

NYCOSH Asbestos Fact Sheet #3**New York State Asbestos Law****What is the purpose of the New York State Asbestos law?**

The New York State Asbestos Law (Industrial Code Rule 56) protects the public from exposure to asbestos fibers, which can cause cancer. This law requires that all work which disturbs asbestos be done by trained workers following special procedures to prevent the spread of asbestos into the air. The law protects people who live and work in buildings with asbestos and the workers who disturb the asbestos. The NYS Asbestos Law is posted on the internet at:

www.labor.state.ny.us/workerprotection/safetyhealth/PDFs/ESU/Code%20Rule%2056-final-version.pdf

(current as of August 2012).

This law does not require building owners to inspect for or remove asbestos that is present in their buildings. (Other laws do require inspection and assessment.) However, if any demolition or renovation work is planned, building owners must determine whether asbestos is present. If the planned work will disturb or remove asbestos-containing material (ACM), legal requirements apply.

Who can do asbestos work?

Workers or contractors who abate (encapsulate, encase, or remove) or disturb ACM in any way are required by NYS law to be licensed. There are nine (9) types of licenses - asbestos handler, restricted asbestos handler, air sampling technician, inspector, management planner, operations and maintenance, supervisor/contractor, project monitor and project designer.

To be certified, asbestos workers or supervisors must complete training courses approved by the NYS 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 recordkeeping requirements.

How will I know that a job is being done by trained and approved personnel?

The law requires that contractors conspicuously display their asbestos handling licenses at the work site. Workers and supervisors must carry their asbestos handling certificates at all times during work on a project. A current list of licensed asbestos vendors is posted at:

www.labor.state.ny.us/workerprotection/safetyhealth/PDFs/Asbestos/ActiveAsbestosContractorsByName.pdf

(current as of August 2012).

What environmental tests are required?

Whenever any renovation, repair, modification, or demolition is to occur, the building owner must have a licensed asbestos inspector conduct a survey to determine if asbestos is present. This survey may include "bulk" sampling of pieces of building material.

Before asbestos abatement begins, air sampling must be conducted inside and outside of the abatement work area. Sampling must be done by an independent third party (that is, not by the asbestos contractor).

After asbestos removal work is completed, clearance air tests must be conducted to ensure that the asbestos has been effectively removed. These clearance tests must utilize a 1 horsepower leaf blower or equivalent to stir up any remaining asbestos and ensure that it becomes airborne, where it can be measured.

In addition, personal air sampling must be conducted in workers' breathing zones, as required by the OSHA and PESH asbestos standards.

The contractor must notify the employer and all occupants near an abatement area if air sampling reveals elevated asbestos levels outside the abatement area.

How will I know when asbestos work is going to be done?

Before a large abatement begins, NYS requires the property owner and the asbestos abatement contractor to provide 10 calendar days written or posted notice to residential and business occupants on the same floor and one floor above and below the abatement area. Three days notice is required for small or minor abatements. Notice for emergency abatements must be provided as soon as possible.

How can I tell whether proper work practices are being followed?

Different work practices are required for different-sized jobs. Some of the requirements for large projects are:

- sealing off the work area with plastic isolation barriers
- posting warning signs to keep people away
- shutting off all regular heating, ventilation and air conditioning systems in the work area
- using special negative air pressure equipment which must be left running 24-hours a day
- building a decontamination unit with a shower for workers to use when they enter and exit the work area

- wearing disposable protective clothing, and respirators inside the work area
- building a special decontamination enclosure for removal of asbestos waste
- thoroughly cleaning the work area and performing "clearance air monitoring" to make sure that the air is not contaminated with asbestos fibers before removing the isolation barriers at the end of the job.

On minor jobs, instead of sealing off an entire area, a special plastic "glove bag" or a "mini-enclosure" may be used. These surround small sections of asbestos and prevent fibers from escaping into the air.

Who enforces this law?

The NYS Department of Labor is responsible for enforcement. (See below for contact information.) The Department staff can inspect any ongoing or completed asbestos project, and will investigate complaints. A job can be stopped if violations are found.

Other federal and local asbestos laws may also apply and may be more protective than the NYS law. (See NYCOSH Fact Sheets #4 and 5.)

How does the state law relate to Federal OSHA regulations?

The New York State law offers greater protection to the public and to asbestos workers than do OSHA regulations. New York State's training requirements are broader and the mandatory work site safety procedures are stricter than OSHA's. The state law includes many provisions specifically designed to protect building occupants and other members of the public, which are absent from OSHA's worker protection program.

Are there any special rules in the state law?

If in-plant workers do minor projects (involving less than 10 square or 25 linear feet of asbestos-containing material) they do not have to be officially trained and certified.

However, the New York State work practice requirements must be followed on these jobs and this work is still subject to OSHA regulations.

This exception applies only to employees of the building owner; workers employed by a contractor who is under contract to a building owner must be trained and certified, even if they work in only one building.

Work in an owner-occupied single family dwelling which is performed by the owner of the house is exempt from the training and certification requirements.

However, the transportation and disposal of asbestos waste must still follow EPA regulations and must be done by qualified contractors.

If a person who is not the owner is brought in to do work on a single-family dwelling, all of the provisions of the state law do apply.

Who do I call to file a complaint or ask more questions?

Call the New York State Department of Labor Asbestos Control Bureau:

- Manhattan at (212) 775-3538, or
- Albany at (518) 457-2072 or (518) 457-1255,
- Syracuse/Binghamton at (315) 479-3215, or
- Buffalo/Rochester at (716) 847-7126.

(Numbers are current as of August 2012.)

NYCOSH Asbestos Fact Sheets:

Fact Sheet #1 - Asbestos

Fact Sheet #2 - OSHA Asbestos Standards

Fact Sheet #3 - New York State Asbestos Law

Fact Sheet #4 - New York City Asbestos Law

Fact Sheet #5 - Asbestos Hazard Emergency Response Act (AHERA)

Fact Sheet #6 - Respirators: Information for Asbestos Workers