

**ASBESTOS RELATED
APPLICABLE VARIANCES**



*New York State Department of Labor
Division of Safety and Health
Asbestos Control Bureau*

**STATE OF NEW YORK
DEPARTMENT OF LABOR**

GOVERNOR W. AVERELL HARRIMAN
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240

PUBLIC NOTICE

In the Matter of
Part 56 of Title 12 of the
Official Compilation of Codes, Rules and Regulations of the
State of New York

(Cited as 12 NYCRR 56)

ASBESTOS RELATED APPLICABLE VARIANCES

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ASBESTOS
CEILING REMOVAL
(AV 86)

(as Amended Effective December 15, 1987)
Code Rule Section 56-8.1(k)(5)

DATED MARCH 20, 1989

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provision of Industrial Code Rule 56; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to these petitions.

The Commissioner finds that the issuance of an applicable variance from the aforementioned provision of Industrial Code Rule 56, as such pertains to the plasticizing of ceilings from which asbestos containing materials are to be removed, would not violate the spirit and purpose of the said rule and would secure the public safety as contemplated by the said rule.

APPLICABLE VARIANCE

A variance from the aforementioned provision of Industrial Code Rule 56 is hereby GRANTED, relative to the removal of a ceiling without the plasticizing such ceiling, subject to the following conditions:

CONDITIONS

1. Where the ceiling is attached directly to the underside of the floor or roof deck above, such as in the case of sprayed on fire proofing, the walls and floors of the work area shall be separated from the remainder of the work site by construction of isolation barriers conforming to the provisions of rules 56-8.1(k)(1-5).
2. When the asbestos containing materials are in a drop ceiling, the floors and walls up to the ceiling level of the work area shall be plasticized in conformance with the requirements of the provisions of rule 56-8.1(k)(1-5).
3. The ceiling tiles framing the perimeter of the work area shall be carefully removed in accordance with all other applicable provisions of Industrial Code Rule 56.
4. Once the perimeter ceiling tiles have been removed, the remaining wall surfaces up to the underside of the floor or roof deck shall be plasticized in accordance with the provisions of rules 56-8.1(k)(1-5).
5. In all ceiling removals, the floor or roof deck framing the actual ceiling of the work area shall be inspected prior to any removal of asbestos containing materials to insure that such deck is free of any penetrations and is a closed system. Should any penetrations be found, they shall be properly sealed.
6. If during the removal operations a penetration of the deck area is found, work shall stop immediately and the penetration shall be properly sealed.
7. A copy of the APPLICABLE VARIANCE shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
8. All other applicable provisions of Industrial Code Rule 56-1 through 56-17 shall be complied.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforementioned provision of Industrial Code Rule 56 applies relative to the plasticizing of ceilings from which asbestos containing materials are to be removed with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforementioned provision of Industrial Code Rule 56.

ASBESTOS
WRAPPED PIPING
(AV 87)

(as Amended Effective December 15, 1987)
Code Rule Section 56-8.2(d)

DATED MARCH 20, 1989

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provision of Industrial Code Rule 56 as it relates to the removal of above ground insulated piping; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to these petitions.

The Commissioner finds that the issuance of an applicable variance from the aforesaid provision of Industrial Code Rule 56, as such pertains to the removal of above ground insulated piping, would not violate the spirit and purpose of the said rule and would secure the public safety as contemplated by the said rule.

APPLICABLE VARIANCE

A variance from the aforesaid provision of Industrial Code Rule 56 is hereby GRANTED, relative to the removal of above ground insulated piping without the isolation barriers--specific as required by Section 56-8.1(k) which requirement is included among those specified in Section 56-8.2(d), subject to the following conditions as they pertain to the removal of above ground insulated piping located either in a building or external to a building:

CONDITIONS

1. Compliance with all applicable provisions of Industrial Code Rule Section 56-8.2(d) is required with the exception of Code Rule Section 56-8.1, Subdivision (k), Paragraphs (1) through (5) only.
2. The entirety of the building(s)/complex shall be considered to be the work area. Uncertified persons shall not be permitted within the work area.
3. Amended water shall be used to wet the asbestos.
4. Personal protective equipment as required by Industrial Code Rule Section 56-4.1, Subdivision (d) shall be provided and used.
5. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. The enclosure system shall be removed only after satisfactory clearance air monitoring results have been achieved.
6. In addition to the requirements of Subpart 56-17, air monitoring of the entire work area shall be conducted daily. If air sample results indicate any airborne asbestos fiber concentration(s) at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately, methods shall be altered to reduce the airborne asbestos fiber concentration(s) to the aforementioned level and work shall not resume until that level is attained.
7. A waste decontamination enclosure system that fully complies with Subpart 56-10 shall be utilized.
8. All openings (including but not limited to windows, doors, ducts, grilles) to the exterior of the building(s) shall be sealed with two layers of at least six mil plastic sheeting.
9. Air sampling and analysis shall be performed in compliance with the requirements of Industrial Code Rule 56-17.
10. The entirety of the pipe/insulation shall be wrapped in two layers of, at least six mil, plastic sheeting and sealed airtight prior to the commencement of glovebag operations.

11. Nylon slings shall be used to lower/move insulated pipe sections of convenient lengths.
12. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.

This variance shall be applied by all enforcement officials to all persons and in all places to which the aforecited provision of Industrial Code Rule 56 applies to the removal of above ground insulated piping with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforecited provision of Industrial Code Rule 56.

ASBESTOS
SHINGLE SIDING
(AV 89)

(as Amended Effective December 15, 1987)
Code Rule Section 56-6.1; Section 56-8.1(k)(1-5)
Section 56-15.2(c-e)

DATED MARCH 20, 1989

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provisions of Industrial Code Rule 56 as they relate to the removal of shingle siding; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to these petitions.

The Commissioner finds that the issuance of an applicable variance from the aforesaid provisions of Industrial Code Rule 56, as such pertain to the removal of shingle siding, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by the said rules.

APPLICABLE VARIANCE

A variance from the aforesaid provisions of Industrial Code Rule 56 is hereby GRANTED, relative to the removal of shingle siding without the ventilation, the isolation barriers--specific and first sheeting removal and third cleaning requirements of the aforesaid rules, subject to the following conditions:

CONDITIONS

1. The area surrounding the structure from which the shingle siding is to be removed shall be plasticized using two layers of, at least six mil, plastic sheeting. The said plastic shall extend outward on the ground from the perimeter of the structure for a distance of at least six feet.
2. Each structure and the surrounding area within fifty (50) feet of its perimeter shall be considered to be the work area.
3. Uncertified persons shall not be permitted within the work area. The vacating of each work area and warning signs shall comply with Industrial Code Rule 56-8.1(b).
4. Each work area shall be segregated by the use of barricades or fences and shall be accessible through only one entrance/exit.
5. HEPA filtered local exhaust ventilation, as required by Industrial Code Rule 56-7.1(j), shall be utilized on all power operated tools.
6. Personal protective equipment as required by Industrial Code Rule 56-4.1(d) shall be provided and used by all persons within the work area.
7. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. The personal decontamination enclosure shall be removed only after satisfactory clearance air monitoring results have been achieved.
8. In addition to the requirements of Subpart 56-17, air monitoring of the entire work area shall be conducted daily. If air sample results indicate any airborne asbestos fiber concentration(s) at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately, methods shall be altered to reduce the airborne asbestos fiber concentration(s) to the aforementioned level and work shall not resume until that level is attained.
9. A waste decontamination enclosure system, that fully complies with the provisions of Subpart 56-10, shall be utilized.

10. All openings (including but not limited to windows, doors, ducts, grilles) within any structure being abated or within fifty (50) feet of its perimeter shall be sealed with two layers of, at least, six mil plastic sheeting.
11. The shingle siding shall be removed intact and using manual methods only.
12. Amended water shall be used to continually wet the shingle siding prior to, during and subsequent to removal.
13. Any water accumulation shall be filtered and treated as asbestos containing water before it is discharged into a waste system.
14. All air sampling and analysis shall be performed in compliance with all provisions of Subpart 56-17.
15. A copy of this APPLICABLE VARIANCE shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
16. All other applicable provisions of Industrial Code Rule 56-1 through 56-17 shall be met.

This variance shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to the removal of shingle siding with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
FLOOR COVERINGS; OVERLAYING OF FLOORS; FLOATED ROOFS AND/OR FLASHINGS
(AV 92)

(as Amended Effective December 15, 1987)
Code Rule Section 56-1.5; Section 56-1.6; Section 56-2.1; Section 56-2.2;
Subpart 56-3; Subpart 56-4; Subpart 56-5; Subpart 56-6; Subpart 56-7;
Subpart 56-8; Subpart 56-9; Subpart 56-10; Subpart 56-11;
Subpart 56-12; Subpart 56-13; Subpart 56-14;
Subpart 56-15; Subpart 56-16; Subpart 56-17

DATED JUNE 6, 1989

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provisions of Industrial Code Rule 56 as they relate to floor coverings, overlaying of floors and floated roofs and/or flashings; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to these petitions.

The Commissioner finds that the issuance of an Applicable Variance from the aforesaid provisions of Industrial Code Rule 56, as such pertain to floor coverings, overlaying of floors and floated roofs and/or flashings, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by the said rules.

APPLICABLE VARIANCE

A variance from the aforesaid provisions of Industrial Code Rule 56 is hereby GRANTED, relative to floor coverings, overlaying of floors and floated roofs and/or flashings, subject to the following conditions:

CONDITIONS

1. If, at any time during or subsequent to the project, friable asbestos or asbestos material is disturbed, the project and/or any future activity shall be deemed to be an asbestos project and all such further work/activity shall be conducted in accordance with the requirements of Industrial Code Rules 56-1 through 56-17.
2. A copy of this APPLICABLE VARIANCE shall be conspicuously displayed at the entrance to each project area.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to floor coverings, overlaying of floors and floated roofs and/or flashings with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
SPRAY PLASTIC
(AV 96)

(as Amended Effective December 15, 1987)
Code Rule Section 56-8.1(k)(5)

DATED MAY 31, 1990

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provision of Industrial Code Rule 56 as it relates to the use of spray plastic for asbestos projects: and

Has also reviewed petitions for variance or other relief and the decisions rendered relative to these petitions.

The Commissioner finds that the issuance of an applicable variance from the aforesaid provision of Industrial Code Rule 56, as such pertains to the use of spray plastic for asbestos projects, would not violate the spirit and purpose of the said rule and would secure the public safety as contemplated by the said rule.

APPLICABLE VARIANCE

A variance from the aforesaid provision of Industrial Code Rule 56 is hereby GRANTED, relative to the use of spray plastic for asbestos projects, subject to the following conditions:

CONDITIONS

1. All work area(s) shall be pre-cleaned as per the requirements of Industrial Code Rule 56-8.1(i).
2. Pre-abatement air sampling/analysis shall not commence until at least twelve hours have elapsed following wet cleaning and there are no visible pools of liquid or remaining condensation.
3. The spray plastic shall be applied by persons that have been trained by the manufacturer, its representatives or others authorized by the manufacturer to perform such training.
4. The spray plastic shall be used/applied/maintained/removed in accordance with the manufacturer's detailed procedures for the same.
5. Wet Application shall be made at a rate to dry not less than 6 mils thick.
6. After the layer of spray plastics has cured/dried, a secondary layer of plastic sheeting shall be installed over the spray plastic. This secondary plastic sheeting shall be at least 6 mil thick and shall overlap with the floor sheeting by at least 12 inches. Seams on this secondary layer of plastic sheeting shall be separated by at least six feet and shall be sealed airtight with tape. The tape sealing the secondary layer of plastic sheeting shall be sprayed with spray plastic to ensure the integrity and construction of the isolation barriers.
7. Post-abatement cleanup shall be performed in compliance with the requirements of Industrial Code Rule 56-15.2. The layer of spray plastic shall be cleaned/removed as if it were the "remaining plastic" under Industrial Code Rule 56-15(d).
8. The spray plastic shall be considered to be asbestos waste material and shall be processed/disposed of as such.
9. A copy of this APPLICABLE VARIANCE and the aforementioned manufacturer's detailed procedures shall be conspicuously posted together at the entrance to the work area(s).
10. All other applicable provisions of Industrial Code Rules 56-1 through 56-17 shall be complied.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provision of Industrial Code Rule 56 applies to the use of spray plastic for asbestos projects with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provision of Industrial Code Rule 56.

ASBESTOS
TEMPORARY REQUIREMENTS FOR INITIAL CERTIFICATION
(AV 103)*

(as Amended Effective November 9, 1994)
Code Rule Section 56-2.2(a), (b)

DATED APRIL 2, 1997

*This DECISION supersedes APPLICABLE VARIANCE 93A, COMMISSIONER'S TERMINATION DECISION DATED MAY 29, 1992

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 56 as they relate to the employment of persons who have applied for an asbestos handling certificate prior to the issuance of that certificate by the New York State Department of Labor, Division of Safety and Health; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuance of an applicable variance from the aforementioned provisions of Industrial Code Rule 56, pertaining to the employment of persons having applied for an asbestos handling certificate prior to the issuance of that certificate by the New York State Department of Labor, Division of Safety and Health, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the aforementioned provisions of Industrial Code Rule 56 is hereby GRANTED, relative to employment of persons having applied for an asbestos handling certificate prior to the issuance of that certificate by the New York State Department of Labor, Division of Safety and Health, subject to the following conditions:

CONDITIONS

1. Any person not currently possessing a valid asbestos handling certificate issued by the New York State Department of Labor seeking employment on an asbestos containment/removal project shall provide the employer with the following:
 - (a) A photo identification card issued by an authorized government entity showing that the applicant is at least 18 years old.
 - (b) The student copy of the signed and dated New York State Department of Health Certificate of Asbestos Safety Training Form (DOH 2832) indicating successful completion of an approved, initial asbestos safety program.
2. Each employer shall receive and be responsible for the authenticity of the documentation submitted under Condition No. 1 above.
3. Any employer employing person(s) is not currently possessing a valid asbestos handling certificate shall conspicuously display at entrance to the work area, one copy of this APPLICABLE VARIANCE and copies of the documentation from each employee as stipulated under Condition No. 1 above.
4. Any employee working under the provision of this APPLICABLE VARIANCE shall only perform those tasks which are related to the discipline(s) that he/she has received training in.
5. Any employee working under the provisions of this APPLICABLE VARIANCE shall carry at all times the student copy of the Form DOH 2832, and a photo identification.

6. Under the provisions of this APPLICABLE VARIANCE, no person shall be employed more than forty-five (45) days from the issuance date indicated on his/her approved asbestos safety program course diploma/documentation without a valid asbestos handling certificate.
7. The provisions of this APPLICABLE VARIANCE shall not apply to individual seeking a renewal of certification.
8. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule Subparts 56-1 through 56-17.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to the employment of persons who have applied for an asbestos handling certificate prior to the issuance of that certificate by the New York State Department of Labor, Division of Safety and Health with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
CONTRACTOR LICENSING REQUIREMENTS
(AV 104)

(as Amended Effective November 9, 1994)
Code Rule Section 56-2.1(d)(3)

DATED JUNE 3, 1997

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 56 as they relate to contractor licensing requirements; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuance of an applicable variance from the aforementioned provisions of Industrial Code Rule 56, as such pertain to contractor licensing requirements, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the aforementioned provisions of Industrial Code Rule 56 is hereby GRANTED, relative to contractor licensing requirements, subject to the following conditions:

CONDITIONS

1. For contractors other than those that perform abatement of asbestos, Section 56-2.1(d)(3) of the Industrial Code Rule 56 shall omit the following sentence: "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." The certified supervisor requirement shall only apply to contractors that perform the actual removal of asbestos for abatement purposes.
2. Any contractor who wishes to be licensed under the terms of this APPLICABLE VARIANCE must submit a notarized statement to the Department of Labor when applying for a license which states that their activities shall not include the abatement of asbestos during the period for which the license is valid.
3. Licenses issued under the provisions of this APPLICABLE VARIANCE shall be subject to the restrictions of this APPLICABLE VARIANCE.
4. Penalties for performing abatement of asbestos while licensed under the provisions of this APPLICABLE VARIANCE shall include the immediate suspension of the project and appropriate fines and/or license revocation.
5. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
6. All other applicable provisions of Industrial Code Rule 56-1 through 56-18 shall be complied.

This variance shall apply to and shall be applied by all enforcement officials to all persons and in all places to which the aforementioned provisions of Industrial Code Rule 56 apply in which contractor licensing requirements with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforementioned provisions of Industrial Code Rule 56.

ASBESTOS
INCIDENTAL DISTURBANCE OF AN ASBESTOS CONTAINING MATERIAL
(AV 105)

(as Amended Effective November 9, 1994)
Code Rule Section 56-1.6(b); Section 56-6.1;
Section 56-8.1(k)(1-5); Section 56-9.1; Section 56-10.1;
Section 56-15.2(c-e); Section 56-17.2(a)(1)

DATED JUNE 3, 1997

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 56 as they relate to an incidental disturbance of an asbestos containing material; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuance of an applicable variance from the aforementioned provisions of Industrial Code Rule 56, as such pertain to the incidental disturbance of asbestos, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the aforementioned provisions of Industrial Code Rule 56 is hereby GRANTED, relative to the incidental disturbance of an asbestos containing material, subject to the following conditions:

CONDITIONS

1. Upon discovery of an incidental disturbance (an unintentional asbestos containing material failure or act of nature involving asbestos containing material that causes fiber release and requires immediate cleanup of the affected area to prevent further fiber release), the affected area shall be cordoned off with barrier tape at a distance of twenty-five (25) feet, if possible, from the outermost limit of the disturbance. Adequate signage as described in ICR Subpart 56-8.1(b), and shall apply to any size project, shall be posted around the affected area. Appropriate decontamination enclosure systems and airlocks shall be set in place.
2. This VARIANCE allows, clean up of affected areas but does not allow removal of undisturbed material.
3. Only certified persons or authorized visitors shall be allowed within the affected area after the disturbance is discovered.
4. Methods shall be employed to minimize further disturbance of the affected material.
5. Notification to the Asbestos Control Bureau, Department of Labor shall be made as soon as possible and in accordance with Industrial Code Rule 56.
6. For other than "minor" size disturbances (as described in ICR 56) a personal decontamination enclosure system that complies with ICR Subpart 56-9 shall be utilized. A waste decontamination enclosure system that fully complies with ICR Subpart 56-10 shall be utilized. These enclosure systems may be remote and shall be removed only after satisfactory clearance air monitoring results have been achieved.
7. For a disturbance within an interior space the following shall be installed as soon as possible: isolation barriers that conform to ICR Subpart 56-8.1(j), negative air and a barrier consisting of two (2) layers of six-mil poly separating the occupied areas from the work area.
8. Relief from ICR Subpart 56-6.1 applies only to exterior disturbances.
9. If disturbance is outdoors all adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six-mil fire retardant plastic sheeting.

10. For disturbances greater than ten (10) square feet or twenty-five (25) lineal feet an airlock shall be required at the entrance to the affected area. Workers shall double suit prior to entering the affected area. Prior to leaving the affected area the worker shall remove the outer suit in the airlock, don a new outer suit, and proceed directly to the remote personal decontamination unit.
11. For "minor" disturbances one (1) air test shall be taken inside and outside of each work area during and after abatement. For "small" disturbances three (3) air tests shall be taken inside and outside of each work area during and after abatement. For "large" disturbances five (5) air tests shall be taken inside and outside of each work area during and after abatement.
12. After cleanup of the debris caused by the incidental disturbance, encapsulation of the affected areas shall be performed.
13. For disturbances involving pipe insulation, glovebags shall be used.
14. If air sampling results indicate any airborne asbestos fiber concentrations at or above 0.01 fibers per cubic centimeters work shall be stopped immediately, and methods shall be altered to reduce the asbestos fiber concentration.
15. All tools used during cleanup operations shall be decontaminated via wet wiping and HEPA vacuuming.
16. The contractor shall observe a four (4) hour waiting (settling/ drying) period prior to clearance air monitoring.
17. Due to the nature of this work background and pre-abatement air samples cannot be taken.
18. After completion of the drying period, an authorized and qualified individual, (*i.e.*, the Project Monitor, Air Monitor or Design Engineer) shall inspect the abatement location for dryness and debris. Once the abatement area is inspected and determined dry and free of debris, clearance air tests may be performed.
19. If air test results are unacceptable the abatement area shall be recleaned, a new settling period observed and the test rerun.
20. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
21. All other applicable provisions of Industrial Code Rule 56-1 through 56-18 shall be complied.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforecited provisions of Industrial Code Rule 56 apply to the incidental disturbance of an asbestos containing material with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforecited provisions of Industrial Code Rule 56.

ASBESTOS
DEMOLITION OF CONDEMNED BUILDINGS OR STRUCTURES
(AV 106)*

(as Amended Effective November 9, 1994)
Code Rule Section 56-1.9(a); Section 56-6.1; Section 56-8.1;
Section 56-9.1; Section 56-10.1; Section 56-11.1(b);
Section 56-12.1(c); Section 56-15.2(b-e)

DATED JUNE 3, 1997

*This DECISION supersedes APPLICABLE VARIANCE 100, COMMISSIONER'S DECISION dated December 1, 1994.

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provisions of Industrial Code Rule 56 as they relate to the felling of structurally unsound asbestos containing buildings or structures and the imminent danger said buildings or structures present to the public, were they to collapse due to fire, rain, snow loads, or other unpredictable natural disasters.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to condemned buildings or structures and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an applicable variance from the aforesaid provisions of Industrial Code Rule 56, as such pertain to felling structurally unsound buildings that contain asbestos or asbestos materials which meet the aforesaid qualifications, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by the said rules.

For the purposes of this variance, a building may be determined to be structurally unsound only by a building official of the local municipality or by a currently registered New York State Licensed Professional Engineer or Registered Architect who has deemed the building condemned due to its being unsafe and in imminent danger of collapse.

APPLICABLE VARIANCE

A variance from the aforesaid provisions of Industrial Code Rule (ICR) 56 is hereby granted, relative to felling a structurally unsound asbestos containing buildings which has been inspected and condemned by a local building official or a currently registered New York State Professional Engineer or Registered Architect licensed in the State of New York after the building was deemed structurally unsound/unsafe as a result of damage incurred from fire, rain, snow loads or other unpredictable natural disaster. Pursuant to this variance, the condemned building may be felled without surveying the building for the quantity and locations of asbestos and without remediating the asbestos and asbestos containing materials prior to proceeding with building demolition, subject to the following conditions:

THE CONDITIONS

Letter of Condemnation:

1. A copy of the letter of condemnation issued by either a local building official or a currently registered New York State Licensed Professional Engineer or Registered Architect shall be received by the New York State Department of Labor, Division of Safety and Health, Engineering Services Unit prior to commencing the demolition. A copy of the Letter of Condemnation shall be posted with this APPLICABLE VARIANCE at the work site.

Notification Fee:

1. Unless the size of the project can be positively quantified, the project shall be deemed to be a large project with the appropriate notification fee of \$2,000.00.

Work Area Notification:

1. The entire demolition area shall be enclosed within a barrier or fence (example: orange construction fence or snow fence). The intent of this barrier is to define the work area, alert the public to the asbestos work and associated hazards and to prevent unauthorized entry into the work area.
2. The work area shall be vacated as per ICR Section 56-8.1(a) and secured against unauthorized entry/exit. The building/structure shall be secured by sealing and/or boarding up all doors, windows and other openings to the maximum extent possible.
3. Signage in accordance with the requirements of ICR 56-8.1(b) shall be posted on the exterior of the work areas barrier warning the public of the asbestos hazard.

Unauthorized Individuals:

1. Unauthorized persons shall be prohibited from the work area during the entirety of the asbestos project; that is, prior to preparation of the work area and until satisfactory clearance air monitoring results have been achieved.

Personnel:

1. Entry/exit of all persons and equipment shall be through one designated and secured "doorway" in the barrier or fence which shall provide an adequate and appropriate means of egress from the work area.
2. Personal protective equipment as required by ICR Section 56-4.1(d) shall be provided and used by all persons within the work area.
3. Only persons who are directly involved with the project and who have the required certification shall be permitted within the barrier.

Plasticizing:

1. Fire-resistant six-mil polyethylene shall be used to plasticize dumpsters and to cover debris and contain waste water.

Decontamination Areas:

1. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. It shall be located in close proximity to the work area. This personal decontamination system shall be removed only after satisfactory clearance air monitoring results have been achieved.
2. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, *i.e.*, backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated waste water.
3. Equipment shall be decontaminated utilizing a pressure wash system, after which all exposed surfaces of the equipment shall be manually wet wiped. Upon completion of the decontamination procedures, the interior of the equipment decontamination area shall be wet wiped.
4. The earth surface below the equipment decontamination area shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Waste Water:

1. The demolition waste shall be wetted on a continuous basis prior to, during and subsequent to its actual collection and removal. Fog nozzles, or similar type equipment, shall be used to perform the wetting.
2. Waste water shall be confined to within the controlled demolition area. All waste water shall be collected by means of trenching or ditches and directed into a holding tank. Disposal of such waste water shall be in accordance with all applicable laws, regulations, etc.
3. After the waste water has dissipated, the earth surface below the trenches and holding tank shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Demolition Debris:

1. All debris, structural-members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste unless fully decontaminated as per this Rule.
2. No dry disturbance or removal of asbestos material shall be permitted.
3. All material being removed shall be kept completely saturated at all times. This shall be accomplished by misting debris prior to and during removal. Until each disposal container is sealed for removal from the site, each container shall be continually misted.
4. Pending disposal, all demolition waste shall be placed in hardwall, closed containers or vehicles with at least six-mil plastic draped loosely over the sides and top so as to facilitate being wrapped over the top of the load and sealed prior to transport from the site.
5. The earth surface below the rubble shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Air Monitoring:

1. Air monitoring shall be conducted in accordance with the requirements of Industrial Code Rule Subpart 56-17.7.
2. In addition to the requirements of Industrial Code Rule Subpart 56-17.7, air monitoring of the entire work area shall be conducted daily. If air sample results indicate any airborne asbestos fiber concentration(s) at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately, methods shall be altered to reduce the airborne asbestos fiber concentration(s) to the aforementioned level and work shall not resume until that level is attained.
3. Work area perimeter air sampling shall be conducted during the project in accordance with ICR Subpart 56-17.
4. Final air clearance shall be obtained in accordance with ICR Subpart 56-17.

General Conditions:

1. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
2. This APPLICABLE VARIANCE is limited in its applicability to the demolition project involving the demolition and removal of waste from the subject premises.
3. The Petitioner shall perform inspections of the worksite at least daily to ensure that the provisions of the APPLICABLE VARIANCE are being complied with.
4. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule Subparts 56-1 through 56-18.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to the demolition of condemned buildings with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
DEMOLITION OF VACANT RESIDENTIAL PROPERTIES OWNED BY MUNICIPALITIES
(AV 107)

(as Amended Effective November 9, 1994)
Code Rule Section 56-1.9(a); Section 56-6.1; Section 56-8.1(j);
Section 56-9.1; Section 56-10.1; Section 56-11.1(b);
Section 56-12.1(c); Section 56-15.2 (b-e)

DATED JUNE 3, 1997

Pursuant to Section 30 of the Labor Law, The Commissioner of Labor has reviewed the aforesaid provisions of Industrial Code Rule 56, as they relate to the felling of asbestos containing Vacant Residential Properties (Four Living Units or Less) Owned by Municipalities.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to such buildings and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an applicable variance from the aforesaid provisions of Industrial Code Rule 56, as such pertain to felling such buildings that contain asbestos or asbestos materials which meet the aforesaid qualifications, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by the said rules.

APPLICABLE VARIANCE

A variance from the aforesaid provisions of Industrial Code Rule (ICR) 56 is hereby granted, relative to felling an asbestos containing building. Pursuant to this variance, the building may be felled without surveying the building for the quantity and locations of asbestos and without remediating the asbestos and asbestos containing materials prior to proceeding with building demolition, subject to the following conditions:

Notification fee:

1. Unless the size of the project can be positively quantified, the project shall be deemed to be a large project with the appropriate notification fee of \$2,000.00.

THE CONDITIONS

Work Area Isolation:

1. The entire demolition area shall be enclosed within a barrier or fence (orange construction fence or snow fence). The intent of this barrier is to define the work area, alert the public to the asbestos work and associated hazards and to prevent unauthorized entry into the work area.
2. The work area shall be vacated as per ICR Section 56-8.1(a) and secured against unauthorized entry/exit. The building/structure shall be secured by sealing and/or boarding up all doors, windows and other openings to the maximum extent possible.
3. Signage in accordance with the requirements of ICR 56-8.1(b) shall be posted on the exterior of the work areas barrier warning the public of the asbestos hazard.

Unauthorized Individuals:

1. Uncertified persons shall be prohibited from the work area during the entirety of the asbestos project; that is, prior to preparation of the work area and until satisfactory clearance air monitoring results have been achieved.

Personnel:

1. Entry/exit of all persons and equipment shall be through one designated and secured "doorway" in the barrier or fence which shall provide an adequate and appropriate means of egress from the work area.
2. Personal protective equipment as required by ICR Section 56-4.1(d) shall be provided and used by all persons within the work area.
3. Only persons who are directly involved with the project and who have the required certification shall be permitted within the barrier.

Plasticizing:

1. Fire-resistant polyethylene shall be used to plasticize dumpsters and to cover debris and contain waste water.

Decontamination Areas:

1. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. It shall be located in close proximity to the work area. This personal decontamination system shall be removed only after satisfactory clearance air monitoring results have been achieved.
2. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, *i.e.*, backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated waste water.
3. Equipment shall be decontaminated utilizing a pressure wash system, after which all exposed surfaces of the equipment shall be manually wet wiped. Upon completion of the decontamination procedures, the interior of the equipment decontamination area shall be wet wiped.
4. The earth surface below the equipment decontamination area shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Waste Water:

1. The demolition waste shall be wetted on a continuous basis prior to, during and subsequent to its actual collection and removal. Fog nozzles, or similar type equipment, shall be used to perform the wetting.
2. Waste water shall be confined to within the controlled demolition area. All waste water shall be collected by means of trenching or ditches and directed into a holding tank. Disposal of such waste water shall be in accordance with applicable laws and regulations.
3. After the waste water has dissipated, the earth surface below the trenches and holding tank shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Demolition Debris:

1. All debris, structural members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste unless fully decontaminated as per this Rule.
2. No dry disturbance or removal of asbestos material shall be permitted.
3. All material being removed shall be kept completely saturated at all times. This shall be accomplished by misting debris prior to and during removal. Until each disposal container is sealed for removal from the site, each container shall be continually misted.
4. Pending disposal, all demolition waste shall be placed in hardwall, closed containers or vehicles with at least six-mil plastic draped loosely over the sides and top so as to facilitate being wrapped over the top of the load and sealed prior to transport from the site.
5. The earth surface below the rubble shall be scraped and any residual asbestos contamination shall be removed and disposed of as asbestos contaminated material.

Air Monitoring:

1. Air monitoring shall be conducted in accordance with the requirements of Industrial Code Rule Subpart 56-17.7.
2. In addition to the requirements of Industrial Code Rule Subpart 56-17.7, air monitoring of the entire work area shall be conducted daily. If air sample results indicate any airborne asbestos fiber concentration(s) at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately, methods shall be altered to reduce the airborne asbestos fiber concentration(s) to the aforementioned level and work shall not resume until that level is attained.
3. Work area perimeter air sampling shall be conducted during the project in accordance with ICR Subpart 56-17.
4. Final air clearance shall be obtained in accordance with ICR Subpart 56-17.

General Conditions:

1. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
2. This APPLICABLE VARIANCE is limited in its applicability to the demolition project involving the demolition and removal of waste from the subject premises.
3. The Petitioner shall perform inspections of the worksite at least daily to ensure that the provisions of the APPLICABLE VARIANCE are being complied.
4. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule Subparts 56-1 through 56-18.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to demolition of buildings with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
GLOVEBAG OPERATIONS
(AV 108)*

(as Amended Effective November 9, 1994)
Code Rule Section 56-6.1; Section 56-8.1(j)(1-5);
Section 56-9.1; Section 56-10.1; Section 56-11.1(b);
Section 56-15.2(b-e); Section 56-16.1(a);
Section 56-17.2(a)(1)

DATED JUNE 3, 1997

*This DECISION supersedes APPLICABLE VARIANCE 91, COMMISSIONER'S DECISION dated March 20, 1989.

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 56 as they relate to the use of glovebags for the removal of asbestos or asbestos containing material; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuances of an applicable variance from the aforementioned provisions of Industrial Code Rule 56, as such pertain to the use of glovebags for the removal of asbestos or asbestos containing material, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the aforementioned provisions of Industrial Code Rule 56 is hereby GRANTED, relative to the use of glovebags for the removal of asbestos or asbestos containing material, subject to the following conditions:

CONDITIONS

1. A personal decontamination enclosure system that complies with Subpart 56-9 shall be utilized. A waste decontamination enclosure system that fully complies with Subpart 56-10 shall be utilized. These enclosure systems can be remote and shall be removed only after satisfactory clearance air monitoring results have been achieved.
2. If remote decontamination units are used, workers shall don two (2) suits; and the containment shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit.
3. Each glovebag work location shall be completely enclosed in a tent or "mini-containment". The inside of the tent or "mini-containment" is the work area. All tents shall have floor, ceiling, walls, and an attached airlock. Negative air pressurization shall be utilized.
4. The requirements of Section 56-15.4 shall be complied with in the event of glovebag failure.
5. A tape barrier shall be installed at an appropriate distance from the perimeter of the tent to isolate the work area.
6. Uncertified workers shall be prohibited from all work area(s).

7. In addition to the requirements of Subpart 56-17, air monitoring shall be conducted daily in each section of the work area in which glovebag techniques are being utilized. Sample and analysis turnaround time shall not exceed twenty-four hours. If air sampling results indicate airborne asbestos fiber concentration at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately and methods shall be altered to reduce the airborne asbestos fiber concentration to the aforementioned level. Work shall not resume until that level is attained.
8. Individual glovebags shall be used no more than once during the course of an asbestos removal project and shall not be moved or reused.
9. The contractor shall observe, at a minimum, four (4) hour waiting (settling/drying) periods.
10. After completion of the final four (4) hour drying period, an authorized and qualified individual, (*i.e.*, the Project Monitor, Air Monitor or Design Engineer) shall inspect abatement locations for dryness and debris. Once abatement areas are inspected and determined dry and free of debris, clearance air tests may be performed.
11. If clearance air test results fail, abatement areas shall be recleaned, a new four (4) hour settling period observed and tests rerun.
12. If tents are required to be up more than one day, daily air tests shall be required. Once acceptable air results have been attained and area is free of debris the tent shall be disassembled.
13. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
14. All other applicable provisions of Industrial Code Rule 56-1 through 56-18 shall be complied.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforementioned provisions of Industrial Code Rule 56 apply to the use of glovebags for the removal of asbestos or asbestos containing material with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforementioned provisions of Industrial Code Rule 56.

ASBESTOS
NEGATIVE PRESSURE VENTILATION EXHAUST LOCATION
(AV 109)

(as Amended Effective November 9, 1994)
Code Rule Section 56-6.1(j)

DATED JUNE 3, 1997

Pursuant to section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforesaid provisions of Industrial Code Rule 56 as they relate to negative pressure ventilation exhaust location; and

Has also reviewed numerous petitions for variance or other relief and the decisions rendered relative to the petitions.

The Commissioner finds that the issuances of an applicable variance from the aforesaid provisions of Industrial Code Rule 56, as such pertain to the negative pressure ventilation exhaust location, would not violate the spirit and purpose of the said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the aforesaid provisions of Industrial Code Rule 56 is hereby GRANTED, relative to the negative pressure ventilation exhaust location, subject to the following conditions:

CONDITIONS

1. Prior to exhausting, negative air shall be filtered through two (2) negative air machines (HEPA Filtered Exhaust Units) connected in series. The exhaust of one machine shall be the intake of the second. Both machines shall be located within the work area.
2. Negative air machine filters shall be checked on a daily basis and replaced if clogged.
3. Air monitoring shall be performed at the final exhaust location of the second negative air machine.
4. Negative air shall be exhausted outside the building. A tape barrier shall be constructed a minimum of ten (10) feet from the exhaust vent to isolate the area from public access. The area receiving the exhaust shall have no HVAC air inlets.
5. If negative air cannot be exhausted outside the building then a site specific variance shall be required.
6. Uncertified workers shall be prohibited from all work area(s).
7. Daily inspections shall be conducted to ensure that the exhaust ducts, fans and joints are properly sealed, braced and supported so as to maintain an air tight system.
8. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
9. All other applicable provisions of Industrial Code Rule 56-1 through 56-18 shall be complied.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforesaid provisions of Industrial Code Rule 56 apply to negative pressure ventilation exhaust with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforesaid provisions of Industrial Code Rule 56.

ASBESTOS
ROOF MASTICS, CEMENTS AND COATINGS
(AV 117)

(as Amended Effective November 9, 1994)
Code Rule Section 56-3.1(b)(2), (c)(3)

DATED DECEMBER 21, 1998

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforecited provision of Industrial Code Rule 56 as it relates to the removal of Asbestos Containing Roof Mastics, Cements and Coatings; and

The Commissioner finds that the issuance of an applicable variance from the aforecited provision of Industrial Code Rule 56, as such pertains to the work practices used to remove asbestos containing roof mastics, cements and coatings, would not violate the spirit and purpose of the rule and would secure the public safety as contemplated by the said rule.

APPLICABLE VARIANCE

A variance from the aforecited provision of Industrial Code Rule 56 is hereby GRANTED, relative to the removal of asbestos containing roof mastics, cements and coatings, as exempted from the Occupational Safety and Health Administration (OSHA) Asbestos Construction Standard, amended June 29, 1998, subject to the following conditions:

CONDITIONS

1. The project consists of the removal of only roof mastic, cement or coating materials.
2. All work on the project shall comply with all conditions and provisions of inplant and emergency operations as set forth in ICR 56-3.
3. All work shall be performed in accordance with OSHA Construction standards pertaining to roof repairs, removals or replacements.
4. If the removal of mastics, cements or coatings disturbs or otherwise affects or interacts with other asbestos containing materials, this applicable variance shall be rendered invalid.
5. Air Monitoring shall not be required.
6. All other provisions of ICR 56-3.1(c) shall be satisfied to provide exemption from the work practices.
7. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the work area(s).
8. All other applicable provisions of Industrial Code 56-1 through 56-18 shall be complied.

This variance shall apply and be applied by all enforcement officials to all persons and in all places to which the aforecited provision of Industrial Code Rule 56 applies to the removal of asbestos containing roof mastics, cements and coatings with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforecited provision of Industrial Code Rule 56.

ASBESTOS
CONTAINING ROOFING/FLASHING REMOVAL
(AV 119)

(as Amended Effective November 9, 1999)
Code Rule Section 56-6.1; Section 56-8.1(j), (k)(1-5);
Section 56- 9.1(a); Section 56-10.1(a); Section 56-11.1(b);
Section 56-12.1(c); Section 56-15.2(c-e, h); Section 56-17

DATED JUNE 30, 2000

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the above cited provisions of Industrial Code Rule 56, as they relate to the abatement of asbestos containing roofing and roof flashing material.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to such materials and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an applicable variance from the above cited provisions of Industrial Code Rule 56, as such pertain to the removal of asbestos containing roofing and flashing materials would not violate the spirit and purpose of said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the cited provisions of Industrial Code Rule 56 is hereby GRANTED subject to the following conditions.

THE CONDITIONS

1. The immediate work area shall be considered to be the roof area from which the asbestos containing roof flashing or roofing and miscellaneous materials are actively being removed. The asbestos work area shall extend twenty-five feet (25') from the perimeter of the immediate work area.
2. All openings (including operable windows, doors, ducts, grilles, communicating openings, etc.) one (1) story above and one (1) story below the roof level of the immediate work area and extending twenty-five (25') beyond, shall be sealed directly with two layers of at least six-mil flame-retardant plastic sheeting. All vent openings which can not be sealed shall be extended vertically a minimum of eight (8) feet and remain in operation.
3. A polyethylene drape or curtain may be used instead of plasticizing the windows individually. The drape may be removed once the roof system has been placed.
4. The drape or curtain, if used, shall be made of two layers of a continuous eighteen-foot curtain (drape) of at least six-mil plastic hung from the top of the wall or parapet. The plastic curtain shall be secured using nailer strips and ram set charges or other methods approved by the Project Engineer. The bottom of the plastic curtain shall be sufficiently weighted or anchored to prevent lifting due to winds. Curtain seams shall overlap at least twelve inches and be sealed with duct tape front and back. The curtain ends and each seal shall be reinforced by stapling furring strips to the plastic. The plastic curtain shall extend a minimum of fifteen feet beyond the last opening within twenty-five feet of the work area. When removed, the plastic curtain shall be disposed of as asbestos waste.
5. Any windows that must be plasticized from inside the building because of safety reasons or any fixed or non-operable windows on the floor below or above within 25 feet of the roof work area that are not to be plasticized shall be sealed using caulking or tape/plastic.
6. Upon completion of the roofing removal, within each work area, the caulk, plastic tape or interior plastic sheeting may be removed; however, subsequent to the removal the interior surfaces and trim of each window/opening shall be thoroughly HEPA vacuumed.

7. Where the work area extends outward 25 feet and extends downward one floor to encompass a passage or vehicular door which must be used for either a primary entrance or by an emergency vehicle thereby precluding sealing such door, a tunnel structure (with sides and roof) built of plywood sheeting, covered with at least two (2) layers of at least six mil plastic, shall extend outward 25 feet horizontally from the line of vertical projection of the roof edge downward to grade level.
8. Removed flashing and/or roofing materials shall be transported across the roof in enclosed containers lined with two (2) layers of 6-mil polyethylene.
9. A chute, if used, shall be air/dust tight along its lateral perimeter and at the terminal connection to the dumpster at ground level (solid wall and top container). The dumpster shall be lined with two (2) layers of six-mil plastic draped loosely over the sides so as to facilitate being wrapped over the top of the load and sealed prior to transport from the site. The upper end of the chute shall be furnished with a hinged lid, to be closed when the chute is not being used. Prior to transport from the work site, the dumpster will be disconnected from the chute and sealed air/dust tight utilizing six mil plastic and tape. The roof waste material will be transported as an asbestos containing material by appropriate legal methods.
10. Dumpsters shall have a hard cover and shall be lined with two (2) layers of six-mil fire-retardant polyethylene.
11. A personal decontamination enclosure system that complies with subpart 56-9 shall be utilized. This enclosure system can be remote, on the property and stationary, and within 50 feet of the building. It shall be removed at the end of the project when all work is complete. The enclosure system shall be large enough to accommodate the number of people using it. The access area between the work area and the remote decontamination enclosure shall be restricted using tape barriers and warning signs.
12. If at any time a worker has to pass through an uncontaminated area to access a remote decontamination unit or the next work area, the worker shall don two suits of PPE, remove one suit while in the work area, wet wipe the inner suit, don a clean suit and proceed either to the next work area or the decontamination unit.
13. The asbestos work area, decontamination unit and dumpster shall be cordoned off at a distance of twenty-five (25) feet and shall remain vacated except for certified workers until condition 15 is met.
14. Asbestos-contaminated tools/equipment shall be decontaminated by utilizing a waste decontamination enclosure system that complies with Subpart 56-10 or by utilizing the personal decontamination enclosure system in conjunction with the applicable requirements of Subpart 56-5.1 of this Code Rule. Storage of waste materials in the clean room area of a personal decontamination enclosure is not allowed.
15. After the removal is complete, an authorized and qualified individual; independent of the removal Contractor, i.e. the Project Monitor, Design Engineer or other representative of the owner), shall determine if the roof removal area is dry. When acceptable results are attained the area shall be encapsulated and new roofing materials may be installed.
16. Air monitoring per this Code Rule Subpart 56-17 shall not be required on this project inasmuch as the roofing/flashing consists of non-friable roofing materials.
17. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure(s).
18. All other applicable provisions of Industrial Code Rule 56-1 through 56-17 shall be complied.
19. This DECISION supersedes Applicable Variance 83 dated March 20, 1989, Applicable Variance 84 dated March 20, 1989 (as it pertains to transite roofing), Applicable Variance 88 dated March 20, 1989 and Applicable Variance 90 dated March 20, 1989.

This applicable variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the previously cited provisions of Industrial Code Rule 56 apply to the removal of asbestos containing roofing and flashing materials with the same force and effect as if this applicable variance was duly granted upon separate petition for the use and benefit of every person affected by the cited provisions of Industrial Code Rule 56.

ASBESTOS
FLOOR COVERING AND MASTIC MANUAL REMOVAL
(AV 120)

(as Amended Effective November 9, 1994)
Code Rule Section 56-8.1(c), (k)(1-5); Section 56-9.1(a);
Section 56-10.1(a); Section 56-11.1(b); Section 56-15.2(c-e); Section 56-17.2(a)

DATED JUNE 30, 2000

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the above cited provisions of Industrial Code Rule 56, as they relate to the abatement of asbestos floor covering and mastic.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to such materials and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an applicable variance from the above cited provisions of Industrial Code Rule 56, as such pertain to the removal of asbestos floor covering and mastic would not violate the spirit and purpose of said rules and would secure the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from the cited provisions of Industrial Code Rule 56 is hereby GRANTED subject to the following conditions.

THE CONDITIONS

1. A personal decontamination enclosure systems that complies with Subpart 56-9 shall be utilized. A waste decontamination enclosure system that fully complies with Subpart 56-10 shall be utilized. These enclosure systems can be remote, on the property and within 50 feet of the building. They shall not be removed until satisfactory clearance air monitoring results have been achieved. The access area between the work area and the remote decontamination unit shall be restricted using tape barriers and warning signs.
2. If remote decontamination units are to be used, workers shall don two (2) suits; and the containment shall have an attached air lock within which workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote decontamination unit.
3. If remote decontamination units are to be used, an airlock as defined in Subpart 56-1.4(e) of this Code Rule shall be constructed at the entrance to each asbestos work area large enough to serve as a changing area. This area shall not be used as waste decontamination area or a waste storage area.
4. The building work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five (25') and signed and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved.
5. If electrical circuits, machinery, and other electrical systems in the building must stay in operation during the abatement the following conditions apply:
 - ✓ All live conduits, cables and/or panel boxes that run through the work area shall be covered with three layers of (6) six-mil fire retardant polyethylene. Each layer shall be individually taped and sealed separately.
 - ✓ Any energized circuits remaining in the work areas shall be posted with a (3) three inch high lettering warning sign which reads: DANGER LIVE ELECTRICAL KEEP OUT. The sign shall be placed on all live covered barriers at a maximum of (10) ten-foot intervals. These signs shall be posted in sufficient numbers to warn all persons authorized to enter the work area of the existence of the energized circuits.
 - ✓ All (3) three layers of polyethylene sheeting shall be left in place until satisfactory clearance air monitoring results have been obtained.
 - ✓ All electrical for the removal project shall be brought into the work area through a separate GFI panel box located outside the work area.

6. When floor tile and mastic removals are done alone and if machinery or mechanical methods are not used, in lieu of the plasticizing requirements of ICR 56-8.1(k)(5), the following alternatives shall be used in the removal areas.
 - ✓ The walls of the work area shall be plasticized with two (2) layers of six-mil fire retardant plastic sheeting up to a height of four feet, or
 - ✓ The walls of the work area shall not be plasticized during the removal work. However, the walls shall be wet cleaned or HEPA vacuumed prior to the clearance air tests.
7. For manual removals of floor tile and mastic, negative air shall be established within the abatement work areas at four (4) air changes per hour with the walls plasticized up to four feet and six (6) air changes per hour with no plasticization.
8. The floor tiles, mastic and tar based felt shall be removed by manual methods. This applicable variance does not allow for the use of a beadblaster, etc. Any power operated tools that must be used in removing the floor tiles/mastic shall be equipped with HEPA filtered local exhaust ventilation, as required by Subpart 56-7.1(j).
9. Dry removals of ACM materials will not be allowed. Amended water shall be used to thoroughly wet the asbestos containing materials during the abatement process. Materials removed shall be containerized or immediately wrapped in two layers of six-mil, fire retardant plastic sheeting and secured air tight prior to transport to the waste decontamination facility.
10. The contractor shall observe, at a minimum, the following minimum (settling/drying) periods - 4 hours for walls plasticized to four feet and 6 hours with no plasticization.
11. When walls are plasticized, in addition to visible or gross cleaning, walls and floors shall be cleaned by HEPA vacuuming and wet wiping, during each multiple clean-up stage as defined in Subpart 56-15.2 (b, d, e) of this Code Rule. When walls are not plasticized, one thorough cleaning and one settling period shall suffice.
12. After the minimum drying period has elapsed, an authorized and qualified individual, independent of the removal Contractor, (i.e. the Project Monitor, Design Engineer, Air Monitoring Technician or other representative of the Owner), shall determine if the area is dry and acceptable for clearance air sampling. If the area is dry, and acceptable for clearance air sampling clearance air sampling shall commence.
13. If the air test results are unacceptable, the provisions of 56-17.9 shall apply.
14. Carts or other containers used to transport asbestos containing and non-ACM contaminated materials to the dumpsters shall be covered and lined with two (2) layers of six-mil polyethylene.
15. Dumpsters shall be hard topped and lined with (2) two layers of six-mil polyethylene. Prior to transport from the work site the dumpster shall be sealed air/dust tight utilizing six-mil plastic and tape.
16. A copy of this APPLICABLE VARIANCE shall be conspicuously posted at the entrances and to the personal decontamination enclosure system(s), and to the work area(s).
17. All other applicable provisions of Industrial Code Rule 56-1 through 56-17, shall be complied.
18. This DECISION supersedes Applicable Variance 85 dated March 20, 1989.

This applicable variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which the previously cited provisions of Industrial Code Rule 56 apply to the removal of vinyl asbestos floor tile and mastic with the same force and effect as if this applicable variance was duly granted upon separate petition for the use and benefit of every person affected by the cited provisions of Industrial Code Rule 56.

