



New York State Department of Labor

NOTICE TO BUILDING PERMIT APPLICANTS

An asbestos survey is required for all renovation, remodeling, repair and demolition of all interior and exterior building materials. As per NYS Industrial Code Rule 56, asbestos material must be abated by licensed contractors utilizing certified asbestos handlers, with the exception of owner-occupied single family homes, where the owner may remove the asbestos. However, it is not recommended that the owner remove asbestos. The owner could potentially expose themselves, their family and neighbors to asbestos fibers if correct engineering controls and work methods are not utilized during the abatement.

For further information and updates, please see the NYS website at:
www.labor.ny.gov.



BUILDING DEMOLITION/RENOVATION

Industrial Code Rule 56 established work practice, asbestos contractor license, and asbestos worker training and certification requirements that protect the public from cancer causing airborne asbestos fiber that can arise from various construction activities, including the demolition/renovation of a building. One very important aspect of the Code covers requirements that specifically address the potential public health hazards associated with the significant amount of airborne asbestos fiber that can be released during the demolition/renovation of a building that contains asbestos or asbestos-containing materials.

New York State Labor Law (Article 10, Section 241section 241.10) and the Code require a **survey of the impacted portion of the building** to identify the presence of asbestos prior to advertising for bids or contracting for or commencing work on any demolition/renovation work on a building. **The Code requires that this survey must be sent to the local government unit responsible for issuing the demolition/renovation permit. Note that only copies of the demolition or pre-demolition survey must be sent to the Department of Labor, Asbestos Control Bureau.** Also, prior to commencement of demolition/renovation work, the impacted asbestos identified in the survey must be removed in compliance with the Code. Your assistance, as specified below, would facilitate our enforcement efforts and help avoid the necessity of citing building owners who violate the statute and code:

1. Share this information with the individuals on your staff responsible for issuing demolition/renovation permits. Encourage your staff to contact the appropriate District Office of the Asbestos Control Bureau on the enclosed list should any asbestos issues arise, specifically those related to demolition/renovation.
2. Consider establishing a policy of not issuing a demolition/renovation permit until compliance with Industrial Code Rule 56 is achieved.
3. Call the appropriate District Office of the Asbestos Control Bureau when a demolition/renovation permit is issued to a contractor that has **failed** to provide a survey or has **not removed** the identified asbestos. Any cooperation you can provide will not only assist in our enforcement efforts but protect the health of your community.



New York State Department of Labor

Dear Sir or Madam:

I would like to take this opportunity to offer you some useful information about the asbestos exposure associated with the demolition/renovation of buildings in your locality. A copy and updates to 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), a Guidance Document with frequently asked questions and answers, and variance information may be obtained by going on-line to, www.labor.ny.gov/workerprotection/safetyhealth/dosh_asbestos.shtm.

I wish to request your assistance in our enforcement efforts thereby protecting the health of your community, specifically in the area of building demolition/renovations. Please feel free to incorporate the enclosed: **BUILDING DEMOLITION/RENOVATION and NOTICE TO BUILDING PERMIT APPLICANTS** with the information you provided to contractors when a demolition/renovation permit is issued.

Should you have any questions, please contact the Asbestos Control Bureau District Office nearest to you (listed on the enclosed sheet).



New York State Department of Labor

**CONTACT INFORMATION
FOR
ASBESTOS PROJECTS**

The Department of Labor regulates asbestos abatement activities in the State through its Asbestos Control Bureau; all contractors must be licensed and all asbestos handlers certified by the Department's License and Certificate Unit. Projects must be conducted in accordance with safety standards promulgated by the Commissioner of Labor to avoid potential public health hazards that can result from the improper handling of asbestos or asbestos containing material, a potential carcinogen. A copy and update to Parte 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), a Guidance Document with frequently asked questions and answers, and variance information may be obtained by going on-line to, http://labor.ny.gov/workerprotection/safetyhealth/DOSH_ASBESTOS.shtm

For more information, call or write the New York State Department of Labor, Division of Safety and Health at one of the following locations:

**ASBESTOS CONTROL BUREAU
DISTRICT OFFICES**

ALBANY

State Office Campus
Building 12, Room 157
Albany, NY 12240
Tel: (518) 457-2735

BUFFALO

65 Court Street
Room 405
Buffalo, NY 14202
Tel: (716) 847-7126

Syracuse

450 South Salina St.
2nd Floor – Room 202
Syracuse, NY 13202
Tel: (315) 479-3215

New York City

75 Varick St.
7th Floor
New York, NY 10013-1917
Tel: (212) 775-3538

**TO SUBMIT:
ASBESTOS PROJECT NOTIFICATION
AND/OR EMERGENCY NOTIFICATION**

Asbestos project notifications may be submitted on-line by licensed asbestos contractors by going to: <http://www.labor.ny.gov> and click on Businesses and then Asbestos Notifications under Online Services. Emergency notifications must be either submitted by email to asbestosnotification@labor.ny.gov or faxed to (518) 485-8530. After the emergency notification has been approved, the contractor must complete the on-line notification and pay the notification fee. You may also mail in your paperwork to: NYS Department of Labor, State Office Campus, Building 12, Room 161, Albany, NY 12240, Tel: (518) 457-2735.

Questions about obtaining and/or renewing an Asbestos licenses or any type of Asbestos Certification may also be obtained from the Department of Labor, DOSH, License & Certificates.

GUIDANCE DOCUMENT (redline version 2.0, released 01/30/09) on amended Industrial Code Rule 56(ASBESTOS)

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
125	5. 1 (b) (2)	<p>Exceptions to Asbestos Survey Requirements. Is a survey always required, even if there is a previous survey?</p> <p>We believe a survey should always be required. I can't tell you how many extras we've heard about unnecessary exposure to innocent contractors cutting into ceilings that were covered with new plaster or spray material when the project was incorrectly completed in the 80's. Numerous mechanical room projects put on hold because during the dismantlement there was asbestos found under the zeston fitting cover and fiberglass. There is more exposure to the public when unsuspecting individuals tear into surfaces where asbestos thought to be removed still exists for one reason or another.</p>	<p>Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection.</p> <p>This certified inspector may utilize information within existing building surveys/inspections provided by the property owner as a starting point for his/her inspection. If any additional materials, or materials not analyzed using current approved laboratory analysis methodology, are observed within the impacted area, the inspector shall take measures necessary to properly assess and identify the material.</p> <p>The property owner may utilize the same licensed asbestos contractor firm for the asbestos survey, project design, air monitoring and project monitoring required for the asbestos project. The property owner could also elect to have the asbestos abatement contractor complete the survey for him, or use another licensed firm.</p> <p>Regarding the extent of the asbestos survey, the entire area impacted by the demolition, renovation, remodeling or repair project must be surveyed. If only a portion of the room/area/space is impacted by the project, then only that portion of the room/area/space needs to be surveyed. The survey/inspection firm should check with the building owner and/or project designer to confirm the extent of building/structure impact to define the extent of the necessary inspection. Please note that if a site-specific variance is necessary for the asbestos project, it must be prepared and submitted by a certified project designer that works for a licensed asbestos (abatement or non-abatement) contractor.</p>
126	5. 1 (b) (2)	<p>Exceptions to Asbestos Survey Requirements. The date of January 1, 1974 apparently is in conflict with the OSHA regulation 1926.1101 and EPA NESHAP regulation Subpart M, 61.145 (a), which establishes the inspection requirement prior to demolition or renovation, but does not provide an exclusion based on date of construction. Why are the dates inconsistent?</p>	<p>As per NYS Labor Law Section 241, buildings and structures within New York State which were constructed prior to 1974, are subject to surveys/inspection for asbestos, prior to commencement of construction or demolition work.</p> <p>Regardless of Code Rule 56 requirements regarding surveys/inspections, as per Section 56-5.1(d) "No exemption to this requirement to conduct an asbestos survey shall exempt any person, asbestos contractor, property owner or business entity from the inspection or asbestos survey requirements of EPA, OSHA...". Thus, if federal regulations mandate various materials installed on January 1, 1974 or after to be treated as ACM, Code Rule 56 does not grant relief from that requirement. Regardless of construction date, Building Owner "due diligence" is always required for identification and assessment of ACM, as per OSHA requirements.</p> <p>Also, ACM products can still be purchased and installed today...so after an asbestos removal project is completed, it is likely that ACM may be re-installed (e.g. - roofing products, caulking, mastics, adhesives, refractory products, etc...). Thus, a survey/inspection of the affected area for suspect materials is always warranted.</p>



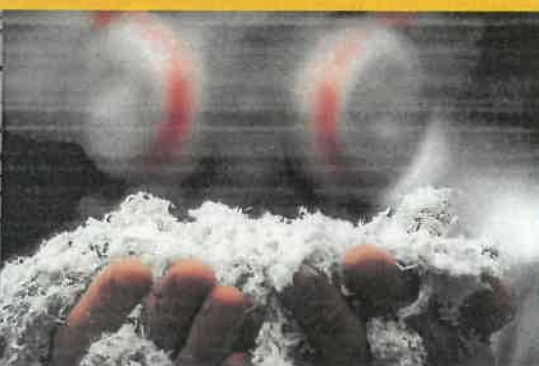
Safety and Health



Asbestos in New York State

Facts and Responsibilities

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY



A Division of the New York State Department of Labor

What is asbestos?

Asbestos is a naturally occurring mineral formed of very strong fibers that are resistant to heat and corrosion. There are several kinds of asbestos. Individual asbestos fibers are so small and light that they cannot be seen with the naked eye and can easily become airborne.

Where has asbestos been used?

Asbestos has been used for a wide range of manufactured goods and building materials. The amount of asbestos in asbestos containing materials (ACM) varies from greater than 1% to 100%. Examples of products that might contain asbestos are:

- fireproofing and insulation in buildings
- insulation for pipes and boilers
- roofing shingles and tars
- plaster, wallboard and joint compound
- putties, caulks, paints, and cements
- floor and ceiling tiles
- friction products, such as clutch facings and brake linings in vehicles

Some vermiculite products, widely used in insulation applications, may also contain asbestos. When ACM can easily be crumbled by hand pressure, it is called “friable” asbestos. Friable ACM is the type of greatest concern because it can easily release fibers into the air. As the binders (such as plaster and cement) that hold asbestos fibers in place deteriorate, are damaged or are disturbed, the likelihood of fiber release increases. ACM that is likely to be friable includes fireproofing on structural beams, sprayed-on ceiling texture or insulation, thermal pipe insulation and troweled-on plaster or acoustical insulation.

You cannot tell whether a material contains asbestos by looking at it. A sample must be analyzed by a qualified laboratory.

What are the health effects?

Breathing high levels of asbestos fibers can lead to an increased risk of lung cancer, mesothelioma (a cancer of the chest and abdominal linings) and asbestosis (irreversible lung scarring that can be fatal). The risk of lung cancer and mesothelioma increases with the number of fibers inhaled. Most people with asbestos-related diseases were exposed to high concentrations on the job.

Are any types of asbestos safe?

No. Although there are indications that some types of asbestos may be more dangerous than others, asbestos-related disease can be caused by all types of asbestos. However, ACM in good condition or encapsulated (contained within a sealant) generally does not pose a health hazard.

Is there any safe level of asbestos exposure?

There is no known safe level of exposure to asbestos. Any exposure can cause illness.



How does asbestos enter the body?

The most common way for asbestos to enter the body is through the air. Asbestos can also enter the digestive tract when you eat, drink or smoke in a contaminated area. Asbestos does not pass through the skin. Once they are inhaled, the fibers can remain and accumulate in the lungs.

How soon will asbestos-related symptoms or illnesses develop?

Though any asbestos exposure can cause illness, many people who are exposed will never develop an asbestos-related illness. Asbestos does not cause any immediate effects, such as coughing or illness. The diseases caused by asbestos appear 15 to 40 years after first exposure. This time lag is called the latency period. Even if you feel healthy while you are working with asbestos, you may get sick years later.

What should be done?

Usually, it is best to leave asbestos material that is in good condition alone. Generally, material in good condition will not release asbestos fibers. Try to prevent the material from being damaged, disturbed or touched. Asbestos in poor repair must be removed by specially trained and equipped workers following strict procedures to ensure that airborne asbestos does not spread to nearby areas (see next section for specific regulations and requirements).

Who can do asbestos work?

Workers or contractors who disturb ACM in any way must be certified and licensed according to New York State law, as regulated by the Department of Labor. There are 9 types of certifications:

- Asbestos Handler
- Restricted Asbestos Handler
- Air Sampling Technician
- Inspector
- Management Planner
- Operations and Maintenance
- Supervisor/Contractor
- Project Monitor
- Project Designer

To be certified by the Department of Labor, asbestos workers or supervisors must complete training courses approved by the New York State Department of Health. In these courses, they learn to follow the required safety procedures to ensure that asbestos fibers are not released into the air. Employers must also comply with notice and record keeping requirements.

Questions about asbestos abatement training and health-related issues should be directed to the New York State Department of Health, Center for Environmental Health, Bureau of Occupation Health and Injury Prevention at (518) 402-7900.



Asbestos Abatement in New York State

The New York State Department of Labor's Asbestos regulations (Industrial Code Rule 56) protect the public from exposure to asbestos fibers. This law requires that all work that disturbs ACM be done by trained workers following special procedures and engineering controls to prevent the spread of asbestos into the air and ensure ACM has been properly removed. The regulation protects people who live and work in buildings with asbestos and the workers who disturb the asbestos. The New York State Asbestos Regulation is posted on the internet at: www.labor.ny.gov/formsdocs/wp/cr56.pdf.

This regulation does not require building owners to inspect for or remove ACM that is present in their buildings. Often it is best to leave ACM that is in good condition alone. However, if demolition or renovation work is to be performed in a building, the owner must first determine if ACM will be disturbed. In order to make this determination, an asbestos survey must be conducted. The asbestos survey must be performed by a certified Asbestos Inspector. If the survey indicates that ACM will be disturbed by the planned project, the ACM must be abated prior to any work being done that would disturb it.

Questions concerning asbestos abatement projects in New York State should be directed to the New York State Department of Labor, Engineering Services Unit at (518) 457-1536. To find a certified asbestos inspector in your area, visit the Department of Labor website.

NEW YORK STATE DEPARTMENT OF HEALTH (NYSDOH):

NYSDOH regulates the training of employees who work in the asbestos abatement industry. Direct questions about training to the NYSDOH Center for Environmental Health, Bureau of Occupation Health and Injury Prevention at (518) 402-7900.

Direct questions about health-related issues, including public concern about exposure, to the NYSDOH Toxic Substance Assessment Program at (518) 402-7800.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC):

NYSDEC regulates the transportation and disposal of debris and materials generated from an asbestos abatement and removal project.

After the asbestos has been removed, the waste must be properly packaged and sealed prior to transport to a solid waste landfill. This process is regulated by the New York Code of Rules and Regulations, Part 364, regarding Waste Transporter Permits. The areas covered by Part 364 include concerns about asbestos waste transportation, transport permits and asbestos transportation tracking. Part 360 of the same Code includes a definition of asbestos waste, regulation of transfer stations and land disposal issues.

Direct questions about asbestos transportation to the New York State Department of Environmental Conservation, Division of Materials Management, Part 364 Waste Transporter Permit Program at (518) 402-8792.

Direct questions about asbestos disposal to the NYSDEC Division of Materials Management, Bureau of Permitting and Planning at (518) 402-8678.



Asbestos Abatement in New York City

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Most asbestos handling in New York City, including abatement and transportation, is governed by New York City rules and regulations. Direct questions about asbestos issues in New York City to the New York City Department of Environmental Protection, Asbestos Technical Review Unit at (718) 595-3682.

In New York City, the New York State Department of Labor licenses and certifies companies and workers who do asbestos work, and must also be notified about all New York City asbestos projects. The New York State Department of Labor has jurisdiction on work practices for projects conducted by or on the behalf of state agencies or public authorities, or on land owned or leased by state agencies or public authorities.

Federal Rules

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA):

The USEPA regulates the list of National Emission Standards for Hazardous Air Pollutants (NESHAP). The NESHAP regulations include the emission of asbestos-containing material. Direct questions about the federal regulations for asbestos materials to the USEPA Region II asbestos coordinator at (212) 637-3476.

THE UNITED STATES OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA):

OSHA has three standards to protect workers from the hazards of asbestos depending on the type of workplace. The three standards cover general industry, shipyards and construction. For complete information on all of the requirements, see the standard specific to the type of workplace on their website (see below).

Additional Information Sources

USEPA: www2.epa.gov/asbestos

OSHA: www.osha.gov/SLTC/asbestos/index.html

NYSDOL: www.labor.ny.gov/asbestos

NYSDOH: www.health.ny.gov/environmental/indoors/asbestos/index.htm

NYSDEC: www.dec.ny.gov/chemical/8791.html

NYCDEP: www.nyc.gov/html/dep/html/air_and_noise/asbestos.shtml



Frequently Asked Questions

- Q. **When does a property owner have to get an asbestos survey done?**
A. An asbestos survey must be completed by a certified Asbestos Inspector whenever all or part of a building or structure will be demolished, renovated, remodeled or repaired. The survey will determine if the planned work will disturb asbestos material.
- Q. **How do I find workers certified to do the asbestos-related work I need?**
A. The Department of Labor maintains a list of licensed contractors: <http://labor.ny.gov/workerprotection/safetyhealth/active-asbestos-contractor-list.shtm>.
- Q. **The licensed Asbestos Abatement Contractor I hired is preparing a notification for the Department of Labor and says there is a fee. What are the notification fees?**
A. Asbestos abatement projects are charged a notification fee based on their size. They are measured in linear feet, square feet, or both. Linear foot measurements are for projects where pipe insulation is being abated. Everything else is measured in square feet. The fees for each type of project is as follows:

Linear feet:	Square feet:
0-259 - \$0	0-159 - \$0
260-429 - \$200	160-259 - \$200
430-824 - \$400	260-499 - \$400
825-1649 - \$1000	500-999 - \$1000
1650 or more - \$2000	1000 or more - \$2000

Please note that if you have a project measured in both linear feet and square feet, you must pay the appropriate notification fee for each measurement.

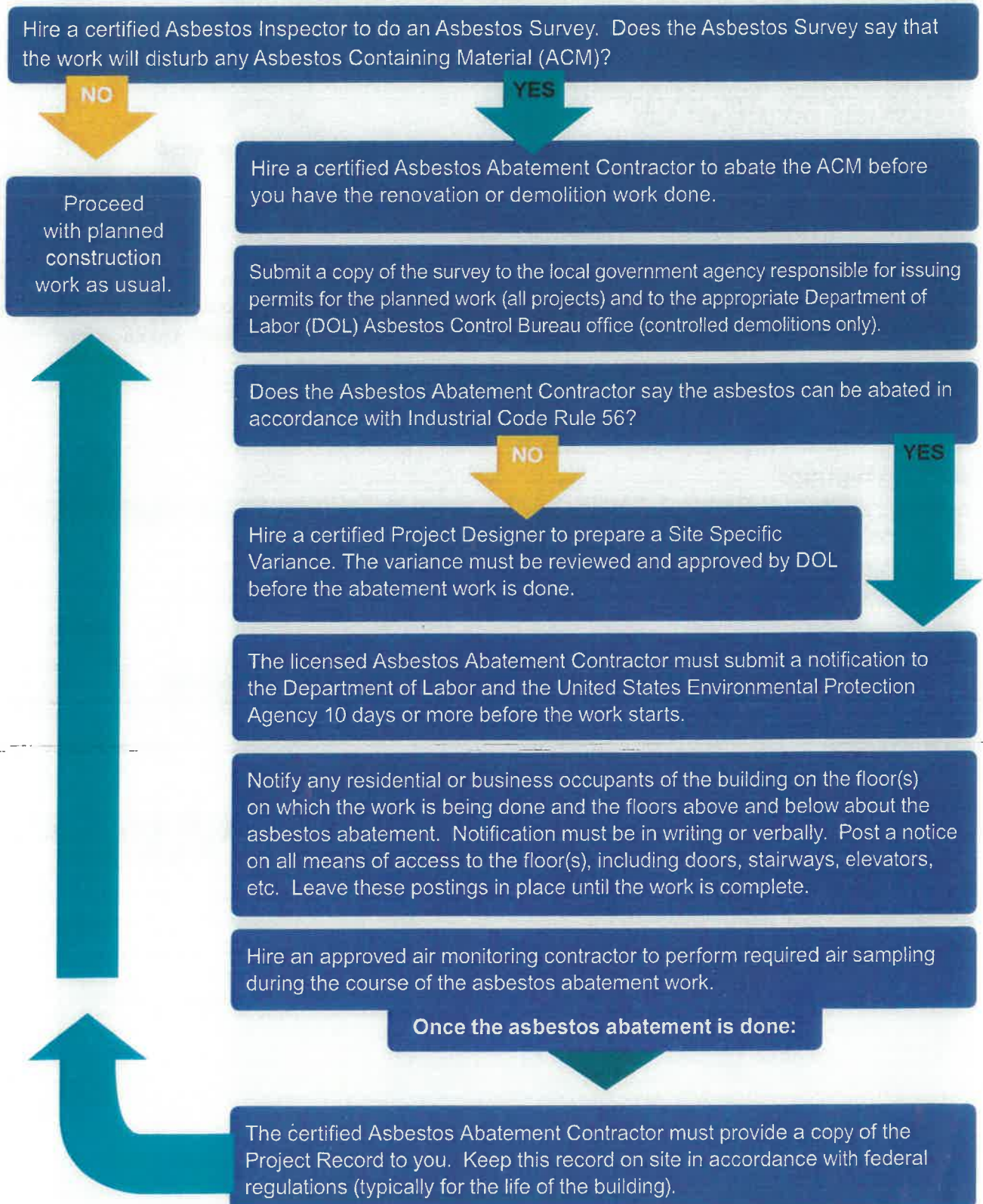
- Q. **The licensed Asbestos Abatement Contractor I hired has told me that the asbestos in my project cannot be abated in accordance with New York State law. What happens now?**
A. You must hire a licensed Asbestos Project Designer to prepare a site-specific variance request to be submitted for review by the Department of Labor. This will allow you to still have the abatement work done, as long as it adheres to the plan the Project Designer prepares and the Department of Labor approves. There is a \$350.00 fee to request the variance.
- Q. **My property has fallen down or has burned down. What is required to clean up the debris?**
A. Buildings that are structurally unsound must have a letter of condemnation from the appropriate local official (often a Municipal Building Inspector or Municipal Fire Inspector). Then, the building may be demolished with the asbestos in place. The demolition must take place in accordance with Industrial Code Rule 56-11.5. This section of the code requires certain procedures for demolition, containment and disposal of debris, and decontamination of equipment and earth surfaces. These procedures protect against release of the asbestos into the environment.

If the building is already completely destroyed, it can be cleaned up in accordance with Industrial Code Rule 56-11.5 without a condemnation letter. However, it is treated as asbestos debris cleanup and requires a site specific variance from the Department of Labor.

In both cases, a licensed Asbestos Abatement Contractor must be hired to do the work. This is because an Asbestos Survey cannot be done, so debris must be considered to be asbestos-contaminated waste.
- Q. **There is an abandoned building that is a public hazard in my town. What can be done?**
A. If the building has been condemned by the appropriate local official, the local municipality may have the building demolished and the debris pile cleaned up in accordance with Industrial Code Rule 56-11.5. If it has not been condemned, the property owner is responsible for the maintenance of the property and for any asbestos abatement in accordance with Code Rule 56.
- Q. **I want to do work on my own home. Must I get an Asbestos Survey?**
A. Industrial Code Rule 56 does not apply to owner-occupied single family dwellings where the owners perform the work themselves. However, because of the health risks associated with exposure to asbestos we recommend hiring an asbestos contractor to do the work.
- Q. **How do I contact the Department of Labor Asbestos Control Bureau?**
A. See the list of Asbestos Control Bureau district offices at: www.labor.ny.gov/asbestos.

Guide for Property Owners

I am a property owner* and I want to do renovations in or demolish a property. What must I do?



***This guide does not apply to property owners of single family, owner-occupied properties where the owners do the asbestos abatement work themselves.**

Contact Information

If you have any license or certification questions, e-mail: license&certificate@labor.ny.gov

If you have any asbestos quesitons, e-mail: asbestoscontrolbureau@labor.ny.gov

ENGINEERING SERVICES UNIT

State Office Campus, Room 154, Albany, NY 12240
(518) 457-1536 FAX (518) 457-1301

If you have any questions regarding Code Rule 56 or asbestos related variances, email:
ESU.SH@labor.state.gov

ABESTOS CONTROL BUREAU DISTRICT OFFICES

ALBANY DISTRICT:

Counties - Albany, Clinton, Columbia, Dutchess, Essex, Fulton, Green, Montgomery, Orange, Putnam, Rockland, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington.

State Office Campus, Room 157, Albany, NY 12240
(518) 457-1255 FAX (518) 485-8054
(518) 457-2072 FAX (518) 485-8054 (Field Office)

BUFFALO DISTRICT

Counties - Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, Wyoming, Yates.

65 Court Street, Rm. 405, Buffalo NY 14202
(716) 847-7601 (716) 847-7126 FAX (716) 847-7138

NEW YORK CITY DISTRICT

Counties - Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, Westchester.

One Hudson Square, 75 Varick Street (7th Floor), New York, 10013
(212) 775-3532

SYRACUSE DISTRICT

Counties - Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins.

450 S. Salina Street, Syracuse NY 13202
(315) 479-3215 FAX (315) 479-3333

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