

Guidance for Documenting Asbestos Work Areas

This guidance describes items which must be included when submitting a petition for asbestos variance or amending a variance decision. **If there is more than one site/work area for a petition, each site/work area must have its own separate relief(s), hardship(s) and work procedure(s).** An example of a write-up is also included in this document.

General Instructions

Please make sure all documents are free of typographical errors. Submitted drawings and plans should be legible. The following information should be included for each work area:

- A) Pertinent Site or Work Area Information
- B) Requested Relief(s)
- C) Associated Hardship(s)
- D) Work Procedure for the Site or Work Area

Each item is further elaborated below:

A. Pertinent Site or Work Area Information

Site or work area information should be related to the asbestos abatement project. A description of the history of events or specific site conditions which led to the site requiring an asbestos variance is required. This section may also be used to document the final objective/goals for the site once the asbestos abatement project is completed. Prior history of any asbestos abatement work or violations should also be included. The petitioner may attach site drawings/plans, photographs, and asbestos surveys to support the petition.

B. Requested Reliefs

List the individual sections of ICR 56 for which relief is sought for each site/work area. Relief(s) from **Industrial Code Rule 56**, <https://dol.ny.gov/icr56-abestos>. (ICR 56) must be relevant to the work done and be unique to the specific site/work area. Relief(s) may be approved, denied, limited, added, or deemed not applicable based on the Department's review. Unless a relief is requested, it shall be assumed that the petitioner will comply with all applicable sections of ICR 56.

C. Associated Hardships

Each requested relief must be accompanied by an associated hardship(s). Hardship descriptions must be unique and relevant to the site conditions. Otherwise, the relief may be denied, limited, or deemed not applicable. **Do not use a blanket hardship (i.e., time or cost reasons) for all requested reliefs.** The entire petition may be denied if insufficient or no hardship is given for the site/work area.

D. Work Procedures

Work procedures should clearly outline the proposed abatement method and increased engineering controls which will be used to compensate for the sought relief(s). Stated procedures must be chronologically arranged from beginning to end: work area preparation, asbestos abatement, cleaning and clearance, and waste removal from the site.

Deficiencies

The Department may return the petition to the Project Designer for revision if the following items are found to be deficient:

- a) Insufficient site background or work area information related to the asbestos abatement project.
- b) Requested relief(s) that are irrelevant to the work done and are not unique to the specific site or work area.
- c) **No separate hardship for each requested relief.** Blanket hardship statements such as insufficient time and money to justify all requested reliefs are not acceptable. Hardship descriptions must be unique and relevant to the requested relief and site conditions.
- d) Missing, insufficient or incorrect work procedures for the site or work area.

Example of a Properly Written Asbestos Work Area Documentation

Location: 123 Anywhere Street, Anytown NY 10001

Work Area: Kitchen

Pertinent Site/Work Area Information

A recent kitchen fire damaged the asbestos containing plaster walls and ceilings throughout the kitchen area at the subject location. Debris is scattered throughout the kitchen floor area. A contamination assessment, which is attached with this petition, was performed by ABC Environmental, Inc. and the plaster debris was found to be positive for asbestos. In addition to cleaning up the debris, the contractor will be removing the damaged ACM plaster walls and ceilings. The objective of this abatement is to return the kitchen to full use as soon as possible. There was no prior history of abatement work, and the kitchen plan drawings and photographs are attached with this petition.

Requested Reliefs and Associated Hardships

Code Rule 56 Section	Title	Hardship
7.5(b)	Personal Decontamination System Enclosure – Large Project	Due to the configuration and available space, a large attached decontamination system is not possible. An attached small decontamination system which conforms to ICR 56-7.5(c) will be utilized.
7.11(e)	Floor, Wall & Ceiling Plasticizing and Sealing	Because of the damage, the floor, walls, and ceiling in the kitchen is contaminated with ACM and will not require plasticizing. They will be subjected to cleaning prior to final visual inspection and clearance air sampling.
8.2(b)	Waiting Periods	The homeowners would like to have their kitchen returned to full use as soon as possible. As such, a two (2) hour pre-abatement waiting period is requested in lieu of four (4) hours.
9.1(b)(c)	First and Second Cleaning	Since relief from plasticizing floor, walls, and ceiling is requested, if approved, only one (1) thorough final cleaning is required.
11.2(f)(4)	Removal of Asbestos During Incidental Disturbance	The conditions for removal of damaged plaster walls and ceiling are similar to the cleanup of the debris. Approval is requested to allow for the removal of damaged walls and ceiling in conjunction with the debris cleanup.

Work Procedures

1. A full-time Project Monitor shall be required on-site during all abatement activities for this project to ensure compliance with the Industrial Code Rule (ICR) and variance conditions. Only certified persons shall be allowed within the abatement work area until satisfactory clearance air monitoring results are achieved.
2. A small attached personal decontamination enclosure system that complies with ICR 56-7.5(c) shall be utilized.
3. Visible accumulations of ACM around critical barriers shall be cleaned per ICR 56-7.10(c)(1) prior to installation of the barriers. Prior to removal of ACM debris, installation of critical barriers per ICR 56-7.11(a) and establishment of negative air at eight (8) air changes per hour shall be completed. A minimum of two (2) hour pre-abatement settling period shall be observed once the negative air has been established.
4. Plasticization per ICR 56-7.11(e) shall not be required for any potentially contaminated surface that will be cleaned and/or removed as part of the asbestos project.
5. Air sampling and analysis shall be conducted per ICR 56-4 consistent with project size.
6. All debris shall be wetted, collected, and immediately bagged for disposal using manual methods. Porous contaminated materials and belongings that cannot be cleaned shall be disposed of as RACM (i.e., boxes, carpets, cushions). Personal items which the homeowner wishes to keep will be decontaminated via HEPA vacuum and bagged. A written sign-off shall be required to accept these materials.
7. After debris has been removed, damaged plaster walls and ceiling will be abated. A single final cleaning shall be done.
8. The contractor shall observe the waiting/settling and drying time requirement per ICR 56-9.1(f)(i).
9. Project Monitor shall visually inspect the work area and determine if the area is dry and free of visible asbestos debris as required per ICR 56-9.1(d)(1). Area shall be re-cleaned if additional debris and contamination is found.
10. Upon completion of a satisfactory visual inspection, aggressive clearance air sampling shall be conducted per ICR 56-9.2(d) to meet ICR 56-4.11 clearance criteria.
11. All remaining plastic sheeting and tape will be treated as contaminated material and properly disposed of as ACM waste.