

NYCOSH Asbestos Fact Sheet #4

The New York City Asbestos Control Law

(Title 15, Chapter 1 of the Rules of the City of New York)

The New York City *Asbestos Control Program* (NYC ACP) protects the public from avoidable exposure to asbestos. By doing so, it also protects workers who work with asbestos and workers who work in buildings that contain asbestos. The law requires that any work which disturbs asbestos be done safely by specially trained and certified workers.

The ACP has 7 subchapters (sections):

- A. Scope and definitions
- B. Asbestos worker certification
- C. Notification and recordkeeping
- D. Asbestos sampling and monitoring
- E. Health and safety protection for asbestos workers
- F. Procedures for asbestos projects
- G. Asbestos and demolition projects (not covered in this fact sheet).

Subchapter A. Scope and definitions

The law applies to all asbestos abatement activities that occur within New York City.

Asbestos-containing material (ACM) is defined as any material that contains more than 1% asbestos (by weight).

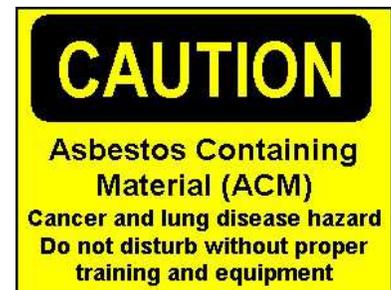
Asbestos project is defined as any work that disturbs more than 25 linear feet or more than 10 square feet of ACM, either in a building or structure or on equipment, pipes, or electrical equipment outside a building or structure.

Abatement is defined as *any procedure to control the release of asbestos fibers from ACM*. Abatement can mean:

- ! **physical removal** and disposal of ACM, or
- ! **encapsulation** (coating or spraying ACM to prevent fiber release), or
- ! **enclosure** (construction of airtight walls and ceilings around ACM to prevent fiber release).

Subchapter B. Asbestos worker certification

Any worker who is paid to disturb, remove, encapsulate, repair, or enclose ACM must have a NYC Department of Environmental



Protection (DEP) **asbestos handler certificate**. Supervisors of asbestos handlers and asbestos investigators also must be certified by DEP. Asbestos contractors (employers) must be certified by both NYC DEP and NYS Department of Labor (DOL).

Subchapter C. Notification and recordkeeping

A building owner must provide at least **1 week advance notification** to the NYC Department of Buildings (DOB) of any project that will disturb asbestos, including demolitions, alterations, renovations, modifications, and most plumbing work. An **emergency asbestos project** due to an unexpected situation that could endanger public safety or health requires immediate notification to the DEP Asbestos Control Program.

Certain requirements may apply or not apply depending on the size of the project. A **large asbestos project** involves the disturbance of 260 linear feet or more of ACM or 160 square feet or more of ACM. A **small asbestos project** involves between 26 and 259 linear feet or 11 to 159 square feet of ACM. A **minor asbestos project** involves 25 linear feet or less or 10 square feet or less of ACM. Most asbestos abatements (removal, encapsulation, or enclosure) require a written **work place safety plan**. Records of hazard assessment investigations for each asbestos project must be kept for 30 years.

Subchapter D. Asbestos sampling and monitoring

Environmental sampling for an asbestos project must be performed by a person holding a DEP asbestos handling license. To avoid conflicts of interest, he or she must not have any business, personal, or other relationship with the abatement contractor or with any of the involved parties. The abatement contractor is not permitted to recommend or provide references to any air monitoring firm.



One or more **bulk samples** must be obtained to determine whether ACM is present. "Bulk sample" is not defined but is usually understood to mean a small portion of a suspect asbestos-containing building material sent for laboratory analysis to determine asbestos content. The lab must be an accredited asbestos lab. It must use the **polarized light microscopy (PLM)** method or another specified method for analysis of the bulk sample, such as **transmission electron microscopy (TEM)**.

Air sampling is used to check airborne levels of asbestos prior to an abatement project to determine a **baseline level**. It is also used during an abatement project to ensure there are no leaks and as a clearance test to confirm that the site is free of asbestos after the project. Analysis must be conducted by an accredited lab. It must use **phase contrast microscopy (PCM)** or another specified method such as TEM.

Post-abatement clearance air monitoring cannot begin until:

- ! abatement activities have been completed, and
- ! final cleanup operations are complete, and
- ! inspection confirms there is no visible ACM residue on any surface, and
- ! at least 1 hour has passed since the space has completely dried from the final wet cleaning.

Clearance air monitoring must be conducted with **aggressive sampling procedures**. Forced air equipment, such as a 1-horsepower leaf blower, must direct exhaust air against all walls, ceilings, floors, ledges, and other surfaces in the work area to deliberately stir up any remaining asbestos fibers. Then 20-inch fans pointed at the ceiling must be used to keep any asbestos fibers suspended in the air during sampling.

During an abatement project, work must be halted for inspection if:

- ! there is visible dust outside the work area, or
- ! any air sample exceeds the baseline level or 0.01 fibers per cubic centimeter (f/cc), whichever is greater.

Clearance testing indicates successful removal of ACM if every sample is less than or equal to the baseline level or 0.01 f/cc, whichever is greater.

Subchapter E. Worker protection

Personal protective equipment (PPE) must be used by all workers within the abatement area. The PPE must include disposable full body protection, including head, hand, and foot coverings, as well as hard hats, protective eyewear, and respirators. (Per OSHA requirements, respirators for asbestos work must be at least as protective as a tight-fitting half face air purifying respirator equipped with changeable HEPA-rated filter cartridges. HEPA stands for high efficiency particulate air.)

The contractor must post signs at all approaches to the abatement area. The signs must read:

“Danger. Asbestos cancer and lung disease hazard. Authorized personnel only. Respirators and protective clothing are required in this area.”

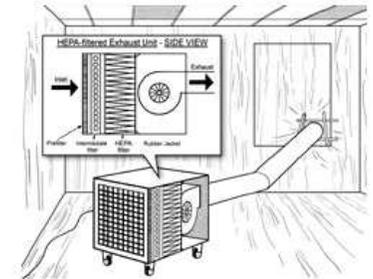
Subchapter F. Asbestos project procedures

The building owner must post **notices of asbestos abatement** in conspicuous, well-lit places at the entrances to the abatement area and in immediate adjacent areas. The notices must be posted 7 calendar days before the start of the project and must remain posted until clearance testing is successful. Occupants must be removed from the abatement area until clearance testing is successful. Moveable objects within the abatement area must be cleaned and removed prior to abatement.

The abatement area must be partitioned off with plastic sheeting and wood or metal stud framing. The partitions must be sealed at the floor, ceiling, walls, joints and fixtures to form an airtight seal. Worker decontamination enclosure systems must be erected outside the abatement area and attached to all locations where workers will enter or exit the abatement area. Any heating,

ventilation, and air conditioning system serving the abatement area must be shut down and sealed off.

The partitioned abatement area must be maintained under **negative pressure** 24 hours a day. This means that more air is exhausted from the



abatement area than enters it. In the event of a leak, clean air from outside the abatement area will enter rather than contaminated air from inside leaking out. All air mechanically exhausted from the abatement area via negative pressure equipment must be cleaned through HEPA filters.

The exterior surfaces of containers of ACM debris to be removed from the abatement area must be cleaned in the waste washroom or shower room, double-bagged in clean bags, and placed in open top, watertight plastic carts for removal. Dry removal of ACM is prohibited. To prevent asbestos fibers from becoming airborne, all abatement of ACM must be by wet methods.



If ACM is to be encapsulated (sealed) rather than removed, the encapsulating material must be compatible with the material to

which it is applied. Only approved, colored, non-transparent **encapsulants** may be used. A different color must be used for each layer of encapsulating material. Encapsulants must be applied using airless spray equipment. ACM can also be contained by **enclosure** (construction of airtight walls and ceilings to prevent fiber release).

Any encapsulated or enclosed ACM must be identified with labels, signs, or color coding so that maintenance workers will know where ACM is present.

The NYC ACP recommends, but does not require, annual inspections of encapsulated or enclosed ACM to check for damage. The ACP also recommends that building owners maintain records of the locations, conditions, and modifications of encapsulated and enclosed ACM.

Glovebag and tent methods

are permitted under certain limited conditions. Glovebags are devices that are equipped with gloves that project into the bag. They are used only during short duration,



small scale removal jobs on pipes or other non-flat surfaces. The glovebag temporarily surrounds the pipe in a way that retains all released asbestos fibers within the bag. Tent procedures can be used only for removal of less than 260 linear feet or 160 square feet of ACM.

The NYC ACP also specifies requirements for use of **foam for removal of ACM roofing materials** and **foam or viscous liquids for removal of ACM floor tiles, floor coverings, and floor mastics or adhesives**. The ACP also lists requirements for **pre-demolition abatement activity work procedures**.

For more information (list current as of August 2012):

- ! text of NYC asbestos rules –
www.nyc.gov/html/dep/html/asbestos/asbestos.shtml
- ! required NYC DEP abatement activity forms –
www.nyc.gov/html/dep/html/forms_and_permits/asbestosf.shtml
- ! list of NYC DEP certified asbestos investigators –
<http://a826-web01.nyc.gov/cai/>
- ! list of NYS DOL licensed asbestos contractors –
www.labor.state.ny.us/workerprotection/safetyhealth/asbestoslicense.shtml
- ! list of NYS DOL accredited asbestos labs –
www.wadsworth.org/labcert/elap/asbestos.html

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 in Schools (AHERA)
- Fact Sheet #6 - Respirators: Information for Asbestos Workers

