

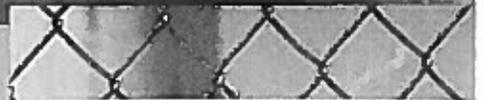


**Safety and Health**



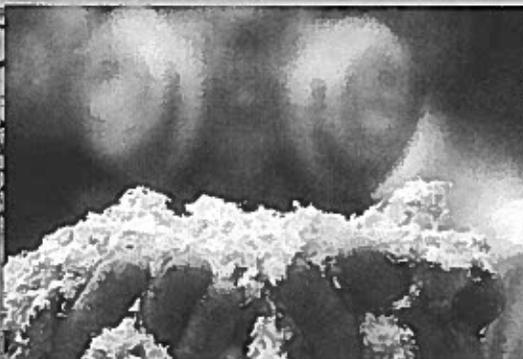
# Asbestos in New York State

## Facts and Responsibilities



**DANGER**

**ASBESTOS**  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY



**A Division of the New York State Department of Labor**

### **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.



## 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](http://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?

Hire a certified Asbestos Inspector to do an Asbestos Survey. Does the Asbestos Survey say that the work will disturb any Asbestos Containing Material (ACM)?

NO

Proceed with planned construction work as usual.

Hire a certified Asbestos Abatement Contractor to abate the ACM before you have the renovation or demolition work done.

Submit a copy of the survey to the local government agency responsible for issuing permits for the planned work (all projects) and to the appropriate Department of Labor (DOL) Asbestos Control Bureau office (controlled demolitions only).

Does the Asbestos Abatement Contractor say the asbestos can be abated in accordance with Industrial Code Rule 56?

NO

Hire a certified Project Designer to prepare a Site Specific Variance. The variance must be reviewed and approved by DOL before the abatement work is done.

The licensed Asbestos Abatement Contractor must submit a notification to the Department of Labor and the United States Environmental Protection Agency 10 days or more before the work starts.

Notify any residential or business occupants of the building on the floor(s) on which the work is being done and the floors above and below about the asbestos abatement. Notification must be in writing or verbally. Post a notice on all means of access to the floor(s), including doors, stairways, elevators, etc. Leave these postings in place until the work is complete.

Hire an approved air monitoring contractor to perform required air sampling during the course of the asbestos abatement work.

Once the asbestos abatement is done:

The certified Asbestos Abatement Contractor must provide a copy of the Project Record to you. Keep this record on site in accordance with federal regulations (typically for the life of the building).

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