

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NEW YORK 12226

In the Matter of

Part 56 of Title 12 of the Official Compilation  
Of Codes, Rules and Regulations  
Of The State of New York

(Cited as 12 NYCRR 56)  
(As Amended January 11, 2006)

Cases: ICR 56-7.8(a)(5), and 56-7.8(a)(10)

COMMISSIONER'S  
DECISION

APPLICABLE  
VARIANCE-A-2  
(AV-A-2)

Negative Air Ventilation  
Exhaust Greater than 25  
Foot in Length

DATED: August 18, 2006

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the above cited provisions of Industrial Code Rule 56, as they relate to the use of negative air ventilation exhaust(s) greater than 25 foot in length.

The Commissioner of Labor has also reviewed numerous petitions for variance or other relief relative to such asbestos projects and the decisions rendered relative to these petitions.

The Commissioner of Labor finds that the issuance of an Applicable Variance from the above cited provisions of Industrial Code Rule 56, as such pertain to the use of negative air ventilation exhaust(s) greater than 25 foot in length, would not violate the spirit and purpose of said rules and would secure the public safety as contemplated by said rules.

## APPLICABLE VARIANCE

A variance from the cited provisions of Industrial Code Rule 56 is hereby GRANTED subject to the following conditions:

### THE CONDITIONS

1. All provisions within section 56-7.8(a) shall be followed, except for negative air ventilation system exhaust duct length requirements.
  - a. Negative air ventilation system exhaust duct size shall be increased to 14 inches in diameter for lengths up to 50 feet. If additional length is needed, the duct shall be increased to 16 inches for up to 100 feet of length. 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.
  - b. The flexible duct shall be routed in such a manner as to ensure the duct is fully extended.
  - c. Bends in the flexible duct shall be kept to a minimum. Where 90-degree turns are necessary to fit site conditions, use hard (metal), smooth bore rigid elbows.
  - d. Changes in duct diameter shall be accomplished using a rigid, smooth bore enlarger. Enlarger shall be manufactured with a gradual taper.
  - e. Contractor shall not introduce any restrictions in the duct that will reduce the diameter.
  - f. Rigid duct fittings shall be thoroughly decontaminated as per section 56-9.3(b).

### OR

2. **Booster Exhaust Fan Units.** If exhaust ducting in excess of 25 feet in length is attached to any ventilation unit, an unfiltered booster fan of equal flow capacity shall be installed per 25 foot of downstream exhaust ducting from the ventilation unit. Booster fan capacity shall be selected to ensure that the required airflow from the regulated work area is not reduced below the quantity needed to provide sufficient turnover within the work space.

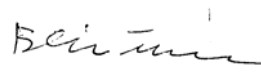
- a. Non-collapsible exhaust ducting shall be used between the booster fan units and also between the ventilation units and the booster fan units.
  - b. Where possible, these booster fan units shall be installed and operated outside of the regulated abatement work area.
  - c. Booster fan units installed and operated outside the regulated abatement work area require installation using GFCI protected temporary power circuits.
  - d. Each booster fan shall shut down automatically if airflow from the upstream filtered ventilation unit is lost (i.e. broken belt, loss of power, clogged filter, etc).
3. A copy of this Applicable Variance shall be conspicuously posted at the entrance to the personal decontamination unit(s) and to the work area(s).
4. All other applicable provisions of Industrial Code Rule 56-1 through 56-12 shall be complied with.

This APPLICABLE VARIANCE shall apply and shall be applied by all enforcement officials to all persons and in all places to which the aforecited provisions of Industrial Code Rule 56 apply to the use of negative air ventilation exhaust(s) greater than 25 foot in length with the same force and effect as if this APPLICABLE VARIANCE were duly granted upon separate petition for the use and benefit of every person affected by the cited provisions of Industrial Code Rule 56.

Date: August 18, 2006

LINDA ANGELLO  
COMMISSIONER OF LABOR

By



Blaise Thomas, P.E.  
Associate Safety and Health Engineer  
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