

Asbestos Variances Fact Sheet

Where there are practical difficulties in complying with the provisions of Code Rule 56, the Department of Labor may provide relief in the form of a variance decision. There are several types of variances that are issued by the Department of Labor.

- **Applicable Variance (AV)** – When numerous site specific variances are issued for relief from one or more Code Rule 56 requirements, the Department of Labor may issue an Applicable Variance. The Applicable Variance lists specific Code Rule 56 requirements from which relief is granted. An Applicable Variance may be used by an affected party meeting the conditions of the AV. All applicable variances are published in the State Register and are available at the NYS DOL website. Applicable Variances will be designated as AV-A-#.

- **Blanket Variance (BV)** – similar to AV
 - Applies to all property owned by New York State Department of Transportation (NYS DOT), New York State Thruway Authority (NYS TA), New York State Canal Corporation (NYS CC), and County Highway Departments Statewide.
 - Limited relief is provided as per the variance decision for all pertinent asbestos projects conducted on NYS DOT, NYS TA, NYS CC OR NYS County Highway Department owned property statewide.
 - NYS DOT is petitioner.
 - BV may be used by others without NYS DOT permission.

- **Site-Specific Variance (SSV)**

Any person or firm subject to Code Rule 56 may petition the Department of Labor for a site-specific variance from limited provisions of the Code Rule on the grounds that there are practical difficulties or unnecessary hardship in carrying out those provisions.

 - The building/property/facility owner or his agent must submit a petition for a variance (SH-751).
 - The variance decision is issued for a specific asbestos abatement project (one building at one specific property).
 - The variance is transferable with the petitioner's permission.
 - The variance will include conditions as necessary to assure an adequate level of safety.

- **Multi-Site Variance**

In limited situations, as determined by the Department of Labor, a petitioner may request a variance to include multiple sites. These various categories of multi-site variance decisions are classified below:

- **Facility-Wide Variance (FWV)**
 - Applies to a facility (ex. hospital, campus, prison, industrial complex).
 - Relief is provided as per the variance decision for all pertinent asbestos projects conducted at the facility.
 - Facility Owner is petitioner.
 - FWV may be used by others with petitioner's permission.

- **State-Wide Variance (STWV)**
 - Applies to a petitioner with sites located statewide (e.g. New York State Department of Corrections, Dormitory Authority of the State of New York, State University of New York, etc.).
 - Specific relief is provided for projects conducted at petitioner's statewide locations.
 - Statewide Property Owner is petitioner.
 - STWV may be used by others with petitioner's permission.

- **System-Wide Variance (SWV)**
 - Applies to the system that the petitioner owns (ex. pipe line system, power line system, mass transit system, etc.).
 - Specific relief is provided as per the variance decision for all pertinent asbestos projects conducted throughout the petitioner's system.
 - System Owner is petitioner.
 - SWV may be used by others with petitioner's permission.