enclosure project materials.* Materials for enclosure projects shall be impact-resistant and installed to be airtight.
- (j) *Ventilation for power tools.* Power tools used to drill, cut into, or otherwise disturb asbestos material shall be equipped with HEPA-filtered local exhaust ventilation.
- (k) *Ladders and/or scaffolds for visitors.* The employer shall make available, to authorized visitors, ladders and/or scaffolds of sufficient dimension and quantity so that all work surfaces can be easily and safely reached. Scaffold joints and ends shall be sealed with tape to prevent incursion of asbestos. Scaffolds and ladders shall comply with all applicable codes.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (d).

SUBPART 56-8
WORK AREA PREPARATION

Sec.

- 56-8.1 General requirements—large and small asbestos projects
- 56-8.2 Demolition—large and small asbestos projects
- 56-8.3 Minor asbestos projects

Historical Note: Subpart (§§56-8.1 - 56-8.3) filed July 7, 1987 eff. July 28, 1987.

§ 56-8.1 General requirements—large and small asbestos projects.

- (a) *Vacating of work area.* The work area shall be vacated by the occupants prior to work area preparation and until satisfactory clearance air-monitoring results have been achieved.
- (b) *Signs.* Caution signs shall be posted at all locations and approaches to a location where airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted that permit a person to read the sign and take the necessary protective measures to avoid exposure.
- (c) *Electric power.* Shut down and lock out electric power to all work areas. The contractor shall provide temporary power and lighting and ensure safe installation of temporary power sources and equipment used where high humidity and/or water shall be sprayed in accordance with all applicable codes. All power to work areas shall be brought in from outside the area through a ground-fault interrupter at the source.
- (d) *Start of project-enclosure installation or construction.* The personal decontamination enclosure system shall be installed or constructed prior to preparatory work in the work area, and in particular before the disturbance of asbestos material. The waste decontamination enclosure system shall be installed or constructed prior to commencement of abatement activities.
- (e) *Heating, ventilating and air conditioning (HVAC) system isolation.* Acceptable methods for HVAC system isolation shall include:
 - (1) Shutdown and isolation. Shutdown and isolation of HVAC systems to prevent contamination and asbestos dispersal to other areas of the building or structure.
 - (2) Local isolation. Local isolation and provision for temporary HVAC.
 - (3) Positive pressurization. Positive pressurization of the HVAC system.
- (i) Positive pressurization shall be restricted to circumstances where HVAC must service the remainder of the building or structure and the HVAC equipment is in the work area or the ducts run through the work area. The appropriate HVAC duct and plenum outlets, inlets and exhaust dampers shall be sealed with sheathing and caulking, covered with a double layer of at least six-mil fire-retardant plastic sheeting and taped airtight. The HVAC duct and plenum joints shall be taped air-tight. The mixing and balancing damper positions shall be altered and the return fan(s) shall be shut down to produce the required positive pressures. The supply fan(s) shall be placed in a manual "on" position to prevent shutdown by fail-safe mechanisms.
- (ii) Project phasing, climate conditions, load conditions and HVAC equipment limitations and controls shall be considered when this alternate procedure is evaluated. Aerodynamics in the duct system, particularly spurs or trunks, shall be considered and, if necessary, the ducts/dampers shall be altered or removed to prevent loss of positive pressure in any part of the system. Precautions shall be taken during abatement activities to insure that the ducts, seals and static pressure lines are not damaged.
- (iii) The presence of positive pressure shall be demonstrated on a daily basis by testing. Air sampling in occupied, downstream, nonwork areas shall be performed on a daily basis as per the requirements of section 56-17.3(a) of this Part. Positive pressure differential verification between the work area and nonwork areas shall be done on a continuous basis. The differential pressures shall be easily verifiable by use of leak-free, rigid, static pressure taps, static lines on the supply and return ducts, and static lines originating in the work area, adjacent areas, or downstream nonwork areas.
- (f) *HVAC filters and ducts.* Contaminated HVAC filters shall be handled and disposed of as asbestos waste material. The ducts and filter assembly shall be wet-cleaned and/or HEPA- vacuumed where system air samples and/or dust samples indicate asbestos contamination.
- (g) *Movable objects.* Movable objects within the work area shall be precleaned using HEPA-filtered vacuum equipment and/or wet cleaning, and such objects shall be removed from the work area to an uncontaminated location. Upholstered furniture and drapes shall be HEPA- vacuumed twice before removal from the work area. Carpeting shall be HEPA-vacuumed twice and cleaned before removal from the work area. If disposed of as asbestos waste material, cleaning is not required. If carpeting is left in place, it shall be covered with one-half-inch thick sheathing prior to required plasticizing.
- (h) *Fixed objects.* Fixed objects, and other items which are to remain within the work area, shall be precleaned using HEPA-filtered vacuum equipment and/or wet cleaning. Such objects and items shall be enclosed with two layers of at least six-mil fire-retardant plastic sheeting and sealed with tape.
- (i) *Precleaning.* The work area shall be cleaned using HEPA-filtered vacuum equipment and/or wet cleaning. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, shall be prohibited. Asbestos material shall not be disturbed during precleaning.

- (j) *Isolation barriers - general.* Isolation barriers that seal off all openings, including but not limited to windows, corridors, doorways, skylights, ducts, grilles, diffusers and any other penetrations of the work area, shall be constructed using two layers of at least six-mil fire-retardant plastic sheeting sealed with tape. Also, all seams in system components that pass through the work area shall be sealed. Doorways and corridors which shall not be used for passage during work shall also be sealed.
- (k) *Isolation barriers - specific.* Separation of the work area from the remainder of the work site by construction of isolation barriers shall be accomplished as follows:
- (1) Wall construction. Walls shall be constructed of wood or metal framing to support barriers in all openings larger than 32 square feet, except where any one dimension is one foot or less.
 - (2) Sheathing thickness. A sheathing material of at least 3/8 -inch thickness shall be applied to the work side of the barrier.
 - (3) Sealing of partitions. Edges of the partition shall be caulked at the floor, ceiling, walls and fixtures to form an airtight seal.
 - (4) Plastic sheeting. The work area side of the partition shall be covered with a double layer of at least six-mil fire-retardant plastic sheeting with staggered joints and sealed.
 - (5) Plasticizing/sealing. All floor, wall and ceiling surfaces shall be covered with a minimum of two layers of at least six-mil fire-retardant plastic sheeting. The floor shall be plasticized first, and its plastic sheeting shall extend up the walls a distance of at least 12 inches on all sides. The walls shall then be plasticized by applying plastic sheeting from ceiling to floor, thus overlapping the floor sheeting by at least 12 inches. This process shall be repeated for the second layer of plastic sheeting for the floor and walls. All seams within a layer shall be separated by a distance of at least six feet and sealed airtight. All seams between layers shall be staggered.
- (l) *Removal of mounted objects.* After isolation barriers are in place, objects such as light fixtures, electrical tracks, alarm systems, ventilation equipment and other items not previously sealed, shall be removed and HEPA-vacuumed. Localized HEPA-filtered vacuum equipment shall be used during fixture removal to reduce asbestos dispersal.
- (m) *Removal of ceilings.* Suspended ceiling tiles and T-grid components contaminated with asbestos material shall remain in place until the work area has been plasticized and personal and equipment decontamination enclosures have been constructed. The tiles and components shall then be removed and disposed of as asbestos waste.
- (n) *Exits.* Emergency and fire exits from the work area shall be maintained or alternate exits shall be established according to all applicable codes.
- (o) *Boiler areas.* When abatement is to be performed within a boiler room, boilers shall be shut down and the burner and boiler accesses and breechings shall be sealed until abatement is completed and satisfactory clearance air-monitoring results have been achieved.
- (p) *Elevator shutdown or isolation.* Elevators running through the work area shall be shut down except as noted in this subdivision.
- (1) Isolation - detail. In projects where the elevator cannot be shut down, the hoist-way door frames shall be enclosed with nominal 2ft. x 4ft. framing, 16 inches center-to-center, covered with 5/8-inch sheathing, preferably plywood or similar building material, and caulked at all seams. The enclosures shall be covered with two seamless layers of at least six-mil plastic sheeting, taped and sealed airtight. A final larger layer of at least six-mil plastic sheeting shall be taped airtight, but with slack, forming a larger perimeter diaphragm to sense air movement caused by the elevator operation.
 - (2) Elevator shaft ports. Elevator shaft ports, for pressure equalization when within the work area, shall be vented to the outside or nonwork areas using oversized solid-walled ducts or chambers constructed of a minimum of 3/8-inch sheathing over nominal 2ft. x 4ft. framing, 16 inches center-to-center. The joints shall be caulked and the ducts or chambers shall be sealed with two layers of at least six-mil fire-retardant plastic sheeting and duct tape. The first layer of plastic sheeting shall be attached to the ducts or chambers using a spray adhesive. This system shall be subjected to and pass a negative pressure test daily.
- (q) *Toilet facilities.* Adequate toilet facilities shall exist, either in the clean area of the personal decontamination enclosure or shall be readily accessible to the personal decontamination enclosure.

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

§ 56-8.2 Demolition-large and small asbestos projects.

- (a) *Timing - removal of salvage.* Removal of nonporous, nonmovable salvage from a full or partial demolition with asbestos material in evidence shall occur after isolation barriers and decontamination enclosures are in place in that portion of the building or structure, and only after the salvage has been wet-cleaned and/or HEPA-vacuumed.
- (b) *Flooring.* On demolition projects, flooring shall be made watertight.
- (c) *Chimney effects.* On demolition projects, all chimney effects in stacks, columns, flues, shafts and double-walled enclosures shall be eliminated by sealing the accesses.

(d) *Specific requirements.* Demolition projects shall comply with section 56-8.1(a)-(f) and (i)-(q) of this Subpart.

(e) *Enclosure projects.* Prior to the placement of isolation barriers, surfaces to be enclosed shall be cleaned using HEPA-filtered vacuum equipment and/or wet cleaning.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

§ 56-8.3 Minor asbestos projects.

(a) *Vacation of work areas.* All project areas shall be vacated by the occupants prior to work area preparation and until full abatement has been achieved.

(b) *Isolation of work area.* The project area shall be isolated by cordoning it off with barrier tape or line and shall be accessible through only one entrance/exit.

(c) *Signs.* Caution signs shall be posted at any location and approaches to a location wherever airborne concentrations of asbestos may exceed ambient background levels. Signs shall be posted that permit a person to read the sign and take the necessary protective measures to avoid exposure.

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

SUBPART 56-9
PERSONAL DECONTAMINATION ENCLOSURE SYSTEM

Sec.

- 56-9.1 Large asbestos projects
- 56-9.2 Small asbestos projects
- 56-9.3 Restricted entry

Historical Note: Subpart (§§56-9.1 - 56-9.2) filed July 7, 1987 eff. July 28, 1987.

§ 56-9.1 Large asbestos projects.

- (a) *Enclosure - general.* Personal decontamination enclosure systems shall be provided outside and attached to all locations where persons will enter or exit the work area. One system at a single location for each contained work area shall be required. Such systems may consist of existing rooms outside of the work area, if the layout is appropriate, that can be enclosed in plastic sheeting and are accessible from the work area. When this situation does not exist, enclosure systems may be constructed out of metal, wood or plastic support.
- (b) *Rooms and configuration.* The personal decontamination enclosure system shall consist of a clean room, a shower room and an equipment room, in series, separated from each other and from the work area by airlocks. (See Figure 1.)
- (c) *Showers.* There shall be one shower per six full-shift abatement persons, calculated on the basis of the largest shift.
- (d) *Enclosure security.* When the personal decontamination enclosure system is situated near an area of public access, it shall be fully framed, sheathed for safety and constructed to prevent unauthorized entry.
- (e) *Plastic sheeting.* Personal decontamination enclosure systems constructed at the work site shall utilize at least six-mil opaque fire-retardant plastic sheeting. At least two layers of six- mil reinforced fire retardant plastic sheeting shall be used for the flooring of this area.
- (f) *Prefabricated or trailer units.* A fiberglass prefabricated unit does not require plasticizing. All prefabricated or trailer decontamination units shall be completely decontaminated and sealed prior to separation and removal from the work area.
- (g) *Clean room.* The clean room shall be sized to accommodate all authorized persons. Benches, lockers and hooks shall be provided for street clothes. Shelves for storing respirators shall also be provided. Clean clothing, replacement filters for respirators, towels and other necessary items shall be provided. The clean room shall not be used for the storage of tools, equipment or materials. It shall not be used for office space. A lockable door shall be provided to permit access to the clean room from outside the work area or enclosure. It shall be used to secure the work area and decontamination enclosure during off-shift hours.
- (h) *Shower room.* The shower room shall contain one or more showers. Each shower head shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Uncontaminated soap, shampoo and towels shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0-micron particle size collection capability. A system containing a series of several filters with progressively smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Filtered wastewater shall be discharged in accordance with applicable codes. Contaminated filters shall be disposed of as asbestos waste.
- (i) *Equipment room.* The equipment room shall be used for the storage of equipment and tools after decontamination using a HEPA-filtered vacuum and/or wet cleaning. A one-day supply of replacement filters, in sealed containers, for HEPA vacuums and negative pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement project may also be stored here. A walk-off pan filled with water shall be located in the work area just outside the equipment room for persons to clean foot coverings when leaving the work area. A drum lined with a labeled, at least six-mil plastic, bag for collection of clothing shall be located in this room. Contaminated footwear and work clothes shall be stored in this area.

Historical Note: Sec. filed July 7, 1987; amds. filed: Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994.

Amended (f).

§ 56-9.2 Small asbestos projects.

- (a) *Enclosure requirements.* A personal decontamination enclosure system shall consist of, at the least, a shower room and a clean room separated from each other by an airlock and from the work area and other areas by curtained doors. All other provisions for large asbestos projects shall apply. Equipment storage, personal gross decontamination, and removal of clothing shall occur in the work area just prior to entering the shower. (See Figure 2 in section 56-10.1[d].)

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

§ 56-9.3 Restricted entry.

Entry to the personal decontamination system shall be restricted to the following: contractor, employees of the contractor, authorized visitors, police, fire and other public safety personnel.

Note: The full personal decontamination enclosure specified for large asbestos projects is recommended.

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

SUBPART 56-10
WASTE DECONTAMINATION ENCLOSURE SYSTEM

Sec.

56-10.1 Large and small asbestos projects

56-10.2 Restricted entry

Historical Note: Subpart (§56-10.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-10.1 Large and small asbestos projects.

(a) *Rooms and configuration.* A waste decontamination enclosure system shall consist of the following:

(1) *Washroom/cleanup room.* A washroom/cleanup room shall be constructed with an airlock doorway to the work area and another airlock doorway to the holding area. (See Figure 3.)

(2) *Holding area.* The holding area shall be constructed with an airlock doorway to the washroom/cleanup room and another lockable door to the outside. (See Figure 3.)

(b) *Equipment/washroom alternative.* Where there is only one egress from the work area, the holding area of the waste decontamination enclosure system may branch off from the equipment decontamination room, which doubles as a waste washroom, of the personal decontamination enclosure. (See Figure 4.)

(c) *Drains.* The waste washroom shall be equipped with a drain installed to collect water and deliver it to the shower drain where it shall be filtered in accordance with Subpart 56-9 of this Part. Waste shall be transferred only during times when the showers are not in use.

(d) *Shower/washroom alternative.* In small asbestos projects where only one egress from the work area exists, the shower room may be used as a waste washroom. In this instance, the clean room shall not be used for waste storage, but shall be used for waste transfer to carts, which shall be immediately removed from this enclosure. (See Figure 2.)

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 25, 1994 eff. Nov. 9, 1994. Amended (a)(1).

§ 56-10.2 Restricted entry.

Entry to the waste decontamination system shall be restricted to the following: the contractor, employees of the contractor, authorized visitors, police, fire and other public safety personnel.

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

SUBPART 56-11
ACCESS TO AND MAINTENANCE OF DECONTAMINATION ENCLOSURE
SYSTEMS AND WORK AREA BARRIERS

Sec.

56-11.1 General requirements

Historical Note: Subpart (§56-11.1) filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

Amended Part title.

§ 56-11.1 General requirements.

- (a) *Access.* Entry to the decontamination system (personal or waste) shall be restricted to the following: contractor, employees of the contractor, authorized visitors, police, fire and other public safety personnel.
- (b) *Preabatement settling period.* Upon completion of the construction of all plastic barriers and decontamination system enclosures, and prior to beginning actual abatement activities, 12-hour settling shall be allowed to insure that barriers will remain intact and secured to walls and fixtures.
- (c) *Inspection of barriers.* All plastic barriers inside the work area, in the personal decontamination enclosure system, in the waste decontamination enclosure system and at partitions constructed to isolate the work area from occupied areas, shall be inspected by the asbestos supervisor at least twice daily. The barriers shall be inspected before the start of and following the completion of the day's abatement activities. Inspections and observations shall be documented in a daily project log.
- (d) *Repairs to barriers and/or enclosure systems.* Damage and defects in the barriers and/or enclosure systems shall be repaired immediately upon discovery and prior to resumption of abatement activities.
- (e) *Testing of barriers and enclosure systems.* With the negative air pressure ventilation units in operation, smoke tubes shall be used to test the effectiveness of the work area barriers and the personal and waste decontamination enclosure systems. These tests shall be performed prior to the beginning of abatement activities and at least once a day thereafter until satisfactory clearance air-monitoring results have been achieved. Test results, observations and any modifications shall be documented in a daily project log.
- (f) *Loss of enclosure integrity.* At any time during the abatement activities, if visible emissions are observed outside of the work area or if damage occurs to the barriers, work shall be stopped, repairs made and visible residue immediately cleaned up, using HEPA-vacuuming and/or wet-cleaning methods, prior to the resumption of abatement activities.
- (g) *Daily cleaning of enclosures.* The employer shall HEPA-vacuum and/or wet-clean the waste decontamination enclosure system and the personal decontamination enclosure system at the end of each day of abatement activities.

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

SUBPART 56-12
HANDLING AND REMOVAL PROCEDURES

Sec.

56-12.1 General requirements

Historical Note: Subpart (§56-12.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-12.1 General requirements.

- (a) *Dry removal or disturbance.* No dry removal or disturbance of asbestos material shall be permitted.
- (b) *Wetting requirements.* The asbestos material shall be wetted frequently with amended water. Sufficient time shall be allowed for penetration to occur prior to abatement activities. All friable materials shall be saturated. All nonhygroscopic asbestos material shall be thoroughly wetted on a continuous basis.
- (c) *Handling.* Asbestos material on detachment from the substrate shall be directly bagged or dropped into a flexible catch basin and subsequently bagged.
- (d) *Chutes.* For asbestos material dropped distances greater than 10 feet, dust-tight, enclosed, inclined chutes shall be used.
- (e) *Handling large components.* Large components, removed intact, shall be wrapped in two layers of at least six-mil plastic sheeting, secured and made airtight with tape.
- (f) *Sharp-edged components.* Asbestos waste material with sharp-edged components that may tear the plastic bags or sheeting shall be placed into hardwall containers and sealed airtight.
- (g) *Cleaning of surfaces.* After completion of all stripping work, surfaces from which asbestos material has been removed shall be HEPA-vacuumed and/or wet-cleaned.
- (h) *Cleanup procedures.* Cleanup shall proceed in accordance with Subpart 56-15 of this Part.
- (i) *Encapsulant use during cleanup.* After first cleaning and prior to first sheeting removal, and after the work area has been rendered free of visible residues, a thin coat of an encapsulating agent shall be applied to any surfaces in the work area which were not the subject of removal or other remediation activities. In no event shall encapsulant be applied to any surface which was the subject of removal or other remediation activities prior to obtaining satisfactory clearance air monitoring results.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (i).

SUBPART 56-13

ENCAPSULATION PROCEDURES

Sec.

56-13.1 General requirements

Historical Note: Subpart (§56-13.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-13.1 General requirements.

Encapsulation of asbestos material shall be conducted in accordance with the following:

- (a) *Work area preparation.* The work area shall be cleaned and isolated in accordance with Subpart 56-8 of this Part.
- (b) *Repair materials.* Damaged and missing areas of existing materials shall be repaired with nonasbestos material. The material shall adhere to existing surfaces and provide a base for application of encapsulating agents.
- (c) *Asbestos material removal.* Loose or hanging asbestos material shall be removed in accordance with the requirements of Subpart 56-12 of this Part.
- (d) *Testing of encapsulants.* Encapsulants shall be field-tested prior to use by applying each to a small area to determine suitability for the material to be encapsulated. Testing shall be conducted only after the isolation barriers are in place.
- (e) *Bridging encapsulants.* (1) Thickness requirement. Bridging encapsulants shall be applied to provide the manufacturer's specified number of inches of minimum dry-film thickness over sprayed asbestos surfaces.
- (2) Color requirement. When using a bridging encapsulant, a different color for each coat shall be used.
- (f) *Penetrating encapsulants.* (1) Penetration requirement. Penetrating encapsulants shall be applied and penetrate existing asbestos material to the substrate.
- (2) Testing of penetration. During treatment with a penetrating encapsulant, selected random core samples of the asbestos material shall be removed and checked to verify full depth penetration.
- (3) Color requirement. Each coat of encapsulant shall be color-coded as per manufacturer's recommendations, if any, except for the prohibition of pigment use.
- (g) *Method of application.* Encapsulants shall be applied using airless spray equipment.
- (1) Spraying pressure. Spraying shall be performed at the lowest pressure range possible to minimize asbestos release.
- (2) Spray tip. The optimum spray tip shall be chosen on the basis of the viscosity and percent solids of the encapsulant. The cone projection of the tip shall be as specified by the manufacturer.
- (3) Subsequent coats. Each subsequent coat of encapsulant shall be applied at a 90-degree angle to the preceding coat application or per manufacturer's specifications.
- (4) Encapsulant solvent or vehicle. The encapsulant solvent or vehicle shall not be or contain a volatile material. It shall not release toxic substances into the air when applied or during curing.
- (h) *Encapsulant properties.* If the asbestos material has been used for fire retardation and/or protection of structural members, the encapsulant shall have high flame-retardant and low toxic fume/smoke emission characteristics.
- (i) *Latex paint.* Latex paint shall be considered a dilute encapsulating agent and used only as a coating for all surfaces during cleanup procedures. It shall not be used as an encapsulant.
- (j) *Marking or labeling.* Encapsulated asbestos material shall be conspicuously marked or labeled in order to warn persons of its presence.
- (k) *Cleanup.* Cleanup shall be in accordance with Subpart 56-15 of this Part.

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

SUBPART 56-14
ASBESTOS MATERIAL ENCLOSURE PROCEDURES

Sec.

56-14.1 General requirements

Historical Note: Subpart (§56-14.1) filed July 7, 1987 eff. July 28, 1987.

§ 56-14.1 General requirements.

The enclosure of asbestos material shall be conducted in accordance with the following:

- (a) *Work area preparation.* The work area shall be cleaned and isolated in accordance with Subpart 56-8 of this Part.
- (b) *Use of amended water.* Areas that may be disturbed during the installation of hangers or other support/framing materials for the enclosure shall be sprayed with amended water. These areas shall be kept damp to reduce airborne asbestos concentrations.
- (c) *Loose/hanging asbestos material.* Loose and hanging asbestos material shall be removed in accordance with the requirements of Subpart 56-12 of this Part.
- (d) *Repair of fireproofing/thermal insulation.* After installation of hangers, brackets or other enclosure supports, and before installation of enclosure material, damaged areas of fireproofing/thermal insulation shall be repaired using a nonasbestos material as per Subpart 56-7 of this Part. Surfaces shall be prepared and replacement material applied in accordance with manufacturer's recommendations.
- (e) *Integrity of installation.* Enclosure material shall be impact resistant and installed to provide an airtight barrier.
- (f) *Utility maintenance.* Utilities shall be lowered as necessary and reinstalled in a manner which allows proper utilization and does not disturb the integrity of the enclosures. Utility maintenance shall not require the enclosures to be opened or disturbed.
- (g) *Ducts.* Ducts insulated with asbestos material shall not be enclosed.
- (h) *Air plenums.* Asbestos material-insulated air plenums, which are not readily accessible for inspection, shall not be enclosed.
- (i) *Cleanup.* Cleanup shall be conducted in accordance with Subpart 56-15 of this Part.
- (j) *Marking or labeling.* Enclosed asbestos material shall be conspicuously marked or labeled in order to warn persons of its presence.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

SUBPART 56-15 CLEANUP PROCEDURES

Sec.

- 56-15.1 General requirements
- 56-15.2 Post-abatement requirements
- 56-15.3 Demolition requirements
- 56-15.4 Minor asbestos projects

Historical Note: Supbart (§§56-15.1 - 56-15.4) filed July 7, 1987 eff. July 28, 1987.

§ 56-15.1 General requirements.

The following cleanup procedures shall be required for all large and small abatement projects:

- (a) *Frequency for containerizing.* Cleanup of accumulations of loose asbestos material shall be performed whenever enough loose asbestos material has been removed to fill a single leak-tight container of the type commensurate with the material properties. In no case shall cleanup be performed less than once prior to the close of each working day. Asbestos material shall be kept wet until cleaned up.
- (b) *Frequency for dust.* Accumulations of dust shall be cleaned off all surfaces on a daily basis using HEPA vacuum and/or wet-cleaning methods.
- (c) *Frequency for enclosures.* Decontamination enclosures shall be HEPA-vacuumed and/or wet-cleaned at the end of each shift.
- (d) *Cleanup tools and equipment.* Accumulations of asbestos waste material shall be containerized utilizing HEPA vacuums or rubber or plastic dust pans, squeegees or shovels. Metal shovels shall not be used to pick up or move waste.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

§ 56-15.2 Post-abatement requirements.

The following cleanup procedures shall be required after completion of all abatement activities:

- (a) *Cleanup tools and equipment.* All accumulations of asbestos waste material shall be containerized, utilizing HEPA vacuums or rubber or plastic dust pans, squeegees or shovels. Metal shovels shall not be used to pick up or move waste. HEPA vacuums shall be used to clean all surfaces after gross cleanup.
- (b) *First cleaning.* All surfaces in the work area shall be first wet-cleaned using rags, mops and sponges. To pick up excess liquid and wet debris, a wet-purpose shop vacuum may be used and shall be decontaminated prior to removal from the work area. Encapsulant use in such cleaning shall be performed consistent with section 56-12.1(i) of this Part.
- (c) *First sheeting removal.* The cleaned, exposed barrier layer of plastic sheeting shall be removed from walls and floors. Windows, doors, HVAC system vents and all other openings shall remain sealed. Decontamination enclosure systems shall remain in place and be utilized.
- (d) *Second cleaning and sheeting removal.* After the first cleaning, at least 12 hours shall be allowed for asbestos to settle. Thereafter, all objects and surfaces in the work area shall be HEPA- vacuumed and/or wet-cleaned. The remaining plastic, on walls and floors only, shall then be removed. All windows, doors, HVAC system vents and all other openings shall remain sealed.
- (e) *Third cleaning.* After the second cleaning, at least 12 hours shall elapse before HEPA- vacuuming and/or wet-cleaning all surfaces in the work area. The negative pressure ventilation units shall remain in continuous operation during the settling periods and the third cleaning.
- (f) *Removal of waste.* All containerized waste shall be removed from the work area and the holding area.
- (g) *Removal of tools and equipment.* All tools and equipment shall be removed from the work area and decontaminated as per this Part.
- (h) *Clearance air monitoring.* Clearance air monitoring, as per the schedule for air sampling and analysis, shall be conducted.
- (i) *Removal of isolation barriers.* The isolation barriers shall be removed only after satisfactory clearance air-monitoring results have been achieved.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (b).

§ 56-15.3 Demolition requirements.

The following cleanup procedures shall be required for demolition projects:

- (a) *Method, tools and equipment.* All accumulations of asbestos waste material shall be containerized and removed. Metal shovels may be used to pick up or move waste, except in the vicinity of any isolation barriers which could be breached. The areas around isolation barriers shall be cleaned utilizing rubber or plastic dust pans, squeegees or shovels. To pick up excess liquid and gross wet asbestos waste material, a wet-purpose shop vacuum may be used and shall be decontaminated prior to removal from the work area.
- (b) *Removal of waste.* All containerized waste shall be removed from the work area and the holding area.

- (c) *Cleanup of surfaces.* All surfaces in the work area shall be wet-cleaned using rags, mops and sponges. HEPA vacuums shall be used to clean all surfaces after gross cleanup.
- (d) *Plastic sheeting removal.* Where porous floor or cinderblock-like materials have been plasticized for surface barrier containment, each layer of plastic in succession shall be cleaned as in subdivision (c) of this section, sprayed with a thinned encapsulant and removed when dry.
- (e) *Removal of tools and equipment.* All tools and equipment shall be removed from the work area and decontaminated as per this Part.
- (f) *Clearance air monitoring.* Clearance air monitoring, as per the schedule for air sampling and analysis, shall be conducted.
- (g) *Removal of isolation barriers.* The isolation barriers shall be removed only after satisfactory clearance air-monitoring results have been achieved.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (d).

§ 56-15.4 Minor asbestos projects.

If a glovebag or tent is used and fails or loses its integrity, the following procedures shall be required:

- (a) *Isolation barrier construction.* An isolation barrier shall be constructed as follows:
 - (1) HVAC isolation. The HVAC systems shall be shut down immediately and all openings shall be sealed with at least six-mil fire-retardant plastic sheeting and duct tape.
 - (2) Uncontaminated areas. Passageways to uncontaminated areas of the building or structure shall be sealed with at least six-mil fire-retardant plastic sheeting and duct tape.
- (b) *Negative air pressure equipment ventilation.* Negative air pressure equipment ventilation that complies with Subpart 56-6 of this Part shall be installed and utilized.
- (c) *Cleanup.* Cleanup shall be accomplished as follows:
 - (1) Method, tools and equipment. All accumulations of asbestos waste material shall be containerized. Metal shovels or HEPA vacuums may be used to pick up or move waste, except in the vicinity of any isolation barriers which could be breached. The areas around the isolation barriers shall be cleaned utilizing rubber or plastic dust pans, squeegees or shovels. HEPA vacuums shall be used to clean all surfaces after gross cleanup.
 - (2) Cleanup of surfaces. All surfaces in the work area shall be first wet-cleaned using rags, mops and sponges.
 - (3) Second cleaning. After the first cleaning, at least 12 hours shall be allowed for asbestos to settle. Thereafter, all objects and surfaces in the work area shall be HEPA-vacuumed and/or wet-cleaned. The isolation barrier shall be breached for entry and exit with minimal frequency and shall be resealed immediately. All windows, doors, HVAC system vents and all other openings shall remain sealed.
 - (d) *Removal of contaminated equipment and waste.* Contaminated equipment and all containerized waste shall be removed from the work area.
 - (e) *Clearance air monitoring.* Clearance air monitoring, as per the schedule for air sampling and analysis, shall be conducted.

(f) *Removal of isolation barrier.* The isolation barrier shall be removed only after satisfactory clearance air monitoring results have been achieved.

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

SUBPART 56-16

MINOR PROJECT PROCEDURES

Sec.

56-16.1 General requirements

Historical Note: Subpart (§56-16.1) filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992.

Amended Part title.

§ 56-16.1 General requirements.

- (a) *Types.* Corrective actions shall be performed using nonasbestos material. Such actions shall include enclosure patch-up, spot removal, spot patch-up and spot encapsulation.
- (b) *Glovebag use.* Glovebag operations shall be performed using commercially available glovebags of at least six-mil, transparent plastic and no larger than needed.
 - (1) *Size.* When abating pipe insulation, the pipe insulation diameter worked shall not exceed one half the bag working length.
 - (2) *Sealing.* Duct tape shall be placed securely around the affected area to form a smooth seal. The glovebag shall then be secured to the duct tape and sealed airtight.
 - (3) *Seal testing.* The glovebag seal shall be subjected to and pass a smoke test as follows:
 - (i) Aspirate the contents of a smoke tube through the water port access of the bag.
 - (ii) After twist-sealing the access port, the bag shall be squeezed gently and checked for any leakage points, which shall be taped airtight.
 - (4) *Surface irregularities.* If the material adjacent to the work section is damaged, or if it terminates, is jointed or contains an irregularity adjacent to the work section, the material shall be wrapped in at least six-mil fire-retardant plastic sheeting and sealed airtight with duct tape.
 - (5) *Amended water.* All asbestos material within the secured glovebag shall be wetted with amended water prior to stripping.
 - (6) *Post-stripping wetting.* After the asbestos material has been stripped, the surfaces from which it has been removed shall be saturated with amended water and scrubbed with a brush to remove all visible asbestos material. The surfaces from which it has been removed, the interior of the bag, the affected area and tools shall then be thoroughly wetted with amended water.
 - (7) *Sealing of pipe ends.* When abating pipe insulation, any pipe insulation ends created shall be sealed with wettable cloth, end caps, spray glue or any compatible combination of these.
 - (8) *Collapsing of the glovebag.* A HEPA vacuum shall be used to collapse the glovebag.
 - (9) *Tool segregation.* With the glovebag collapsed and the asbestos material in the bottom of the bag, twist the bag several times and tape the twist to seal that section. The tool pouch shall be separated from the bag by twisting it several times, taping the twist and thus sealing the pouch. Alternatively, the tools may be pulled through with one or both glove inserts, thus turning the gloves inside out. The gloves shall then be twisted several times, taped and thus sealed.
 - (10) *Containerizing the glovebag.* At least a six-mil plastic bag shall be used to contain the glovebag while it is still attached to the affected area. The bag shall then be detached from the affected area by removing the duct tape.
 - (11) *Sealing of contaminated items.* The glovebag shall be placed into at least a six-mil plastic bag, sealed airtight and removed from the project area for disposal.
- (c) *Tent construction.* Corrective actions on area-emplaced asbestos material shall be performed using a constructed or commercially available plastic tent. The tent shall be of at least six-mil fire-retardant plastic sheeting with double-folded seams. Seams shall be taped airtight and then taped flush with the adjacent tent wall.
 - (d) *Tent use.* When utilizing a tent, the following shall be required:
 - (1) *Personal protective equipment.* Persons shall don disposable protective clothing. Authorized visitors entering the tent shall first don NIOSH-approved respiratory protection.
 - (2) *Exhausting the tent.* A HEPA vacuum shall be used to continuously exhaust the tent.
 - (3) *Amended water.* All material to be removed shall be saturated with amended water as specified in this Part.
 - (4) *Abatement procedures.* Asbestos material shall be removed and sealed in plastic bags prior to removal from the tent. Edges of asbestos material remaining shall be encapsulated or sealed with wettable cloth.
 - (5) *Cleanup.* The entire project area and the plastic tent shall be wet-cleaned. The HEPA vacuum shall be operated for a minimum of 20 minutes following completion of the wet cleaning.
 - (6) *Sealing of surfaces and edges.* The substrate from which asbestos was removed and any exposed edges shall be sealed with encapsulant.
 - (7) *Removal of personal protective equipment.* The persons' disposable protective clothing shall be removed and left in the tent upon exiting.

- (8) Exiting procedures. After exiting the tent, persons shall immediately don clean protective clothing. Persons shall then seal the tent exit and, upon tent collapse, shut down the HEPA vacuum.
- (9) Collapsing and containerizing the tent. The plastic sheeting which formed the tent, and the contents thereof, shall be fully collapsed, starting from the top and working downward. The tent and contents shall be placed in at least a six-mil plastic bag or hardwall container, sealed with duct tape and removed for disposal.
- (10) Showering. Persons shall proceed immediately to a shower for decontamination.

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

SUBPART 56-17
AIR SAMPLING, MONITORING AND ANALYSIS

Sec.

- 56-17.1 Schedules and methods
- 56-17.2 Pre-abatement and post-abatement monitoring (clearance air monitoring)
- 56-17.3 Air sampling during abatement
- 56-17.4 Air sampling and analysis
- 56-17.5 Air sampling
- 56-17.6 Analysis and results—general requirements
- 56-17.7 Criteria during abatement procedures—work stoppage level
- 56-17.8 Clearance air-monitoring results criteria—satisfactory level
- 56-17.9 Failure

Historical Note: Subpart (§§56-17.1 - 56-17.9) filed July 7, 1987 eff. July 28, 1987.

§ 56-17.1 Schedules and methods.

Air sampling and analysis shall be conducted in accordance with the following table:

Table 1

ASBESTOS PROJECT AIR SAMPLING AND ANALYSIS REQUIREMENTS

<i>Project</i>	<i>Post-abatement Background sampling (prior to start of project) (area preparation)</i>		<i>Pre-abatement (work in progress) monitoring</i>	<i>Abatement</i>	<i>(clearance)</i>
Large Asbestos Project					
All Projects	Required	Required	Required	Required	
Small Asbestos Project					
All Projects	Required	Required	Not Required	Required	
Minor Asbestos Projects	Not Required	Not Required	Not Required	Required*	

Note: The party conducting the project shall determine the method of analysis which will be utilized to meet the air sampling requirements of this Part (rule). Phase Contrast Microscopy (PCM) is the minimally acceptable method of analysis which may be elected. Transmission Electron Microscopy (TEM) and Scanning Electron Microscopy (SEM) are other acceptable methods of analysis. Whichever methodology is selected must be used consistently for pre-abatement, abatement and post-abatement monitoring. However, where the use of PCM has resulted in fiber counts which exceed the air clearance levels acceptable under this Part (rule), TEM may be utilized to obtain a more accurate asbestos fiber count. Where such election is made, both the PCM and TEM results must be made available to the commissioner or his/her designee in accordance with the provisions of this Part (rule).

Historical Note: Sec. filed July 7, 1987; amds. filed: Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994.

*Required on glovebag or tent failure or loss of integrity.

§ 56-17.2 Pre-abatement and post-abatement monitoring (clearance air monitoring).

- (a) *Drying time.* Sampling shall not commence until:
 - (1) at least 12 hours after wet cleaning has been completed; and
 - (2) no visible pools of liquid or condensation remain.
- (b) *Number of samples - large asbestos projects.* For large asbestos project pre-abatement and post-abatement monitoring (clearance air monitoring), a minimum of five area samples inside and five area samples outside each homogeneous work area shall be taken.
- (c) *Additional samples.* In addition to the five-sample minimum requirement set forth in subdivision (b) of this section, one representative area sample, for every 5,000 square feet above 25,000 square feet of floor space, shall be taken.
- (d) *Number of samples - small asbestos projects.* For small asbestos project pre-abatement and post-abatement monitoring, a minimum of three samples inside and three samples outside the work area shall be taken.
- (e) *Placement of air-sampling equipment.* Air-sampling equipment shall not be placed in corners of rooms or near obstructions. Within the above constraints, samplers shall be placed at random around the

work area. If the work area contains the number of rooms equivalent to the number of required samples based on floor area, place a sampler in each room. When the number of rooms is greater than the required number of samples, a representative sample of rooms shall be selected.

(f) *Aggressive sampling techniques.* The following aggressive sampling techniques shall be used for all clearance air monitoring:

(1) *Presampling agitation.* Before starting the sampling pumps, the exhaust of forced-air equipment shall be directed against all walls, ceilings, floors, ledges and other surfaces in the rooms. This shall continue for at least five minutes per 1,000 square feet of floor.

(2) *Ongoing agitation.* At least a 20-inch fan shall be placed in the center of each room. One fan per 10,000 cubic feet of room space shall be used. The fan shall be operated on slow speed and pointed toward the ceiling.

(3) *Begin sampling.* The sampling pumps shall then be turned on.

(4) *End sampling.* When sampling has been completed, the sampling pumps shall be turned off first, followed by the fan.

(g) *Air changes.* During clearance air monitoring, the negative air pressure equipment shall be operated at a maximum of two air changes per hour.

(h) *Samplers outside of the work area.* For clearance air monitoring, the samplers, placed outside the work area but within the building or structure, shall be so located as to avoid any air that might escape through the isolation barriers.

Note: Minimum distances should be at least 50 feet from the entrance to the work area and 25 feet from the plastic barriers.

(i) *Placement of outdoor samplers.* Outdoor background samplers shall be placed at approximately grade level six feet above and away from obstructions that may influence wind patterns. If access to electricity and concerns about security dictate a rooftop site, locations near vents or other structures on the roof shall be avoided.

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

§ 56-17.3 Air sampling during abatement.

(a) *Sample locations—large asbestos projects.* Once abatement activities have begun, the following schedule of samples shall be required, as a minimum, for large asbestos projects on a daily basis.

Note: The size of the abatement activity will determine the number of samples necessary.

(1) Two area samples shall be taken outside the work area and the enclosures, but within the building or structure, in uncontaminated areas that are within 10 feet of the isolation barriers. Where negative ventilation exhaust ducts run through uncontaminated areas, one of the area samples shall be taken in one of these areas. Where adjacent nonwork areas do not exist, an additional exterior area sample, remote from that in paragraph (3) of this subdivision, shall be taken.

(2) One area sample shall be taken outside the work area, in uncontaminated areas that are within 10 feet of and within the actual environment of the entrance/exit of each personal decontamination and waste decontamination enclosure.

(3) One area sample shall be taken outside the building or structure.

(4) One area sample shall be taken within 10 feet of each unobstructed, negative pressure ventilation equipment exhaust.

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

§ 56-17.4 Air sampling and analysis.

(a) *Air sampling and analysis.* Air sampling and analysis shall not be performed by any party involved with the asbestos project, except as follows: Air sampling and analysis shall not be performed by any party involved with the asbestos project, except as follows:

(1) The individual or firm acting as the project monitor may perform air sampling and analysis so long as the individual or firm acting as the project monitor has not performed any other function on the project.

(2) Any party to the project, other than the abatement contractor, may perform air monitoring functions on the project provided that: (i) all air samples shall be analyzed at an independent laboratory conforming to the requirements of section 56-17.4(c) of this Subpart; and (ii) copies of all air clearance monitoring results shall be furnished pursuant to section 56-17.8 of this Subpart; and (iii) the name and address of the laboratory performing analysis shall be provided to the commissioner in accordance with section 56-1.8(e)(5) of this Part.

(b) *Qualifications of person(s).* The air sampling shall be conducted by an industrial hygienist, air sampling technician or air sampling technologist who has been trained in the selected methodology of sampling and analysis of asbestos and who possesses an asbestos project air sampling technician certificate issued by the department.

(c) *Certification of laboratory.* The laboratory used for analysis shall be one accredited by the AIHA or by the New York State Department of Health for the selected methodology of sampling and analysis of asbestos.

(d) *Consistency of methodologies.* The selected methodology of sampling of asbestos shall be consistent with the selected methodology of analysis. The selected methodology of sampling and analysis of asbestos shall be the same for all pre-abatement, abatement and post-abatement monitoring requirements of a project.

Historical Note: Sec. filed July 7, 1987; amds. filed: Dec. 15, 1987 as emergency measure; Feb. 1, 1988 as emergency measure; March 3, 1988; Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994. Amended (a)(1).

§ 56-17.5 Air sampling.

(a) *Sampling equipment.* Air sampling shall be performed using pumps with associated tubing, supports and air-flow measuring/metering or recording devices.

(b) *Duration flow rate and calibration.* Sampling, other than pre-abatement and post-abatement sampling, shall be performed for the full work shift. Sampling pumps shall have a flow-rate capacity of two liters per minute and shall be pre-calibrated and post-calibrated each time they are used. The calibrations shall be recorded.

(c) *Sample records.* Samples shall have a chain of custody record.

Historical Note: Sec. filed July 7, 1987; amd. filed Oct. 18, 1991 eff. Jan. 1, 1992. Amended (b).

§ 56-17.6 Analysis and results - general requirements.

(a) *Turnaround time.* For samples collected during abatement activities, the period of time permitted between the collection of air samples and the receipt of results shall be less than 72 hours.

(b) *Microscope detail.* The methodology chosen for sampling and analysis and the microscope type, make and model number shall be included in the results.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

§ 56-17.7 Criteria during abatement procedures - work stoppage level.

During abatement activities, if air samples collected outside of the work area, excluding all portions of the enclosure except the clean room, indicate airborne asbestos fiber concentrations at or above 0.01 fiber per cubic centimeter, or the background level, whichever is greater, work shall stop immediately for inspection and repair of barriers. Cleanup of surfaces outside of the work area, using HEPA vacuums and/or wet-cleaning methods, shall be performed prior to the resumption of abatement activities.

Historical Note: Sec. filed July 7, 1987 eff. July 28, 1987.

§ 56-17.8 Clearance air-monitoring results criteria - satisfactory level.

(a) The clearance air-monitoring results shall be considered satisfactory when every sample demonstrates an airborne concentration of asbestos fibers of less than 0.01 fiber per cubic centimeter, or the background level, whichever is greater. Where final air clearance results must be submitted to the commissioner pursuant to section 56-17.4(a)(2) of this Subpart, they shall be submitted, in care of the nearest district office of the asbestos control bureau where the project takes place. (See subdivision [b] of this section for addresses.)

(b) *Applicable variances (AV's).* Notices of issuance of applicable variances under this Part, article 30 of the Labor Law or other applicable sections of State law, shall be published in the *State Register* and indexed by subject matter and number. Single copies of such variances may be obtained from the local district office of the asbestos control bureau.

New York State Department of Labor
DOSH-Asbestos Control Bureau
450 South Salina Street
Syracuse, NY 13202

New York State Department of Labor
DOSH-Asbestos Control Bureau
Room 421
Building #12, State Campus
Albany, NY 12240

New York State Department of Labor
DOSH-Asbestos Control Bureau
Room 811
One Main Street
Brooklyn, NY 11201

New York State Department of Labor
DOSH-Asbestos Control Bureau
Room 400
65 Court Street
Buffalo, NY 14202

Historical Note: Sec. filed July 7, 1987; amds. filed: Oct. 18, 1991; Oct. 25, 1994 eff. Nov. 9, 1994.

§ 56-17.9 Failure.

Required actions if the work site fails clearance air-monitoring results criteria.

(a) *Recleaning.* Any homogeneous work area or other area which does not meet the satisfactory clearance air-monitoring results criteria shall be recleaned using wet methods, with the negative air pressure equipment operating as per the requirements of this Part.

(b) *Placement of new samples.* New samples, in positions as before, shall be collected in all unsatisfactory areas and analyzed for concentrations of airborne asbestos fibers.

(c) *Repeating of air sampling, monitoring and analysis.* The requirements of this Subpart shall be repeated until satisfactory clearance air-monitoring results have been achieved throughout the entire work site.

Note: For an asbestos abatement project with more than one homogeneous work area, the clearance air monitoring results criteria will be applied to each area independently.

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

SUBPART 56-18
MISCELLANEOUS

Sec.

56-18.1 Severability

56-18.2 Variances

56-18.3 Right of entry

Historical Note: Subpart (§§56-18.1 - 56-18.2) filed Oct. 18, 1991 eff. Jan. 1, 1992.

§ 56-18.1 Severability.

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provisions or applications and to this end the provisions of this Part are declared to be severable.

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

§ 56-18.2 Variances.

Failure to comply with the terms and conditions of any variance from this Part, article 30 of the Labor Law or other applicable sections of State law, issued pursuant to section 30 of the Labor Law, either general or specific, shall constitute a violation of this section and shall render the variance itself null and void.

Nonrefundable fees for variance processing shall be as set forth in section 30 of the Labor Law.

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

§ 56-18.3 Right of entry.

The commissioner or the officers and employees of the department shall at any time, from commencement to completion of any asbestos project, have the right to enter any part of such project. Refusal to permit such entry may result in application of appropriate penalties set forth in statute and code including enjoining further work on the project.

Historical Note: Sec. filed Oct. 25, 1994 eff. Nov. 9, 1994.