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
1	1. 2 (b)	Purpose and Intent. This Section indicates that these regulations include those who "supervise and employ" "persons employed in all aspects of an asbestos project." Does this statement include general contractors and construction managers? The term "supervise" is later defined and treated in such a way as to indicate that it was never the intent to include general contractors and construction managers.	See Section 1.4 which includes contractor responsibilities (asbestos and non-asbestos contractors) at multi-employer work sites. Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor. Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.) Section 1.4 also includes contractor notification requirements to the building/structure owner or their representative for newly discovered materials and any disturbances to ACM, PACM or suspect miscellaneous materials.
2	1. 2 (b)	Purpose and Intent. Are excavations for new structures that impact asbestos in mineral form considered asbestos projects under the jurisdiction of ICR 56?	No, excavations that impact asbestos in its mineral form are not under the jurisdiction of ICR 56. However, other federal, state and local regulations may apply.
3	1. 2 (b)	Purpose and Intent. Are O&M activities for brake and clutch repair of vehicles under the jurisdiction of ICR 56?	No, ICR 56 does not apply to the O&M of wheeled vehicles. If the question pertained to O&M of elevator brake shoes in a building, the answer would be different.
4	1. 3	Application. If an asbestos abatement contractor is issued a violation, will the general contractor also be issued the same violation? How will the violations to a general contractor be issued?	The Department has well defined legal and administrative procedures regarding the issuance and adjudication of violations of Code Rule 56. While the focus on such is with asbestos abatement contractors, in cases where a building owner or general contractor has clearly violated the Code Rule, violations could be issued, especially if they were in a position to prevent such violations from occurring. However, in most cases, operational violations of the Code Rule will be issued to the contractor performing the abatement work.

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5	1. 3	Application. Does ICR 56 have jurisdiction on federal property or Native American sovereign nation land?	No, federal facilities on federally owned land, used for federal purposes, occupied by federal employees, are not under the jurisdiction of ICR 56. However, Federal property is not exempt from Industrial Code Rule 56 asbestos project notification requirements and notification fees unless proof is provided as follows: 1. On United States government letterhead that the work will be performed by the Federal Government by an agency, or at a property, subject to a Presidential exemption such as that authorized by 42 USC Section 7418(b); or, 2. That the work will be performed by a private contractor on property that was either acquired by the Federal government with the consent of the State of New York after 1986 or acquired by the Federal government at any time without the consent of the State of New York. Should you have any questions regarding asbestos project notifications for federal properties, please contact the Licensing and Certification Unit at 518-457- 8530. Also, sovereign nation property that is used by a sovereign nation for sovereign nation purposes, by sovereign nation members, is not under the jurisdiction of ICR 56. Proof of property use for sovereign nation purposes must be provided to the Department upon request.
6	1. 3	Application. 1. If a Federal agency leases a portion (suite) of a privately owned building, or the building entirely, does ICR 56 have jurisdiction at the site? 2. If a private landlord conducts abatement activities on, or adjacent to, the portion leased by the Federal agency, are the landlord activities subject to ICR 56? 3. If the afore-mentioned abatement activities are the responsibility of the Federal agency (per lease agreement), are they still subject to ICR 56?	The answer to all the questions submitted is the same...any asbestos project conducted on privately owned property in New York State is under the jurisdiction of ICR 56.
7	1. 3	Application. On Municipally owned/ controlled sewer repair projects which involve the disturbance of asbestos pipe, are the municipalities exempt from the code rule?	Municipalities in New York State are under the jurisdiction of ICR 56. If they have ACM water or sewer lines that they disturb, the municipality must either follow ICR 56, or obtain a site-specific variance per asbestos project. The municipality may also have their certified project designer apply for a systemwide variance for the typical asbestos project work that they do on the ACM underground piping systems An applicable variance is anticipated to be released later this year for municipalities and water/sewer districts to handle O&M of buried ACM water and/or sewer piping or ACM coating on the piping.

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8	1. 3	Application. Our firm is looking into performing a renovation survey in Brooklyn NY. We had heard that there were different requirements in NYC. Is there an additional License or certification required by NYC? What asbestos projects in NYC are under the jurisdiction of a NYC agency?	Yes, NYC has its own local asbestos regulations as well as asbestos licensure/certification through NYC DEP. The NYS DOL recognizes the New York City Department of Environmental Protection (DEP) as having jurisdiction as provided in Labor Law, Section 910(2) over all asbestos projects conducted within the five boroughs of the City of New York with the exception of projects conducted by or on behalf of state agencies or public authorities or on property owned or leased by the state or by public authorities. NYS DOL also recognizes the authority of DEP to grant variances from the requirements of state and local law and regulation for projects falling within its jurisdiction. For all privately owned buildings or structures, asbestos related projects fall under the jurisdiction of the DEP, not the NYS DOL. Industrial Code Rule 56 and pertinent Rules of the City of New York are applicable for work at the complex, but any request for a variance from these rules and regulations must be directed to the NYC DEP for their approval.
9	1. 3 (a)	Application. Scenario: The owner of a single-family house is demolishing his garage (he currently lives in the house). Does he need to have an asbestos survey conducted? The roof tiles of the garage are the only suspected ACM; the rest is made of wood. Can he first remove the tiles by himself and then perform his own demolition without a survey being done? But the main question is whether a survey is needed at all.	Please see ICR 56-1.3(a) exemption for owner-occupied single-family dwellings where the owner performs the work himself. The exemption is only for the owner-occupied dwelling, not any outbuildings or other unattached buildings/structures. This exemption is for ICR 56 in its entirety. If the owner hires a contractor to perform the work, then the exemption does not apply.
10	1. 4	Multi-employer Worksites. Every day our company pre-screens and awards work to qualified sub-contractors, including those who complete asbestos abatement/monitoring on our jobsites. While we typically have some degree of trust in our subs, we like to keep a close eye on the daily operations to ascertain compliance with all applicable rules, regulations, and site plans. As OSHA currently says, the general contractor is to be deemed with supervisory authority over the asbestos project, and must ascertain the compliance of the asbestos sub-contractors (i.e. Abatement, Air-Monitoring, part-time Project Monitoring (for visual inspection)). Is it required for all general contractors, and owners who sub out asbestos work to have a NYS DOL issued license?	No. Only entities that engage in any portion of an asbestos project, or employ persons engaged in any portion of an asbestos project must be licensed as per Code Rule 56. A property owner or prime contractor that hires an asbestos contractor, but does not directly control the work, is not required to be a licensed asbestos contractor. In addition, if employees of the owner, general contractor or construction manager perform the duties of any of the nine asbestos handler categories as listed in Section 56-3.2, the individual should be appropriately trained and NYS DOL asbestos handler certified, as well as the firm being currently NYS DOL licensed as an asbestos contractor. Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor.

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			Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.) As the GC is a representative of the building/structure owner, there is nothing wrong with the GC firm coordinating the various trades (asbestos abatement contractor, air sampling firm, project monitoring firm, etc.) on an asbestos project. This makes sense so that all asbestos contractor firms coordinate their schedules to coincide with the asbestos abatement contractor's actual work schedule. However, if the asbestos abatement contractor changes his/her schedule at the last minute, provisions should be made with the building owner's representative to inform all affected parties of the schedule change in a timely manner and the abatement contractor must also ensure that any project notifications to the department list any corrected abatement start dates.
11	1. 4	Multi-employer Worksites. Is the intent of this Section to require general contractors and construction managers to provide a trained, certified asbestos supervisor on site (apart from the supervisor employed by the asbestos removal contractor or subcontractor), and to require general contractors and construction managers to be licensed as asbestos contractors?	No. Only entities that engage in any portion of an asbestos project, or employ persons engaged in any portion of an asbestos project must be licensed as per Code Rule 56. A property owner or prime contractor that hires an asbestos contractor, but does not directly control the work, is not required to be a licensed asbestos contractor. In addition, if employees of the general contractor or construction manager perform the duties of any of the nine asbestos handler categories as listed in ICR 56-3.2, the individual should be appropriately trained and NYS DOL asbestos handler certified, as well as the firm being currently NYS DOL licensed as an asbestos contractor. Section 1.4 also includes contractor responsibilities (asbestos and non-asbestos contractors) at multi-employer work sites. Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor. Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.)
12	1. 4 (a) -b	Multi-employer Worksites. Please clarify the “inform” requirement. Does this mean by written notification given to all employers, verbal notification or will the Posted Asbestos Project Notice suffice?	The posted notice will not suffice, as ACM may be present at locations not scheduled for abatement. Written notice would suffice, or verbal communication with the written referenced document readily available to all employers at the site.

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13	1. 5	Responsibility for Cleanup of Uncontrolled Disturbance. This Section includes references to "incidental disturbance or other disturbance." While the incidental disturbance is further discussed elsewhere in the Code Rule, we have not found any further reference to "other disturbance (not as part of a controlled asbestos project) of ACM, PACM, asbestos material, or suspect miscellaneous ACM assumed…" Will a response to an "other disturbance" be allowed to be treated in a manner similar to the incidental disturbance response, or as an emergency response, or will other specific response actions be required to stabilize remaining material and cleanup any contaminated area(s)?	Once a disturbance is discovered, it must be cleaned up as soon as possible. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance. Also, Section 1.4 includes contractor notification requirements to the building/structure owner or their representative for newly discovered materials and any disturbances to ACM, PACM or suspect miscellaneous materials.
14	1. 5	Responsibility for Cleanup of Uncontrolled Disturbance. If an owner has actual knowledge that asbestos was disturbed at some point before the current version of code rule 56, such as a cabling project conducted in the early 1990's, that had disturbed friable fireproofing in a county office building or State Office Building, does paragraph 56-1.5 mandate an immediate abatement now?	Yes, it does. Once a disturbance is discovered, it must be cleaned up as soon as possible. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance. (See Q/A for Section 56-2.1(bp) & 56-11.2 for additional information) An applicable variance is anticipated to be released later this year to allow completion of all minor and small size asbestos cleanup projects following the detailed procedures within the variance.
15	1. 5	Responsibility for Cleanup of Uncontrolled Disturbance. Does damaged asbestos containing material represent an incidental disturbance, or does visible debris also have to be present?	As per 56-2.1(ax) "Disturbance. Any activities that disrupt the matrix of ACM or PACM, or generate debris, visible emissions or airborne asbestos fibers from ACM or PACM." As indicated within section56-1.5, "…upon discovery of the disturbance, the property owner shall be responsible for contracting with a licensed asbestos contractor for immediate isolation of the disturbance and cleanup in accordance with all provisions of this Part." Thus, a cleanup relating to a disturbance is cleanup of debris. (See Q/A for Section 56-2.1(bp) & 56-11.2 for additional information)

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16	1. 5	Responsibility for Cleanup of Uncontrolled Disturbance. Are property owners subject to a potential violation of ICR 56 if ACM or PACM is disturbed by a trades contractor or other entity unbeknownst to the owner and the damaged material or debris fallout is subsequently discovered by an Asbestos Control Bureau inspector? Is the party who disturbed the ACM or PACM required to notify the property owner, to aid the owner in complying with this requirement?	Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor. Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.) In addition, Section 1.4 includes contractor notification requirements to the building/structure owner or their representative for newly discovered materials and any disturbances to ACM, PACM or suspect miscellaneous materials. Once a disturbance is discovered, it must be cleaned up as soon as possible. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance.
17	1. 6	Other Codes. The Code Rule should address maintaining existing fire and evacuation alarm systems during asbestos projects in occupied buildings.	Appropriate reference to application of the NYS Uniform Fire Prevention & Building Code, or its successor, is already included in Section 56-1.6. The next revision of ICR 56 will address fire & life safety issues associated with asbestos projects, but will not supercede other pertinent federal, state and local regulatory requirements.
18	1. 6	Other Codes. A question has come about at a work site involving the fire protection system. Should all smoke heads within the work area remain uncovered during abatement? These particular smoke heads are extremely sensitive and the fire plan that is in effect now is very time consuming when the alarms sound. Is there another way to comply with the fire code but keep the smoke heads covered?	All fire protection systems must remain active at the building and all existing means of egress must be maintained. Any alternations to means of egress or fire protection systems must be in compliance with *"The New York State Uniform Fire Prevention and Building Code"* or its successor, including obtaining necessary approvals/permits from the local CEO with jurisdiction of these regulations. Specifically, Chapter 33 of the Building Code of New York State addresses "Safeguards during Construction" and Chapter 13 of the Existing Building Code of New York State addresses "Construction Safeguards". In addition, Chapter 4 of the Fire Code of New York State addresses "Emergency Planning and Preparedness", and Chapter 14 addresses "Fire Safety During Construction and Demolition". These chapters of the regulations must be complied with, as well as the remainder of the applicable regulations and all other pertinent federal, state and local regulations. The next revision of ICR 56 will address fire & life safety issues associated with asbestos projects, but will not supersede other pertinent federal, state and local regulatory requirements

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19	2. 1 (o)	Terms. Asbestos Abatement Contractor Daily Project Log. What does "bound" mean? Are loose sheets of paper within a binder considered a bound log?	No, "bound" is intended to mean a journal document with hard/glued spine. Acceptable examples include composition notebooks, ledger and journal books. Unacceptable examples include loose-leaf binders, spiral notebooks and comb-fastened notebooks.
20	2. 1 (q) (1)	Terms. Asbestos Contractor. Does the permitted exception also include construction management firms performing a supervisory role on a demolition, renovation, remodeling or repair project that includes work covered by this Part (56-1.4)?	Section 1.4 includes contractor responsibilities (asbestos and non-asbestos contractors) at multi-employer work sites. Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor. Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.) Only entities that engage in any portion of an asbestos project, or employ persons engaged in any portion of an asbestos project must be licensed as per Code Rule 56. A property owner or prime contractor that hires an asbestos contractor, but does not directly control the work, is not required to be a licensed asbestos contractor. In addition, if employees of the owner, general contractor or construction manager perform the duties of any of the nine asbestos handler categories as listed in Code Rule 56-3.2, the individual should be appropriately trained and NYS DOL asbestos handler certified, as well as the firm being currently NYS DOL licensed as an asbestos contractor As the prime contractor is a representative of the building/structure owner, there is nothing wrong with the prime contractor (building owner representative) coordinating the various trades (asbestos abatement contractor, air sampling firm, project monitoring firm, etc.) on an asbestos project. This makes sense so that all asbestos contractor firms coordinate their schedules to coincide with the asbestos abatement contractor's actual work schedule.
21	2. 1 (w)	Terms. Asbestos Project. Installation of friable ACM should not be included as an asbestos project, as it is outside the jurisdiction of ICR 56. It was purposely removed from the labor law definition prior to the 1994 version of the code rule.	This requirement will be deleted within the next revision to the code rule.

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22	2. 1 (w)	Terms. Asbestos Project. If a component includes ACM (i.e. firedoor, laboratory fume hood, etc.), is removal of the component considered to be an asbestos project?	Yes, removal of any installed ACM is considered an asbestos project and the removal must comply with ICR 56. A site-specific variance petition requesting specific relief from certain requirements of ICR 56 could be submitted for low disturbance potential projects, such as intact component removal.
23	2. 1 (z)	Terms. Asbestos Waste. Under this definition, is all removed asbestos containing material subject to waste packaging and disposal requirements such as double-bagging and disposal in an asbestos landfill?	Code Rule 56 regulates the handling of asbestos material, not the transport and disposal of asbestos waste. Any waste generated within a regulated abatement work area negative pressure containment enclosure must be bagged/containerized immediately and then an additional second layer bag/container is added during waste bag/container decontamination as the waste is transferred from the enclosure to the waste storage/transport container. Category I and II non-friable ACM removed from a work area that is not subject to negative air requirements may be placed directly into the dumpster or waste container within the work area. All asbestos waste must be appropriately bagged/containerized and sealed air/watertight when it leaves site for transport and disposal by appropriate legal means.
24	2. 1 (a a)	Terms. Authorized Visitor. Can an uncertified owner authorized entrant (an in house safety officer not acting as a project monitor, as described in Code Rule 56), be present in an abatement area to ensure that the abatement contractor is in compliance with the federal health, safety, and environmental standards like the OSHA standard for Construction, and any applicable EPA standards?	If the authorized visitor is performing oversight duties as described in Code Rule 56 for a project monitor, then the individual would have to be appropriately certified as a project monitor, and his firm would have to be licensed as an asbestos contractor. (project monitor - any person...who oversees the scope, timing, phasing and/or remediation methods to be utilized on any asbestos project...) However, if the individual is just checking on status of building systems within the containment enclosure, then he would be OK as a building owner's authorized visitor. If the individual is overseeing compliance with federal regulations that also govern asbestos projects, then the individual is still performing project monitoring duties. If the individual is overseeing compliance with federal regulations that govern safety on construction projects, and the regulations are not specific to asbestos projects, then the individual is still acting as an authorized visitor, not a project monitor.
25	2. (a a)	Terms. Authorized Visitor. Is a plumber considered an authorized visitor if he has to enter a regulated abatement work area to affect an emergency repair on a leaking pipe?	Yes, the plumber would be considered an authorized visitor. As per 56-2.1(aa), an Authorized Visitor is "any party on an asbestos project, who has to enter the asbestos project restricted area or regulated abatement work area for emergency purposes or regulatory compliance inspections. Examples include the building/structure owner, his or her agent or representative, utility company representatives, the Commissioner or his or her agents, and personnel of any regulatory agency having jurisdiction over the project. Visitors shall comply with all applicable requirements of OSHA 29 CFR 1926." A plumber accessing the area to perform emergency pipe repair certainly qualifies as a representative of the building owner and authorized visitor.

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26	2. 1 (a m)	Terms. Class IV Asbestos Work. This definition does not exactly match the OSHA definition due to inclusion of the term "non-ACM" before dust. Is this correct?	Yes, it is correct. Any disturbance to installed ACM or cleanup of ACM dust/debris is an asbestos project, to be completed by a licensed asbestos contractor utilizing appropriately trained and certified asbestos handlers.
27	2. 1 (a x)	Terms. Disturbance. The definition of “disturbance” will now include “moving of asbestos containing material from one place to another.” Is the transfer of a component that contains ACM considered an asbestos project? For example, many transformers, network protectors, rectifiers, and pipes contain asbestos. Are only licensed and certified individuals allowed to move this equipment?	If the potential exists for disturbance of the ACM during the transfer, the transfer would be considered an asbestos project. The transfer of stored equipment that is intact and will remain intact during transfer is not considered an asbestos project. However, the removal of installed ACM is considered an asbestos project (i.e. ACM removal, enclosure, encapsulation, or repair, and asbestos debris/residue cleanup are all considered asbestos projects) Waste transfer from a regulated abatement work area during an active asbestos project would be considered part of the existing asbestos project and would be subject to Code Rule 56 waste transfer requirements.
28	2. 1 (a x)	Terms. Disturbance. Would it be considered a disturbance to nail luan or underlayment over a three (3) layered floor of which the bottom layer is asbestos-containing floor tile?	Yes, if the ACM matrix is impacted, then it is considered an ACM disturbance, under the jurisdiction of ICR 56. However, a site-specific variance petition may be submitted for relief from certain aspects of ICR 56 for the asbestos project, while still protecting the safety and health of the general public. The Department is currently working on an applicable variance to address situations such as this one (e.g. screwing, nailing, or use of a powder-actuated mechanical fastener for overlayment of a multilayered system with an ACM NOB in an underlying layer)
29	2. 1 (a x)	Terms. Disturbance. We have completed a ACM floor tile and mastic removal project. As long as successful final clearance air samples have been obtained, may the mastic-stained substrate be overlaid with an adhered (rather than fastened) flooring? This would be similar to the old AV 92: "Asbestos Floor Coverings; Overlaying Of Floors; Floated Roofs and/or Flashings". Can a non-asbestos-licensed contractor (e.g., the general or specialty contractor) apply a finished floor or subfloor material, whether wood, vinyl, carpeting, leveling compound, etc. on to the mastic-stained concrete without it being an asbestos project? Is overlayment of ACM floor tile with mastic and carpet, and/or covering with floor leveler an asbestos project?	The previous AV-92 was not incorporated into the amended ICR 56, as it was considered redundant by the Department. Overlayment of a floor, wall, ceiling or roofing system over an intact non-friable ACM using an adhesive or leveling compound is not considered an asbestos project unless the ACM is disturbed during the overlayment procedure. Any penetrations to the ACM or impact to the intact ACM matrix would be considered a disturbance. Please note that the non-asbestos contractor performing the overlayment procedure must be informed of the presence and location of the ACM, and that disturbance is prohibited. In addition, the non-asbestos contractor personnel performing the overlayment procedure must have current OSHA asbestos awareness training.
30	2. 1 (b i)	Terms. Glovebag. Is there a diameter size limit that the "glovebag" can be utilized for?	Glovebags may be used in accordance with manufacturer's recommendations. However, Minor size asbestos projects and O&M asbestos projects have additional glovebag restrictions.

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31	2. 1 (b m)	Terms. HEPA-Vacuum Equipment. Is a HEPA vacuum considered "Negative Air Pressure Equipment"?	A HEPA vacuum may be utilized to establish negative pressure within a Minor size negative pressure tent work area, as per Section 56-7.8(a)(11), 56-7.11(f) & 56-11.3(e), provided the minimum number of air changes per hour is maintained within the work area. However, another HEPA vacuum would also be necessary within the tent work area, to be utilized for glovebag procedures and cleaning operations.
32	2. 1 (b p)	Terms. Incidental Disturbance Asbestos Project. The definition limits an "Incidental Disturbance Asbestos Project" to "less than 10 square feet or less than 25 linear feet of …". There have been legitimate situations where incidental disturbances of asbestos containing materials involved more than 10 square feet or 25 linear feet. Section 56-1.5 of the Code Rule states "the property owner shall be responsible for contracting with a licensed asbestos contractor for immediate isolation of the disturbance and cleanup in accordance with all provisions of this Part." Will situations where incidental disturbances of ACM involving more than 10 square feet or 25 linear feet now be considered under the requirements of "Emergency Asbestos Projects"?	Once a disturbance is discovered, it must be cleaned up as soon as possible. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance, and the cleanup qualifies as an emergency asbestos project.
33	2. 1 (b p)	Terms. Incidental Disturbance Asbestos Project. What is the difference between the cleanup for an Incidental Disturbance, and an Incidental Disturbance Asbestos project?	If you look at the definition of "incidental disturbance", you will see that there is no size associated with it. On the other hand, an "incidental disturbance asbestos project" is limited to minor size incidents. The "incidental disturbance asbestos project" is considered an emergency project requiring a phone call to DOL just to tell us that you have such a project to perform. No special approval is needed prior to performing the work. If the incidental disturbance is larger than a minor size (greater than 10 SF or 25 LF) it is considered a cleanup project that would require a Site Specific Variance as well as emergency notification. (See Q/A for Section 56-1.5 & 56-11.2 for additional information) An applicable variance is anticipated to be released later this year to allow completion of all minor and small size asbestos cleanup projects following the detailed procedures within the variance.

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34	2. 1 (c q)	Terms. Presumed Asbestos Containing Material (PACM). Why does the definition of Presumed Asbestos Containing Material (PACM) use the date of 1980 instead of the 1974 date found in Subpart 56-5.1(b)(2) relating to the asbestos survey requirement exception for buildings constructed after January 1, 1974?	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. 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. 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…). As per the OSHA construction standard, a building owner must use “due diligence” to identify the presence of ACM within his building//structure. Thus, a survey/inspection of the affected area for suspect materials is always warranted.
35	2. 1 (c w)	Terms. Regulated Abatement Work Area. The last sentence of this definition requires that for “exterior non-friable” projects, “the entire restricted area surrounding the abatement location is considered to be the regulated abatement work area.” Non-certified personnel may need to enter the defined “restricted area” to perform their functions without having to meet the requirements for those engaged in the asbestos removal project or monitoring, such as building owners, maintenance personnel, and utility personnel on a non-emergency basis. Who can access the restricted area?	Building owner authorized visitors are allowed to enter the asbestos project restricted area or regulated abatement work area for emergency purposes. If continual (routine) access is needed for non-certified personnel (other than waste haulers), a site-specific variance would be needed. Non-certified waste haulers should not require access to any asbestos project negative pressure containment enclosure regulated abatement work area. For waste haulers, Section 56-8.9(g) includes "Uncertified personnel shall not be allowed to access any exterior asbestos project restricted area, with the exception of waste hauler truck drivers. These truck drivers will be restricted to their enclosed cab, while temporarily in the exterior asbestos project restricted area for waste transfer activities only."
36	2. 1 (d i)	Terms. Sealant. Does sealant pertain to the material used as a lockdown encapsulant used during the cleaning step of a removal operation? That is the definition used in ASTM E-1368 (Standard Practice for Visual Inspection of Asbestos Abatement Projects).	Regardless of the definition of "sealer" within E-1368, a lockdown encapsulant is not considered a "sealant" within the previous code, or the amended code. The definition of "sealer" within E-1368 indicates that this material is to be applied to "a pipe or substrate after completion of the final cleaning operation to bond remaining fiber residue to the pipe or substrate". As per Code Rule 56, the purpose of the lockdown encapsulant is to aid with cleanup. Typically, the lockdown encapsulant is applied to plasticized surfaces which were not the subject of abatement to "lockdown" fibers to the floor, wall and ceiling surface plastic sheeting, which will be removed during cleaning procedures, prior to clearance air sampling. Neither the previous code nor the amended code allows a lockdown encapsulant to be applied to the removal surface, as this thinned out bridging encapsulant is not meant to remain on surfaces to "lockdown" fibers for an extended period of time.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
37	2. 1 (d m)	Terms. Suspect Miscellaneous ACM. OSHA regulations [1926.1101(k)(1)] require that asphalt and vinyl flooring material installed no later than 1980 must be considered as asbestos containing. Must [all] miscellaneous materials, regardless of date of installation, be regarded as ACM?	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. Thus, Section 56-5.1 relates to surveys/inspections of pre-1974 buildings and structures. The use of suspect miscellaneous ACM terminology within this Section applies to surveys/inspections of buildings/structures that were constructed prior to 1974. 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. The definition of Suspect Miscellaneous ACM within Section 56-2.1 includes the following: "… a listing of typical suspect miscellaneous ACM can be found in Subpart 56-5. All suspect miscellaneous ACM must be assumed to be ACM, unless proven otherwise by appropriate bulk sampling and analyses." However, it is the responsibility of the asbestos inspector to use "due diligence" when determining which materials are "suspect", and the list provided within Section 56-5.1 is only a starting point for the certified asbestos inspector. As per the OSHA construction standard, a building owner must use "due diligence" to identify the presence of ACM within his building//structure. Thus, a survey/inspection of the affected area for suspect materials is always warranted, regardless of construction date.
38	2. 1 (d n)	Terms. Surfacing Material. The definition of "surfacing material" will include "material that is sprayed, troweled-on, or otherwise applied to surfaces…." Does this definition include paint, wall paper, metal panels and carpeting?	Surfacing material definition was taken directly from OSHA and AHERA regulations. Typically surfacing material is friable or is likely to become friable during removal (e.g. fireproofing, plasters, etc.).
39	3. 1 (a)	Licensing Requirements and Procedures. Does a personal air sampling firm need to have an asbestos contractor license to collect personal air samples during an asbestos project?	Yes, an asbestos contractor handling license is required. Section 56-2.1(q) states that any person or entity that engages in any portion of an asbestos project is an asbestos contractor. Section 56-2.1(w) defines an "asbestos project" as including "air sampling," without making any distinction between "project" and "personal" air sampling. Accordingly, personal air sampling is part of an asbestos project, thereby making a person or entity performing such work an asbestos contractor, who must have a valid asbestos handler's license to perform such work, or employs any person performing it.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
40	3. 1 (b)	Licensing Requirements and Procedures. Does a contracting firm need to have an asbestos contractor license to write the scope for all asbestos work (abatement, survey, monitoring)?	Yes, the scope for an asbestos abatement project would only be written by a trained and certified project designer, who works for a licensed asbestos contractor firm. However, the asbestos abatement contractor's supervisor, acting as an OSHA competent person, is allowed to determine response actions to mitigate an asbestos hazard, as per the OSHA construction standard.
41	3. 1 (b)	Licensing Requirements and Procedures. Does a contracting firm need to have an asbestos contractor license to do day to day scheduling/coordination of bulk sampling and air monitoring?	No, as the contracting firm is a representative of the building/structure owner, there is nothing wrong with the contracting firm coordinating the various trades (asbestos abatement contractor, air sampling firm, project monitoring firm, etc.) on an asbestos project. This makes sense so that all asbestos contractor firms coordinate their schedules to coincide with the asbestos abatement contractor's actual work schedule.
42	3. 1 (b)	Licensing Requirements and Procedures. Can the abatement company be responsible for scheduling the air monitoring, or should the GC/Owner schedule the air monitoring/project monitoring? Who becomes responsible if the monitor doesn't fulfill his/her duties while abatement commences, but he/she claims they were not "scheduled" to be there.	As the contracting firm is a representative of the building/structure owner, there is nothing wrong with the contracting firm coordinating the various trades (asbestos abatement contractor, air sampling firm, project monitoring firm, etc.) on an asbestos project. This makes sense so that all asbestos contractor firms coordinate their schedules to coincide with the asbestos abatement contractor's actual work schedule. However, if the asbestos abatement contractor changes his/her schedule at the last minute, provisions should be made with the building owner's representative to inform all affected parties of the schedule change in a timely manner.
43	3. 1 (b)	Licensing Requirements and Procedures. Does a contracting firm need to have an asbestos contractors license to write, oversee and modify the master schedule for all asbestos work?	Yes, those are typical oversight duties of a project monitor who works for a licensed asbestos contractor firm. Section 56-3.2(d) also allows an asbestos abatement contractor (his supervisor) to perform scheduling tasks associated with his/her asbestos project, in the role of the asbestos contractor's OSHA competent person.
44	3. 1 (b)	Licensing Requirements and Procedures. Is a firm that employs trained and certified allied trades asbestos handlers required to have an asbestos handling license?	Yes, if the allied trades asbestos handler employees are working on an asbestos project, the firm must be a licensed asbestos contractor.
45	3. 1 (b)	Licensing Requirements and Procedures. Does an owner of a property need a license to follow class III O&M procedures?	Yes, an asbestos contractor license is required for any entity performing an asbestos project, including O&M asbestos projects.
46	3. 2	Certification Requirements and Procedures Does an individual collecting personal air samples during an asbestos project require any type of current NYS DOL asbestos handler certification?	No, there is no requirement in ICR 56 for certification of the individual performing personal air sampling. Personal air sampling must be performed according to OSHA regulations, i.e. by a "competent person" with appropriate training as defined in 29 CFR §1926.32(f) and §1926.1101(b). However, the employer of such person, or he, himself, if self employed, must have an asbestos contractor's license.
47	3. 2 (b)	Employee Certification. I work for the University at Buffalo, a State entity. My asbestos inspector handling certificate has expired. Being a State employee, and only doing sampling for the State here on UB property, is this OK?	If you are performing the role of an inspector as defined in ICR 56-3.2(d), then you must be appropriately trained and NYS DOL certified, as indicated in ICR 56. Also, the firm you work for must have a current NYS DOL asbestos contractor handling license. No state entities are exempt from these requirements.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
48	3. 2 (b)	Employee Certification. What is acceptable for "a photo identification card issued by an authorized government entity"?	Any photo identification card issued by a local, state or federal agency/entity (e.g. NYS driver license, US passport, county pistol permit, etc.)
49	3. 2 (d) (1)	Asbestos handler (Worker) Certificate. Will a person who holds an asbestos handler (worker) certificate be allowed to perform the tasks of a restricted asbestos handler (allied trades) or operations and maintenance certificate holder without holding the additional certificates? These tasks appear to be excluded in the description by the statement "and whose duties are not otherwise described in paragraphs (2) through (9) of this Subdivision?	The asbestos handler (worker) training includes the training necessary for these disciplines.
50	3. 2 (d) (2)	Restricted Asbestos Handler (Allied Trades) Certificate. This section states "…or any person who may potentially disturb friable or non-friable asbestos…". This definition is covered under the OSHA standard for Class III work (Operations and Maintenance). Please clarify.	The difference between Operations & Maintenance (O&M) and Allied Trades is that a person with a O&M certificate is allowed to disturb limited amounts of ACM as per ICR 56, in the performance of his/her O&M duties. An individual with an allied trades certificate is not allowed to disturb asbestos material in the course of his/her duties on the asbestos project.
51	3. 2 (d) (3)	Asbestos Project Air Sampling Technician. If an individual has a project monitor handler certificate, is an air sampling technician certificate also needed for the individual to perform project air sampling?	The Project Monitor training is sufficient to obtain asbestos handler certifications for both Project Monitor and Asbestos Project Air Sampling Technician categories and the certifications must be obtained from the licensing and certifications unit. However, the individual must have both certifications if performing the duties of both project monitor and asbestos project air sampling technician.
52	3. 2 (d) (5)	Operations and Maintenance Certificate. OSHA regulations limit persons with 16-hours of training to Class III work which is far more limiting than Minor projects. The OSHA definition of Class III work is disturbance, which is defined as the removal of an amount of material that will fit into a [single] glovebag or waste bag. Is this Section consistent with OSHA requirements?	The intent is consistent with OSHA. OSHA defines class III work as "repair and maintenance operations, where "ACM" including TSI and surfacing ACM and PACM, is likely to be disturbed". Also, under work practices and engineering controls for Class III work, OSHA indicates "Where the disturbance involves drilling, cutting, abrading…, the employer shall isolate the operation using mini-enclosures or glove bag systems…" In both the current code and the new code, O&M handler work is limited to Minor project amount (abatement of less than 10 sq. ft. or 25 lin. ft. ACM), and the O&M Certificate limitations within the new code further limits the amount of ACM as follows: "These Minor asbestos projects must be associated with repairs required in the performance of emergency or routine maintenance activity, and is not intended solely as asbestos abatement. Such work may not exceed Minor quantities of ACM to be disturbed within a single glovebag or a single negative pressure tent enclosure." These requirements are consistent with OSHA requirements.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
53	3. 2 (d) (6)	Supervisor Certificate. Will a person who holds an asbestos supervisor certificate also be able to perform the tasks of an asbestos handler, restricted asbestos handler and/or operations and maintenance certificate holder without holding the additional certificates?	The asbestos supervisor training includes the training necessary for these disciplines. Additional certification as a handler (worker), restricted asbestos handler (allied trades), or O&M handler would not be required.
54	3. 2 (d) (7)	Project Designer Certificate. For school (K-12) asbestos projects that are designed by a project designer who is a licensed PE or architect, may an asbestos contractor submit a variance petition without the project designer of record's knowledge or approval?	All site-specific variance petitions for SED approved asbestos projects at K-12 schools must be approved by the project designer of record, prior to submission to the Department, as the variance petition is a modification/alteration to the asbestos project design.
55	3. 2 (d) (7)	Project Designer Certificate. During a school project, when the design team is meeting with the Owner and the asbestos project estimates, phasing and scope for the work is being discussed and determined, is the person at the meeting who is making those recommendations required to hold the Project Designer Certificate?	Yes, a project designer certificate is required. If scope, timing, phasing or remediation methods of the asbestos abatement project are being determined, it is clearly the role of the project designer. However, the project designer may utilize information provided by the school district's certified management planner regarding the current hazard ranking of various ACMs at the building, to assist in determining the scope of the asbestos project.
56	3. 2 (d) (8)	Project Monitor Certificate. The previous regulation exempted employees of the abatement contractor from project monitor certification for oversight duties, so our supervisors involved in Minor projects have not needed this certification. Do supervisors of the abatement contractor also need project monitor certification?	The previous code allowed an asbestos abatement contractor (his supervisor) to perform oversight duties associated with his/her asbestos project (duties similar to OSHA competent person requirements). Within the amended code, Section 56-3.2(d)(6) supervisor duties include OSHA competent person requirements. However, as per the amended Code Rule, visual inspections to determine completeness of the abatement and cleaning are required by a project monitor for Small and Large asbestos project work areas. Please note that Minor asbestos projects/work areas completed as per 56-11.3, do not require visual inspection by a project monitor; the supervisor's visual inspection is all that is required. [See 56-11.3(e)(7)]
57	3. 2 (d) (8)	Project Monitor Certificate. Everyday I have our own un-certified safety and coordination personnel (who receive extensive asbestos training) enter the enclosures as authorized visitors. I am developing a checklist of things that I want them to observe as they enter an area. In no way do I want my guys to perform any role of "asbestos handler". I am trying to develop a way for my staff to recognize potential issues with no authority other than to contact the project monitor for follow-up. Whenever there is any question, or concern, a project monitor shows up to inspect, report and issue directives to the air monitor/abatement contractor. Let me know if you think there is any problem with this.	These are functions of a project monitor. Only a trained and certified project monitor may perform oversight duties on an asbestos project.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
58	3. 2 (d) (8)	Project Monitor Certificate. If the owner contracts with a full-time project monitor, is the monitor under Code Rule 56 responsible to oversee the means and methods being performed by the abatement contractor both inside and outside containment to insure compliance with Code Rule 56?	ICR 56-9.1(d) requires a certified project monitor to be utilized for the visual inspection prior to clearance air sampling. However, if the owner hires the project monitor for oversight of the entire asbestos project, or only a portion of the asbestos project, the project monitor is responsible for proper execution of his oversight duties for the entire time he/she is on-site in the role of a project monitor.
59	3. 2 (d) (8)	Project Monitor Certificate. This code rule only requires the presence of a Project Monitor at the conclusion of the project, when the only thing left in the work area is the Critical Barriers. To conduct a visual inspection at this time does not meet the definition of the duties of a Project Monitor. Please clarify.	ICR 56-9.1(d) requires a certified project monitor to be utilized for the visual inspection prior to clearance air sampling. This is only one of the duties that a project monitor may be contracted to perform on the asbestos project. If the owner hires the project monitor for oversight of the entire asbestos project, or only a portion of the asbestos project, the project monitor is responsible for proper execution of his oversight duties for the entire time he/she is on-site in the role of a project monitor.
60	3. 2 (d) (8)	Project Monitor Certificate. Can a trained and certified project monitor also collect area air samples and perform the role of an asbestos project air sampling technician, without the additional handler certification for asbestos project air sampling technician?	The Project Monitor training is sufficient to obtain asbestos handler certifications for both Project Monitor and Asbestos Project Air Sampling Technician categories. However, the individual must have both certifications if performing the duties of both project monitor and asbestos project air sampling technician.
61	3. 2 (d) (9)	Management Planner Certificate. Some industrial/commercial facilities have Asbestos Operation and Maintenance (O&M) Plans. Do such O&M plans need to be authored or at least certified by a Management Planner, as defined by 12 NYCRR Part 56-2.1(bv) and 12 NYCRR Part 56-3.2(d)(9)?	O&M plan requirements are not included within ICR 56. Please see federal requirements for specifics on generating and maintaining a management plan. However, any individual performing the duties of a management planner as described in ICR 56-3.2(d)(9) must be appropriately trained and NYS DOL asbestos handler certified as a management planner. In addition, the firm that employs the management planner must be currently NYS DOL licensed as an asbestos contractor.
62	3. 4 (a) (1)	Record-keeping. What are the record-keeping duties for each type of asbestos contractor? Please provide examples.	Examples follow: Asbestos Abatement Contractor - All listed except air sample log and project monitor log. Project Monitor Contractor - location and description of asbestos project, amount of ACM abated and type of abatement, dates of project, Copy of License, copy of project monitor certifications., copy of any variances used on the asbestos project, project monitor log including results of required visual inspections for each work area. Air Sampling Contractor - location and description of asbestos project, amount of ACM abated and type of abatement, dates of project, Copy of License, Lab certifications, copy of air sampling technicians certifications, copy of any variance used for the asbestos project, air sample log, air sampling results organized by work area.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
63	3. 4 (a) (1) (i&xi)	Record-keeping. Detail. The requirement for the social security number is in violation of the New York State law that does not allow for the dissemination of a person's social security number. Please clarify.	You are correct. In the next revision to ICR 56, this requirement will be changed to NYS Dept. of Motor Vehicle Photo Identification Card number along with the last four digits of the SS number. This modified requirement is acceptable now, due to overriding statute.
64	3. 4 (a) (2)	Project Record. Please clarify whether the project monitor can be contracted as building/structure owner's designated representative. Would failure by the project monitor to maintain the required information result in issuance of a Notice of Violation solely to the project monitor, or could building/structure owners still be cited under this provision?.	The building/structure owner can rely upon his authorized representative(s) during the active portion of the asbestos project to maintain these required records. The authorized representative(s) must turn over this documentation to the building/structure owner at the completion of the asbestos project, for the owner to maintain. Please note that a copy of the asbestos abatement contractor project record documentation is sufficient, for submission to the building owner. See 2.1(af) - definition of Building/Structure Owner's Authorized Representative. If the owner becomes aware of recordkeeping non-compliance by any of his/her contracted asbestos contractors, the owner shall immediately contact the local district of the Asbestos Control Bureau, for appropriate action.
65	3. 4 (a) (2)	Project Record. How can the building/structure owner maintain these records during the active portion of the asbestos project? For example, the asbestos contractor should maintain "The supervisor's daily log with entry/exit logs organized by date," "A copy of the project monitor's daily logs during abatement" should be maintained by the project monitor, etc.	The building/structure owner can rely upon his authorized representative(s) during the active portion of the asbestos project to maintain these required records. The authorized representative(s) must turn over this documentation to the building/structure owner at the completion of the asbestos project, for the owner to maintain. See 2.1(af) - definition of Building/Structure Owner's Authorized Representative. If the owner becomes aware of recordkeeping non-compliance by any of his/her contracted asbestos contractors, the owner shall immediately contact the local district of the Asbestos Control Bureau, for appropriate action.
66	3. 4 (a) (2)	Project Record. Retention of Records - How long is the owner required to retain the Project Record for? Can you reference the section in the Code which details the owner's record retention requirements?	Pursuant to EPA NESHAP regulations, the waste ownership is "cradle to grave", and thus the owner/waste generator should retain records relating to the waste disposal forever. Regarding the asbestos survey information, any ACM remaining at the property must be labeled/identified as per OSHA, and any future construction projects at the premises, would use the survey information as a starting point for planning the next project. However, there is no specific building owner record retention time period identified within ICR 56. Federal regulations have record retention requirements, such as EPA AHERA requirements for K-12 schools, and EPA NESHAP waste manifest retention requirements. Also, OSHA 29 CFR 1926.1101 indicates "where the building owner and employer have relied upon data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption" Also, OSHA indicates "where the building owner has communicated and received information concerning the identification, location and quantity of ACM and PACM, written records of such notifications and their content shall be maintained by the building owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities." The owner must comply with federal regulation record retention requirements at a minimum, but from a common sense perspective the owner should keep all asbestos project records until the building is sold, then the owner would turn over the records to the new owner.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
67	3. 4 (a) (2) (i)	Project Record. Please clarify, as this section requires the air sampling technician to be on site during all work activities. If the request comes on a Friday night or weekend/holiday, 24 hours is not enough time to produce the air sampling log.	There is no current provision for extension of this timeframe. The Department will consider a revision to this section within the next revision of the code rule
68	3. 4 (a) (2) (i)	Project Record. Retention of records – Are the original project record documents to be turned over to the building owner, or are copies sufficient? If copies are sufficient, is the asbestos contractor required to maintain the original project record documents for 30 years, or are copies sufficient for retention? Can the project record be stored in electronic format by either the building owner or the asbestos contractor in lieu of retaining hardcopy?	The authorized representative(s) must turn over this documentation to the building/structure owner at the completion of the asbestos project, for the owner to maintain." Please note that the owner is to be given a copy of the project record and the asbestos contractor keeps all originals as necessary for compliance with federal and state record retention requirements. Regarding acceptability of electronic record storage, the Department offers the following information: Yes, electronic storage of records is allowed by the owner and the various asbestos contractors on an asbestos project. Certifications of completeness and accuracy of the information contained in the electronic records must be maintained and provided, consistent with federal requirements. The records must be in a format not tied to a propriety software format, to ensure such records are accessible for the entire records retention period required.
69	3. 4 (a) (2) (i)	Project Record. Will there always be a project monitor daily log?	Not necessarily. If the project monitor is only utilized for the visual inspection to verify completeness of abatement and completeness of cleanings, there may not be a log as the monitor may only sign the supervisor's daily project log to document the results of the visual inspection. If a project monitor is utilized for oversight duties beyond the aforementioned visual inspections, the project monitor should keep a daily narrative of his/her observations and documentation of significant occurrences at the site (i.e. high air results, inspections & repair of barriers as necessary, project/work area milestones, etc.) This detailed document would be part of the project record. The project monitor daily log is not required to be in a bound notebook.
70	3. 4 (b)	Notification. Why not require ten (10) working days for the notification to be consistent with the requirements of EPA NESHAP 40 CFR 61.145(b).	Calendar day is consistent with previous versions of ICR 56.
71	3. 4 (b) (1)	Notification. When Required. With the recent innovation of the on-line project notification procedure, is the on-line notification date considered to be calendar day number one of the ten day notification time period?	Yes, day 1 is the date that DOL receives both the notification and the payment (by mail or electronically).
72	3. 4 (b) (1)	Notification. When Required. Does the DOL asbestos project notification also serve as the EPA notification? If not, which asbestos projects also have to be notification submitted to the EPA?	No, the DOL asbestos project notification is to be submitted to DOL, and if an EPA asbestos project notification is required, an appropriate submission must be provided to the US EPA, as per all pertinent requirements of current US EPA regulations.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
73	3. 4 (b) (2) (v)	Notification. Content. What is "large diameter piping/fittings/associated insulation"?	Section indicates square footage quantification on piping/breeching greater than 2 foot in diameter. Square footage is more accurate than linear footage for adequate ACM quantification of large diameter piping. For example, one linear foot of pipe insulation on a 2 foot diameter pipe is approximately 6.25 sq. ft. of ACM. The square footage quantification gives a more accurate representation of the ACM to be disturbed.
74	3. 4 (b) (2) (v)	Notification. Content. Is quantification by square footage allowed for notification of caulking asbestos projects?	Yes, conversion from linear foot to square foot is not prohibited for NYS DOL caulking asbestos project notification. However, contract documents for an asbestos project may be more restrictive and could require notification of caulking asbestos projects in linear foot only.
75	3. 4 (b) (2) (vii)	Notification. Content. How do I specify the notification date for completion when pick up of a dumpster on a project may not occur until multiple phases are completed or multiple buildings on large industrial facilities may use the same dumpster?	The asbestos abatement contractor may turn over the asbestos project generated asbestos waste bags/containers to the property owner or their representative for disposal by appropriate legal method. If this is the case, the asbestos abatement contractor is considered to have complied with Section 56-10.4. For non-continuous asbestos projects, the project is not complete until the trailers/dumpsters leave the site. However, temporary storage of locked and secured partially filled waste trailer/dumpsters is allowed within a restricted area at the site until the next intermediate portion of the asbestos project. The entire asbestos project is not considered complete until all waste generated from the asbestos project is removed from the site.
76	3. 4 (b) (2)	Notification. Content. Detached garage or out building at same address as house and both have ICR 56 work. Does it require one or two notifications?	Notifications are to be submitted per building/structure. The Labor Law also indicates this notification requirement in Article 30, Section 904. If the garage is attached to the building and has continuous foundations with the attached building/structure, then the garage is part of the same building/structure.
77	3. 4 (b) (3)	Notification. Is a new notification required if the project lasts more than 365 days (12 full months), or can the existing notification be amended for the next 12 month time period of the project? If a new notification is necessary, what is day 1 of a 12 month time frame…is it the actual project start date or is it the first day of the 10 day notification period? Also, is another fee necessary for the next 12 month time period?	Yes, as indicated within this section, “a separate notification must be submitted for each period of up to twelve (12) months during which work will be performed”. Thus, day 1 of the initial 12 months time period is the actual start date of the notified project. If the project lasts longer than 364 days past the start date, then another notification and associated fee must be submitted for the next 365 day portion of the project. Yes, a fee must be submitted with each notification, and the fee amount must be consistent with the quantity of ACM to be abated during the time period of the notification. This clarification will be included within the next revision to the code rule.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
78	3. 4 (b) (3)	Notification. 1) Can a notification for a particular project be amended to extend the duration of a project for a period greater than twelve (12) months or is a new notification required? 2) If a project duration is greater than twelve (12) months is there a requirement to pay an additional fee for each successive twelve (12) month period? 3) If there is a requirement to re-notify an ongoing project is the ten day notification period waived or will the contractor be required to observe a new ten day waiting period?	1) No extension past 12 months...new notification required for each 12 month time period 2) Yes 3) No additional 10 day waiting period if the project is currently ongoing
79	3. 4 (b) (5)	Notification. Cumulative Project Notification. What constitutes a cumulative project? For example will the abatement of Minor quantities of asbestos in discrete areas of a building which over an extended period of time (e.g., one year) that involve a total quantity of asbestos exceeding small or large project thresholds be considered a cumulative project if each project is planned and executed individually (e.g., spot repair of damaged ACM and/or PACM)? What criteria will NYSDOL use to determine whether multiple asbestos projects in a building or structure are separate projects or part of a cumulative project?	If separate contracts are issued for separate renovation or repair projects, then these are separate asbestos projects. If a single contract for necessary repairs is issued, then each repair event would be considered an asbestos project. Generally, if several repair asbestos project work areas are completed during the same time period, these repairs would be considered to be part of the same asbestos project.
80	3. 5 (a)	Emergency Asbestos Project Notification. Initial Notification. Will a system be in place to allow emergency notifications on a 24 hour, 7 day a week basis?	The Department initiated a secure electronic internet based system that allows customers to file and pay for asbestos project notifications on-line. That system is now being used for over 25% of all project notifications. This system also allows for emergency notifications to be processed. However, the Department continues to analyze the need for a 24/7 system to process emergency notifications. In the event of a declared disaster or emergency where the public or the workforce is in jeopardy, the Department would have a 24/7 operation, as necessary, for administration of the asbestos program.
81	3. 5 (a)	Emergency Asbestos Project Notification. Initial Notification. Is an emergency notification always required for an incidental disturbance regardless of the quantity involved?	A cleanup of an incidental disturbance is considered an emergency project. (See Q/A for Section 56-1.5, 56-2.1(bp) & 56-11.2 for additional information)
82	3. 6	Notification of Residential and Business Occupants. Is the notification of residential and building occupants required for unoccupied buildings that are scheduled for demolition and won't be reoccupied?	If there are no occupants of the building/structure to notify as per 3.6(a)(1), only the posting requirements of 3.6(a)(2), pertaining to occupants of adjacent buildings/structures still apply.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
83	3. 6 (a) (1)	Notification of Residential and Business Occupants. Ten (10) Day Notice. Isn't assigning responsibility for compliance with this provision to both property owners and asbestos contractors duplicative?	Generally, the asbestos abatement contractor is responsible for this notification. However, if the contractor can't meet the requirement due to unavailability at the site within the timeline specified prior to the start of the asbestos project, then the notification duty falls to the property owner. The asbestos abatement contractor must coordinate this required notification with the property owner as necessary. For example, the asbestos abatement contractor could fax the required notification to the property owner for posting/distribution at the work site as necessary.
84	3. 6 (a) (2)	Notification of Residential and Business Occupants. Ten (10) Day Notice. Notice – Detail. Will the Posted Notice suffice or must the written notice be given to the occupants?	Yes, the posted notice will suffice. As indicated in Section 56-3.6(a)(1), :"…shall post or otherwise provide for a written notice to residential and business occupants…".
85	4. 2	Laboratory Certification. For projects conducted in schools, kindergarten through twelfth grade, covered under the AHERA standard, all samples (bulk and air) must be analyzed by NVLAP accredited laboratories. Please clarify.	You are correct. However, this is an EPA AHERA requirement, not an ICR 56 requirement. All requirements of any pertinent federal, state or local rules and regulations relating to asbestos projects must be followed in addition to compliance with ICR 56.
86	4. 3	Independent Third Party Sampling and Analysis. What does the term "completely independent" mean?	Completely independent means each party is separate from the other. A more thorough meaning is: neither party shall have a common officer, director, or employee, nor, in the case of partnerships, shall they have any common partner, nor, in the case of corporations, shall any of the five largest shareholders in each such corporation be the same person or persons, nor, for any person, business or entity shall either be the "successor," and/or "substantially owned-affiliated entity" of the other.
87	4. 4 (a)	Asbestos Contractors Allowed to Perform Project Air Sampling on an Asbestos Project. Does this paragraph now allow the non-abatement asbestos contractor firm to provide multiple functions including survey, design, project monitoring, air sampling and in-house analysis? The previous Code Rule allowed a non-abatement asbestos contractor firm to collect area air samples, but required analysis at an independent laboratory if the non abatement asbestos contractor firm performed another function on the project, e.g., inspection and/or design. 56-4.3 already addresses the requirement of hiring the air sampling firm asbestos contractor by the property owner or owner's agent.	The property owner may utilize the same licensed asbestos contractor firm for the asbestos survey, project design, air monitoring, laboratory analyses, 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. The conflict arises with oversight of the asbestos abatement contractor's work. The project monitoring firm and air monitoring firms/laboratories must be independent of the asbestos abatement contractor.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
88	4. 4 (a)	Asbestos Contractors Allowed to Perform Project Air Sampling on an Asbestos Project. Does this mean that a company that is a licensed asbestos handler (restricted) can hire an abatement contractor for a project on behalf of a client, but can not conduct the air sampling for that project? Also, on the same project, can the company that hired the abatement contractor conduct the project monitoring without performing the air sampling, provided that the project monitor is certified in accordance with ICR 56-3.2(d)(8)?	If a consulting firm (as a representative of the building owner) contracts the abatement contractor to complete the asbestos project, that consultant can not perform the area air sampling for the asbestos project. In addition, that consultant can not perform project monitoring for the asbestos project either [see 56-9.1(d)(1) & 56-9.2(e)(1)].
89	4. 5	Air Sample Log. Is the air sample log required to be "hard bound"?	The air monitor's air sample log is not required to be in a bound notebook.
90	4. 5 (h)	Air Sample Log. What is an acceptable chain of custody?	The chain of custody must comply with NIOSH requirements and NYS DOH ELAP requirements.
91	4. 6	Test Methods. Do reports for TEMS that are analyzed by AHERA also have to be sent to DOL?	As the Section indicates, only failed PCM air samples analyzed by TEM methods are to be submitted.
92	4. 6	Test Methods. Under the Asbestos Hazard Emergency Response Act (AHERA), if the average of the five clearance samples inside the work area is less than 70 structures per square millimeter, then work area clearance has been achieved and it is not necessary to analyze the samples collected outside the work area. Based on the information included in this paragraph, if TEM is the selected method of analysis, then New York State will not require the analysis of any outside the work area samples prior to final teardown as detailed in 56-9.3 and 56-10. Is this correct?	Yes, you are correct. AHERA clearance air sampling/analysis methodology and clearance criteria are acceptable to NYS DOL.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
93	4. 6	Test Methods. Is use of NIOSH 7402 analysis method for analysis of failed PCM air samples acceptable?	An ELAP approved method must be utilized by a laboratory approved by ELAP for the selected analysis methodology and the method reports results in fibers per cubic centimeter. NIOSH 7402 is reportedly an ELAP approved method.
94	4. 7 (a)	Air Sampling Equipment. Will battery operated pumps be acceptable as an alternative to GFCI protected pumps?	Air sampling pumps must collect enough volume at a sufficient flow rate to comply with the NIOSH approved air sampling methodology.
95	4. 7 (a)	Air Sampling Equipment. Are only high volume GFCI protected pumps to be utilized for area air sample collection?	Air sampling pumps must collect enough volume at a sufficient flow rate to comply with the NIOSH approved air sampling methodology.
96	4. 7 (b)	Air Sampling Equipment. Duration, Flow Rate and Calibration. Must the air sampling technician be on-site 100% of the time for the duration of air sample collection? On a demolition jobsite where there are multiple buildings under abatement, can an air monitoring technician be assigned to more than 1 building/structure? If the buildings are attached by a bridge, or are within 5 minutes from one another, does it matter?	Air monitoring technician must be on-site to monitor equipment and air sample cassettes for duration of air sample collection. In addition, without continual observation and control of the air samples being collected, there is an obvious break in the chain of custody. The technician may be utilized for air sample collection at more then one work area at the building/structure, provided access to all equipment at all work areas is maintained continually Control of the air samples and sampling equipment must be maintained by the air sampling technician. It would virtually be impossible to maintain control at 2 separate buildings, unless they were adjoining each other. Then there is the question of how many work areas can one air sampling technician cover...typically 2 active work areas may be feasible...anything more that would be too much for one technician to handle..
97	4. 8 (a)	Area Air Sample Analysis and Results. Turnaround Time. Who is the responsible party to ensure 48 hour turnaround time?	The independent air sampling firm contracted for air sampling and analysis is responsible for compliance with project air sampling and analysis requirements. The air sampling firm may utilize another building owner representative to post the air sample results if the firm is not on-site to complete the posting. If 48 hour turnaround can't be met due to logistics, a site-specific variance is required.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
98	4. 8 (a)	Area Air Sample Analysis and Results. Turnaround Time. Can the 48 hour turnaround requirement be modified to 72 hours, for all air samples collected on Thursday, Friday or Saturday, due to limited shipping and weekend laboratory availability? For example, most labs don't work on Sunday.	If a significant number of site-specific variance petitions are received for this issue, the Department may issue an applicable variance.
99	4. 8 (a)	Area Air Sample Analysis and Results. Turnaround Time. Does the requirement for 48 hour turn-around also pertain to Phase IB background sampling? Particularly when no Phase IIA work is commencing in the 48 hour period, or is posting of background results upon the start of Phase IIA sufficient to meet sample turn around requirements?	ICR 56-4.8(a) applies to all area air samples collected during the asbestos project. This also includes phase IB background air samples.
100	4. 9	Number and Location of Samples Required. If there are two or more non-contiguous work areas that are part of one project, will the number of samples be determined based on the total amount of ACM, PACM or asbestos material involved in the project, or by the amount of ACM, PACM or asbestos material in each area?	As indicated within Section 56-4.9, the amount of ACM, PACM or asbestos material within the regulated abatement work area determines the asbestos project air sampling requirements for that specific regulated abatement work area. Also, please see Section 56-4.9(c) and note 4 on Table 2 regarding clearance air sampling requirements for Minor size asbestos project regulated abatement work areas, that are part of a larger asbestos project.
101	4. 9	Number and Location of Samples Required. Would it be necessary to obtain a site-specific variance to allow air sample data from the daily abatement air samples to be used for the multiple projects inside the enclosure?	If the decon samples, barrier samples, and outside of the building air samples are representative of more than one active work area currently under abatement, then only those air samples may be shared between work areas without the need for a site-specific variance. For example, you have one active work area on the first floor and one active work area on the second floor, both using the same remote decontamination enclosure. The decon air samples, and outside of the building air sample could be shared, but the barrier air samples and negative air exhaust air samples would be collected per work area, as the work areas are on separate floors and aren't in close proximity to each other.
102	4. 9 (b)	Number and Location of Samples Required. Phase IIA Regulated Abatement Work Area Preparation Air Samples. Phase IIA Regulated Abatement Work Area Preparation Air Samples. "Required for Large asbestos projects with OSHA Class I or OSHA Class II friable ACM subject to handling/abatement. (See Table 2 and Subpart 56-7)" What it considered Class II friable materials?	If the ACM is a class II material and it is friable or will be made friable during abatement, and it's a Large size asbestos project or work area, then air sampling during work area preparation is required.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
103	4. 10	Work Stoppage Criteria During Phase IIA through IIC. In many cases outside elevated readings are due to construction activities that coincide with abatement activities and may have nothing to do with the asbestos removal. If a competent supervisor has done an assessment of the area and determines all possible concerns are addressed can we evaluate under TEM to determine if in fact the high readings are asbestos or just nuisance dust?	If there is too much airborne dust from other non-asbestos activities, then measures must be taken to reduce the non-asbestos dust from other areas, so air samples are not affected. TEM air samples also become overloaded and unreadable due to non-asbestos particulate matter. TEM analysis of failed PCM air samples is allowed as per the requirements of Section 4.6
104	4. 10	Work Stoppage Criteria During Phase IIA through IIC. What happens if negative air exhaust tubes are banked together and an exhaust air sample result is found to be elevated?	If several machines have exhausts which are banked together and exhausted at the same location, the following is to occur if an elevated exhaust reading is obtained: Sufficient backup units must be available to maintain the minimum required air changes per hour, during any required shutdown of a bank of units due to an elevated air sample result. If an elevated exhaust air sample result is obtained, each unit within the bank of units must be shutdown one at a time, the unit and filters inspected, repaired/changed out as necessary, and then the unit put back into service. Then the next unit in the bank is shutdown, inspected, and so on until all units have been addressed. Each of the affected negative air units must be sampled independently for at least one day to ascertain if problems still exist. Upon receipt of additional elevated air sample results, the affected unit(s) must be taken out of service and removed from the work area for appropriate repair.
105	4. 10 (a)	Submission of Elevated Air Sample Results Collected During Phase IIA through IIC. Why is it necessary that the air sampling firm submit high air sampling results (>0.01 f/cc or background) directly & immediately to the DOL? The regulations already address what actions are required should an elevated result be obtained. This requirement appears to apply to samples collected during work area preparation (Phase IIA) samples collected during abatement (Phase IIB) & final Clearance air samples (Phase IIC). Elevated PCM fiber readings may not even be due to the asbestos work.	Sample results are to be submitted as indicated. Measures must be undertaken to reduce elevated air sample results. If non-ACM dust from other sources, then reduce these sources with whatever measures necessary.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
106	4. 10 (a)	Submission of Elevated Air Sample Results Collected During Phase IIA through IIC. "Air sample results shall be submitted immediately, within the same business day" 1. If sample turnaround time is 48 hours or less (Section 56-4.8(b)), and elevated air sample results are submitted to the Asbestos Control Bureau 45 hours after the fact, and in addition the project is completed and final clearance obtained... what happens then? 2. Are the results faxed or mailed to the DOL, and who will pay for this additional service?	The air sampling contractor is responsible for submissions required as per Section 56-4.10(a). Fax submission is acceptable. Any cost should be included within the air sampling contractor's contract as part of required asbestos project compliance.
107	4. 10 (a)	Submission of Elevated Air Sample Results Collected During Phase IIA through IIC. Is fax submission of the elevated air results to the local district of the ACM acceptable?	Yes
108	4 11 (c)	Submission of Satisfactory Clearance Air Sample Results. Which specific clearance samples should be submitted? It isn't clear if it is required for Minor, small and/or large projects.	All size asbestos projects, provided a failure occurred by PCM and satisfactory results were obtained by TEM analysis of the failed PCM air samples, or the clearance air sample results were at or above 0.01 fibers per cubic centimeter, but below the established background levels.
109	4. 12	Unsatisfactory Clearance Air Sample Results. If you are clearing a work area by PCM and the result is at or above 0.01 f/cc, can you run a set of TEM AHERA clearance samples without re-cleaning (or if you did side-by-sides, analyze the TEMs if the PCMs failed)?	Yes, re-cleaning would be required prior to another set of PCM air samples being collected. TEM air sample analysis is asbestos specific and is generally considered more accurate than PCM air sample analysis to identify airborne asbestos concentrations.
110	4. 12	Unsatisfactory Clearance Air Sample Results. If outside samples fail but inside samples pass, can anyone enter the work area without PPE?	No, the area is still considered a regulated abatement work area until satisfactory clearance air samples of the entire (inside and outside) work area are obtained, and tear down is complete.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
111	Table 2	Asbestos Project Air Sampling Requirements 1. Under Phase IIA Work Area Preparation Air Sampling: Is air monitoring required every day (and/or shift) during which area preparation is in progress? 2. For work in progress and prep air sampling - "1 per decontamination entrance/exit". Does this mean 1 sample per waste decon and 1 sample per personal decon?	See Section 7.1(b) Work Area Preparation - Daily air sampling for specific requirements. 1 per decon exit/entrance is correct. For remote personal decon, both sides of the decon are to be sampled.
112	Table 2	Asbestos Project Air Sampling Requirements Note 4 to the table states that final clearance sampling for Minor projects for "Minor size regulated abatement work area is part of small or large asbestos project." Does this contradict §56-4.9?	As indicated within Section 56-4.9, the amount of ACM, PACM or asbestos material within the regulated abatement work area determines the asbestos project air sampling requirements for that specific regulated abatement work area. Also, please see Section 56-4.9(c) and note 4 on Table 2 regarding clearance air sampling requirements for Minor size asbestos project regulated abatement work areas, that are part of a larger asbestos project.
113	Table 2	Asbestos Project Air Sampling Requirements Small Project-->Phase II C (Clearance) why is footnote 6 there? [Because air sampling not required during IIB.]	Phase IIC air sampling requirements within Table 2 include both final cleaning and clearance air sampling requirements. For the final cleaning air sampling requirements, a reference to the same air sampling requirements for Phase IIB(handling) is included. Obviously, if no air sampling is required for Phase IIB, then no air sampling is required for the final cleaning portion of Phase IIC. Without the reference to this note, 3 IWA and 3 OWA samples would be required during final cleaning.
114	5. 1	Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair. In multiple subsections, the Code Rule references "the building or structure, or portion(s) thereof to be demolished, renovated, remodeled, or have repair work" as requiring a survey. This is a very broad definition that seems to encompass almost any activity including routine maintenance activities (i.e., repair work). As such, we believe that an exemption should be added that would allow the use of limited bulk sampling or assumption that a material is ACM without requiring a full survey and other reporting requirements under 56-5.1. For example, in our power stations it is routine to have samples collected of a piping system or other thermal insulation prior to working on the system. Often times it is more cost effective to presume the material contains asbestos based on age, knowledge of like materials, etc. and handle it as such prior to working on the system. This is particularly true for Minor work. Some exemption should be included for routine work on building systems or if the Code Rule amendments do not intend to encompass such a broad range of possible work on or in a building or structure. Please explain the Section's applicability.	See Section 56-5.1(e) regarding suspect miscellaneous ACM assumed to be ACM. Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection. 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. 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.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
115	5. 1	Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair. This Section requires an asbestos survey by a certified inspector in pre-1974 buildings prior to any renovation or remodeling, without exception. Due to the highly specific requirements of the survey, existing inspections may not be adequate. Why is a survey required and what is the extent of the survey?	One of the goals for revising Code Rule 56 was to bring the regulation in compliance with current federal OSHA and EPA regulations. The OSHA construction standard (29 CFR 1926.1101) indicates that "before work subject to this standard is begun, building and facility owners are to determine the presence, location, and quantity of ACM and-or PACM at the work site." In addition, as per OSHA, the building/facility owner is responsible for notification of the presence, location and quantity of ACM and/or PACM, at the work sites in their buildings. This notification shall be made to bidders, employees, other employers and tenants at the work site within the areas or adjacent to areas containing such materials. This identification and notification requirement is not limited by the date of construction of the building or facility. The Code Rule 56 survey requirements have been upgraded for buildings constructed prior to January 1, 1974, to be in compliance with OSHA requirements. Regardless of construction date, Building Owner “due diligence” is always required for identification and assessment of ACM, as per OSHA requirements. Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required ICR 56 survey/inspection. 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. 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.
116	5. 1	Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair. Is it OK for an asbestos contractor to perform an asbestos survey and also do the abatement?	The conflict arises with Oversight of the Phase II abatement work. The asbestos abatement contractor could perform the Phase I asbestos survey, or the project monitoring firm, or the air monitoring firm, or the project design firm…. It doesn’t matter which asbestos contractor performs the survey, it is not considered a conflict.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
117	5. 1 (a)	Asbestos Survey Required. Why can't the survey be done by a licensed professional architect or engineer? Is there a conflict of interest if the same asbestos contractor performs the abatement work?	Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection. It is not considered a conflict to use the same asbestos contractor to perform the survey that will also perform the abatement. 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.
118	5. 1 (a)	Asbestos Survey Required. In the case of a building demolition, does this Section mean that the survey must be submitted before doing any asbestos removal work, or prior to any limited demolition of the building?	Yes, the survey must be submitted prior to the active portion of the asbestos project, as well as prior to any selective demolition at the building.
119	5. 1 (a)	Asbestos Survey Required. Why doesn't this requirement allow for the exercise of professional judgment? What is the extent intended by the terminology, "portion(s) thereof to be demolished, renovated, remodeled, or have repair work"?	Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection. 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. 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. 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. For example, in your boiler room scenario, if only one boiler is impacted, then the survey could be limited to that boiler, and any additional materials that would be located within the intended asbestos project regulated abatement work area. If the firm that is contracted for the asbestos project design is also contracted for the asbestos survey, that firm would be responsible for determining the necessary extent of the asbestos survey. In addition, if a site-specific variance is necessary for the asbestos project, the project design firm could obtain the necessary variance prior to bidding the asbestos abatement work. Please note that if a site-specific variance is necessary, it must be prepared and submitted by a certified project designer that works for a licensed asbestos (abatement or non-abatement) contractor.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
120	5. 1 (a)	Asbestos Survey Required. Asbestos inspections are required for all demolition, renovation, remodeling and repair work, however there is no limit on the timing of the inspections prior to the work being done. Should there be a re-inspection or periodic surveillance after a certain length of time has elapsed since the asbestos inspection had been performed? We have performed inspections for upcoming renovation projects, only for those projects to be postponed to a much later date. Some building owners have also requested that we perform a survey of an entire space or building, so that this single survey can be used for all future renovation projects. Can a single survey be conducted to encompass all future demolition, renovation, remodeling or repair work and if so how long would the survey be considered valid?	You are correct, there is no survey timelimit defined within ICR 56. The required survey must be completed as part of the planning/design phase of the asbestos project. Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required ICR 56 survey/inspection. 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." So, if the survey was completed, and then the project postponed or canceled and then another project commences, another survey in compliance with ICR 56-5.1(a) is required, but the previous survey could be used as a starting point for the next survey. It certainly makes sense for the building owner to have a comprehensive asbestos survey for his entire building/structure, to be used as a starting point for the asbestos survey required for any demolition, renovation, remodeling or repair project. Please note that the OSHA construction standard (29 CFR 1926.1101) indicates that "before work subject to this standard is begun, building and facility owners are to determine the presence, location, and quantity of ACM and-or PACM at the work site." In addition, as per OSHA, the building/facility owner is responsible for notification of the presence, location and quantity of ACM and/or PACM, at the work sites in their buildings. This notification shall be made to bidders, employees, other employers and tenants at the work site within the areas or adjacent to areas containing such materials. This identification and notification requirement is not limited by the date of construction of the building or facility. The Code Rule 56 survey requirements have been upgraded for buildings constructed prior to January 1, 1974, to be in compliance with OSHA requirements. Regardless of construction date, Building Owner “due diligence” is always required for identification and assessment of ACM, as per OSHA requirements. Thus as per OSHA, during the bidding of the project the presence of all ACM at the work site must be identified, and notification must be given to all affected parties.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
121	5. 1 (b)	Exceptions to Asbestos Survey Requirements. This Section provides exceptions to survey requirements but does not include an exception for situations where historical records exist to establish that material is not asbestos. Can the building owner use historical records regarding its buildings and structures to establish whether the building or structure contains asbestos?	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. 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 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.
122	5. 1 (b)	Exceptions to Asbestos Survey Requirements. This Section exempts buildings that were built after January 1, 1974. Floor tiles were made throughout the US with asbestos well after 1974. Furthermore, this does not conform to the Occupational Safety and Health Administration (OSHA) asbestos standard (29CFR1910.1001), which gives a cutoff of 1980. Why are the two standards inconsistent?	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. 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 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.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
123	5. 1 (b)	Exceptions to Asbestos Survey Requirements. This Section requires owners of buildings or structures built prior to January 1, 1974 to engage an asbestos contractor to conduct a survey every time they seek to engage in any renovation, repair or remodeling work on the building or structure. Is there an exemption where the building has already been abated and is "certified" as clean.	Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection. 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. 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. Regardless of ICR 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. 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.
124	5. 1 (b)	Exceptions to Asbestos Survey Requirements. In order to be compliant with the OSHA standard, the date should be 1980, not 1974. Although many asbestos construction products continue to be manufactured and used throughout the United States, OSHA's current standard requires an inspection to be performed on buildings constructed prior to 1980. Why is the 1974 date used in ICR 56?	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. 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. Regardless of construction date, Building Owner "due diligence" is always required for identification and assessment of ACM, as per OSHA requirements. 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.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
125	5. 1 (b) (2)	Exceptions to Asbestos Survey Requirements. Is a survey always required, even if there is a previous survey? 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.	Only a certified asbestos inspector, that works for a currently licensed asbestos contractor firm may perform the required survey/inspection. 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. 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. 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.
126	5. 1 (b) (2)	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?	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. 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. 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.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
127	5. 1 (b -c)	Exceptions to Asbestos Survey Requirements. Would an architect or PE certification that the building/structure was designed and built with non-ACM materials only be sufficient in lieu of an asbestos survey? Or would information from the various manufacturers of the materials used for construction, indicating that the materials are non-ACM be sufficient?	A certification from a registered architect or professional engineer responsible for the building/structure construction, indicating that only non-ACM products were specified for the building/structure construction and to the best of his/her knowledge, no ACM was used in the construction of the building/structure, would be acceptable documentation, similar to what is allowed under EPA AHERA. However, the only way to know for sure that a material is non-ACM is through appropriate bulk sampling and analyses. For example, you are completing a renovation in an area that was previously renovated, and you have documentation that the installed materials do not contain asbestos...there is a complaint and the asbestos control bureau investigates....the inspector collects bulk samples of sheetrock and joint compound that is currently being disturbed...they find from the bulk sample results that the joint compound is an ACM, even though you have documentation that the sheetrock and joint compound were specified to be non-ACM only. Obviously, now you have an asbestos project cleanup as well as abatement for any remaining materials impacted by the renovation project. The positive bulk sample analysis results take precedence over any other documentation that you might have. Also, don't forget that you can still purchase and install ACM products today! In addition, you should be aware that contractors may not actually install the materials that were approved if he/she has found an alternative.
128	5. 1 (e)	Building/Structure Asbestos Survey Requirements. This Section requires “a thorough inspection for and identification of all PACM, suspect miscellaneous ACM, or asbestos material throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or to have repair work.” Based on this requirement, an asbestos survey will be required for all PACM, suspect miscellaneous ACM, or asbestos material in an area, regardless of whether it will be impacted by renovation, remodeling, or repair project. For example, if a building/structure owner plans to remove 10 linear feet of thermal system insulation from a mechanical room, he or she would be required to conduct or cause to be conducted an asbestos survey to identify all PACM, suspect miscellaneous ACM, or asbestos material, including materials, such as floor tile, that will be unaffected by the project. Is this synopsis correct and is a survey always required?	Please note that existing surveys may not be 100% accurate, and may not take into account any materials installed as part of demolition, renovation, remodeling or repair activities since the previous survey was completed. Also, previous surveys may not be in compliance with current approved laboratory analysis methodology (i.e. NYS DOH ELAP NOB material analysis). The 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. 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. For example, in a typical boiler room scenario, if only one boiler is impacted, then the survey could be limited to that boiler, and any additional materials that would be located within the intended asbestos project regulated abatement work area. If the firm that is contracted for the asbestos project design is also contracted for the asbestos survey, that firm would be responsible for determining the necessary extent of the asbestos survey. In addition, if a site-specific variance is necessary for the asbestos project, the project design firm could obtain the necessary variance prior to bidding the asbestos abatement work. Regardless of construction date, Building Owner “due diligence” is always required for identification and assessment of ACM, as per OSHA requirements. Please note that if a site-specific variance is necessary, it must be prepared and submitted by a certified project designer that works for a licensed asbestos (abatement or non-abatement) contractor.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
129	5. 1 (e)	Building/Structure Asbestos Survey Requirements. Regarding conflicting multi-layered analysis requirements, perhaps the Department could clearly define within the Code Rule their interpretation and asbestos containing material classification requirements for layered materials such as sheetrock/joint compound/tape materials. Both the EPA and OSHA have interpretations concerning multi-layered analysis and depending on the material these interpretations are conflicting. Which one should be followed?	The most stringent bulk sampling requirements of EPA and OSHA are to be followed. For example, if one layer of a non-separable system is found to be ACM, then the entire system is considered to be ACM (e.g. ACM joint compound on a non-ACM sheetrock wall or ceiling, or ACM felts in a non-separable roofing system). Note: joint compound, drywall/sheetrock and tape materials are to be analyzed separately as per OSHA.
130	5. 1 (e)	Building/Structure Asbestos Survey Requirements. For miscellaneous materials, the EPA states that bulk sampling should be performed as follows: *Miscellaneous material.* In a manner sufficient to determine whether material is ACM or not ACM, an accredited inspector shall collect bulk samples from each homogeneous area of friable miscellaneous material that is not assumed to be ACM. *Nonfriable suspected ACBM.* If any homogeneous area of nonfriable suspected ACBM is not assumed to be ACM, then an accredited inspector shall collect, in a manner sufficient to determine whether the material is ACM or not ACM, bulk samples from the homogeneous area of nonfriable suspected ACBM that is not assumed to be ACM. We interpret this to say for miscellaneous and non-friable ACBM, a minimum of *two* samples per homogeneous area must be collected and analyzed to verify the material is negative. Is this correct?	Yes, you are correct. As provided by EPA, “After consultation with our Office of General Counsel, EPA agrees that the regulations cited (AHERA 763.86 c&d) use the plural word "samples" and, therefore, two samples are the minimum number of samples for miscellaneous material and nonfriable suspected ACBM.” Thus, if a minimum of two bulk samples have not been collected and analyzed, then the homogenous area is still assumed to be ACM until the appropriate number of bulk samples have been collected and analyzed. Only with an adequate number of negative bulk sample analyses, can the ACM assumption be rebutted.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
131	5. 1 (e)	Building/Structure Asbestos Survey Requirements. In the past most trainers and inspectors understood that one sample would be allowed to prove that the miscellaneous material or a NOB are non-asbestos. Our fee proposals have included this interpretation for many years now and our current pre-renovation/demolition survey reports include this sampling protocol for non-friables. Our questions are as follows: 1. Based on the EPA interpretation will NYSDOL require two samples to be collected and analyzed for NOBs? 2. If the answer is YES to Number 1 above, when would this requirement go into effect? 3. Does the EPA mention/refer to any requirements for TEM analysis following the negative asbestos content results of the miscellaneous non-friable suspect ACBM? I reviewed the AHERA regulation and it does not state that TEM analysis is required but NYS does have this requirement in order to determine that a material is not asbestos containing? 4. Would the state require two samples using TEM analysis to be incompliance with DOH even though it is not required by AHERA or could we take two non- friable samples, have them analyzed as a NOB (AHERA requirement) and then have only one analyzed by TEM?	It is possible that training providers have not been consistent when teaching this subject. Some training providers have always taught bulk sampling procedures and requirements correctly and others have not. However, NYS DOH has recently sent a letter to all currently approved asbestos training providers with specific details regarding this issue. The wording in the EPA AHERA regulation hasn't changed regarding bulk sampling requirements…the text "samples" has always been plural. Any current or future non-compliance with the EPA requirements, would certainly be a problem. As for past non-compliance with EPA requirements, the Department defers that subject to the EPA. However, if a non-compliant survey is being utilized to design a current asbestos project, it must be brought up to speed with EPA, OSHA and DOL requirements, and the bulk sample collection and analysis must be consistent with both US EPA, OSHA and NYS DOH ELAP requirements. The TEM requirement for analysis of the NOB sample ash is a NYS DOH ELAP requirement, not a US EPA requirement. DOH ELAP should be consulted regarding any interpretation of their requirements.
132	5. 1 (e)	Building/Structure Asbestos Survey Requirements. When performing an inspection in areas that have a drop ceiling which is not itself ACM, with known friable ACM and/or PACM above, can these tiles be removed to perform sampling of PACM and/or determine the quantities and condition of ACM and PACM? Section 7.11 (f) (4) does not allow for a drop ceiling to be removed unless the area is contained and under negative pressure, however this section deals only with work area preparation. Does this also pertain to the inspection process as well?	Regarding inspection/survey of interstitial ceiling spaces, appropriate PPE should be worn, and if debris is discovered above a suspended ceiling, the inspector must notify the owner of the debris and required cleanup. The inspector should immediately exit the contaminated space, as no engineering controls have been installed and any further access to the contaminated space may potentially spread the contamination. With appropriate negative air engineering controls in place, or the necessary debris clean up complete, a certified inspector may complete the remainder of the required inspection.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
133	5. 1 (e)	Building/Structure Asbestos Survey Requirements. How many negative bulk sample results are needed to rebut the assumption that a homogenous area is an ACM?	As indicated within this section, the requirements of EPA AHERA and OSHA must be met to rebut the assumption or presumption that a homogenous area is an ACM. All bulk sample collection and analysis must be performed utilizing methods that satisfy the requirements of NYS DOH ELAP and federal regulations.
134	5. 1 (e) (2)	Building/Structure Asbestos Survey Requirements. Please correct error in wording.	Yes, within the next revision to the code rule, this section will be revised to read "…unless bulk sampling is conducted as per this section, using standard EPA and OSHA accepted methods…"
135	5. 1 (f)	Building/Structure Asbestos Survey Information. If an owner plans to remove vinyl asbestos tile (V.A.T) from a functional space of a building, would he or she have to inspect for and assess plaster, fireproofing, thermal system insulation, grout, glazing compounds, fire curtains, etc., regardless of whether these materials will be impacted during the removal of V.A.T?	If an ACM floor covering removal project is to occur, a survey is required to identify and assess all ACM, PACM, suspect miscellaneous ACM assumed to be ACM or asbestos material located in that affected area, as the materials in the area may be impacted by the project. For example, the work area preparation necessary to complete the ACM flooring removal may impact these other materials. This is another reason to utilize the firm that is contracted for the asbestos project design to complete the asbestos survey. That firm would be responsible for determining the necessary extent of the asbestos survey. In addition, if a site-specific variance is necessary for the asbestos project, the project design firm could obtain the necessary variance prior to bidding the asbestos abatement work. Please note that if a site-specific variance is necessary, it must be prepared and submitted by a certified project designer that works for a licensed asbestos (abatement or non-abatement) contractor.
136	5. 1 (f)	Building/Structure Asbestos Survey Information. If it is intended to remove ACM in its' entirety, is it really necessary to assess and report the condition?	Yes, the condition is an important piece of information. The designer or asbestos abatement contractor may alter removal procedures based upon the present condition of the ACM, to reduce airborne fiber concentrations during abatement within the work area.
137	5. 1 (f)	Building/Structure Asbestos Survey Information. Is joint compound considered surfacing or miscellaneous material?	It depends on how it is applied. A skim coat of joint compound over the entire surface would be considered a skim coat of surfacing material. Use of joint compound on the seams and penetrations of a wallboard system would be considered a miscellaneous material.
138	5. 1 (f) (2)	Building/Structure Asbestos Survey Information. The old code rule required a survey to be accompanied with a map showing all of the asbestos materials. Now that a map is not required, is the mapping of the materials not a function of the building survey team?	A drawing is not required, a spreadsheet listing is acceptable, provided adequate information is included within the spreadsheet to identify the specific location of the various PACMs and ACMs (assumed and/or identified through laboratory analyses).

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
139	5. 1 (f) (2)	Building/Structure Asbestos Survey Information. Does the inspector need to identify and quantify non-asbestos materials that are contaminated by or attached to ACM. Here are a few typical scenarios; 1.Non-asbestos Floor Tile attached to ACM Floor Tile Mastic. 2.Additional layers of floor tile on top of ACM floor tile. 3.Carpet and carpet mastic attached to ACM joint compound. 4.Suspended ceiling tile contaminated with ACM fireproofing.	If the inspector discovers contamination, he is to notify the building owner who is then required to immediately clean up the disturbance as per the requirements of section 56-1.5. The purpose of an asbestos survey is to identify and assess asbestos material and asbestos contamination at buildings and structures. If contamination is anticipated, appropriate PPE should be worn by the inspector, and if debris is discovered the inspector must notify the owner of the debris and required cleanup. The inspector should immediately exit the contaminated space, as no engineering controls have been installed and any further access to the contaminated space may potentially spread the contamination. With appropriate negative air engineering controls in place, or the necessary debris clean up complete, a certified inspector may complete the remainder of the required inspection. For the survey requirements for multi-layered systems please see (ICR 56-5.1(e)(2) and ICR 56-5.1(j)). Please note that If one layer of a non-separable system is found to be ACM, then the entire system is considered to be ACM (e.g. ACM joint compound on a non-ACM sheetrock wall or ceiling, or ACM felts in a non-separable roofing system).
140	5. 1 (g)	Transmittal of Building/Structure Asbestos Survey Information. Does this requirement apply regardless of the amount of asbestos involved in the project?	The asbestos surveys must be submitted to the local Asbestos Control Bureau district office, for all controlled demolition asbestos projects (completed as per 56-11.5) and pre-demolition asbestos projects.
141	5. 1 (g) (1)	Transmittal of Building/Structure Asbestos Survey Information. State agencies and authorities are generally exempt from local building codes. This is further complicated in New York City where the New York City Department of Environmental Protection has asbestos regulation enforcement responsibility except for projects conducted by State agencies and authorities. If a permit is not required to be obtained from the local government entity, does the survey still need to be submitted?	Only the local government entity that issues a permit for the demolition, renovation, remodeling or repair work is to receive the survey report, as per the requirements of this Section.
142	5. 1 (g) (1)	Transmittal of Building/Structure Asbestos Survey Information. Is the local entity that issues a permit responsible for enforcement of ICR 56?	No, the survey must be submitted to the local government entity charged with issuing a permit for such demolition, renovation, remodeling or repair work. It is a hazard-communication type of requirement, so the local entity is informed of any ACM impacted by the project. What the entity does with that information is up to them. There is no ICR 56 requirement for the local government entity to enforce ICR 56.
143	5. 1 (g) (2)	Transmittal of Building/Structure Asbestos Survey Information. This Section states that survey info for demo projects shall be submitted to the Asbestos Control Bureau district office nearest to the project location. Where is a list of those offices? - a link would help.	Already included on the Department website. Here is the link to the webpage: http://www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_CODE_RULE_56_TRANSITION.shtm

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
144	5. 1 (h & i)	Removal Required. Bidding. Are these Sections prohibiting construction work from commencing in areas unaffected by ACM until all asbestos removal has been completed on the entire project? The term "intermediate portions of the project" as defined seem to imply this.	Only the ACM which is impacted by the work of the demolition, renovation, remodeling, or repair project must be removed. For multi-phased projects, this requirement applies to each intermediate portion of the project. For example, a non-asbestos contractor can't access an area at the site to perform work, if the ACM he may impact during his work has not yet been removed. Please see Section 7.11(f)(4) regarding asbestos abatement contractor removal of ceiling systems existing below ACM. Also, please see multi-employer worksite communication/notification requirements within Section 56-1.4
145	5. 1 (h)	Removal Required. This Section requires that all identified ACM must be removed, regardless of its condition or whether it will be disturbed by renovation, repair, etc. This provision is new and will have profound impacts on our most routine repairs and renovations (e.g., requiring that all pre-1974 buildings be stripped of asbestos within a short period of time is an unmanageable, mind boggling proposition). Is this the intent?	Not the intent…only ACM, PACM, or asbestos material impacted by the work is required to be removed. [See second sentence of 56-5.1(h)]
146	5. 1 (h)	Removal Required. A neighboring town has a building that they may want to use as a "burn building" for fire department practice. The structure likely contains asbestos since its date of construction is pre-1974. What requirements would there be regarding the disturbance of the ACM within the structure during the burning as well as the cleanup of the waste after the building is down? I can't find anything in the code that would address this. Would they need a variance to deal with the debris pile as an ACM waste or something else?	Burning would be considered demolition. All ACM must be removed prior to demolition, as required by 56-5.1(h), using the procedures required by ICR 56, specifically special projects section 56-11.4. Once all ACM is removed then demolition may proceed. Other state and federal agencies would have input regarding open burning. In addition, EPA NESHAP also doesn't allow the intentional burning of a structure with ACM still remaining. If the building is structurally unsound, burning would not be permitted. Controlled demolition as per the requirements of section 56-11.5 would apply, and all debris generated would be considered RACM waste.
147	5. 1 (h)	Removal Required. Is there an exemption from pre-abatement demolition when there is an active unplanned fire?	The Department recognizes an exemption to this Section, when a fire officer in command at the scene of a fire, in the exercise of his duties, orders or causes demolition of a building or section thereof. In this connection, when the fire personnel and apparatus leave the scene, their control/command is relinquished. The officer in command at the scene has paramount authority, while fighting the fire. Control of the scene is not maintained, unless fire personnel or apparatus remain at the scene, and this privilege or authority is not extended to anyone other than the officer in command at the scene. This exemption will be added to the next revision of ICR 56.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
148	5. 1 (h) (1)	Removal Required. This clause requires building owners, general contractors and construction managers to inform other trades that the work is to include asbestos. This redundancy is likely to cause finger pointing and, therefore, will cause the matter to fall through the cracks. Shouldn't the owner be required to give such notice through the development of the contract documents?	Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor. Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct supervision and control to be in compliance with ICR 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.) Also, Section 1.4 includes contractor notification requirements to the building/structure owner or their representative for newly discovered materials and any disturbances to ACM, PACM or suspect miscellaneous materials.
149	5. 1 (j)	Unidentified and Unassessed Asbestos. What amount of material that has not been identified or assessed would trigger the requirement to notify the Asbestos Control Bureau?	The Asbestos Control Bureau must be notified of any change in identified materials or quantity.
150	5. 1 (j)	Unidentified and Unassessed Asbestos. Encountering unforeseen ACM during a renovation project is not atypical. Is it really necessary that the DOL be immediately notified of every such occurrence, particularly since the regulations already spell out what actions are required?	The Asbestos Control Bureau must be notified of any change in identified materials or quantity.
151	5. 1 (j)	Unidentified and Unassessed Asbestos. Who has the responsibility to notify DOL where suspect material has been revealed?	The building/structure owner or their representative is responsible for notification to the Asbestos Control Bureau. Also, Section 56-1.4 includes discovered material notification requirements for non-asbestos contractors at multi-employer worksites.
152	6. 2	Number and Location of Background Air Samples. Would it be necessary to obtain a Site Specific Variance to deal with the following situation? In an area where there is to be multiple abatement projects, can the same background samples be used for subsequent abatement projects?	No, a site-specific variance is not necessarily required. The backgrounds that were collected for each intended asbestos project work area prior to commencement of asbestos project work area preparation may be used to represent background conditions for those specific work areas at the site. However, if it's a phased (non-continuous) asbestos project, just prior to beginning the next phase or portion of work, collection of additional background air samples would be necessary to represent the currently scheduled work areas, as site conditions may have changed since the previous phase of work.
153	6. 2	Number and Location of Background Air Samples. How many sets of background air sampling must be run for multiple asbestos project work areas at one site?	Backgrounds are to be collected for each intended work area (small work area = 3 in & 3 out; large work area = 5 in & 5 out) The only exception is if the entire building is the intended work area, then number of backgrounds is as follows: Large work area = 5 in and 1 outside the building, Small work area = 3 in and 1 outside the building.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
154	6. 2	Number and Location of Background Air Samples. Can the background air sampling be performed on the same day, but prior to mobilization by the abatement contractor? Or should this sampling be performed day(s) prior to the notified start/mobilization date.	Prior to contractor mobilization means before the contractor arrives on-site. The previous day makes sense for paperwork clarity, but is not required.
155	6. 2	Number and Location of Background Air Samples. Under In-Plant operations for exterior removal of non-friable ACM, is it correct that you are only required to run background (Phase IB) air sampling, unless of coarse provisions within those sections that occur would deem it necessary to run other air monitoring, I.e. rendering material friable or debris falls inside of the building/structure. Why would background samples be required if no other air samples are required?	Yes, for an exterior asbestos project with abatement of non-friable ACM (ACM not to be rendered friable during abatement) to be completed as an in-plant asbestos project, your analysis of air monitoring requirements is almost correct. Work area preparation air samples (Phase IIA) are not required for non-friable ACM as per 56-4.9(b) , abatement air samples (Phase IIB) are not required as per 56-8.1(c), final cleaning air samples are not required as per 56-9.2(c), and clearance air samples are not required as per 9.2(e), but a project monitor visual inspection is required as per 56-9.1(d)(1) & 56-9.2(e). ESU agrees that it doesn't make sense to collect background air samples (Phase IB) for an asbestos project work area, if no Phase II air samples are required for that work area. ESU shall add this clarification to the next revision of ICR 56.
156	6. 2 (a)	Number and Location of Background Air Samples. Phase IB Background Sampling – Large Asbestos Project. My question is; should the background air sampling have additional samples to match final air sampling for projects over 25,000 sq/ft?	There is no requirement for additional background air samples if the work area is over 25,000 sq. ft. in size. The criteria to use for establishing background levels is detailed within Section 56-6.3 (Establishing Background Levels).
157	6. 3	Establishment of Background Level. We have run background air sampling on a scheduled asbestos demolition project. The two (2) sets of background air samples we have tried came back overloaded with dust [void]. What is the clearance criteria, less than 0.01 f/cc?	Without any established background levels, the PCM clearance criteria of less than 0.01 f/cc (ICR 56-4.11) must be used for all PCM clearance air samples.
158	7. 1 (a)	Personal Air Sampling. Is personal air sampling always required by this Section? OSHA [1926.1101(f)(3)(i)] requires personal air sampling unless a negative exposure assessment has been performed.	Personal Air Sampling indicates that air sampling is required within "...the worker's breathing zone, by the asbestos contractor for his personnel, as required by current OSHA regulations". Nothing more stringent than OSHA requirements is included in this Section.
159	7. 1 (b)	Daily Air Sampling. At what point do work area preparation samples need to begin? Would sampling of a decontamination system enclosure be required if it is not yet operational?	Air sample(s) must be initiated once the decontamination unit is operational, the negative air ventilation unit is operational, etc. Barrier air samples must be initiated at the start of work area preparation. Common sense would dictate that Initiation of decon and negative air exhaust air samples aren't required until the decon is operational and the negative air ventilation unit is operational, respectively.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
160	7. 1 (c) (1)	Number and Location of Samples – Large Asbestos Projects. We have a small project that has a positive pressurized HVAC duct that runs through the work area. Do we need to perform any air monitoring for this situation? The current rule indicates no, is this correct?	You are correct that ICR 56 does not require daily abatement air sampling for small size regulated abatement work areas during abatement. However, testing requirements relating to positive pressure HVAC ducts passing through any size work area are also specified within Section 56-7.9(a)(3), in addition to the daily abatement air sampling requirements for large size work areas required by Section 56-7.1(b&c) . Thus, while daily abatement air sampling is not required for your small size work area, testing of the HVAC duct positive pressurization is required on a daily basis.
161	7. 1 (c) (4)	Number and Location of Samples – Large Asbestos Projects. This Section does not discuss an alternative for monitoring when ducts are exhausted from a floor above the ground floor. 56-7.8 (a) (11) includes options for exhaust duct placement and associated requirements when the work area is above the ground floor.	The negative air exhaust samples must be collected in front of and within ten feet of the exhaust duct termination. Methods shall be utilized to position the air sample accordingly (possibly utilize access from the floor or roof above the work area). If this requirement can not be achieved, a site-specific variance would be required.
162	7. 1 (d)	Work Stoppage Criteria During Phase IIA Abatement Procedures. What is required if negative air exhaust tubes are banked together and an exhaust air sample result is found to be elevated?	If several machines have exhausts which are banked together and exhausted at the same location, the following is to occur if an elevated exhaust reading is obtained: Sufficient backup units must be available to maintain the minimum required air changes per hour, during any required shutdown of a bank of units due to an elevated air sample result. If an elevated exhaust air sample result is obtained, each unit within the bank of units must be shutdown, the unit and filters inspected, repaired/changed out as necessary, and then the unit put back into service. Each of the affected negative air units must be sampled independently for at least one day to ascertain if problems still exist. Upon receipt of additional elevated air sample results, the affected unit(s) must be taken out of service and removed from the work area for appropriate repair.
163	7. 2 (d)	Materials and Equipment. Adhesive Materials. Can plastic, masking or any other type of tape be used in place of “Duct tape”?	If there are other tapes that perform at least as well as duct tape they can be used as equivalents. However, the manufacturer information and specifications, including adhesion properties, must be available at the site for a local district inspector to review as necessary. For clarity, a variance could be obtained to allow for their use on a statewide basis.
164	7. 2 (k)	Materials and Equipment. Plastic Bags. Are clear waste bags required, or is a certain color required?	Clear plastic six mil asbestos waste bags are preferred, but colored plastic six mil asbestos waste bags are also acceptable. The Department is considering a change in the next major revision of the code rule to require clear plastic waste bags.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
165	7. 2 (n)	Materials and Equipment. Surfactant. This Section indicates that surfactants should be non-toxic. All surfactants will have some toxicity and the concept of non-toxic may not be legally enforceable.	The manufacturer information provided on the MSDS for the product must indicate that contact with the product (in its liquid form) is not toxic to humans.
166	7. 2 (o)	Materials and Equipment. Ventilation for Power Tools. It is our interpretation that this means ALL power tools used in the containment, regardless if they are disturbing asbestos. Is this correct? We have a contractor who thinks that as long as they strip the asbestos back from the cut area, on the pipe, within containment, they can use a regular saw. Can you clarify?	As indicated in 7.2(o), "Power tools used to drill, cut, or otherwise disturb asbestos material in regulated abatement work areas, shall be manufacturer equipped with HEPA-filtered local exhaust ventilation." For example, if power tools were used to create a barrier wall, or decon during work area preparation, they wouldn't necessarily need to be HEPA-exhausted. However, once disturbance of ACM has commenced all power tools used for drilling, cutting or potential disturbance activities within the work area must be HEPA-exhausted. As I understand your situation, the gross abatement has been completed but cleaning and clearance has not yet been completed, so all exposed surfaces within the work area are considered to be potentially contaminated with asbestos fibers. Thus any activity using power tools which may potentially disturb fibers on these surfaces must be completed with power tools that area equipped with HEPA-filtered local exhaust ventilation.
167	7. 3	Asbestos Abatement Contractor Daily Project Log. This Section requires the asbestos abatement contractor (presumably the project supervisor) to maintain a daily log throughout "Phase II" of the project. This would indicate that the contractor would be required to send a representative to the site to perform an inspection on days where there are no Phase II, especially Phase II A, activities. It is typical during the preparation stage to work standard hours on week-days until the enclosure is completed and removal begins (Phase II B). Under this scenario there would be no work on the weekend and no presence at the work site by either the contractor or the air monitor (who is often the project monitor). In fact, earlier in this Section (56-7.1(b)), states "Air sampling is not required on days where there are no Phase II A activities." Do log requirements apply on days that no Phase II A activities take place?	Please see Section 56-8.2(d-f) Once negative air systems are established and abatement commences, inspection of barriers and negative air systems are required daily, even on days with no work, but testing of the barriers is only necessary on days with work. The supervisor may designate a trained and certified handler employee to perform the required inspection and repairs necessary as well as the associated daily log documentation on days with no work.
168	7. 4	Establishing Each Regulated Abatement Work Area. What distance should the work area, dumpster etc. should be cordoned by tape barrier and signage? As per 56-7.4 the signs shall be posted at locations where airborne concentrations of asbestos may exceed ambient background levels. Also, as per requirements, the air samples have to be taken within 10ft from entrance or exit to the work area. Does it mean that tape barrier has to be also within 10ft?	The barrier tape and signage must be placed around the regulated abatement work areas and restricted areas as necessary to limit access to certified personnel only. Please see special projects subpart 56-11for distinct minimum barrier distance requirements for exterior area "open-air" type asbestos projects, not completed within a negative pressure containment enclosure.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
169	7. 4	Establishing Each Regulated Abatement Work Area. Can a contractor set up a portion of a full building abatement/demolition project with multiple minor tent enclosures, and avoid air monitoring and project monitoring on the tent enclosures? The overall project is notified, and the individual minor projects are proposed to be treated independently of the overall project. What (if any) type of air/project monitoring is required for such a set up?	Yes, a contractor may split up a regulated work area into multiple regulated abatement work areas. The air monitoring requirements are work area size dependent (minor, small or large), except clearance air monitoring, which would be required for all work areas including minor [see ICR 56-9.2(d)(4)]. The project monitor visual inspection is required for small and large size work areas [see 56-9.1(d) & 56-11.3(e)(8)].
170	7. 5	Personal and Waste Decontamination System Enclosures. Do the personal & waste decontamination systems have to be built in a straight line or can travel from one (1) room/airlock to the next be accomplished by traveling on a 90 angle, thus not 3' from overlapping flaps/curtained doorway?	The 3-foot minimum requirement for a chamber is from closest point of flap at one curtained doorway, to closest point of flap on the other curtained doorway. The decontamination system enclosures aren't required to be configured in a "straight line" only.
171	7. 5	Personal and Waste Decontamination System Enclosures. In many cases the only place we have to construct our personal and waste decontamination units are inside the regulated work area. We will separate the decon units from the active work area by hardwall barrier and we will hardwall the entire decontamination units as per ICR 56-7.11 (b) (1) (2). Will we be in compliance with the Code Rule, or do we need a variance?	No variance is needed provided the decontamination system enclosures are attached to the active regulated abatement work area as per this Section, and hardwall isolation barriers are installed as required by 56-7.11(b) to separate the regulated abatement work area from the decontamination system enclosures.
172	7. 5	Personal and Waste Decontamination System Enclosures. For minor size work areas that aren't abated as per the requirements of 56-11.3, (e.g. special projects as per 11.4 or 11.6), what are the personal decon requirements?	Minor size work areas completed as per Section 56.11.3, are required to a decontamination room or area for personal and equipment as per section 56-11.3(e)(1). This minor size work area personal decontamination requirement is only included within section 56-11.3. However, this requirement was also intended for other minor size work areas that may not be completed as per Section 56-11.3 (e.g. minor size work area completed as per 56-11.4, 56-11.6 or 56-11.8). This inconsistency will be addressed within the next revision to the code rule.
173	7. 5 (b) (1)	Personal Decontamination System Enclosure – Large Project. Enclosure – General. Define "climate controlled."	"Climate controlled" is intended to mean kept above freezing temperatures so that shower water, washroom water and wastewater all do not freeze within the decon.
174	7. 5 (b) (2)	Personal Decontamination System Enclosure – Large Project. Rooms and Configurations. What is the length of shower room and equipment room?	Shower and equipment room length shall be sufficient to accommodate all components necessary. For example, if 2 showers are needed due to the number of full shift workers, the shower chamber would have to be large enough to contain two working showers.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
175	7. 5 (b) (8)	Personal Decontamination System Enclosure – Large Project. Clean Room. A lot of our work is within hospitals, industrial, and commercial buildings, many of which have restrictions for the size of a decon. We would literally have to write a specific variance for almost all of our hospital work with small projects to comply with this Section. Can a competent (person) supervisor on-site, determine the size of decon or waste load out?	For Small or Large projects with three or less full-shift workers, Section 56-7.5(b)(8) requires a minimum clean room floor space of 24 sq. ft. As for the square footage calculation, 32 sq. ft. of floor space per 6 full shift abatement workers, calculated on the basis of the largest workshift is clear. The quantity of working showers within the shower chamber is also calculated per 6 full shift abatement workers (including supervisor), on the basis of the largest workshift. The project monitor and/or air sampling technician are not included with this calculation. If relief is required from the square foot requirement due to logistical concerns, a site-specific variance petition should be prepared and submitted by a trained and certified asbestos project designer.
176	7. 5 (b) (8)	Personal Decontamination System Enclosure – Large Project. Clean Room. Is the 32 sq. ft. of floor space measurement before or after the installation of the benches and lockers? The installation of these items will reduce the total floor space.	The measurement is intended for accessible or clear floor space. Thus the measurement is intended to be made after installation of all items necessary within the clean room. This requirement will be clarified within the next revision to the code rule.
177	7. 5 (b) (8)	Personal Decontamination System Enclosure – Large Project. Clean Room. Is 6 feet in height adequate?	A 6 foot minimum height is acceptable, as there was no minimum height requirement in the previous code other than "sized to accommodate". This height requirement gives a minimum standard for all asbestos contractors to comply with.
178	7. 5 (b) (9)	Personal Decontamination System Enclosure – Large Project. Shower Room. Are submersible pumps required? Typically, water filtration devices have pumps that draw the water from the basin of the shower unit. For many of the telescoping pre-fabricated shower units, there is a minimal space between the floor of the shower and the drain system (approx. 3”), where a submersible pump would not fit. In addition, OSHA does not require submersible pumps for shower units. Please clarify.	The intent is for the shower wastewater to be pumped to a multi-stage filtering system, for filtering to 5um prior to appropriate filtered wastewater disposal. The use of submersible or in-line pumps for pumping wastewater to multi-stage filtering unit is acceptable. This requirement will be clarified within the next revision to the code rule.
179	7. 5 (b) (10)	Personal Decontamination System Enclosure – Large Project. Equipment Room. Are walk-off pans required?	Yes, it was the intent to include the walk-off pan requirement as it was detailed within the 1994 version of the code. This requirement will be clarified within the next revision to the code rule

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
180	7. 5 (c) (1)	Personal Decontamination System Enclosure – Small Project. Enclosure Requirements. There is no requirement for a "Minor" project decon in this Final Draft ICR 56, as required in OSHA 29 CFR 1926.1101(j)(2) for all Class I, less than 25 lf or 10 sf, where no Negative Exposure Assessment has been produced or Class II or III under the same requirements.	Minor Projects Section 56-11.3 and incidental disturbance emergency projects Section 56-11.2 include reference to decontamination system requirements for various types of Minor projects. Class I and Class II small and large size asbestos project work areas are required to have decontamination system enclosures. For Minor size asbestos project tent enclosure work areas, at a minimum decontamination areas are required. [See Section 56-11.3].
181	7. 5 (d)	Remote Personal Decontamination System Enclosure. Remote personal decontamination units are permitted when non-friable ACM is being removed in a manner that will not render the ACM friable. If during the course of non-friable (i.e. floor tile, roofing material, etc.) removals the material is broken or torn, does the DOL require this material to be re-classified as friable? Does this decontamination relief apply specifically for intact non-friable removals only?	Limited tearing or breaking of a non-friable ACM does not necessarily make the material friable. Once the matrix of the material is significantly altered by abatement methods such as grinding, abrading, or pulverizing, then the material's friability has also been altered as a result of the method utilized. If the non-friable ACM is rendered friable or will be rendered friable during removal, the personal decontamination system must be attached. This relief applies to intact non-friable ACM removals as well as other non-friable ACM removals, provided the removal method does not change the friability of a non-friable material to a friable condition.
182	7. 5 (d)	Remote Personal Decontamination System Enclosure. This Section requires that " if it is found during Phase IIB, that the non-friable ACM or asbestos material will become friable during the removal process, abatement work must stop immediately while the remote personal decontamination system is relocated to be attached and contiguous to the regulated abatement work area." Following this provision of 56-7.5(d) causes a conflict with the immediately preceding provision of 56-7.5(d) that states, "if a personal decontamination system cannot be attached to the regulated abatement work area due to available space restrictions or other building and fire code restrictions…." If the state or local fire code prevent the attachment of the personal decontamination system or if there is no room for it, how can it then be attached as required by 56-7.5(d). If it does not fit and therefore may be remote, the fact that asbestos may become friable will not change the physical configuration that did not allow room for the personal decontamination system in the first instance. Similarly, if it is determined that the state or local fire codes would be violated by having the personal decontamination system attached, it does not seem to be in the interest of safety to require that the personal decontamination system be attached because asbestos may become friable.	Section 56-7.5(d) only allows remote personal decons for limited Special Projects as per Section 56-11, negative pressure tent enclosure work areas with glovebag-only abatement, or if non-friable ACM is being removed in a manner which will not render the ACM friable. If it is found that non-friable ACM will be rendered friable, then a remote personal decon is not allowed. If a special condition at the site makes it logistically impossible to attach the personal decon, then a true hardship may exist and a site-specific variance would be required.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
183	7. 5 (d) (4)	Remote Personal Decontamination System Enclosure. Designated Pathway. This Section indicates that the "designated pathway" shall be cordoned off and signage installed while in use during Phase IIA through IID. But, it's not clear to me if the designated pathway is a restricted area, in which only certified persons can access it. For example, if the pathway to the remote decon includes a hallway, stairwell, or elevator that must be used by building occupants, can the building occupants use those areas as long as it is cordoned off and signs posted? We fully understand the procedures when our asbestos-certified personnel need to travel through a designated pathway from a regulated work area to a remote decon, as stated in ICR 56-7.5(d)(5), but it's not clear if uncertified persons can also be in the designated pathway too.	While the pathway is "designated" for asbestos project personnel during the asbestos project, it is also restricted to certified personnel and authorized visitors only.
184	7. 5 (e) (1)	Waste Decontamination System Enclosure – Large and Small Asbestos Projects. Enclosure – General. This Section for waste decontamination system enclosure refers to the requirement for climate control. What does this mean? Should air conditioning be installed in the decontamination unit?	Climate controlled means kept above freezing temperatures so that washroom water and wastewater do not freeze within the decon.
185	7. 5 (f) (2)	Waste Decontamination System Enclosure – When Remote Personal is Allowed. Small & Large Size Regulated Abatement Work Areas. Does the washroom chamber have to be located within the work area, or can it be located immediately outside the work area with the airlock attached, essentially having two chambers (washroom & airlock) contiguous/attached and outside of the work area?	Yes, that is acceptable and makes sense if there is adequate room for construction of the two chambers outside of the work area. If the floor surface is the removal surface, it is the only option that makes perfect sense. The washroom/airlock configuration included within this Section is allowed when there is not adequate room for construction of the washroom chamber outside of the work area.
186	7. 6	Personal Protective Equipment (PPE). This section states that during work area preparations, full PPE and Respiratory equipment must be used in accordance with OSHA. If a contractor has a Negative Exposure Assessment pursuant to 1926.1101(f)(2)(iii), during Work Area preparations, it is my understanding that there is no (asbestos specific) PPE and/or respiratory equipment necessary in the area until either; 1.) the exposure assessment changes, or 2.) if the contractor begins Class I removal, 3.) or if the employee chooses to wear it. Am I correct?	For OSHA Class II &III asbestos projects, as per OSHA, an exposure assessment generated for the project may be used for selection of required PPE. However, the exposure assessment must be on-site and made available to any NYS DOL inspector that visits the site. Without the exposure assessment available on-site, a DOL inspector may assume that no exposure assessment has been completed, and the most stringent requirements of OSHA (for that class of work) apply.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
187	7. 6	Personal Protective Equipment (PPE). For any asbestos project, during Phase IIA (Prep) regardless of the type of ACM to be removed, if there is an accurate, and updated Negative Exposure Assessment made by the competent person pursuant to 1926.1101(f)(2)(ii), there would be no mandatory Asbestos PPE, correct?	Our intent was for PPE to be provided and utilized for friable asbestos projects (class I and II) during preparation, as these projects typically have more potential for friable ACM to be disturbed during preparation activities. The Department understands that you could have a class II friable ACM asbestos project where a negative exposure assessment has been generated and reduced PPE (as allowed by OSHA) shall be used during the abatement. For these asbestos projects, as per 56-7.6, the PPE selected for the removal is the same PPE required during the preparation activities. For Class I projects, as per 56-7.6, the same OSHA Class I required PPE to be used during abatement shall be used during the work area preparation activities. However, for projects that utilize an exposure assessment for selection of PPE, the exposure assessment must be on-site and made available to any NYS DOL inspector that visits the site. Without the exposure assessment available on-site, a DOL inspector may assume that no exposure assessment has been completed, and the most stringent requirements of OSHA (for that class of work) apply
188	7. 7	Electric Power. In a tent enclosure, are all power circuits required to be GFCI protected?	Yes, the requirements of 56-7.7 apply to all regulated abatement work areas
189	7. 7	Electric Power. This Section imposes certain requirements when working with electrical power. This Section appears to apply to buildings and not to structures such as manholes and vaults. However, if it were to apply to structures other than buildings, it would present significant difficulties for our firm. For example, in manholes, we often remove arc proof tape that contains asbestos. Covering cables with polyethylene would cause extreme delays in work and be extremely costly for us when working in manholes. In addition, it seems unnecessary to require signs stating “Live Electrical” in manholes where electrical workers are working on electric lines and no one else can be present.	This Section applies to all building or structure regulated abatement work areas with negative pressure containment enclosures (tent or entire area/space). The power within the containment enclosure must be shutdown, or if it can't be shut down, the procedures within this Section are to be followed. The previous Code Rule did not allow for this, and a site-specific variance was required if all power within the work area could not be shutdown. This Section regarding precautions for live electric in or passing through the work area due to health and safety requirements at the building/structure, was routinely granted in previous site-specific variances, as it was a common asbestos project scenario. If alternate procedures other than what is included within this Section are necessary, then a site-specific variance would be required.
190	7. 7 (a)	Electric Power. What if the electrical power is servicing an area that cannot be shut down, such as computer mainframes, process systems or other like areas, that is not necessarily a health and safety concern?	This Section regarding precautions for live electric in or passing through the work area due to health and safety requirements at the building/structure, was routinely granted in previous site-specific variances, as it was a common asbestos project scenario. If alternate conditions or procedures other than what is included within this Section are necessary, then a site-specific variance would be required.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
191	7. 8	Engineering Controls. Can a stand-alone glovebag be used in a Minor O&M asbestos removal project?	See Section 56-11.3 Section 56-11.3(d) indicates that "For an isolated event necessary for repair associated with normal operation & maintenance activities, a single glovebag operation may be performed without a negative pressure tent enclosure." In both the previous code and the current amended code, O&M handler work is limited to Minor project amount (abatement of less than 10 sq. ft. or 25 lin. ft. ACM), and the O&M Certificate limitations within the current code further limits the amount of ACM as follows: "These Minor asbestos projects must be associated with repairs required in the performance of emergency or routine maintenance activity, and is not intended solely as asbestos abatement. Such work may not exceed Minor quantities of ACM to be disturbed within a single glovebag or a single negative pressure tent enclosure." These requirements are consistent with OSHA requirements. A HEPA vacuum may be utilized to establish negative pressure within a Minor size negative pressure tent work area, as per 56-7.8(a11), 56-7.11(f) & 56-11.3(e), provided the minimum number of air changes per hour is maintained within the work area. Section 56-7.8(b)(1)(ii) includes an exception for negative pressure ventilation where enclosures are not required by Code Rule 56.
192	7. 8 (a) (2)	Negative Air Pressure Equipment. Timing of Installation. Are criticals and negative air installed at the same time?	Critical barriers and isolation barriers must be installed prior to negative air installation.
193	7. 8 (a) (4)	Negative Air Pressure Equipment. Manometer. OSHA Construction Standard 29 CFR 1926.1101(g)(5)(i)(A)(3) requires that negative pressure be maintained as “evidenced by manometric measurements”. Does requiring the documentation of the readings twice a shift meet the intent of this requirement?	The manometer should be checked by the supervisor throughout each workshift, but continuous documentation is not required. At least twice per workshift the manometer reading must be documented by the abatement contractor’s supervisor in the daily project log. OSHA does not include requirements for a continuous strip chart or any other specific continuous documentation.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
194	7. 8 (a) (4)	Negative Air Pressure Equipment. Manometer. Isn't the required negative pressure in the containment, as evidenced by manometers, indicative of properly operating negative air machines?	Yes, the manometer is an indicator of negative pressure within the work area, but not throughout the entire work area. The manometer measures pressure differential from one point in the work area to another point outside the work area. This does not necessarily mean that a minimum of 4 air changes per hour throughout the work area is being maintained. In addition to the manometer requirement, appropriate flow must be maintained and exhaust duct restrictions must be minimized. This Section indicates only 25 foot of exhaust duct allowed from discharge of negative air machine to minimize exhaust tube flow restrictions. This distance is measured from the negative air machine discharge to the termination location of the exhaust duct. A site-specific variance is required if exhaust tube must be greater than 25 foot, or if the tube must exhaust to the interior of building. The Department anticipates issuing an applicable variance with appropriate procedures for this issue, once enough site-specific variance petitions with alternative proposals have been received for this issue.
195	7. 8 (a) (4)	Negative Air Pressure Equipment. Manometer. Is semi-annual calibration also necessary for digital manometers?	The required semi-annual calibration is for magnahelic manometers only. Manometers other than magnahelic units, must be calibrated as per manufacturer recommendations.
196	7. 8 (a) (5)	Negative Air Pressure Equipment. Ventilation Units. If in fact the contractor does not achieve the required negative air, can he either add negative air or booster fans?	This Section indicates only 25 foot of exhaust duct allowed from discharge of negative air machine to minimize exhaust tube flow restrictions. This distance is measured from the negative air machine discharge to the termination location of the exhaust duct. A site-specific variance is required if exhaust tube must be greater than 25 foot and compliance with AV-A-2 is not possible, or if the tube must exhaust to the interior of building. The Department has issued an applicable variance (AV-A-2) with appropriate procedures for this issue. The applicable variance allows a choice of downstream booster fans or other specific measures to minimize exhaust tube flow restrictions.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
197	7. 8 (a) (5)	Negative Air Pressure Equipment. Ventilation Units. If, by the manometric measurements, the negative pressure enclosure is maintained at -.02" WC and four air changes an hour is achieved, the amount of air being actually discharged at the unit's exhaust should not matter. Typically, air flow will be reduced naturally as it passes through the negative air machine and across the filters, which will reduce the amount of air being discharged. Please clarify.	The manometer measurement is only an indicator of the pressure differential at one specific point within the work area compared to a point outside of the work area. A minimum of four air changes per hour within the work area must still be maintained, as required by ICR 56. Restrictions in the airflow at the HEPA filtered negative air ventilation machines and attached exhaust duct must be minimized to maintain adequate airflow from the work area.
198	7. 8 (a) (10) (vii)	Negative Air Pressure Equipment. Installation and Care. Does this mean we have to check negative air ventilation systems on off days while there is no abatement activity?	Yes. No change from previous code, just further clarified. It was always the intent.
199	7. 8 (a) (10) (viii)	Negative Air Pressure Equipment. Installation and Care. This Section requires a four foot fence at a perimeter of ten feet around exhaust duct tube discharge for negative air machines. Is this only for the ground floor level of any project?	This Section indicates: "For ground level exhaust duct terminations at the immediate building/structure exterior, the fence shall be installed at the tube discharge location." If discharge is above the ground level, protection is not needed.
200	7. 9 (a) (3) (iii)	Heating, Ventilation, and Air Conditioning (HVAC) Systems. Isolation. Positive Pressurization. The reference to daily abatement air samples is incorrect.	Yes, the reference is incorrect and will be corrected within the next revision to the code rule.
201	7. 9 (b)	HVAC Systems. HVAC Filters and Ducts. This Section indicates removal of filters on ventilation systems which are identified by the building maintenance personnel. Shouldn't this be removal of filters identified as potentially contaminated? Why should one remove all building ventilation filters?	The asbestos abatement contractor is responsible for removal of potentially contaminated filters and replacement with new filters supplied by the building owner or their agent. The building owner's HVAC contractor or maintenance personnel may be used to identify HVAC systems, affected areas, and filter locations for the asbestos abatement contractor.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
202	7. 10 (a)	Regulated Abatement Work Area Pre-Cleaning. Movable Objects. My questions involve buildings where abatement is scheduled, and turned over to be managed by an owner's agent. Furniture and other uncontaminated objects, are left in areas scheduled for work, where asbestos will be abated. 1.) Can an Abatement Contractor remove these uncontaminated salvage items from a future asbestos work area, prior to mobilizing on the project? Can you explain why? 2.) Can the Abatement Contractor subcontract the removal of uncontaminated salvage items from a future work area to a non-asbestos contractor who is armed with the current asbestos survey and with awareness training? Can you explain why? 3.) Can the owner's agent subcontract the removal of salvage items from a future work area to a non-asbestos contractor who is armed with the asbestos survey and with current awareness training? 4.) Can you explain the difference between #2 and #3?	It doesn't matter if it is the owner, owner's agent or asbestos contractor. Once the active portion of the asbestos project has commenced (Phase IIA), any removal of movable objects from a regulated abatement work area must proceed as per the requirements of Section 56-7.10(a) During Phase I (survey, planning, design, etc,) of an asbestos project, the owner or owner's agent (including an asbestos contractor) may remove movable objects from an intended asbestos project work area. However, no object can be removed if upon visual inspection there is visible dust, debris or residue on its surfaces or within the movable object, indicating that the object is potentially contaminated. Potentially contaminated objects may be cleaned and decontaminated by the asbestos abatement contractor, or may be inspected and determined to be free of asbestos by a certified inspector or project monitor prior to removal.
203	7. 10 (b)	Regulated Abatement Work Area Pre-Cleaning. Fixed Objects. This Section describes the sequence of pre-cleaning and removing "movable objects" as well as pre-cleaning and isolating "fixed items" in an abatement work area. In Section 56-7.11, however, subsection (c) describes the pre-cleaning and removal of "mounted objects." These mounted objects (a) should be covered under Section 56-7.10 since this is essentially pre-cleaning and (b) defined to differentiate from "fixed objects". It seems that mounted objects are nothing more than fixed objects or if they can be removed then they are "movable objects." Is a "mounted object" definition really necessary?	If the mounted object can be removed, it should be removed as per 56-7.11(c), otherwise it is considered a fixed object that needs to be protected as per 56-7.10(b).
204	7. 10 (c)	Regulated Abatement Work Area Pre-Cleaning. Precleaning. I have an asbestos project with removal of floor tile, but the floor tile is in poor condition with the majority broken and detached from the substrate. Do I need a variance to proceed, or can I just use the code?	Please see 56-7.10 relating to prohibition of ACM disturbance during pre-cleaning and work area preparation. If ACM has already been disturbed and debris is present, a site-specific variance is necessary to adequately address the cleanup and any necessary ACM removals.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
205	7. 10 (a) -c	Regulated Abatement Work Area Pre-Cleaning. Shouldn't the cleaning procedures by HEPA vacuuming and wet-wiping not "and/or"?	Yes, consistent with previous changes to work area cleaning procedures that would follow gross abatement, these pre-cleaning requirements will be revised within the next revision to the code rule.
206	7. 11 (b) (1)	Regulated Abatement Work Area Enclosure. Isolation Barriers. Framing. On openings larger than 32 square feet where one of the dimensions is less than one foot, is 3/8 inch sheathing still required or can this opening be sealed with two layers of poly?	Neither framing or sheathing attached to the framing is required. Critical barriers (2 layers fire-retardant plastic sheeting) shall be used as per 56-7.11(a) This clarification will be added to the next revision of the code rule
207	7. 11 (e)	Regulated Abatement Work Area Enclosure. Floor, Wall, & Ceiling Plasticizing and Sealing. Clarification needs to be made if the wall overlapping the floor sheeting is twelve inches "onto" the floor or just over the floor sheeting extension that is extended up the wall.	Twelve-inch overlap requirement, and two-foot distance for staggered seams between layers.
208	7. 11 (e)	Regulated Abatement Work Area Enclosure. Floor, Wall, & Ceiling Plasticizing and Sealing. I have a large project enclosure with in a work area where there is known friable asbestos covered pipes in poor condition above a drop ceiling. Am I correct to say that when the lower portion of the work area (ceiling down) is fully plasticized per 56-7.11 and the ceilings are removed and disposed of per 56-7.11 (4), critical barriers per 56-7.11a are only plasticizing needed above the ceiling to be completed before commencement of phase IIB abatement can begin?	Yes, you are correct. In your situation, as the surfaces above the suspended ceiling are potentially contaminated they will be cleaned as part of the abatement project. Thus the potentially contaminated above ceiling surfaces do not require plasticization as they would be considered abatement surfaces as per section 56-7.11(e).
209	7. 11 (f) (1)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. In a tent enclosure, are all power circuits required to be GFCI protected?	Yes, the requirements of 56-7.7 apply to all regulated abatement work areas
210	7. 11 (f) (1) (i)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Where Allowed. Is a tent enclosure allowed for gross abatement of a large quantity of friable ACM?	No, as indicated within this section "Negative pressure tent enclosures are allowed to be utilized for…gross abatement of Minor and Small quantities of friable ACM, PACM or asbestos material." A site-specific variance must be obtained to utilize a negative pressure tent enclosure for large size gross abatement of friable ACM.
211	7. 11 (f) (1) (ii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Tent Construction. Is a single-layer tent acceptable for glovebag abatement operations, or is a double layer tent required?	A single layer negative pressure tent enclosure is acceptable for glovebag operations. A single layer tent enclosure is also acceptable for gross removal/abatement of non-friable ACMs, provided the material is not rendered friable during the abatement.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
212	7. 11 (f) (1) (ii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Tent Construction. Are the double-folded seams required to be taped flush on both the inside and outside of the tent enclosure?	No, only the inside of the tent enclosure.
213	7. 11 (f) (1) (ii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Tent Construction. When are one-layer tent enclosures allowed? If I have less than 20 sq ft of floor space and minor size removals, I can do friable gross removal with a one layer tent ? If I have a commercially made tent it can be one layer with any size floor space to remove minor quantities, but if the tent is constructed on site it must be as per the requirements in 56-7.11(f)(1). ? Regardless of the amount of ACM to be abated (minor, small or large), If I have *less* than 20 sq ft of floor space can I do friable gross removal within a one layer tent; providing of course that I meet the other conditions of ICR 56 7.11 (f)(1)(i)?	The typographical errors within section 56-7.11(f)(1)(ii)(a-b), have been corrected within the recent version of ICR 56. The intent of the corrections to section 56-7.11(f)(1)(ii)(a-b), was to indicate that one-layer tent enclosures were acceptable for all typical abatement (e.g. non-friable ACM, glovebag-friable ACM, etc.), except gross removal of friable ACM where the constructed tent enclosure has greater than 20 sq. ft. of floor space. In addition, with the minor size tent scenario you mentioned, the procedures within 56-11.3 are to be followed. Thus, if a commercially available one-layer tent is utilized for a minor size work area with friable ACM gross removal, the actual floor space of the tent doesn't matter. However, if a tent is constructed for the minor size work area with friable ACM gross removal, then the requirements of 56-7.11(f)(1) apply, including the floor space restriction for one-layer tent enclosures. Yes, If a tent is constructed for a work area with friable ACM gross removal, then the requirements of 56-7.11(f)(1) apply, including the 20 sq. ft. floor space restriction for one-layer tent enclosures.
214	7. 11 (f) (1) (iii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Negative Air. Is a manometer required for Minor size tent enclosures with gross abatement of friable ACM?	No, it is not required. Please see Section 56-7.8(a) (4) for specific manometer requirements.
215	7. 11 (f) (1) (iii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated abatement Work Area Enclosure. Negative Air. This section requires “eight (8) air changes per hour…”. What manometer reading should be achieved when maintaining the eight air changes per hour?	Please see 56-7.8(a)(4) for specific requirements regarding manometers. The minimum pressure differential remains the same. The manometer measurement is only an indicator of the pressure differential at one specific point within the work area compared to a point outside of the work area. A minimum of eight air changes per hour within the work area must still be maintained, as required by this section. Restrictions in the airflow at the HEPA filtered negative air ventilation machines and attached exhaust duct must be minimized to maintain adequate airflow from the work area.
216	7. 11 (f) (1) (iii)	Barrier/Plasticizing Exemptions. Negative Pressure Tent Regulated Abatement Work Area Enclosure. Negative Air. Shouldn’t the negative air ventilation remain operational until after clearance air sampling is completed?	Yes, that was the intent. This clarification will be added to the next revision of the code rule.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
217	7. 11 (f)) (4)	Barrier/Plasticizing Exemptions. Removal of Ceilings and Components. This Section indicates that if there is friable asbestos above a suspended ceiling then the ceiling should be removed as an ACM. Does this include plaster ceilings as well as lay-in ceilings? How about portions of walls to be removed to access friable ACM?	The intent of this Section is to stipulate that if non-ACM suspended ceiling systems (lay-in, plaster, sheetrock, etc.) exist below ACM impacted by the project, then only the asbestos abatement contractor should remove these systems as necessary, to access the ACM as the last step in the work area preparation. If it is found that the ACM is in tact and no debris or residue is apparent on the top of the ceiling system, then the ceiling system may be disposed as non-ACM waste by appropriate legal method. If debris/residue is encountered, then the contaminated portion of the ceiling system is removed and disposed of as ACM waste or decontaminated if non-porous and cleanable. Regarding walls, the same scenario applies. Please see Section 56-5.1(h-j) regarding prohibition of demolition/renovation activities prior to completion of asbestos abatement for each intermediate portion of the project. The asbestos abatement contractor shall perform any necessary ceiling or wall demolition for adequate access to ACM, at the conclusion of work area preparation.
218	7. 11 (f) (4)	Barrier/Plasticizing Exemptions. Removal of Ceilings and Components. Can the non-ACM ceiling be demolished as a non-asbestos material as long as there is no visible debris on the ceiling and it is feasible to do so without disturbing the ACM pipe insulation?	Yes, at the conclusion of work area preparation, provided the supervisor confirms no visible debris is apparent on the top of the suspended ceiling system.
219	7. 11 (f) (4)	Barrier/Plasticizing Exemptions. Removal of Ceilings and Components. If there is a minor amount of debris observed on the top of the suspended ceiling, can the debris be cleaned off of the ceiling and verified by visual inspection by the supervisor, then the remainder of the suspended ceiling system removed and disposed of as non-ACM, prior to the removal of the ACM within the work area?	Yes, at the conclusion of work area preparation, provided the suspended ceiling system is cleanable, wet methods in combination with HEPA vacuuming techniques are utilized for the cleanup of the debris, and no other ACM disturbance has occurred yet within the work area.
220	7. 11 (f) (4)	Barrier/Plasticizing Exemptions. Removal of Ceilings and Components. If ACM debris is discovered on the ceiling, can we stop all demolition and prep the area as a full containment and remove the ceiling as ACM without a site-specific variance?	The suspended ceiling system must be removed as per this Section at the conclusion of work area preparation (which includes the installation of decontamination system enclosures, critical barriers and isolation barriers, as well as establishment of negative air systems).
221	7. 11 (f) (4)	Barrier/Plasticizing Exemptions. Removal of Ceilings and Components. I have a large project enclosure with in a work area where there is known friable asbestos covered pipes in poor condition above a drop ceiling. Am I correct to say that when the lower portion of the work area (ceiling down) is fully plasticized per 56-7.11 and the ceilings are removed and disposed of per 56-7.11 (4), critical barriers per 56-7.11a are only plasticizing needed above the ceiling to be completed before commencement of phase IIB abatement can begin?	Yes, you are correct. In your situation, as the surfaces above the suspended ceiling are potentially contaminated they will be cleaned as part of the abatement project. Thus the potentially contaminated above ceiling surfaces do not require plasticization as they would be considered abatement surfaces as per section 56-7.11(e).

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
222	8. 1 (b) (2)	Daily Air Sampling. Work Stoppage Criteria During Phase IIB Abatement Procedures. What happens if negative air exhaust tubes are banked together and an exhaust air sample result is found to be elevated?	If several machines have exhausts which are banked together and exhausted at the same location, the following is to occur if an elevated exhaust reading is obtained: Sufficient backup units must be available to maintain the minimum required air changes per hour, during any required shutdown of a bank of units due to an elevated air sample result. If an elevated exhaust air sample result is obtained, each unit within the bank of units must be shutdown, the unit and filters inspected, repaired/changed out as necessary, and then the unit put back into service. Each of the affected negative air units must be sampled independently for at least one day to ascertain if problems still exist. Upon receipt of additional elevated air sample results, the affected unit(s) must be taken out of service and removed from the work area for appropriate repair.
223	8. 1 (b) (2)	Daily Air Sampling. Work Stoppage Criteria During Phase IIB Abatement Procedures. Are there to be any air samples at less then 0.01 f/cc necessary in order for work to resume?	No air samples required before resumption of work, However, inspection/repair of barriers and negative air systems required, cleanup of affected areas, and work methods to be altered accordingly.
224	8. 1 (c)	Exemption from Daily Air Sampling (also Section 56-11.6). "Daily air sampling is not required on.....with abatement of non-friable ACM roofing, siding... or other NOB ACM's." 1. The use of the word non-friable in this sentence is misleading. Do you mean non-friable as defined or NOB as defined? 2. Who will designate the friability of a material before the work commences? Certain caulks and siding that are weathered are certainly friable by definition. 3. Also, who will enforce the rule that when a material is rendered friable, air sampling will be required? Transite siding and roofing and window glazes and caulks never maintain their integrity during removals.	Non-friable is meant to indicate friability condition at time of abatement. To use Section 56-11.6, ACM must not be rendered friable during abatement. If ACM will be rendered friable, then site-specific variance is required. Intact removals should be completed whenever possible. Department Asbestos Control Bureau Inspectors will continue to inspect asbestos projects in New York State.
225	8. 2 (d -f)	Inspection of Barriers, Repairs to Barriers and Enclosures, Testing of Barriers and Enclosures. Please explain daily testing. Obviously I would hope it would not be necessary to inspect barriers on off days. A competent contractor can ensure integrity on off work days. Daily testing means work days and off days or just work days?	Once negative air systems are established and abatement commences, inspection of barriers and negative air systems are required daily, even on days with no work, but testing of the barriers is only necessary on days with work. The supervisor may designate a trained and certified handler employee to perform the required inspection and repairs necessary on days with no work.
226	8. 2 (g) (1)	Loss of Enclosure Integrity. Isolation and Critical barrier Construction. How far from the visible emission, water leak, or loss of integrity to the regulated work area must these actions be performed/provided?	The distance must be far enough to contain any dust or residue that escaped from containment. Visual inspection and (bulk/air) sampling should be completed by the building/structure owner's asbestos contractor (inspection/monitoring firm) to assess the extent of the contamination.
227	8. 2 (g) (5)	Access to and Maintenance of Decontamination Systems and Regulated Abatement Work Area Enclosures. Loss of Enclosure Integrity. Clearance Air Sampling. Is clearance air sampling the only required air sampling?	No, clearance air sampling is required, but large project daily abatement air sampling was also intended to be required. This clarification will be added to the next revision of the code rule.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
228	8. 3 (a) (1) (i)	Regulated Abatement Work Area Entry and Exit Procedures. Entry to the Work Area. Entry/Exit Log. Is there any reason the sign in sheets can't be placed within the "bound" log book? This makes sense as they are an integral document to each work day of an asbestos project.	The entry/exit log must be located within the clean room of the personal decontamination system enclosure, so all personnel can easily utilize the log as per section 56-8.3(a). The asbestos abatement contractor's daily project log is maintained by the supervisor, and he/she will not be located within the clean room during the entire workshift. The supervisor must maintain this bound daily log continually with information as summarized within section 56-7.3, and having the entry/exit log within this document would not allow either document to be utilized as intended.
229	8. 3 (a) (2) (v)	Regulated Abatement Work Area Entry and Exit Procedures. Showering. Should all filters be removed and placed into a container in the shower area? This would prevent contaminated filters entering into the clean area of the personal decontamination enclosure.	Filters are required to be disposed of as asbestos contaminated waste. [see 56-7.5(b)(9)] Yes, used respirator filters must be disposed of as asbestos contaminated waste prior to entry into the clean room. This requirement will be added to the next revision of the code rule.
230	8. 4 (a) (3)	Glovebag Procedures. Seal Testing. How do you add air to the glovebag after the seal test, to allow enough space to remove the material within the glovebag?	Once the seal test is complete and the glovebag adequately sealed, in order for air to get back into the glovebag so that removal can begin, the vacuum hose should **not** be detached. Once the HEPA vacuum is turned off after the smoke test has been performed, the pressure will equalize and air will flow back into the glovebag from the HEPA vacuum. The glovebag should be allowed to equalize, prior to any ACM disturbance within the glovebag.
231	8. 4 (a) (3)	Glovebag Procedures. Seal Testing. It remains virtually impossible given air flow currents in the work areas, whether in a tent or not, to get an accurate negative pressure smoke test. One must take in consideration that it is next to impossible to see through the smoke to detect smoke moving towards the bag or into the bag. The smoke test inside the bag remains the most effective method to date.	The negative pressure smoke testing procedure detailed within this section of the code rule is preferred to positive pressure smoke testing procedures. Positive pressure smoke testing procedures may release asbestos fibers into the air if the test indicates leaks in the glovebag installation. Without a negative pressure enclosure surrounding the glovebag, airborne fibers released during the positive pressure smoke testing procedure would be uncontrolled and could potentially impact occupants as well as the general public in the neighboring vicinity of the glovebag abatement operation.
232	8. 4 (a) (8)	Glovebag Procedures. Tool Segregation. The tools should be removed from the glove bag **prior** to collapsing the bag. The reason for this is that with the glovebag collapsed, the worker will not be able to pull the glove or the tool pouch out of the collapsed glovebag. This can be accomplished by grasping the tools in one or both of the gloves and pulling the gloves inside out from the bag. Once this is accomplished, the glove(s) holding the tools can be twisted, taped and cut in the middle of the tape, ensuring the tools are still containerized within the glove. That glove can then be inserted into the next glove bag or placed under water for access to the tool. The glovebag can then be collapsed using the HEPA vacuum. In addition, the tool pouch does not easily detach from the glovebag. Most manufacturers of glovebags require the tool segregation be done by the glove removal method.	The Department agrees with the modified procedure that you have included. The procedure required within this section will be modified within the next revision of the code rule.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
233	8. 4 (b)	Dry Removal or Dry Disturbance. This Section prohibits dry removal of asbestos. Our firm has a variance with EPA that allows dry removal. Can an amendment to this Section be added to allow our firm to continue its practice of dry removal without requiring our firm to apply for a NYS DOL variance every time dry removal occurs?	No, blanket relief for dry removal of ACM can not be granted. The use of wet methods is one of the primary controls to reduce airborne fiber concentrations during ACM disturbance. However, a site-specific variance petition may be submitted with appropriate EPA approvals for limited dry removal situations. The Department may concur with the EPA approval, or may add conditions dependent upon the specific conditions of the asbestos project at the site.
234	8. 4 (d)	Asbestos Abatement. This Section requires that only one type of asbestos containing material shall be abated at a time. This seems vague and could lead to problems. There is no definition that adequately explains asbestos material for this Section. Would insulation on a steam pipe be different material than that on a domestic water pipe or chilled water pipe? Are thermal system insulation types considered one asbestos material type? Section 56-8.6 requires that simultaneous abatement of different materials shall not be done.	For sequential ACM abatement, first all friable ACM is to be abated in a top-down fashion, starting at the top of the area/space and ending at the floor. Once all friable ACM is abated, a gross cleaning of all surfaces is to occur. Next, the non-friable ACM is to be abated in a top-down fashion, except for the flooring materials. Once all the non-friable ACM is abated, a gross cleaning of all surfaces is to occur. Finally, the non-friable flooring materials are to be abated, followed by another gross cleaning of all surfaces. After all ACM has been abated, final cleaning shall occur as per the requirements of Section 8.6(b)(2)(v). See Section 8.6(b)(2) and the guidance information for that Section for further clarification.
235	8. 4 (d)	Asbestos Abatement. Shouldn't friable fireproofing and mechanical insulation be removed at the same time? Shouldn't removal of all Class I materials should be allowed within an enclosure at the same time without taking finals in between removals? (i.e. pipe covering and fire proofing in a boiler room) I'm sure there are dozens of other examples.	See Section 56-7.11(f)(4) for removal of non-ACM ceilings to access ACM above the non-ACM ceiling. If the ceiling is also ACM, then it should be removed within containment, to access the ACM fireproofing, as part of the sequential abatement detailed within Section 8.6(b)(2) For sequential ACM abatement, first all friable ACM is to be abated in a top-down fashion, starting at the top of the area/space and ending at the floor. Once all friable ACM is abated, a gross cleaning of all surfaces is to occur. Next, the non-friable ACM is to be abated in a top-down fashion, except for the flooring materials. Once all the non-friable ACM is abated, a gross cleaning of all surfaces is to occur. Finally, the non-friable flooring materials are to be abated, followed by another gross cleaning of all surfaces. After all ACM has been abated, final cleaning shall occur as per the requirements of Section 8.6(b)(2)(v). See Section 8.6(b)(2) and the guidance information for that Section for further clarification.
236	8. 4 (g)	Exterior Chutes. Can only "bagged" or "containerized" asbestos waste be lowered or conveyed utilizing an exterior chute.	The removed material may or may not be bagged/containerized prior to being transferred to the waste dumpster/container via exterior chute. (i.e. Category I Non-friable ACM roofing material waste). All ACM removed within a negative pressure containment enclosure must be bagged/containerized prior to being transferred from the containment.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
237	8. 5	Waste Clean-Up Procedures. Buried Transite Pipe - The work practices proposed by the Town's consultant included crushing the transite pipe and leaving it in the trench. The consultant for the Town, has stated in a letter that the method of crushing the transite pipe in place and leaving it in the trench is "…acceptable to the New York State Department of Environmental Conservation, which has jurisdiction over this activity." We seek clarification regarding whether NYSDOL or NYSDEC has jurisdiction over crushing the transite pipe in place and leaving it in the trench.	The transite pipe is not allowed to be crushed and left in the excavation. EPA NESHAP regulation (40 CFR Part 61) has jurisdiction over the handling, transport, and disposal of all generated Regulated Asbestos Containing Material (RACM). Intact transite is considered a Category II non-friable ACM as per EPA NESHAP regulation. If the intact transite were to be crushed and buried at the site, the resulting transite debris would be considered RACM by definition, as it has become *"Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations"*. In New York State, in addition to NYS DEC regulating the transport and disposal of ACM, the NYS DOL ICR 56 regulation has jurisdiction over the handling of ACM. Any variance granted for proposed alternatives would include a requirement that, all transite removed must be removed from the trench/excavation, appropriately containerized and disposed of by legal method.
238	8. 5	Waste Clean-Up Procedures. According to this section I am required to containerize all waste in the frequency described in the Part. However no where does it say I must transfer all waste to the container or waste decontamination unit by any frequency. It says "Cleanup of all remaining waste generated shall be performed at least once prior to close of each workshift." According to section 8.9 waste out is to occur "when no gross removal is taking place." Therefore it would seem that I may store single bagged ACM in the work area until removal is complete. Please advise.	You are partially correct. At no time can the single-bagged waste that is temporarily stored in the regulated abatement work area impede entry/exit to or from the work area. For example, a room within the work area (not part of the egress route from the work area) may be designated as a temporary storage area for single-bagged waste, until a waste bagout can be scheduled, but a hallway that is part of the egress route in the work area, could not be used for temporary storage of waste bags as the work area egress route would be impeded. Obviously, all waste bags/containers must be removed from the work area prior to commencement of the project monitor visual inspection required as per ICR 56-9.
239	8. 6 (a)	Multiple Abatement within a Single Regulated Abatement Work Area. Simultaneous Abatement. This Section allows removal of only one type of asbestos at a time. Our firm often removes friable CTW and arc-proof tape in the same manhole. Is serial removal of these types of asbestos required?	Section 56-17.2(b) of the previous code required that clearance air monitoring be completed for each homogenous work area (which is one type of abatement for one type of asbestos material). Previously, if multiple types of asbestos materials were to be abated within the same work area, with only one set of clearance air samples collected at the conclusion, a site-specific variance was required. Section 56-8.6(b) of the current amended Code Rule includes requirements similar to those previously granted within site-specific variances for multiple ACM removals in the same work area. Section 56-8.6(b) indicates that for sequential ACM abatement, first all friable ACM is to be abated in a top-down fashion, starting at the top of the area/space and ending at the floor. Once all friable ACM is abated, a gross cleaning of all surfaces is to occur. Next, the non-friable ACM is to be abated in a top-down fashion, except for the flooring materials. Once all the non-friable ACM is abated, a gross cleaning of all surfaces is to occur. Finally, the non-friable flooring materials are to be abated, followed by another gross cleaning of all surfaces. After all ACM has been abated, final cleaning shall occur as per the requirements of Section 8.6(b)(2)(v). See Section 8.6(b)(2) and the guidance information for that Section for further clarification.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
240	8. 6 (b) (2)	Multiple Abatement within a Single Regulated Abatement Work Area. Sequential Abatement. This Section involving sequential removal, states that "relief from plasticizing is for the surfaces to be abated only at the time of that specific material abatement". Must others surfaces (which will be abated in next sequences within the same regulated area) be plasticized?	See second sentence of Section 56-8.6(b)(2)(ii)(b), which indicates "If other areas/surfaces were abated, no new plasticization shall be required." The intent of this Section is to require plasticization of non-abatement surfaces. For example, if the ceiling and wall surfaces were scheduled for abatement, then plasticizing of these surfaces would not be required. See Section 56-7.11(e) for plasticizing removal surfaces exemption. However, the containment enclosure must remain sealed; critical barriers must be installed as per Section 56-7.11(a) and maintained at all openings and penetrations to the work area. If the floor is also scheduled for abatement and is not plasticized, it must remain sealed watertight to prevent wastewater migration from the containment enclosure. In addition, the use of plastic sheeting dropclothes would aid the abatement contractor in controlling the cleanup of generated waste and wastewater, but is not required unless the floor removal occurred first [i.e. abrasive removals as per 56-8.6(b)(2)(ii)(c)].
241	8. 6 (b) (2) ii	Multiple Abatement within a Single Regulated Abatement Work Area. Sequential Abatement. How can friable ACM fireproofing be removed from a ceiling deck prior to removing the non-friable ACM ceiling tile below the fireproofing?	If the ceiling is also ACM, then it should be removed within containment, to access the ACM fireproofing, as part of the sequential abatement detailed within Section 8.6(b)(2). If a non-friable ACM ceiling, wall or floor must be removed to provide access to a friable ACM, then it may be removed as part of the friable ACM removals to provide adequate access. Section 56-8.6(b) indicates that for sequential ACM abatement, first all friable ACM is to be abated in a top-down fashion, starting at the top of the area/space and ending at the floor. Once all friable ACM is abated, a gross cleaning of all surfaces is to occur. Next, the non-friable ACM is to be abated in a top-down fashion, except for the flooring materials. Once all the non-friable ACM is abated, a gross cleaning of all surfaces is to occur. Finally, the non-friable flooring materials are to be abated, followed by another gross cleaning of all surfaces. After all ACM has been abated, final cleaning shall occur as per the requirements of Section 8.6(b)(2)(v).
242	8. 6 (b) (2) ii	Multiple Abatement within a Single Regulated Abatement Work Area. Sequential Abatement. If mastic is abated using abrasive methods either first or last in sequential abatement, does the required number of air changes increase to 6 per hour?	If floor tile and mastic are removed sequentially and mastic is removed with abrasive methods as per the requirements of 56-8.6, currently no requirement for additional air changes per hour is included within the code rule for this specific situation. This inconsistency will be addressed within the next revision to the code rule. The Department's intent was to require increased air changes of 6 per hour for abrasive removals.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
243	8. 6 (b) (2) (v)	Multiple Abatement within a Single Regulated Abatement Work Area. Sequential Abatement. Final Required Cleaning, which sets forth the specific cleaning requirements at the end of the job appears to refer to Subpart 56-9 as providing the cleaning standard, but is not consistent with 56-9 in that one requires a "single" clean while the other provides a "triple" clean. Does DOL intend that only the visual inspection requirements of Subpart 56-9 are to be referred to, or the entire cleaning requirements of that Subpart?	Section 56-8.6(b) indicates that for sequential ACM abatement, first all friable ACM is to be abated in a top-down fashion, starting at the top of the area/space and ending at the floor. Once all friable ACM is abated, a gross cleaning of all surfaces is to occur. Next, the non-friable ACM is to be abated in a top-down fashion, except for the flooring materials. Once all the non-friable ACM is abated, a gross cleaning of all surfaces is to occur. Finally, the non-friable flooring materials are to be abated, followed by another gross cleaning of all surfaces. After all ACM has been abated, final cleaning shall occur as per the requirements of Section 8.6(b)(2)(v). If one of the sequential steps is not necessary due to extent of impacted materials, then the cleaning sequence must be altered accordingly. For example, friable ACM is to be removed, along with non-friable flooring. Two layers of plastic sheeting are installed on the wall and ceiling non-removal surfaces. After the friable removals are complete a gross cleaning of all surfaces in the work area is completed, as per 56-8.6(b)(2)(iv). Next, the non-friable flooring is removed and another gross cleaning is to be completed. After the gross cleaning is complete, final cleaning shall commence as per Section 56-8.6(b)(2)(v) and 56-9.1(d). Section 56-9.1(d) requires that all layers of plastic sheeting must be removed prior to final cleaning of all surfaces and objects in the work area. Once the final cleaning is complete and the appropriate waiting/settling or drying time has elapsed, the project monitor visual inspection is to occur as indicated in Section 56-8.6(b)(2)(v) and 56-9.1(d). Clearance air sampling may commence upon completion of the satisfactory project monitor visual inspection as per Section 56-8.6(b)(2)(vi) and 9.2(d). Here's another example, multiple friable ACMs are to be abated, but no non-friable ACM is to be abated. There are multiple ACMs but only one type (friable) ACM abatement. Two layers of plastic sheeting are installed on the floor, wall and ceiling non-removal surfaces. After all the friable removals are complete as per Section 56-8.6(b)(2)(ii),a gross cleaning of all surfaces in the work area is completed, as per 56-8.6(b)(2)(iv) and 56-9.1(b). As there are no non-friable ACM removals, and only one type (friable) abatement, cleaning shall continue as per 56-9.1(c, d). Once the final cleaning is complete and the appropriate waiting/settling or drying time has elapsed, the project monitor visual inspection is to occur as indicated in Section 56-8.6(b)(2)(v) and 56-9.1(d). Clearance air sampling may commence upon completion of the satisfactory project monitor visual inspection as per Section 56-8.6(b)(2)(vi) and 9.2(d).
244	8. 7	Encapsulation Procedures. Flame spread rating, fireproofing, smoke characteristics. Follow manufacturers guidelines?	If an encapsulant is used on a fire-rated component or assembly, it must not change the fire-rating of the component or assembly. See Section 1.6 as it relates to the applicability of other codes including "The New York State Uniform Fire Protection and Building Code".

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
245	8. 7 (a)	Encapsulation Procedures. Regulated Abatement Work Area Preparation. Can we wet wrap pipe insulation with out a Negative pressure enclosure? If not how about within a single layer tent?	A negative pressure enclosure is required as per this section for encapsulation procedures. Tents are allowed for the work areas as described in ICR 56-7.11(f)(1)(i). Tent construction requirements are detailed in ICR 56-7.11(f)(1)(ii). As no gross removal of friable insulation is planned, single layer tent enclosures would be acceptable.
246	8. 9 (c)	Washroom Procedures. The contractor is putting asbestos waste into a clear poly bag with no markings. Then they are moving the bags into the waste decon and placing them into a poly lined cardboard box (Gaylord box). The box is then sealed with a cardboard lid with a layer of poly on the exterior and duct tape. The box is then labeled with the appropriate labels and then removed to the appropriate waste dumpsters. Does this method conform to the code rule or would it require a variance? The material that is in the bags is friable.	This waste transfer option is OK as per ICR 56, provided the sealed waste container is appropriately labeled prior to transfer from the decon to the waste transport vehicle.
247	8. 9 (c) (2)	Washroom Procedures. Additional Containerizing. When fiber drums are used to containerize asbestos materials, how many six (6)-mil bags must it be lined with? Does a six (6)-mil bag have to go over the outside of the drum as it passes thru the waste decontamination chamber?	Non-porous drums are only required to be washed and dried. Porous drums require another layer to be applied to the outside of the drums during the waste bag/container decontamination procedure.
248	8. 9 (d)	Equipment and Waste Container Decontamination and Removal Procedures. Removal to Holding Area, Lockable Trailer or Lockable Hardtop Dumpster. Shouldn't the PPE requirement be deleted for workers transferring waste containers outside of the decon and work area?	Yes, this clarification will be included within the next revision to ICR 56

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
249	8. 9 (g)	Trailer and Dumpsters. Poly on top or wrapped? Lining removed as ACM? Where/how is trailer decontaminated? Waste haulers certified as Handlers? Supervisor on-site? Licensed contractor?	Code Rule 56 does not regulate waste transport or disposal. This Section indicates that the trailer/dumpster shall be lined (which means all interior surfaces lined) with 2 layers of plastic sheeting, and the trailer/dumpster shall be sealed when it leaves site. Regarding the removal of the plastic sheeting lining…that could occur at the landfill, as well as the decontamination of the trailer, but again waste transport and disposal are not regulated by Code Rule 56. All pertinent federal, state and local regulations that apply to landfill activities must be followed for operations occurring at the landfill. If the hauler wants to clean/decontaminate the trailer/dumpster himself/herself, then the firm should be licensed as an asbestos contractor and the workers performing the cleaning should be appropriately trained and certified as asbestos handlers, and the cleaning/decontamination would be in accordance with Code Rule 56 as an asbestos project.
250	8. 9 (g)	Trailer and Dumpsters. It is our understanding that a dumpster with holes in the sides of it is illegal for transporting or storing asbestos roofing materials due to the high probability that the rusted edges can cut through the plastic and release the materials inside. Is this correct?	ICR 56 does not have jurisdiction for transport and disposal of the ACM waste. DOT, DEC and EPA NESHAP would have jurisdiction once the waste container leaves the site. However, if ACM waste leaks or spills from the container during transport, the necessary cleanup would be under the jurisdiction of ICR 56. While the waste is temporarily stored on-site, the waste container must be secure (no uncertified individuals are allowed access to the waste) and the container must also be suitable for containing the generated ACM waste (Leakage or spillage of the waste from the container while temporarily stored on-site is prohibited). Unsealed holes within the waste dumpster or trailer are not acceptable during waste container storage at the site.
251	8. 9 (g)	Trailer and Dumpsters. This section specifies that waste transport trailers and dumpsters shall be hard topped, lockable and lined with poly. There are many occasions where the RACM pieces are odd sized and cannot be safely placed into a confined space trailer. DOT and NYSDEC do not require hard top lockable trailers during transport provided the RACM is packaged per NESHAPS (i.e. double wrapped and wetted) and marked labeled per DOT. Often wrapped, odd size RACM objects are placed directly into an open top rolloff and then covered with a tarp. Also we have encountered situations where RACM is also hazardous waste and there are not any haz waste haulers in WNY that have hard topped rolloffs or dump trailers. Please provide guidance on the intent of this section and what is necessary for rolloffs used for RACM not only in bags but wrapped odd shapes as well. Is it the abatement contractors responsibility to have lockable hard top while the rolloff is at the project site ? Poly and plywood ok for that?	The intent of this Section is to indicate that while used for temporary storage of RACM waste on-site, each trailer/dumpster must be secure (with hardtop), located in a secure on-site restricted area, and no visible emissions (air or water) are allowed to occur during the transfer of waste bags/containers, or while temporarily stored on-site. The Department does realize that there will be situations where open top trailers/dumpsters may have to be used for transport of RACM waste (e.g. wrapped large components). For these situations, the open-top trailer/dumpster is to be located in a secure restricted area for the transfer of wrapped RACM waste and temporary storage on-site. However, once utilized for temporary storage of waste on-site, the trailer/dumpster must be secured with a temporary hardtop (e.g. plywood, osb) at the end of the workshift, and the hardtop must remain secure until the start of the next workshift, or until transport from the site, whichever occurs first. If the temporary hardtop is not feasible, then an appropriate site-specific variance would be necessary. As indicated within 56-8.9(g), "Prior to transport from the work site, all waste trailers and dumpsters shall be sealed to ensure air, dust and watertight integrity, utilizing six (6) mil plastic, duct tape and expandable foam sealant as necessary." The intent of this sentence is to indicate during the transport of waste bags/containers, as per EPA NESHAP no visible emissions (air or water) are allowed to occur from the waste trailer/dumpster, thus the waste trailer/dumpster must be sealed accordingly prior to transport.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
252	9.	Final Cleaning and Clearance Procedures. This subpart deals with final cleaning and clearance procedures, but doesn't show any forms or what to do when the project is over. I know the monitor clears it after visual and air monitor final testing and he hands a log book over to the owner, but what do we do to show DOL that it is accomplished and over?	The documented satisfactory visual clearance inspection as per Section 56-9.1(d) or 9.2(e)(1), along with written satisfactory clearance air results as per Section 56-9.2(f), together for each regulated abatement work area, are the documents that you need to establish that appropriate clearance has been achieved for each specific work area.
253	9. 1	Final Cleaning Procedures. There is no mention of visual inspections before sheeting removal. Is a visual inspection only required for the 3rd or final cleaning?	The asbestos abatement contractor supervisor is responsible for all visual inspections throughout the abatement and cleaning process. The project monitor is only required for the final visual inspection as per Section 56-9.1(d), prior to commencement of clearance air monitoring.
254	9. 1 (b)	Final Cleaning Procedures. First Cleaning, Lockdown Encapsulation and Top Layer Removal. Will the use of removal encapsulant for surfactant be allowed on ACM removal surfaces?	No, removal surfaces are not to be encapsulated. If a removal encapsulant is used during gross removal, "locked-down" residue may remain on the removal surface. This is not acceptable.
255	9. 1 (b)	Final Cleaning Procedures. First Cleaning, Lockdown Encapsulation and Top Layer Removal. Is a wet purpose shop vacuum that is not HEPA-exhausted allowed for collection of wastewater generated in a containment enclosure, as HEPA filters will clog quickly with wastewater?	Yes, a wet purpose shop vacuum to be used for wastewater collection is not required to be HEPA-filtered, provided the collection of wastewater occurs within a negative-pressurized containment enclosure work area.
256	9. 1 (d)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. What is meant by the term "completely independent"?	Completely independent means each party is separate from the other. A more thorough meaning is: neither party shall have a common officer, director, or employee, nor, in the case of partnerships, shall they have any common partner, nor, in the case of corporations, shall any of the five largest shareholders in each such corporation be the same person or persons, nor, for any person, business or entity shall either be the “successor,” and/or “substantially owned-affiliated entity” of the other.
257	9. 1 (d)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. The Code Rule requires that a project monitor do the final clearance inspection but the Code does not require that a project monitor be on site for the project. Why allow an air technician to do the entire project and then require an individual who does not know the work area to do the visual inspection at the end?	The property owner may utilize the same licensed asbestos contractor firm for the asbestos survey, project design, air monitoring, laboratory analyses, and project monitoring required for the asbestos project. The conflict arises with oversight of the asbestos abatement contractor's work. The project monitoring firm and air monitoring firms/laboratories must be independent of the asbestos abatement contractor. The Department recommends that the property owner hire the same independent firm for both air sampling and project monitoring duties, as the air sampling firm will already be familiar with the scope of the asbestos project at the time of the required project monitor visual inspection. Also, the independent firm may use the same dually certified individual for both the air sampling and project monitoring tasks on the asbestos project.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
258	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. Can the company that hired the abatement contractor conduct the project monitoring without performing the air sampling, provided that the project monitor is certified in accordance with ICR 56-3.2(d)(8)?	The consultant can not perform project monitoring for the asbestos project if the consulting firm hired the abatement contractor. Also, if a consulting firm (as a representative of the building owner) contracts the abatement contractor to complete the asbestos project, that consultant can not perform the area air sampling for the asbestos project either. [see 56-4.3 & 56-4.4]
259	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. Can you provide an example of sample wording for the project monitor to use for the required certification in the supervisor's daily project log?	Sample wording for the project monitor satisfactory visual inspection certification follows: "In accordance with ICR 56-9.1(d) and ASTM E1368, the Project Monitor hereby certifies that he/she has visually inspected the work area (all surfaces including pipes, beams, ledges, walls, ceiling and floor, decontamination unit, sheet plastic, etc.) accompanied by the asbestos abatement contractor's supervisor, and has observed the scope of the abatement as per the provided contract documents, to be complete and no visible dust, debris, or residue is apparent on any surface within the work area."
260	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. The asbestos abatement contractor and property owner, prior to the scheduling of the required visual inspection, shall provide a complete abatement scope of work for the asbestos project to the project monitor. The word "and" indicates that the scope of work is required by both the abatement contractor and the property owner. Is that correct? Some contractors believe that a verbal communication of the scope of work is sufficient. Does the scope of work have to be in writing? If so, does the written scope of work have to be written and approved by a certified project designer? We also request a copy of the survey report. Is a copy of the survey report required by the state to be provided to the project monitor for a final visual inspection?	The scope of work must be provided to the project monitor prior to the visual inspection. The abatement contractor and the building owner are responsible to provide this information. The building owner and abatement contractor must determine which one will provide the required information (If one party doesn't do it, the responsibility falls to the other party). A verbal scope of work is allowed. The building owner may hire an asbestos contractor for an asbestos project without a written scope of work (e.g. verbal communication that all floor tile and mastic is to be removed as ACM from a specific room). The abatement contractor and building owner would be responsible to provide the verbal scope of work to the Project Monitor. If the project monitor receives a verbal scope of work, he/she should document the verbal communication. This documentation could be included along with the results of the project monitor visual inspection in the contractor's daily log. It should be noted that if bidding documents were created with a written scope of work, this written scope of work must be provided to the project monitor. If a written scope of work is created for the project, it must be completed by a trained and certified project designer. As per ICR 56-5.1(g)(3), the completed survey must be on-site and made available, for the duration of the asbestos project and any associated demolition, renovation, remodeling or repair project.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
261	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. Does the visual inspection that is called for by this section happen after the 12 hour wait, or can it occur directly after the 3rd cleaning?	As indicated by this section the project monitor visual inspection can not be completed until after the appropriate settling/waiting period has elapsed. One portion of the project monitor visual inspection is to confirm that no visible pools of liquid or condensation remain. Common sense dictates that this can only happen after the appropriate waiting/settling period has elapsed to allow for the drying of any remaining amended water to occur.
262	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. For a minor size work area, is a project monitor visual inspection required, or is the supervisor inspection sufficient?	Minor size work areas completed as per Section 56.11.3, are required to have visual inspection completed by the supervisor as per 56-11.3(e)(8). This exception to the required project monitor visual inspection is only included within section 56-11.3. However, this exception was also intended for other minor size work areas that may not be completed as per Section 56-11.3 (e.g. minor size work area completed as per 56-11.4, 56-11.6 or 56-11.8). This inconsistency will be addressed within the next revision to the code rule.
263	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. Will NYS DOL support the project monitor's final inspection report as it stands? Or, will there be consequences to the project monitor and monitoring company if after the fact debris is discovered in the subject area? An agreeable consideration consists of a final visual inspection that will include the presence of the project monitor, the asbestos abatement contractor supervisor, and the owner of the building.	The project monitor must be accompanied by the asbestos abatement contractor supervisor on the visual inspection. The supervisor must complete his own satisfactory visual inspection prior to the project monitor commencing with the visual inspection required as per Section 56-9.1(d). Obviously, any debris that may be hidden behind critical barriers will not be observed by the project monitor during his/her inspection. The DOL local district inspectors have been informed of this possibility.
264	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. What parts of ASTM E1368 apply to the project monitor visual inspection?	All portions of ASTM E1368 that pertain to visual inspections for completeness of abatement and completeness of cleanup apply, as well as all pertinent terminology.
265	9. 1 (d) (1)	Final Cleaning Procedures. Third or Final Cleaning and Visual Inspection. Project Monitor Visual Inspection. Why wouldn't the project monitor visual inspection be performed prior to the waiting/settling period?	As part of the project monitor visual inspection, no visible pools of liquid or condensation shall remain. Thus the inspection must be completed after the waiting/settling/drying period.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
266	9. 1 (e)	Final Cleaning Procedures. Exemption from Multiple Cleaning and Sheeting Removal. Is lockdown encapsulant use still required if there is only one cleaning required? If you only have one cleaning because there is no poly, then essentially this would be your final clean and you shouldn't have to use lock-down encapsulant in the final clean, only the first clean.	If you have only one clean required as per 9.1(e), the one clean is the final cleaning and no lockdown encapsulant is required to be utilized.
267	9. 1 (e)	Final Cleaning Procedures. Exemption from Multiple Cleaning and Sheeting Removal. Please clarify waiting periods for gross removal (without glovebag) of small quantities of friable TSI within a Tent Enclosure.	One cleaning is required for a tent enclosure (both single layer and double layer), then a waiting period (12 hours), then a satisfactory visual inspection and clearance air sampling.
268	9. 1 (e) (1)	Final Cleaning Procedures. Exemption from Multiple Cleaning and Sheeting Removal. Project Monitor Visual Inspection. Can the company that hired the abatement contractor conduct the project monitoring without performing the air sampling, provided that the project monitor is certified in accordance with ICR 56-3.2(d)(8)?	The consultant can not perform project monitoring for the asbestos project if the consulting firm hired the abatement contractor. Also, if a consulting firm (as a representative of the building owner) contracts the abatement contractor to complete the asbestos project, that consultant can not perform the area air sampling for the asbestos project either. [see 56-4.3 & 56-4.4]
269	9. 1 (h)	Final Cleaning Procedures. Decontamination of Tools & Equipment. Can tools & equipment be left in the regulated work area up to the "commencement of clearance air monitoring"?	Some tools and equipment would be necessary for the final cleaning and visual inspection, but after the cleaning and satisfactory visual inspection is complete, all unnecessary tools and equipment should be removed from the regulated abatement work area and decontaminated.
270	9. 2 (b) (2)	Daily Air Sampling. Work Stoppage Criteria During Phase IIC Abatement Procedures. Are there to be any air samples at less then 0.01 f/cc necessary in order for work to resume?	No air samples required before resumption of work, However, inspection/repair of barriers and negative air systems required, cleanup of affected areas, and work methods to be altered accordingly.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
271	9. 2 (d)	Clearance Air Sampling. Under the 1994 amended Code Rule 56, negative air pressure equipment was to be operated at a maximum of two (2) air changes per hour during Clearance air sampling. This requirement appears to have been eliminated under the current (2006) version of Code Rule 56. Could you also please verify whether or not this is correct?	Regarding eliminating the requirement for reducing air changes to two per hour during clearance air sampling, you are correct. This requirement has been eliminated, as federal OSHA regulations stipulate a minimum of four air changes per hour throughout the asbestos abatement project.
272	9. 2 (d) (1)	Clearance Air Sampling. Aggressive Sampling Techniques. Some time shortly after the 1994 revisions, I spoke with someone at the Department regarding the proper procedures to be utilized for collecting clearance air samples. The specific concern at the time was that the utilization of aggressive air sampling techniques, on projects completed without the presence of a negative pressure enclosure, could potentially/likely result in the spreading of asbestos fibers into areas outside of the regulated work area (which in many cases were occupied by individuals not involved with the abatement project). This resulted in significant concerns associated with the potential contamination of previously uncontaminated areas, the possible exposure of building occupants not associated with the abatement project to elevated airborne fiber concentrations, and possible liability issues for the air monitoring firm should either of these circumstances occur. As a result of my inquiry, I was advised at the time that the use of aggressive air sampling techniques would only be prudent and required when abatement efforts were completed within a negative pressure enclosure (full containment or tent enclosure). On projects where a negative pressure containment was not utilized, I was advised that the work area should be free of visible asbestos/debris, no visible pools of liquid or condensation should remain, and clearance air samples should be collected in the same manner as Background air samples to allow for comparison of the Clearance air sample and Background air sample fiber concentrations.	For regulated abatement work areas that are not required to have a negative pressure containment enclosure of some kind, aggressive methods should not be required to be utilized. For example, all negative pressure tent enclosures would be subject to aggressive methods, as well as any room, area, or space subject to negative pressure ventilation requirements during abatement [see ICR 56-7.8 for negative pressure ventilation requirements and exemptions]. However, nothing is included in ICR 56 regarding relief from aggressive air sampling procedures for interior asbestos projects completed without a negative pressure enclosure, such as wrap and cut asbestos projects completed as per 56-11.8(b)(4). For these type of asbestos projects, Clearance air sampling is required, but as there is no negative pressure enclosure, the Department agrees that consistent with intent, relief should be granted from the aggressive clearance air sampling techniques requirement for this situation. The next revision to the code rule will require daily abatement air sampling both inside and outside of the work area and allow the use the last(most recent) set of daily abatement air samples for comparison to clearance criteria. These satisfactory air sample results in combination with a satisfactory project monitor visual inspection would serve as acceptable clearance for the work area. No revision will be included for in-plant projects, just clarification that negative air ventilation is required in all work areas during aggressive clearance air sampling. This clarification will be included within the next revision to ICR 56.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
273	9. 2 (d) (4)	Clearance Air Sampling. Number And Location Of Samples – Minor Asbestos Projects & Minor Size Regulated Abatement Work Areas. We have a Project with several minor tents in the basement (elbows) and we had planned on performing clearance air samples on each tent (1 in –1out) This was notified as a Large Project and we have several Work Areas (i.e. floor tiles, boiler). We have been told that it is not necessary to perform clearance sampling on these tents unless the glove bag or tent fails or if it is an incidental disturbance asbestos project. The building is not occupied and is slated for demolition. Please let us know how to proceed – Do we run clearance air samples?	As per 56-9.2(d)(4), "For a Minor asbestos project, air samples are not required unless the glove bag or tent fails or if it is an incidental disturbance asbestos project, in which case the following sampling will be required. Also, if a Minor size regulated abatement work area is part of a Small or Large asbestos project, the following sampling will be required per minor size regulated abatement work area. (i) **Clearance Air Sampling.** A minimum of two (2) samples shall be collected. One (1) sample shall be collected inside the regulated abatement work area and one (1) sample shall be collected outside of the regulated abatement work area, within the building or structure, in an uncontaminated area within ten (10) feet of the isolation barriers." Thus, clearance air samples are required for every minor size regulated abatement work area on your large asbestos project.
274	9. 2 (e)	Exemption From Clearance Air Sampling. Why wouldn't the project monitor visual inspection be performed prior to the waiting/settling period?	As part of the project monitor inspection, no visible pools of liquid or condensation shall remain. Thus the inspection must be completed after the waiting/settling/drying period.
275	9. 2 (e)	Air Sampling Requirements. Exemption From Clearance Air Sampling. Are controlled demolition asbestos projects completed as per 56-11.5 subject to clearance air sampling requirements?	The exemption was not intended to be applied to controlled demolition asbestos projects. This clarification will be included within the next revision to ICR 56.
276	9. 2 (g)	Unsatisfactory Clearance Air Sample Results. If you are clearing a work area by PCM and the result is at or above 0.01 f/cc, can you run a set of TEM AHERA clearance samples without re-cleaning (or if you did side-by-sides, analyze the TEMs if the PCMs failed)?	Yes, re-cleaning would be required prior to another set of PCM air samples being collected. TEM air sample analysis is asbestos specific and is generally considered more accurate than PCM air sample analysis to identify airborne asbestos concentrations.
277	9. 3 (b)	Dismantling of Regulated Abatement Work Area. Removal of Tools and Equipment. Aren't all equipment and tools (other than the negative air ventilation system) required to be previously removed as per 56-9.1 (h)?	The negative air ventilation system equipment must still be removed and decontaminated. Also, any tools or equipment used for dismantling the work area preparation must also be decontaminated prior to removal of the decon enclosure.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
278	9. 3 (c)	Dismantling of Regulated Abatement Work Area. Removal of Remaining Barriers. Shouldn't it be the project monitor's responsibility rather than the asbestos abatement contractor's supervisor to perform the final inspection of the regulated abatement work area and to certify that the abatement work is complete and no debris/residue remains?	The asbestos abatement contractor supervisor is responsible for all visual inspections throughout the asbestos project. The project monitor is only required for the final visual inspection (for completeness of abatement and completeness of cleaning) prior to commencement of clearance air monitoring. The property owner may elect to have a full-time project monitor for the asbestos project, and require the project monitor to accompany the supervisor on all required visual inspections, to confirm ICR 56 compliance.
279	10. 4	Removal of Waste from the Site. If a building or property owner accumulates asbestos waste from multiple asbestos projects in a central location within their facilities for subsequent disposal at an approved landfill in accordance with applicable regulations, does the requirement for removal of asbestos waste within 10 days of the completion of Phase II C of an asbestos project apply?	The asbestos abatement contractor may turn over the asbestos project generated asbestos waste bags/containers to the property owner for disposal by appropriate legal method. If this is the case, the asbestos abatement contractor is considered to have complied with Section 56-10.4 once the waste is turned over to the owner.
280	11. 1 (b) (1) (i)	In-Plant Operations. Where Allowed. Can you please comment on what exactly it means to be the employee of an employer. Can it be a subcontracted employee? Does the project need to be notified by the owner?	11.1(b)(1) has two separate and distinct cases where use of In-Plant operations is allowed. The first case (b)(1)(i) allows in-house appropriately trained and certified handlers employed by the licensed asbestos contractor building owner to perform minor and small asbestos projects on friable and non-friable ACM, at non-governmental properties. The second case (b)(1)(ii) allows asbestos contractors (licensed outside asbestos contractors or licensed owner) to abate any quantity NOB ACM, currently in a non-friable state at non-governmental buildings, provided the ACM remains substantially intact and is not rendered friable during abatement. These are the only two cases where in-plant operations are allowed. Also, as per 56-11.1(c)(3) "There is no exemption from requirements for project notification or from notice to residents or occupants as per this Part." If the building owner is the licensed asbestos contractor performing the asbestos project, he/she is still required to follow all ICR 56 notification requirements
281	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. We have a problem with NOB determination…some labs that we deal with do not report NOB determination of the bulk sample on the bulk sample laboratory report. How do we deal with this problem?	If the laboratory is not in compliance with NYS DOH ELAP NOB determination/analysis/reporting procedures, please inform both the laboratory as well as NYS DOH of the deficiencies.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
282	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. This is the only location in the code rule where the NOB designation and who can make it is documented. This designation requirement should be described in the Definitions section.	You are correct. This information will be added to the text of the NOB definition within the next revision of the code rule.
283	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. Can a ACM NOB flooring mastic be removed using in-plant, by an outside contractor? Why can't chemical solvents be used for mastic removal as part of In-Plant Operations?	Yes, provided the mastic is removed substantially intact and not rendered friable during removal. Any use of chemical solvent for mastic removal breaks down the matrix of the mastic, disintegrates the integrity of the application, and renders the material no longer substantially intact, and thus can't be used as a removal method for in-plant operations. The Department intends for all chemical mastic removal operations to be completed within a negative pressure containment enclosure as per the requirements of 56-11.7 at a minimum.
284	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. My question involves In-plant non-friable exterior project removals where the licensed asbestos contractor would be following OSHA guidelines for setup. According to the new code there is an exemption from daily air monitoring as well as clearance air monitoring. The only monitoring that would have to be preformed is a visual inspection by a certified project monitor or Industrial Hygienist. Are these above statements correct?	Yes, provided the non-friable organically bound ACM remains substantially intact in a non-friable state, and is not rendered friable by grinding, abrading, pulverizing, etc., the asbestos project is exempt from daily abatement air sampling and clearance air sampling [see 56-8.1(b) & 56-9.2(c-e)]. However, a satisfactory project monitor visual inspection must be completed as per 9.2(e) to confirm that the scope of abatement and cleanings are complete, and no visible debris/residue or pools of liquid remain.
285	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. Under In-Plant operations for exterior removal of non-friable ACM, is it correct that you are only required to run background (Phase IB) air sampling, unless of coarse provisions within those sections that occur would deem it necessary to run other air monitoring, I.e. rendering material friable or debris falls inside of the building/structure. Why would background samples be required if no other air samples are required?	Yes, for an exterior asbestos project with abatement of non-friable ACM (ACM not to be rendered friable during abatement) to be completed as an in-plant asbestos project, your analysis of air monitoring requirements is almost correct. Work area preparation air samples (Phase IIA) are not required for non-friable ACM as per 56-4.9(b) , abatement air samples (Phase IIB) are not required as per 56-8.1(c), final cleaning air samples are not required as per 56-9.2(c), and clearance air samples are not required as per 9.2(e), but a project monitor visual inspection is required as per 56-9.1(d)(1) & 56-9.2(e). ESU agrees that it doesn't make sense to collect background air samples (Phase IB) for an asbestos project work area, if no Phase II air samples are required for that work area. ESU shall add this clarification to the next revision of ICR 56.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
286	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed There are a few areas of interest within the requirements on non-friable ACM on roofing projects performed under In-Plant Operations. It is my understanding that following exemptions are made. A decon unit is not required, as a decon area will suffice. If historical data is obtained, proving the PEL to be less than .01 f/cc, the use of respirators is not required. Once the use of respirators is eliminated, protective clothing is no longer required.	For an In-plant Operations non-friable ACM asbestos abatement project completed as per ICR 56-11.1, decon installation and usage, respirator selection and usage, engineering controls and provided protective clothing must comply with the requirements of OSHA 29 CFR 1926.1101. If a negative exposure assessment has been generated for the project and used for selection of required work area preparation, engineering controls and provided PPE, it must be on-site and made available to any NYS DOL inspector that visits the site. Without the negative exposure assessment available on-site, a DOL inspector may assume that no exposure assessment has been completed, and the most stringent requirements of OSHA (for that class of work) apply.
287	11. 1 (b) (1) (ii)	In-Plant Operations. Where Allowed. Isn't there a discrepancy between the labor law and ICR 56 regarding using In-Plant Operations for abating transite/cement board products by outside contractors?	Yes, you are correct. There was a discrepancy between Article 30 of State Labor Law and the current Code Rule 56 concerning removal of transite by an outside contractor under an in-plant operation. As you know, Article 30 of Labor Law previously allowed transite (asbestos cement, transite piping, etc) to be removed under an in-plant operation. However, with recent revisions to the labor law, there is no more discrepancy between the labor law and Code Rule 56 The Code Rule does not allow for the removal of transite under an in-plant operation, which permits less stringent engineering control and isolation barrier requirements than typically required by ICR 56. The current code only allows in-plant operation abatement by outside contractors of non-friable organically bound (NOB) ACMs. The revised labor law is consistent with the Code rule on this issue.
288	11. 1 (b -c)	In-Plant Operations. Where Allowed Can a rotating blade roof cutter be used as per OSHA compliance methods for class II roofing work, for ACM NOB roofing material removals on In-plant asbestos projects?	Yes, provided the roof cutter is HEPA-exhausted, wet methods are utilized at the cut location, and a HEPA vacuum is utilized for collection of any residual dust/debris at the cut line following the roof cutter. The remaining ACM NOB roofing is still in a non-friable intact state, but now is separated into manageable pieces.
289	11. 1 (c)	In-Plant Operations. Limitations. What waiting/settling periods are necessary for in-plant asbestos projects?	There is no exemption from ICR 56-4 air sampling requirements. For air sampling requirements during final cleaning Section 4.9(d) refers to Section 56-9 for specific final cleaning requirements. Please see Section 56-9.1(f) for specific waiting/settling and drying time requirements.
290	11. 1 (c)	In-Plant Operations. Limitations. What requirements of ICR 56 and what requirements of OSHA must be followed?	For in-plant operations asbestos projects, decontamination facilities, PPE selection, work area preparation including engineering controls (56-7), handling (56-8), and cleaning (56-9.1) are to be completed as per the requirements of the OSHA construction standard. There is no relief from ICR 56 licensing, certification, notification, recordkeeping, air sampling (including project monitor visual inspection), survey, or air sampling requirements of ICR 56. Please note that the outside contractor is not allowed to render the non-friable ACM friable during removal and containerization, and the non-friable ACM must be removed substantially intact.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
291	11. 2	Emergency Projects. I have a project which involves decontamination of ±2,000 SF of interior building space which has been deemed contaminated. Improper asbestos removal work was performed in basement of building. All floors, walls, ceilings, desks, chairs, etc. will be decontaminated/cleaned in-place. What is the notifiable quantity?	For contamination cleanup scenarios, the notifiable quantity is the square footage of potentially contaminated surfaces. In addition, any cleanup scenario over a minor size (10 sq, ft), requires a site-specific variance.
292	11. 2	Emergency Projects. We have a dirt basement that has been contaminated by TSI from pipes above. What generally is the depth of soil that should be removed?	The extent of contamination shall be determined by a certified inspector, working with a project designer. These certified individuals shall use visual debris/contamination identification and assessment, static (ambient) air sampling of the potentially contaminated area, and adequate bulk sampling/analysis of the remaining debris/residue to define the limits of the contamination that must be cleaned up. The extent of contamination assessment is to be completed prior to submission of the variance petition, necessary for small and large size clean-up projects.
293	11. 2	Emergency Projects. It is our understanding that an Incidental Disturbance is the unintentional disturbance of ACM, PACM or asbestos material (i.e.: unintentionally knocked down by a fork truck or other worker, etc.) and the response to such an event would include notification to the NYSDOL by phone and following Code Rule 56 protocols for clean up. If the event occurs after hours and involves greater than twenty-five (25) linear foot or greater than ten (10) square foot of ACM, PACM or asbestos material, the area needs to be contained and secured until such time that the Department is able to give approval for the clean up to commence. If the event involves less than twenty-five (25) linear foot or less than ten (10) square foot of ACM, PACM or asbestos material, after notification by phone, the clean up can commence immediately by following Code Rule 56 protocols for a 'minor' project. It is also our understanding that an OSHA Class III Minor Repair and Maintenance Project (i.e.: cleaning up ACM, PACM or asbestos material that has fallen off a pipe due to age or vibration) needs no notification and activities may proceed immediately, when found, following Code Rule 56 protocols. Is this correct?	Whether the cleanup is an O&M activity to be done by in-house trained and certified personnel, or if an asbestos contractor is contracted for the cleanup, the procedure is the same. For all minor size cleanups [see 2.1(b)(p) definition] emergency notification as per 56-3.5 and 56-11.2 must occur [phone call to local ACB district to notify the supervisor of the pertinent details regarding the minor size asbestos project cleanup], prior to proceeding with the cleanup as per 56-11.2(f). For these minor size cleanups, quantification is based on the affected square footage of the surfaces to be cleaned up, not the quantity of ACM prior to disturbance. For example, one ACM pipe fitting mudded packing falls from 40 feet in height and the debris scatters out over a 300 square foot area...this would be a large size cleanup asbestos project and a site-specific variance would be required for the cleanup. Another example, a pipe starts to leak and a 2-foot section of friable ACM pipe insulation falls 2 foot to the ground, but remains intact when it hits the ground. This cleanup would not necessarily require a site-specific variance, as the affected surfaces to be cleaned up would be less than 10 sq. ft. or 25 lin. ft., but the procedures of 56-11.2 must still be followed for the cleanup.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
294	11. 2	Emergency Projects. 1. It seems that the Department considers that "Incidental disturbances" and "Other Disturbances" are treated equally by the regs. Is this true? 2. As per your direction the quantification of size is clearly the affected floor area; with 10 sq ft or 25 lin ft. being the cutoff for Minor projects. 3. Procedures of 56-11.2 must be followed. As such; Is it true that the department is treating all Minor disturbances whether Incidental or Other; as requiring Emergency Notification? if yes, then 4. Does the cleanup, of even the most minor amounts of ACMs , PACMs and suspected misc ACMs which may occur Friday at 5:30 PM; which is called into a recording @ the regional office @ 5:45 PM; require the Abatement Contractor to wait to cleanup the very minor quantities; until call back and approval, by the department is received; which usually occurs at or a round 8:30 AM Monday Morning; assuming there is no holiday? or; 5. Are you stating that call back and approval; is only required when the size of the project is larger than a Minor project or, when a variance is required to initiate and complete the cleanup. If a variance is not required or if the quantities are 'de minim us' can this be completed; after call in notification; but prior to response form the Department? If no.. 6. can a blanket variance request address this issue, if the answer to item # 5 is that response is necessary PRIOR to initiating the minor cleanup; 7. One last question, would relate to Class 3 Minor cleanups and Class 1 single-glove bag operations (also Minor in size) that respond to Other disturbances and Incidental disturbance respectfully; do these specific types of Minor projects (one a class 3 and 1 a class 1) also require prior notification and prior approval; prior to the abatement contractor initiating cleanup? Even if they occur on Friday @ 5:45 PM? Would a blanket variance request be needed to address the after hours situation if the answer is also yes?	1) Yes, a cleanup response to a disturbance is handled the same for any type of discovered disturbance. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance. 2) You are correct, the square footage of the affected surfaces to be cleaned is the notifiable quantity. For example, one ACM pipe fitting mudded packing falls from 40 feet in height and the debris scatters out over a 300 square foot area...this would be a large size cleanup asbestos project and a site-specific variance would be required for the cleanup. Another example, a pipe starts to leak and a 2-foot section of friable ACM pipe insulation falls 2 foot to the ground, but remains intact when it hits the ground. This cleanup would not necessarily require a site-specific variance, as the affected surfaces to be cleaned up would be less than 10 sq. ft. or 25 lin. ft., but the procedures of 56-11.2 must still be followed for the cleanup 3) Yes, you are correct 4) Yes, emergency project notification is always required. However, for minor size (less than 10 sq. ft.) incidental disturbance cleanup projects to be completed as per the requirements of ICR 56-11.2(f), a phone call or faxed emergency notification with all pertinent details of the cleanup project is all that is required. An approval from the local district of the ACB is not required prior to initiating the minor project cleanup activities as per ICR 56-11.2(f). For small and large cleanup asbestos projects a site-specific variance will have to be obtained, as well as ACB local district approval of the emergency cleanup project, based upon the procedures detailed within the site-specific variance decision. 5) See answer to number 4 6) yes, a variance could be obtained to address cleanup procedures for typical minor or small size cleanup projects at your property. For instance, water damage to floor tiles at your building routinely occurs, and cleanup of detached floor tiles commonly has to occur. A facility-wide variance could be obtained for common procedures to routinely address this cleanup scenario. 7) For the minor size cleanup scenario, an emergency notification is always required...see answer to number 4 above. See answer to number 6 regarding obtaining a facility-wide variance for typical cleanup projects.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
295	11. 2	Emergency Projects. For a cleanup project, which can not be performed in a single weekend, can the project be postponed until summer? Also in the case of very large projects, can the work be postponed until the second summer from the time of discovery? For example, if widespread contamination is discovered in an unused crawlspace, and the owner is unable to budget the funds necessary to perform the work by the upcoming summer, can the work be delayed until the summer after next to allow for budgeting of the appropriate funds? In cases where asbestos material is damaged, can the repair of that material, or removal if repair is not possible, be performed at the same time as the cleaning required under this section, or would that require a site specific variance?	For all cleanup scenarios the following applies: Once a disturbance (debris) is discovered, it must be cleaned up as soon as possible. For all disturbances, the room/space/area must be vacated and isolated immediately, and an asbestos contractor must be hired for appropriate cleanup of affected room/area/space. A site-specific variance is necessary for cleanup of any disturbance other then a Minor size incidental disturbance. For all asbestos cleanup projects, quantification is based on the affected square footage of the surfaces to be cleaned up, not the quantity of ACM prior to disturbance. Once the affected room/space/area has been vacated and isolated, the extent of contamination shall be determined by a certified inspector (working with a project designer if a variance is anticipated), using air sampling technicians and additional inspectors as necessary. These certified individuals shall use visual debris/contamination identification and assessment, static (ambient) air sampling of the potentially contaminated area, and adequate bulk sampling/analysis of the remaining debris/residue to define the limits of the contamination that must be cleaned up. For all minor size cleanups [see 2.1(b)(p) definition] emergency notification as per 56-3.5 and 56-11.2 must occur [phone call to local ACB district to notify the supervisor of the pertinent details regarding the minor size asbestos project cleanup], prior to proceeding with the cleanup as per 56-11.2(f). In addition, any cleanup scenario over a minor size (10 sq. ft. of affected surfaces to be cleaned), requires submission of a site-specific variance petition. For small and large size cleanups that require submission of a site-specific variance petition, the project designer shall include within the variance petition, a plan for cleanup (along with any necessary removals or repair of damaged materials) that will take into account, accessibility, air movement and other pertinent conditions that may affect the proposed procedures. If the project designer requests delay of scheduling the necessary cleanup projects, appropriate supporting information must be provided and necessary precautions must be included for maintaining isolation of the affected area until cleanup is scheduled and completed. The Department will review the plan, assessment of exposure potential and proposed procedures, prior to granting a variance decision that will not adversely affect the building occupants or the general public.
296	11. 2	Emergency Projects. In the event of an incidental disturbance of PACM, i.e. a damaged pipe fitting, it does not seem to be in the best interest of the building occupants or the intent of the provisions in ICR 56 for an incidental disturbance clean-up, to wait for an asbestos survey to be conducted prior to the clean-up and repair of this material in compliance with the requirements for an incidental disturbance clean-up. Is a survey still required in the event of an incidental disturbance?	The only survey required prior to cleanup of an incidental disturbance, would be a survey to define the extent of the contamination and to determine the limits of the intended regulated abatement cleanup work area. The extent of contamination may be determined by a certified inspector through visual debris/contamination identification and assessment, ambient (static) air sampling of the affected area and adequate bulk sampling/analysis of the debris.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
297	11. 2 (f)	Corrective Actions for Incidental Disturbance of ACMs. For minor sized projects, can building staff with O & M training perform the cleaning work? If yes does the school district have to have an asbestos contractor's license?	Yes, trained and certified O&M handler staff are allowed to complete a minor size incidental disturbance cleanup project as per 56-11.2(f). Yes, the employer must have a current asbestos handling license as per 56-3.1(a).
298	11. 2 (f) (2)	Corrective Actions for Incidental Disturbance of ACMs. This section indicates "tent enclosures, if necessary, shall be constructed". When are tent enclosures necessary for cleanup of an incidental disturbance?	At a minimum, building/structure interior cleanup asbestos projects and exterior friable debris cleanup asbestos projects require negative pressure containment enclosures. This will be included within the minor and small size disturbance asbestos cleanup project AV to be released later this year.
299	11. 3	Minor Asbestos Projects. Does this Section also apply to Minor size regulated abatement work areas?	Yes, it applies to Minor Asbestos Projects as well as Minor Size regulated abatement work areas that are part of a larger asbestos project. The recent revision to the Code Rule included a change to the Section title to clarify the intent of this Section. Please note that additional ICR 56 requirements also apply for all Minor Size regulated abatement work areas that are part of a larger asbestos project [e.g. 56-7.11(f)(1)(i)(a), 56-9.2(d)(4), etc.]
300	11. 3	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Does picking up a "loose" asbestos containing floor tile constitute an asbestos minor project under the code rule? If it is a minor project, in absence of a specific variance, would you have to follow minor project protocol for containment (12 NYCCR 56.11.3 (e)) and utilize a properly certified individual employed by a Licensed NYS Asbestos Contractor?	Yes, you are correct. Removal of damaged floor tile is considered an asbestos project under the jurisdiction of ICR 56. For a minor size regulated abatement work area/asbestos project, the procedures of section 56-11.3 must be followed. As always, a site-specific variance petition for alternative procedures may be submitted, if found to be necessary. The Department has recently released AV-A-4 to handle a situation such as this one, with less restrictive requirements than are included within Section 11.3. The AV may be found at the Department website. Here is a link to AV-A-4: http://www.labor.state.ny.us/workerprotection/safetyhealth/PDFs/Asbestos/av-a-4-minor%20size%20NF%20floor%20tile%20cleanup.pdf
301	11. 3	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. We have a project that involves the removal of roofing and windows that constitutes a large project. In addition, minor tents will be required for the removal of light fixtures. Is air sampling required for the minor size tents?	If a minor size tent work area is part of a small or large project, then clearance air sampling (one in & one out) is required for the minor size tent work area as per Table 2 note 4 and ICR 56-9.2(d)(4).

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
302	11. 3 (b)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Where Allowed. Are all minor size work areas required to be cordoned off with barrier tape and signage?	Yes you are correct. Please see 56-11.3(b) which includes: "The regulated abatement work area shall be established as per the requirements of Section 56-7.4
303	11. 3 (b)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Where Allowed. For O&M work, what is the maximum amount of removal that can be conducted per day/shift in order to stay compliant?	Section 56-11.3 minor project procedures are also intended for O&M projects, as O&M projects are limited to minor quantities of less than or equal to 10 sq. ft. or 25 lin. ft. The quantity limitation is per O&M asbestos project event. For example, a fitting starts to leak on Tuesday and a glovebag within negative pressure tent enclosure is used for the minor size asbestos abatement project. Wednesday another fitting starts to leak, so there is another minor size asbestos project to deal with the necessary abatement. These are two distinct and separate asbestos projects. Here is another example, a pipe line insulated with ACM is damaged and the entire pipe line needs to be replaced. The necessary ACM abatement for removal and replacement of the pipe would more than likely be a small or large asbestos project as the pipeline would be over 25 lin. ft. This would not classify as an O&M project and you couldn't split it up into hundreds of minor size O&M projects, as the removal and replacement of the entire pipeline is actually the repair project.
304	11. 3 (e)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Tent Use. Is continuous negative air with 4 air changes per hour required to be established and maintained until air clearance is received?	Negative air must be established as per 7.8(a) and maintained throughout the abatement and cleaning process. However as indicated in 56-11.3(e)(7-10), once the final cleaning is complete, 20 minutes have elapsed, the satisfactory visual inspection is complete, and all workers have exited the tent enclosure, the tent shall be sealed and the HEPA vacuum shut down. However, for multiple minor tent enclosures that comprise a small or large project, satisfactory clearance air samples are also required in addition to the satisfactory supervisor visual inspection [see 56-9.2(d)(4)]. In this situation, as the tent enclosure has not yet met clearance criteria (satisfactory visual plus satisfactory clearance air samples), the negative air must be re-established prior to the start of clearance air sampling, as the air sampling technician must enter the tent enclosure for collection of the interior air sample. After the technician has completed collection of the clearance air samples and 20 minutes have elapsed, the tent may be resealed and the HEPA vacuum shut down. Without re-establishing the HEPA filtered negative air ventilation, any entrance or exit from the tent could potentially contaminate the surrounding area. If the clearance air samples were found to be unsatisfactory, then a cleanup project would be necessary as adequate engineering controls were not in place during tent access, any remaining contamination within the tent enclosure may have been spread to the surrounding area.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
305	11. 3 (e)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Tent Use. My question is; can the contractor combine 56-11.3 and 56-11.4 to perform minor size abatement projects without plasticizing floors or ceilings?	When utilizing Section 56-11.3, which applies to minor size work area removals using a tent enclosure, all requirements of this section must be complied with, including constructing the tent with a ceiling, walls and floor, except for the surface which is subject to removal. A site-specific variance would be required for any minor size work area tent enclosure not in compliance with the requirements of this section. Section 56-11.4 applies to pre-demolition asbestos projects. The two sections were not intended to be combined as they are two separate Special Project Sections.
306	11. 3 (e)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Tent Use. Are negative pressure tent enclosures required for all minor size abatement work areas completed as per this section?	Yes, the only exception is the single glovebag O&M event, as per 56-11.3(d). Also, the Department has recently released AV-A-4, with less restrictive requirements than are included within Section 11.3 for certain minor intact floor tile abatement or cleanup projects. The AV may be found at the Department website.
307	11. 3 (e)	Minor Asbestos Projects or Minor Size Regulated Abatement Work Area. Tent Use. Is it permitted to utilize a reusable commercially available tent enclosure (e.g. control cube) to complete a minor size abatement work area?	Yes, a commercially available one layer tent enclosure is acceptable as per this section. However, this section does not allow reuse of the tent enclosure. The facility using the commercially available tent enclosure would need to submit a variance petition to allow cleaning and reuse of the tent enclosure for typical minor size O&M asbestos projects An applicable variance is anticipated to be released later this year to allow the reuse of commercially available single-layer tent enclosures, intended by the manufacturer to be cleaned and reused for various O&M asbestos project work.
308	11. 3 (e) (1)	Minor Asbestos Projects. Tent Use. Personal/Equipment Decontamination Room or Area. Is a shower chamber required in the decontamination area or room?	As indicated within this Section, the decontamination room or area must be adjacent to the regulated abatement work area, and an impermeable dropcloth must be located on the floor or horizontal surface within the room/area. This room/area must be of sufficient size to accomplish decontamination of personnel, equipment and waste bags/containers as necessary. A shower chamber is not required, but if an operational remote personal decontamination enclosure is located at the site, it should be used by personnel exiting the Minor asbestos project/work area decontamination room/area as per 56-11.3(e)(12)
309	11. 3 (e) (8)	Minor Asbestos Projects. Tent Use. Visual Inspection. Are visual inspections by a Project Monitor required for Minor projects or Minor size work areas? (Unless special projects Sections followed.)	Please note that 56-11.3 is for Minor asbestos projects as well as Minor size regulated abatement work areas. The Supervisor is allowed to perform Minor project/work area visual inspections without being accompanied by a project monitor, provided Section 56-11.3 procedures are followed.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
310	11. 3 (e) (12)	Minor Asbestos Projects. Tent Use. Showering. Is a shower chamber always required?	As indicated within Section 56-11.3(e)(1), the decontamination room or area must be adjacent to the Minor size regulated abatement work area, and an impermeable dropcloth must be located on the floor or horizontal surface within the room/area. This room/area must be of sufficient size to accomplish decontamination of personnel, equipment and waste bags/containers as necessary. A shower chamber is not required, but if an operational remote personal decontamination enclosure is located at the site, it should be used by personnel exiting the Minor asbestos project/work area decontamination room/area as per 56-11.3(e)(12)
311	11. 4	Pre-Demolition Asbestos Abatement Projects. Is this Section for asbestos abatement projects completed prior to full building demolition or prior to selective demolition for renovations?	This Section only applies to asbestos abatement projects competed prior to full building demolition, where the building will not be reoccupied at a later date.
312	11. 4 (b)	Pre-Demolition Asbestos Abatement Projects. Regulated Abatement Work Area Preparation. My questions involve buildings where abatement is scheduled, and turned over to be managed by an owner's agent. Furniture and other uncontaminated objects, which are not part of the asbestos survey or design are left in areas where asbestos will be removed. 1.) Can an abatement contractor remove these uncontaminated salvage items from a future asbestos work area, prior to mobilizing on the project? Can you explain why? 2.) Can the Abatement Contractor subcontract the removal of uncontaminated salvage items to a non-asbestos contractor who is armed with the current asbestos survey and with awareness training? Can you explain why? 3.) Can the owner's agent subcontract the removal of salvage items to a non-asbestos contractor who is armed with the asbestos survey and with current awareness training? 4.) Can you explain the difference between #2 and #3?	It doesn't matter if it is the owner, owner's agent or asbestos contractor. Once the active portion of the asbestos project has commenced (Phase IIA), any removal of movable objects from a regulated abatement work area must proceed as per the requirements of Section 56-7.10(a) and 56-11.4(b) During Phase I (survey, planning, design, etc,) of an asbestos project, the owner or owner's agent (including an asbestos contractor) may remove movable objects from an intended asbestos project work area. However, each movable object must be visibly inspected by the owner or owner's agent prior to removal, to determine if it is potentially contaminated with visible dust, debris or residue on surface(s) or within the movable object. If visible dust, debris or residue is apparent on the surface(s) or within the movable object, removal of the movable object is not allowed during Phase I and must be completed by the asbestos contractor during Phase II, as per the requirements of ICR 56.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
313	11. 4 (b)	Pre-Demolition Asbestos Abatement Projects. Regulated Abatement Work Area Preparation. 1.) For a pre-demolition asbestos project with beadblaster or abrasive flooring mastic removals, is the work area preparation required by 56-11.4 sufficient? 2.) If the bead blasting is being performed in a full negative pressure enclosure, is 6 air changes per hour required as indicated in 56-11.7?	1.) For an asbestos project/regulated abatement work area with a scope of work that includes floor covering removal and abrasive methods (bead blaster) for mastic removal, all requirements of Section 56-11.7 within the special projects section of ICR 56 shall be followed. However, for a pre-demolition asbestos project with multiple ACMs to be removed within the same regulated abatement work area, section 56-11.4 would be followed. This Section refers back to 56-8 for removal handling methods/procedures. Section 56-8.6 details the handling requirements for sequential removals including the requirement for full work area plasticization for beadblaster or other abrasive removals [see 56-8.6(b)(2)(ii)(c)]. 2.) Yes, if floor tile and mastic are removed as per the requirements of 56-11.7, a minimum of six air changes per hour is required as per 56-11.7 (b)(2). If floor tile and mastic are removed sequentially and mastic is removed with abrasive methods as per the requirements of 56-8.6, see above answer to #1 regarding work area preparation requirements. However, currently no requirement for additional air changes per hour is included within the code rule for this specific situation. This inconsistency will be addressed within the next revision to the code rule. The Department's intent was to require increased air changes per hour for abrasive removals.
314	11. 4 (b) (3)	Pre-Demolition Asbestos Abatement Projects. Regulated Abatement Work Area Preparation. Suspended Ceilings. Since the ceiling and T-grid are not allowed to be removed prior to the remainder of the regulated abatement work area preparation being completed, would the spaces above the suspended ceiling be required to be prepped prior to abatement of the ACM, or be considered ACM and part of the abatement itself?	Section 56-7.11(f)(4) and Section 56-11.4(b)(3) both indicate that critical barriers must be installed above suspended ceilings prior to commencement of Phase IIB abatement.
315	11. 5	Controlled Demolition with Asbestos in Place. Does this Section also apply to municipally owned residential structures that are not structurally unsound, similar to AV-107? If so, does the municipality have the right to demolish structures containing friable materials such as TSI, surfacing materials, etc. without removing them first? If so, who will "police" the demolition site to assure that the "controlled demolition procedures" are followed?	No, this Section only applies to structures that are structurally unsound. However, AV-A-1 for controlled demolition asbestos projects at municipally owned residential buildings has been issued. This new AV includes survey requirements and pre-demolition abatement requirements for friable ACM at a municipally owned vacant residential building/structure of four or less units, up to three stories in height, that is not structurally unsound. Please see AV-A-1 for full details.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
316	11. 5	Controlled Demolition with Asbestos in Place. Can this Section be used for an unsound structure that has a previous asbestos building survey? Do I need to collect clearance air samples if the previous survey has identified non-friable ACM only?	Yes it can, but all provisions of the Section apply including the disposal of all generated debris as RACM, as per 56-11.5(c)(7). If the property owner has an adequate comprehensive asbestos building survey that has identified all ACM at the building/structure as non-friable ACM only, a site-specific variance petition may be submitted to allow for limited relief from some 56-11.5 requirements. Without a site-specific variance, all waste generated would be RACM and this project would be completed as per all requirements of 56-11.5, including all project and air monitoring requirements.
317	11. 5 (a) (1)	Controlled Demolition with Asbestos in Place. Air Sampling and Analysis. Every other requirement in the standard requires that daily abatement air sampling be performed for the full workshift. Please explain "mid-shift timing".	The intent is for the air samples collected within the work area to be representative of the highest airborne fiber levels that occur during each workshift. The Department will consider revising the specific details of these air samples to be collected within the work area, in the next revision to the code rule
318	11. 5 (c)	Controlled Demolition with Asbestos in Place. Controlled Demolition Procedures. The foundation of a building contains an ACM waterproof membrane. The contract documents call for the removal of all ACM materials indicated in the pre-demolition survey, but due to the cost of removing the entire foundation they are proposing to remove the top two feet of foundation (below grade) and bury the remaining portion of the foundation containing the ACM membrane. Is this practice allowable by the NYSDOL engineering department or is this an issue that needs to be brought up with a different regulatory agency. Please advise.	The removal of the top two feet of the foundation (with ACM waterproof membrane) would be subject to ICR 56 requirements. The burying (on-site waste disposal) of the remaining intact foundation (with ACM waterproof membrane in place), would be under the jurisdiction of the NYS DEC solid waste division. Please note that during any non-asbestos project solid waste disposal procedure approved by NYS DEC, no disturbance to ACM is allowed.
319	11. 5 (c) (4)	Controlled Demolition with Asbestos in Place. Controlled Demolition Procedures. Decontamination Areas. Are both personal and waste decontamination system enclosures required? If so, where should they be placed at the site…remote or attached to the regulated abatement work area?	Regarding placement of the personal decontamination system enclosure, it must be placed within the regulated abatement work area (restricted area) at the site, and entry/exit of personnel to each active portion of the work area must occur through the decon system enclosure. A waste decontamination system enclosure is not necessarily for waste, as the generated waste will be transferred to a waste dumpster/container within the work area. Decontamination of hand tools and small equipment may be performed at the equipment decontamination area, or within the personal decontamination enclosure system, provided the decontamination system is not being utilized for entry and exit of personnel at the time of tool/equipment decontamination. Cleaned tools and equipment can not be stored within the clean room of the decontamination system enclosure.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
320	11. 5 (c) (13)	Controlled Demolition with Asbestos in Place. Controlled Demolition Procedures. Final Cleaning and Clearance Procedures. Is clearance air sampling is required for asbestos projects being conducted under this section?	Yes, clearance is required, but 56-9.2(e) allows an exception to clearance air sampling requirements for exterior asbestos projects completed without a negative pressure enclosure. The Department's intent was to include clearance air sampling requirements for controlled demolition asbestos projects completed as per this section. However, this requirement is not currently included within this section. Within the next revision to ICR 56, this issue will be addressed. Currently, daily abatement air sampling is required including inside work area samples as per 56-11.5(a)(1). Also, at the conclusion of abatement and cleanings, a project monitor visual inspection is to be completed as per the requirements of 56-9. The code rule will be clarified regarding this issue in the next revision to indicate that the last(most recent) set of daily abatement air sample results are to be compared to the clearance air sample results criteria. These satisfactory air sample results in combination with the satisfactory project monitor visual inspection will serve as satisfactory clearance for the regulated abatement work area.
321	11. 6 (b) (3)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Regulated Abatement Work Area Preparation. Decontamination System Location. This section specifies "The personal and waste decontamination system enclosures can be remote but must be within fifty (50) feet of the building/structure entrance used…". It is my understanding that for exterior project removal of non-friable ACM roofing there is no waste out requirement, therefore eliminating the waste decontamination system requirement. Please clarify.	Within ICR 56-11.6(b)(3), the sentence you reference has a typographical error, which has been corrected with a recent typographical error revision to the ICR 56. The portion of the sentence "and waste" has been deleted. For your information, a waste decontamination facility is not necessarily required for an asbestos project completed as per ICR 56-11.6, provided the generated waste is transferred to a waste dumpster/container within the work area. Decontamination of hand tools and small equipment may be performed at an equipment decontamination area within the regulated abatement work area, or within the remote personal decontamination enclosure system, provided the decontamination system is not being utilized for entry and exit of personnel at the time of tool/equipment decontamination. Cleaned tools and equipment can not be stored within the clean room of the personal decontamination system enclosure.
322	11. 6 (b) (4)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Regulated Abatement Work Area Preparation. Critical Barriers. Are critical barriers required for windows and other openings/penetrations within 25' of the active work area?	See Section 56-11.6(b)(4), which indicates that "All openings within the regulated abatement work area shall be sealed with critical barriers installed as per 56-7.11(a), prior to beginning…" The requirements under 56-11.6(b)(4)(i) for sealing all openings and penetrations within 25 foot of the immediate work area, are in addition to the other work area requirements.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
323	11. 6 (b) (4)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Regulated Abatement Work Area Preparation. Critical Barriers. Roofs. An asbestos contractor is removing 132 transite panels from the outside of a building. ICR 56 states you have to have critical barriers on all openings to the building within 25 feet. The contractor is claiming that the area where the panels have been removed is not an "opening" because it is not a window or door in the regulated area. He is also stating that the lack of any critical barriers to the interior portion of the building does not constitute an "opening", therefore he feels that he does not need to build any critical barriers on the inside of the building. He has installed barrier tape at a perimeter of 25 feet into the building. He has not put up any critical barriers, is this consistent with ICR 56? Isn't he required to plasticize the inside of the panels to be removed, and the area inside the bldg should be isolated with critical barriers, from the remaining portion of the building?	Yes, you are correct. All openings and penetrations within the regulated abatement work area are to be sealed with critical barriers. This includes any openings or penetrations that may be created to the building facade during abatement. These potential openings/penetrations must be addressed with the installation of critical barriers at the interior side of the potential opening/penetration at the affected facade, prior to removing the ACM and creating the opening/penetration. Without the required critical barriers being installed, a breach to the building interior would occur every time a transite panel was removed. This potential scenario would create an exposure issue for any occupants of the building, a potential building interior ACM contamination problem, as well as an intentional violation of ICR 56. Please see ICR 56-11.6(b)(4) and ICR 56-11.6(b)(4)(vii), which both specifically address the requirements for installation of critical barriers for non-friable ACM facade removals.
324	11. 6 (b) (4) (i)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Regulated Abatement Work Area Preparation. Critical Barriers. Roofs. This Section is worded the same way as AV-119. It doesn't actually say to seal openings at roof level, only one floor above and below. Why?	See Section 56-11.6(b)(4), which indicates that "All openings within the regulated abatement work area shall be sealed with critical barriers installed as per 56-7.11(a), prior to beginning…" The requirements under 56-11.6(b)(4)(i) are in addition to the previous work area preparation requirements.
325	11. 6 (c)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Removal. This Section seems to indicate that all removed roofing materials must be containerized and disposed of asbestos waste. Is this correct or does that just apply to small amounts of residual materials that are wet-scraped and HEPA vacuumed?	For exterior work areas not required to have a negative-pressurized containment enclosure, the waste container/dumpster may be located within the regulated abatement work area, for containerization of non-friable ACM asbestos waste. All friable asbestos waste generated must be appropriately bagged/containerized, and labeled for transport and disposal as RACM asbestos waste. Regardless of the type of waste generated, all waste generated as part of an asbestos project must be containerized, transported and disposed of by appropriate legal method.
326	11. 6 (c)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Removal. Please explain how rotating blade roof cutters should be utilized to be in compliance with the prohibition of rendering the ACM NOB roofing material friable.	The roof cutter must be HEPA-exhausted in compliance with Section 56-7.2(o), wet methods must be utilized at the cut location, and a HEPA vacuum must be utilized for collection of any residual dust/debris at the cut line following the roof cutter. The remaining ACM NOB roofing is still in a non-friable intact state, but now is separated into manageable pieces.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
327	11. 6 (c)	Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings and Other NOB ACMs. Removal. We are planning to heat the glazing compound materials to soften it so it may be removed to allow for new glass installation. My concern centers around changing the condition of the material thru the heating process. The material will become "pliable", but not changed to become rendered friable. Is this procedure consistent with the regulations?	Yes, you are allowed to heat up the non-friable ACM glazing compound to become more pliable, for removal consistent with the requirements of Section 56-11.6. However, you must not render the material friable during the actual removal, and appropriate firewatch/hot work measures as per OSHA must be utilized. If during the start of the removal process it becomes apparent that the ACM non-friable window glazing compound will becomes friable during removal procedures, then 56-11.6 can not be used and full compliance with ICR 56 is required.
328	11. 7 (b) (3)	Non-friable Flooring and/or Mastic removal. Regulated Abatement Work area Preparation. Is full plasticization required when utilizing abrasive abatement methods?	Yes, full plasticization is required for abrasive methods as per 56-11.7. However, this section will be revised within the next revision of the code rule to add further clarity.
329	11. 7 (b) (5)	Non-friable Flooring and/or Mastic Removal. Regulated Abatement Work Area Preparation. Plasticizing. Is plasticizing of surfaces necessary for VAT or Mastic removal?	Plastic sheeting on surfaces is not required for manual or chemical removals. Plastic sheeting must be applied to non-removal wall, floor and ceiling surfaces for mechanical or abrasive abatement of ACMs. Any deviation from the requirements within this Section would require a site-specific variance.
330	11. 8	Abandoned Pipe/Duct/Conduit Wrap & Cut Removal. 56-11.8(b)(4)(iii) calls for the use of glovebags within a negative pressure enclosure for insulation removal to allow for the cuts. If it is a Small or Large project, is it the intent of the Code for clearance samples to be required for each negative pressure enclosure (tent) where insulation is removed to allow for the cuts; multiple Minors as part of a Large or Small project per 56-4 Table 2? Do the tents used for glovebag removals at locations where pipe is cut require clearance sampling prior to cutting and removing the pipe and subsequent clearance of the entire area?	The individual tent enclosures do not require clearance air samples to be collected, only a visual inspection by a supervisor (for all size work areas) followed by a project monitor visual inspection (for small and large size work areas). After a satisfactory visual inspection, the tent(s) may be broken down. Once all abatement work and cleaning is complete within the work area, then a visual inspection is completed for the entire work area as per ICR 56, prior to commencement of clearance air monitoring as per ICR 56. Regarding aggressive techniques for clearance air monitoring, if the work area is under negative pressure, then aggressive techniques must be utilized. If the work area is an open-air exterior restricted area regulated abatement work area, aggressive techniques for collection of clearance air samples are not required.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
331	11. 8	Abandoned Pipe/Duct/Conduit Wrap & Cut Removal. Recently one of our project monitors asked me what the appropriate waiting/settling period would be for the removal of "interior open air" wrap and cut without the use of a full negative pressure enclosure. 56-9.1(f)(1) does not give a clear indication of the appropriate waiting/settling period for this type of removal. If you would please clarify this it would be greatly appreciated.	As there is no negative pressure containment enclosure, no waiting/settling period is necessary [similar to 56-9.1(f)(1)(viii)]. This will be added to the next revision of ICR 56.
332	11. 8	Abandoned Pipe/Duct/Conduit Wrap & Cut Removal. Can interior light fixtures (where friable ACM gaskets are likely and are fully contained in the fixture) be taken out in-tact as part of the special project section under Wrap and Cut 11.8?	Absolutely not!!! This section is only for abandoned pipe/duct/conduit, not fixtures. A site-specific variance would be necessary for relief from certain aspects of ICR 56.
333	11. 8 (b) (2) (i)	Abandoned Pipe/Duct/Conduit Wrap and Cut Removal. Regulated Abatement Work Area Preparation. Preliminary Preparation. Exception. Can this exception be further explained, it reads as if all exterior regulated abatement work can now be done without any enclosure or negative air. Any one I believe that reads this exception may view it to mean that the do not have to use glovebag procedures as stated in 56-11.8(4) on exterior abatements that involve pipe/duct/conduit wrap and cut that is intact. Is the intent of the exception?	Not correct. Section 56-11.8 allows for wrap and cut of abandoned pipe/duct/conduit, similar to previous AV-87. Section 56-11.8(b)(2) indicates that all work area preparation is to be consistent with 56-7.1-7.11(d) (including installation of critical barriers, isolation barriers and establishment of negative air systems), unless the ACM is currently intact. If the ACM is intact, then a negative pressure enclosure is not required for the wrapping operations at exterior work areas. Also, as per 56-11.8(b)(4), a full negative pressure enclosure is not needed for work areas, if the ACM is intact, a dropcloth is utilized below the wrapping operations, and glovebags within negative pressure tents are utilized at the intended cut locations, for ACM insulation removals or cuts to the ACM pipe/duct/conduit. As indicated within 56-7.11(f)(3), exceptions for barriers/plasticizing/enclosures are included for intact ACM wrap and cut removals, and exemptions from negative air requirements are included within 56-7.8(b)(1) for work areas that don't require enclosures. Note: If the ACM is not intact or will not remain intact during wrapping operations, then all requirements of Code Rule 56 apply including barriers, plasticizing and negative air system requirements.
334	11. 8 (b) (2)	Abandoned Pipe/Duct/Conduit Wrap and Cut Removal. Regulated Abatement Work Area Preparation. Preliminary Preparation. If the conditions exist as per 11.8(b)(4) can decontamination units be remote for interior work as there is no containment to attach it to?	The 11.8(b)(4) interior wrap and cut asbestos project completed without a negative pressure enclosure is not referenced within 56-7.5(d). However, the use of remote personal decontamination enclosures for this situation is consistent with the intent of ICR 56. The Department will detail this clarification within the next revision to ICR 56.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
335	11. 8 (b) (4)	Abandoned Pipe/Duct/Conduit Wrap and Cut Removal. Regulated Abatement Work Area Preparation. Preliminary Preparation. Limitations. As long as the conditions of 11.8(b)(4) exist, regardless of whether the regulated area is interior or exterior, aggressive techniques for clearance sampling would not be required. Is this correct?	Relief is granted in 56-9.2(e) from clearance air sampling for exterior asbestos projects completed without a negative pressure enclosure. However, nothing is included regarding relief from aggressive air sampling procedures for interior wrap and cut asbestos projects completed without a negative pressure enclosure as per 56-11.8(b)(4). For these type of asbestos projects, Clearance air sampling is required, but as there is no negative pressure enclosure, the Department agrees that consistent with intent, relief should be granted from the aggressive clearance air sampling techniques requirement for this situation. The next revision to the code rule will require daily abatement air sampling both inside and outside of the work area and allow the use the last(most recent) set of daily abatement air samples for comparison to clearance criteria. These satisfactory air sample results in combination with a satisfactory project monitor visual inspection would serve as acceptable clearance for the work area. No revision for in-plant projects, just clarify that negative air ventilation is required in any work area during aggressive clearance air sampling. This change will be reflected in the next revision to ICR 56.
336	12. 2	Variances. I have a project with four buildings that are all connected and make up a block of buildings. All four buildings are going to be bid out as one project. Do we need to file a separate variance for each building or can we fill one variance for the entire block.	Each continuous foundation as well as property/parcel ID, per site-specific variance petition.
337	12. 2	Variances. Are reopenings or amendments to variances allowed? If so, what are the current policies regarding approvals?	Reopening and amendment requests to variance decisions are allowed by the Department. Typically, the maximum limit is 5 reopenings and/or amendments (including a maximum of one time extension) to each variance decision. A one-time variance extension is allowed for up to ½ the original timeperiod of the variance (i.e. a one year variance could be extended for up to an additional 6 months) Also, if an increase in material quantities is being added to the decision by reopening/amendment, the increased quantity can not be substantially greater than the original variance quantity. Proposed increases to material quantities will be reviewed and approved on a case-by-case basis.

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
338	AV -A -1	Controlled Demolition of Municipally-Owned Vacant Residential Buildings/Structures Up to 3-Stories in Height. This AV states that the waste needs to be collected and disposed of in "appropriate legal methods". The building in question has a tar based Category I non-friable (NOB by DOH ELAP protocol) membrane and roofing material remaining. All Friable and any Category I and II non-friable materials that would be rendered friable during demolition have been previously been removed under conventional removal techniques. The method for demolition/abatement will be done in such a way that the NOB asbestos containing material will not be rendered friable (shears, shovels, hammers, etc). Is it correct that, as long as the abatement competent person/supervisor and 3rd party project monitor agree that the NOB ACM material is not being rendered friable, it is not necessary to treat the waste as RACM?	Yes, you are correct. In New York State, the waste transport and disposal (by appropriate legal method) of the generated category I non-friable waste would be under the jurisdiction of the US EPA and the NYS DEC.
339	AV -A -1	Controlled Demolition of Municipally-Owned Vacant Residential Buildings/Structures Up to 3-Stories in Height. The AV basically states all Asbestos containing material that "will likely become crumbled, pulverized, or reduced to powder during controlled demolition" must be removed by all legal means prior to demolition. I understand friable ACM or ACM that will become friable must be removed prior but, can clarification be made on what types of Non-friable material can remain in the building as it becomes demolished and still be considered Non-friable using this variance, or writing a similar site variance. Can you be specific as to naming transite, tile, and roofing, etc. in your answer.	Regarding non-friable ACM that may remain in place during controlled demolition of a structure that is not structurally unsound as per AV-A-1, the Department agrees with US EPA's guidance on this matter. Basically, all Category II non-friable ACM (including transite) must be removed prior to typical controlled demolition using a mechanical grappler, as well as any Category I non-friable ACM that may become friable during the controlled demolition process. Please see the EPA NESHAP guidance document for more details concerning this issue. Here is a link to the document: http://www.epa.gov/Region4/air/asbestos/demolish.htm

Q/A #	ICR 56 Section	Frequently Asked Question	Answer/Guidance
340	AV -A -2	Negative Air Ventilation Exhaust Greater Than 25 Foot in Length. This AV requires that, exhaust duct "lengths longer than 100 feet need an engineering analysis performed by a licensed NY Professional Engineer to verify that the additional duct will not reduce the machine's airflow below the acceptable value". What is the acceptable value for the negative air pressure unit airflow? Please clarify.	The manufacturer's CFM airflow rating for the negative air ventilation unit. If the airflow at the termination of the exhaust duct is reduced to be below the CFM rating for the machine, then unacceptable restrictions to the intended airflow have been introduced by the excessive length of exhaust duct.