

POLICIES AND PROCEDURES

ASBESTOS PROGRAM

DEPARTMENT: ENVIRONMENTAL HEALTH AND SAFETY

SUBJECT: ASBESTOS PROGRAM

Original Date of Issue: 12/08

REVIEWED :	12/08	04/09	01/2012			
REVISED:	12/08	04/09	01/2012			

I. Purpose

This document outlines responsibilities and practices to protect faculty, staff, students, patients, visitors, or contractors and others from the release of airborne asbestos fibers during routine maintenance activities, remodels or renovations, new construction-related activities, and abatement activities for damaged asbestos-containing materials (ACM).

II. Scope

This program applies to SUNY New Paltz Facilities Design and Construction Programs, Maintenance, as well as contractor activities. Applicable asbestos regulations pertaining to this program include 29 CFR 1910.1001 (Occupational Exposure to Asbestos in General Industry), EPA's Asbestos Worker protection Regulation, 29 CFR 1926.1101 (Occupational Exposure to Asbestos in Construction), and NYS Code rule 56.

III. Statement of Policy & Intent to Comply with Applicable Regulations

Compliance with Applicable Regulations:

It is the policy of SUNY New Paltz to comply with the applicable City, State, and Federal regulations pertaining to asbestos containing material (ACM). In order to achieve this goal the University has developed a comprehensive in-house protocol to address the identification, inplace management, and abatement of ACM.

The University supports stringent compliance with promulgated regulations in conjunction with cost minimization.

Departments and other administrative units of the University are required to provide a copy of this document to employees involved with the planning and/or scheduling of construction, maintenance, and other projects where the potential to impact ACM exists. In addition, such SUNY New Paltz personnel are responsible for Contractor and sub-Contractor compliance with this policy.

To summarize, ACM (friable and non-friable) shall only be removed or otherwise impacted by a person holding a valid NYS asbestos license for the asbestos activity. ACM or other asbestos contaminated debris/waste shall be properly labeled and transported off-site by a licensed waste hauler to a registered landfill, where proper Manifesting procedures ("cradle to grave" documentation) shall be utilized. The Office of Environmental Health and Safety (EH&S) shall provide technical assistance in achieving the goals of this policy.

Review of Applicable Regulations:

In New York State there are multiple regulatory agencies which have jurisdiction over "asbestos containing" materials (ACM) in buildings including the New York State Department of Labor (NYS DOL), the Federal Occupational Safety and Health Administration (OSHA), and the Federal Environmental Protection Agency (EPA). Each agency has promulgated regulations which address the various aspects of maintenance and handling of ACM in order to protect building occupants from asbestos exposure and to protect the ambient air.

NYS DOL regulations

The New York State Department of Labor has adopted Industrial Code Rule 56 (ICR-56) to address the proper identification, handling, removal, and disposal of ACM in buildings.

Federal OSHA regulations

Federal Occupational Safety and Health Administration regulation address both in-house and Contractor worker protection and notification. The 8/10/94 "OSHA Final Rule on Occupational Exposure to Asbestos" amended OSHA standards 29CFR1910.1001/1101 and introduced the concept of "negative exposure assessments" and mandates labeling of accessible ACM.

Federal EPA regulations

The federal Environmental Protection Agency has promulgated regulations under the Asbestos Hazard Emergency Response Act (AHERA), National Emissions Standards for Hazardous Air Pollutant regulations (NESHAPS), and the Toxic Substances Control Act (TSCA) The AHERA regulations address asbestos issues in schools (grades K-12). EPA NESHAPS regulations prohibit "visible emissions" of asbestos and specify off-site disposal procedures to be utilized.

****** The above listed agencies may impose fines of \$1000 to \$100,000 per day and prosecute negligent Building Owners for non-compliance with the applicable regulations.

General Policy Information:

Hall-Kimbrell Environmental Services was hired to inspect all Residence Halls and Academic Buildings to identify, classify, and record all exposed friable and non-friable asbestos. A report was issued identifying the locations and conditions of all exposed asbestos-containing materials on campus. In addition, a specific operations and maintenance plan was given to the College. Management has accepted the maintenance and operation plan and had implemented its recommendations to assure continued compliance with the asbestos control standard.

Asbestos is considered a hazardous substance which requires the use of special procedures, training, and the use of safety equipment for personal protection.

Every effort will be made to present employees with a safe place to work. If an error was made or an employee feels that they may disturb material suspected to be asbestos, the employee should <u>stop work</u> and <u>report</u> the area containing the suspect material to <u>his/her supervisor</u>. The supervisor will verify that the material is asbestos free or assign the employee to another work area until verification is obtained. <u>If there is any doubt, treat the suspect material as if it is asbestos containing</u>.

There are two types of work that involve dealing with asbestos. These are:

- 1. <u>Routine Maintenance</u>- normal maintenance and cleanup work that will disturb small amounts (less than ten square feet of surface or 25 linear feet of insulation).
- 2. <u>Asbestos Removal</u>- larger amounts of asbestos than ten square feet of surface or 25 linear feet of insulation.

Supervisors are required to review and inspect all jobs with respect to the possibility of disturbing asbestos-containing materials. The following criteria are used when asbestos-containing materials are in the job area:

- 1. If no asbestos will be disturbed, the job will be approved.
- 2. If more then ten square feet or 25 linear feet if insulation containing asbestos is in the way of the job, outside, certified asbestos removers, are hired to remove the asbestos. Once the asbestos is removed, the job can proceed.
- 3. If asbestos-containing material cannot be successfully removed, the job will be redesigned to avoid asbestos.
- 4. If asbestos contamination is not avoidable, outside vendors that are certified for asbestos work by New York State will do the work. Following completion of the work, an asbestos cleanup will be done before faculty, staff or student personnel are allowed to enter the affected work area.
- 5. If less the ten square feet or 25 linear feet of insulation is asbestos-containing material (routine maintenance), cleanup will normally be performed by trained Physical Plant personnel.

Employees will receive training before being asked to work with asbestos-containing materials. Personal safety equipment (respirators and disposable clothing) and containment equipment (HEPA vacuums, plastic drop cloths, misting equipment, etc.) are available and must be used whenever asbestos fibers are expected to be released.

Custodial Activities on Asbestos Containing Floor Materials

Sanding of asbestos-containing floor material or presumed asbestos-containing floor material is prohibited.

Stripping of finishes shall be conducted using low abrasion pads at speeds lower than 300 rpm and wet methods.

Burnishing or dry buffing may be performed only on asbestos-containing flooring which has sufficient finish so that the pad cannot contact the asbestos-containing material

Brakes and Clutches (automotive shop)

Many brakes and clutches used in new and recent model automobiles do not contain asbestos. However, it has not been totally eliminated. Despite the asbestos warnings of

the 1970s and 80s, asbestos can still be found in older cars. As a matter of fact, records show that Ford was using asbestos in the brake pads of their Crown Victoria as late as 1993. Some high-end vehicles still make use of asbestos brake pads. Furthermore, brake and clutch pads purchased on the aftermarket or from foreign wholesalers where asbestos is still used might also contain the hazardous mineral.

OSHA Work Practices and Engineering Controls/OSHA Methods

All automotive brake and clutch repair facilities in the United States must comply with the OSHA asbestos standard when working on clutches and brakes that could contain asbestos (older vehicles 1993 and older). The proper use of engineering controls and work practices by properly trained employees working on automotive brakes and clutches will reduce their asbestos exposure below the permissible exposure level of 0.1 fiber per cubic centimeter of air, expressed as an 8-hour time-weighted average. Respiratory protection is not required during brake and clutch jobs where the control method described below are used.

Low pressure/wet cleaning method

The **low pressure/wet cleaning method** involves the following steps:

- 1. Position a catch basin under the brake assembly to avoid splashes and spills.
- 2. Gently flood the brake assembly with water containing an organic solvent or wetting agent to prevent asbestos-containing brake dust from becoming airborne.
- 3. For drum brakes, ensure that the water solution flows between the brake drum and the brake support before removing the brake drum.
- 4. After removing the brake drum, thoroughly wet the wheel hub and back of the brake assembly with the water solution to suppress dust.
- 5. Thoroughly wash the brake support plate, brake shoes, and other parts before removing the old brake shoes.
- 6. If your system uses a filter, wet the filter when it becomes full and before removal, with a fine mist of water, and place immediately in an impermeable container. Label the container and dispose of it as asbestos waste.
- 7. Immediately clean spills of asbestos-containing liquid or asbestos-containing waste material using a HEPA-filtered vacuum and/or wet methods. Properly dispose of waste as asbestos waste.
- 8. Dry brushing is prohibited.
- 9. The brake washer solution should be changed regularly for maximum efficiency of the unit.

Wet method

For shops that perform infrequent brake work and clutch repair work, OSHA allows the use of a wet method as a "preferred" method. Therefore, in facilities in which five (5) or fewer brake "jobs" (five brake "jobs" are equivalent to five vehicles) or 5 clutches, or some combination totaling 5, are inspected, disassembled, reassembled and/or repaired per week, the mechanic/technician may control potential asbestos exposure through the use of a spray bottle, hose nozzle, or any implement capable of delivering a fine mist of water or amended water at low pressure to wet down the drum or clutch housing before removing it and to control asbestos fiber release during subsequent activities. However, any wastewater generated must be captured and properly disposed of without allowing it to dry on any surfaces. OSHA anticipates that using a spray bottle will adequately control dust without generating a large volume of wastewater.

The wet method requires the following steps:

- 1. Brake and clutch parts must be wetted with water or amended water before taking any other action.
- 2. Wipe the brake and clutch parts clean with a cloth.
- 3. Place contaminated cloth into an impermeable, properly labeled container, and then dispose of it as asbestos waste. Alternatively, the cloth can be laundered to prevent the release of asbestos fibers in excess of 0.1 fiber per cubic centimeter of air, expressed as an 8-hour time-weighted average.
- 4. Any spilled water or amended water or asbestos-containing waste material must be cleaned immediately with a cloth or HEPA-filtered vacuum and not allowed to dry.
- 5. Do not dry brush.

The simplicity of the wet control does not eliminate the need for correct work practices. For example, holding the spray nozzle too close to the brake surface may cause asbestos fibers to become airborne. Brake components should be sprayed to saturate the parts as they are removed from the assembly.

IV. Asbestos Policy Responsibilities

a. Role of EH&S office:

The role of Environmental Health and Safety (EH&S) is to assist the various departments and other administrative units in complying with the applicable regulations and this asbestos policy. In order to ensure compliance with this policy the EH&S office shall conduct routine inspections/audits as directed by and in conjunction with the construction manager of abatement and other construction projects.

EH&S will assist in providing training for asbestos awareness and keep copies of training records. (Originals to be kept in employee's department).

The EH&S S office will assist Facility Design and Construction in generating an "approved asbestos Contractor's list" which shall indicate those vendors (Contractors and Consultants) approved to work on asbestos projects at SUNY New Paltz. Only those firms included on the approved list may be participate in asbestos abatement projects at SUNY New Paltz. EH&S will also keep copies of all certificates and paperwork involved with projects

The EH&S office will also supply sources for required labels and signs.

b. Role of the Construction manager:

Then role of Construction manager within the Facility Design and Construction Dept. is ensuring compliance with the applicable regulations and this asbestos policy for any projects. In order to ensure compliance with this policy the Construction manager with the assistance of the EH&S office shall conduct routine inspections/audits of abatement and other construction projects. When outside environmental Consultants are retained for large capital projects, the contract owner shall be responsible for compliance with this policy as well as technical review. Facility Design and Construction, in consultation EH&S, shall be responsible for regulatory agency correspondence as it relates to asbestos projects. All paperwork and associated documentation (certificates, notices etc) shall be kept by Facility Design and Construction. Copies will be forwarded to EH&S.

The Facility Design and Construction will generate an "approved asbestos Contractor's list" which shall indicate those vendors (Contractors and Consultants) approved to work on asbestos projects at SUNY New Paltz. Only those firms included on the approved list may be participate in asbestos abatement projects at SUNY New Paltz. The approval is based upon proper current licensing to perform asbestos work, previous work history (if any), references and compliance to regulations. A review of the companies' fines for non compliance should be requested when being considered as an addition to the approved asbestos contractor list.

c. Role of Supervisors of employees:

Ensure employees do not disturb ACM or PACM during any work activity, ensure employees who perform tasks in facilities or on equipment where ACM or PACM are present (e.g., facilities engineering maintenance, building services, telephone services) are properly trained to recognize asbestos hazards by receiving required awareness training. Supervisors shall report any disturbance of asbestos to EH&S or noted damage.

V. Review of Asbestos Terminology

In order to provide as much clarity as possible, listed below are a few key definitions:

1. Abatement

An approved method for handling asbestos containing materials (i.e. removal, encapsulation, enclosure).

 Air Monitoring Collection of "asbestos in air samples" by a 3rd party according to method NIOSH 7400 protocol to evaluate the hazard potential of asbestos exposure.

3. Asbestos Building Survey

The identification, evaluation, and quantification of ACM in a building.

4. Asbestos Encapsulation/Wrap & Repair

The covering of an asbestos containing material which a bridging or penetrating encapsulating agent or covering the asbestos containing material with a wettable canvas material impregnated with a latex encapsulating agent.

5. Asbestos Enclosure

The physical enclosure of the asbestos containing material on the area where the material is present with a hard permanent barrier. The insulated vertical heating risers located behind exterior/perimeter walls and above hard plaster Ceilings may be considered to be enclosed if the walls are not demolished or otherwise penetrated.

6. Asbestos Containing Material

Any material that has been determined by laboratory testing to contain 1% or greater asbestos.

7. Asbestos Removal Project

The physical removal of asbestos containing materials by a licensed Contractor employing trained and licensed personnel and following the applicable regulations.

8. Friable/Non-Friable

Any asbestos or ACM that can be crumbled, pulverized, or reduced to powder when dry, by hand or other mechanical pressure.

9. **Operations and Maintenance Program**

A program which addresses the in-place management of asbestos containing materials to ensure compliance with all regulatory programs and protect human health (involves periodic re-inspection and air sampling).

10. **PCM**

Phase contrast microscopy is the standard approved method for analysis of "asbestos in air" samples.

11. PLM

Polarized light microscopy is the standard approved method for analysis of "asbestos in bulk" samples.

12. **TEM**

Transmission electron microscopy is the "state of the art" (lowest achievable detection limit) method for analysis of "asbestos in air and bulk samples".

13. **VAT**

Non-friable vinyl asbestos containing floor tile.

VI. Notification ("Hazard Awareness") for In-House Personnel

a. Definition of asbestos exposure

According to OSHA regulations and in-house bargaining unit contractual agreements, all employees who have been exposed to asbestos shall be notified in writing. It should be emphasized that the term "exposure", by OSHA definition, denotes encountering an elevated airborne concentration (above the 0.01 fibers/cc permissible exposure limits) of a regulated substance such that inhalation is possible. The presence of the substance in the building does not necessarily constitute an exposure hazard. In the case of asbestos, under normal circumstances, only damaged ACM becomes airborne and poses an exposure hazard. According to OSHA protocol personal air sampling must be conducted in order to determine whether and actual exposure hazard exists. While the University is committed to protecting all employees from an airborne exposure hazard, this does not guarantee that all areas shall be deemed "asbestos free."

b. Emergency notification

Since uncontrolled disturbances of ACM may potentially result in the exposure of in-house personnel and other workers to airborne asbestos, implementation of this policy is critical. In the event such an uncontrolled release occurs, "emergency" asbestos air monitoring and off-site analysis shall be conducted immediately by EH&S or an authorized representative. The results of such emergency testing shall be reported in writing to those persons affected and their authorized union representatives, if applicable.

c. Routine notification:

For scheduled maintenance and construction projects involving asbestos abatement work all building occupants potentially affected shall be notified in writing seven calendar days prior to the onset of abatement work. For large projects only, the results for all air sampling and analysis events shall be posted on a daily basis in the building and shall be on-file at the EH&S office available for review. Copies of final clearance air sample results shall be available to authorized union representatives as requested.

d. Labeling of accessible ACM:

Pursuant to the 8/10/94 "OSHA Final Rule on Occupational Exposure to Asbestos" all accessible ACM (i.e., not enclosed above ceilings/behind walls) shall be labeled with "asbestos" labels such that the material may be avoided by Plumbers, Electricians, and other in-house and Contractor personnel. Under the OSHA final rule, any material must be considered as ACM unless specifically tested.

Labeling can be accomplished via:

• individual labels on ACM

or

• Room Notice Signs

Warning signs shall be posted at the entrances to mechanical equipment rooms, telephone closets and rooms, loading docks, warehouses and other areas on the University where accessible ACM and/or PACM is present. These signs are intended to advise personnel entering these areas of the presence and types of ACM and PACM in these locations so that care may be taken to avoid accidental or unauthorized contact with the material.

SUNY New Paltz and contractor personnel shall not disturb materials listed on these signs unless they are confirmed through laboratory analysis not to contain asbestos.

e. Employee Information and Training

Employees who perform tasks in facilities or on equipment where ACM or PACM are present (e.g., facilities maintenance, telephone services) shall receive Asbestos Hazard Awareness Training. Awareness training shall be repeated annually. Employees who have completed training for restricted asbestos hander-allied trades' certification within the last 12 months are not required to take Asbestos Hazard Awareness.

Restricted handler-allied trades training is required initially and refreshed annually to maintain NYSDOL certification.

VII. General Asbestos Related Considerations for Planning Construction Projects

Since many school buildings were constructed prior to 1975, "asbestos containing" material is likely to be present and may be impacted during HVAC, structural, and other renovation projects. In order to obtain plumbing, electrical, demolition and other Building Department permits (requires ACP-5 submittal) and comply with this policy, an asbestos investigation is required.

In order to avoid delaying general construction, it is highly recommended that asbestos related phases of projects (asbestos abatement is usually always included in Phase I demolition work) be scheduled as soon as possible once the project is budgeted. If extensive interior demolition work is scheduled, enclosed/concealed ACM running behind walls and above ceilings may be exposed and should be considered in defining the scope of work.

The Construction manager shall review the available project drawings in order to determine whether ACM may potentially be impacted.

a. Notification of the EH&S Department:

All projects and other events which may potentially involve asbestos shall be reported directly to the EH&S office immediately by email. Examples of such situations are the following:

- Maintenance projects (plumbing & HVAC)
- General construction & renovation
- Emergency pipe breaks and floods
- Electrical work above suspended ceilings
- Any work in the steam tunnels, Powerhouse, or other mechanical equipment areas
- Building demolition

When the following materials/building components may potentially be impacted the EH&S office shall be notified:

- Thermal system insulation (pre-1975) including pipe insulation, boiler jackets, etc.
- Trowelled-on wall & ceiling plaster (pre-1940)
- Acoustical ceilings (pre-1975)
- Floor tiles/rolled linoleum (pre-1980)
- Suspended ceiling tiles (pre-1980)
- Spray-on fireproofing (pre-1975)
- Roofing (field and flashing)

When there is any potential for an asbestos containing material be impacted the EH&S office shall be notified.

In order to legally and properly classify a Material as ACM or non-ACM bulk sampling and laboratory analysis (by a NYS ELAP certified laboratory) must be conducted. Friable samples such pipe insulation shall be analyzed using the Polarized Light Microscopy (PLM) Method. Roofing, transite, floor tile and other non- friable samples are analyzed using the Transmission Electron Microscopy (TEM) Method.

b. Asbestos Bulk Samples

Bulk sample collection and analysis shall be performed in accordance with all applicable regulatory requirements.

Bulk samples shall be collected by individuals in possession of a valid asbestos inspector certificate issued by NYSDOL. Copies of all bulk sampling results shall be provided to EH&S.

NOTE: Outside Consultants and Contractors are not exempt from satisfying the notification and other requirements of this policy. The Facilities Management Project Managers, Directors, Supervisors, Area Managers, and other involved personnel are responsible for informing the Contractors and Consultants which they retain of the terms and conditions of this policy. Failure to inform outside Contractors and Consultants of this policy shall be considered non- compliance with this policy.

c. Review of asbestos survey & abatement work conducted previously

Over the past ten years asbestos sampling and analysis work has been conducted for various construction and maintenance projects. The documentation for such previous survey work is available for review at the Facility Design and Construction office. Upon request the Construction manager shall search the "Asbestos Building File" for relevant information. Any information retrieved shall be reviewed for integrity and forwarded to the appropriate Facilities Project Manager and/or Department Manager. In some

instances additional representative bulk sampling and analysis is required to verify the previous survey work.

d. Asbestos building surveys/hazard assessments:

For construction and other projects where no previous sampling and analysis data is available an asbestos survey/hazard assessment is required. Such a survey involves collection of representative bulk samples such that various materials may be classified as ACM or non-ACM. Wherever possible the locations of ACM shall be marked on a project drawing.

Protocol for asbestos building surveys-

In order to accurately assess the building and follow EPA AHERA protocol for asbestos building surveys the following sample collection frequency shall be utilized for asbestos building surveys:

- 3 samples per homogeneous area/material for surfaces <1000 sq.ft.
- 5 samples per homogeneous area/material for surfaces 1000-5000 sq.ft.
- 7 samples per homogeneous area/material for surfaces >5000 sq.ft.

For thermal system insulation (TSI) the general procedure to satisfy the above listed criteria is to collect three samples of each type of homogeneous material per mechanical room/riser area. The procedure for floor tile is self explanatory (3 samples per 1000 sq.ft. tile + mastic), however confirmatory TEM/NOB (non organically bound) analysis is required. The material type which requires the greatest number of samples to accurately characterize due to its inherent in homogeneity and large surface area is wall and ceiling plaster. For example, plaster found on exterior and structural walls is commonly not of the same composition as interior partition wall plaster. In order to provide results which reflect this lack of uniformity a relative large number of samples are required to accurately characterize this material.

Selection of laboratory methodology

The standard methodology for analysis of "asbestos in friable bulk samples" is the PLM method. For analysis of non-friable floor tile and roofing asphalt samples the more expensive NOB/TEM method is required by the applicable regulations and shall be utilized. For analysis of wall/ceiling plaster samples the TEM analysis method shall be utilized for plaster samples which are shown by the PLM method to contain 0-5% asbestos content in order to achieve reasonable accuracy.

Quality control samples

At the discretion of the EH&S and or the Project Coordinator and/or Director additional "blind duplicate" quality control samples may be collected and submitted to a second approved independent laboratory for analysis.

Asbestos air sampling & analysis/exposure monitoring

In addition to the bulk sampling and analysis mentioned above baseline air sampling may be specified to evaluate the hazard potential of asbestos exposure in a particular area.

Estimation of quantities and abatement costs

The estimated quantity of ACM identified and associated abatement costs shall be listed in the building survey report. Abatement Contractor estimates of quantities without verification shall not be considered acceptable for filing or budgeting purposes.

e. "Negative exposure assessments":

If, after the asbestos building file search and survey work mentioned above, it is determined that no asbestos may potentially be impacted, a "negative exposure assessment" report (as defined by the most recent OSHA regulations) shall be issued. It should be emphasized that completion of a "negative exposure assessment" is contingent upon no disturbance of ACM for a particular project; it does not require that a building or area be "asbestos free".

f. Management of outside Contractors & sub-Contractors:

It is the responsibility of the Facilities Project Manager and/or Department Manager to ensure that all outside Contractors and sub-Contractors comply with this policy and the applicable regulations. As the legal "Building Owner" SUNY New Paltz may be liable for all environmentally related incidences regardless of Contractor negligence. A statement regarding compliance with this asbestos policy should be incorporated into contracts with outside firms. Furthermore, the contracts should indicate such that non-compliance may result in withholding payments.

It is the responsibility of the University to notify outside Contractors of the presence of ACM in the areas which they work.

VIII. Procedures for Managing Asbestos Abatement Projects

Asbestos Projects at SUNY New Paltz

All asbestos projects shall be conducted in accordance with Industrial Code Rule 56 and applicable regulations stated on page one.

Only contractors in possession of a valid asbestos-handling license issued by NYSDOL shall be permitted to engage in asbestos projects at the University. Any person employed by a contractor on an asbestos project shall have an appropriate asbestos handling certificate or a copy thereof in his/her possession at all times during his/her work on the project.

No work involving the removal, encapsulation, enclosure and repair, disturbance of PACM shall be undertaken unless laboratory analysis of the material indicates that it does not contain asbestos. Alternatively, Facility Design and Construction may assume the PACM to be ACM and handle it in accordance with the requirements for asbestos abatement.

SUNY New Paltz employees are restricted from asbestos project work areas unless they are authorized (e.g., EH&S, Site Operations facilities emergency personnel). SUNY NEW PALTZ personnel authorized to enter asbestos work areas shall be in possession of a valid asbestos handling certificate issued by NYSDOL.

Prior to the commencement of work involving asbestos abatement or disturbance, the project engineer, job coordinator, or construction manager shall notify EH&S.

Engineering, or their representative (e.g., construction manager), shall immediately notify EH&S of instances of noncompliance with regulatory or SUNY New Paltz requirements by asbestos contractors or consulting firms working on asbestos projects.

Facility Design and Construction, or their representative, shall immediately notify EH&S whenever airborne fiber concentrations at or above 0.01 fibers per cubic centimeters of air are detected outside of a contained work area by phase contrast microscopy. In the

event that fiber concentrations at or above this level are detected the procedure for obtaining transmission electron microscopy analysis of the affected sample(s) shall be conducted.

56-5.1 Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair

- (a) Asbestos Survey Required. An owner or an owner's agent, except the owner of one and two-family dwellings who contracts for, but does not direct or control the work, shall cause to be conducted, an asbestos survey completed by a licensed asbestos contractor using inspectors certified in compliance with Section 56-3.2(d), to determine whether or not the building or structure, or portion(s) thereof to be demolished, renovated, remodeled, or have repair work, contains ACM, PACM or asbestos material. This asbestos survey shall be completed and submitted as indicated in Subdivision (g) of this Section, prior to commencing work. All such asbestos surveys shall be conducted in conformance with the requirements of Subdivision (e) of this Section.
- (b) Exemptions To Asbestos Survey Requirements: The asbestos survey required by this Subdivision (a) of this Section shall not be required for the following classes of buildings or structures:
 - (1) an agricultural building;
 - (2) buildings or structures for which original construction commenced on or after January 1, 1974;
 - (3) A structure certified in writing to be structurally unsound by a licensed Professional Engineer, Registered Architect, Building Inspector, Fire Inspector or other official of competent jurisdiction. (See Section 56-11.5)
- (c) **Building/Structure Demolition**. If a building/structure asbestos survey is not required or performed per Subdivision (b) of this Section, and the building/structure is certified to be unsound or slated for contracted demolition, the building/structure shall be assumed to contain asbestos, and shall be demolished per this Part, unless the building/structure is adequately certified to be free of asbestos containing material. Acceptable documentation for certification shall be a previous thorough building/structure asbestos survey, abatement records or other documentation acceptable to the Commissioner or his or her representative.
- (d) **Responsibility To Comply.** No exemption to the 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, and any other applicable section of this Part.

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(e) Building/Structure Asbestos Survey Requirements. The asbestos survey shall include 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. The required inspection shall be performed by a certified asbestos inspector, and, at a minimum, shall include identification of PACM, suspect miscellaneous ACM or asbestos material by all of the following methods:

- (1) The review of building/structure plans and records, if available, for references to asbestos, ACM, PACM, suspect miscellaneous ACM or asbestos material used in construction, renovation or repair; and
- (2) A visual inspection for PACM and suspect miscellaneous ACM throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or repaired. For the purpose of this Part, all PACM and suspect miscellaneous ACM visually assessed shall be treated and handled as ACM and shall be assumed to be ACM, unless bulk sampling is conducted as per this Section, standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; the subsequent analyses are performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both ELAP and federal requirements, including multi-layered sample analyses, to document non-asbestos containing material.

(f) Building/Structure Asbestos Survey Information.

(1) The asbestos survey shall, at a minimum, identify and assess with due diligence, the locations, quantities, friability and conditions of all types of installations at the affected portion of the building/structure relative to the ACM, suspect miscellaneous ACM, PACM or asbestos material contained therein. The following list is not inclusive of all types of ACMs, it only summarizes typical ACMs. The certified asbestos inspector is responsible for identification and assessment of all types ACM, PACM, suspect miscellaneous ACM and asbestos material within the affected portion of the building/structure:

(i) PACM

(a) Surfacing Treatments:

- (1) Fireproofing;
- (2) Acoustical Plaster;
- (3) Finish Plasters; and
- (4) Skim Coats of Joint Compound.

(b) Thermal System Insulation:

- (1) Equipment Insulation;
- (2) Boiler, Breeching, Duct, or Tank Insulation, Cement or Mortar Used for Boilers and Refractory Brick;
- (3) Piping and Fitting Insulations including but not limited to, Wrapped Paper, Aircell, Millboard, Rope, Cork, Preformed Plaster, Job Molded Plaster and coverings over fibrous glass insulation.

(ii) SUSPECT MISCELLANEOUS ACM

(a) Roofing and Siding Miscellaneous Materials:

- (1) Insulation Board;
- (2) Vapor Barriers;
- (3) Coatings;
- (4) Non-Metallic or Non-Wood Roof Decking;
- (5) Felts;

- (6) Cementitious Board (Transite);
- (7) Flashing;
- (8) Shingles; and
- (9) Galbestos.

(b) Other Miscellaneous Materials:

- (1) Dust and Debris;
- (2) Floor Tile;
- (3) Cove Base;
- (4) Floor Leveler Compound;
- (5) Ceiling Tile;
- (6) Vermiculite Insulation;
- (7) Gaskets, Seals, Sealants (including for condensate control);
- (8) Vibration Isolators;
- (9) Laboratory Tables and Hoods;
- (10) Chalkboards;
- (11) Pipe Penetration Packing or Other Firestopping Materials;
- (12) Cementitious Pipe (Transite);
- (13) Cementitious Board (Transite);
- (14) Electrical Wire Insulation;
- (15) Fire Curtains;
- (16) Fire Blankets;
- (17) Fire Doors;
- (18) Brakes and Clutches;
- (19) Mastics, Adhesives and Glues;
- (20) Caulks;
- (21) Sheet Flooring (Linoleum);
- (22) Wallpaper;
- (23) Drywall;
- (24) Plasterboard;
- (25) Spackling/Joint Compound;
- (26) Textured Paint;
- (27) Grout;
- (28) Glazing Compound;
- (29) Terrazzo; and
- (30) Boiler Rope.
- (2) All ACM, PACM, suspect miscellaneous ACM, or asbestos material reported under Paragraph (1) of this Subdivision shall include the location of the materials, an estimate of the quantities, types, friability and condition of the identified materials to be treated and handled as ACM. For the purpose of this Part, all PACM and suspect miscellaneous ACM visually assessed shall be treated and handled as ACM and shall be assumed to be ACM, unless bulk sampling is conducted as per this Section, standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; the subsequent analyses are performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both ELAP and federal requirements, including multi-layered sample analyses, to document nonasbestos containing material.
- (3) The building/structure asbestos survey shall also include the building/structure name, address, the building/structure owner's name and address, the name and address of the owner's agent, the name of the firm

performing the asbestos survey and a copy of the firm's current asbestos handling license, the names of the certified inspector(s) performing the survey and a copy of the current asbestos handling certificate for each inspector utilized, the dates of the asbestos survey, a listing of homogeneous areas identifying which ones are ACM, all laboratory analyses reports for bulk samples collected, and copies of the appropriate certifications for the laboratory used for analysis of samples taken during the asbestos survey.

- (g) **Transmittal of Building/Structure Asbestos Survey Information.** One (1) copy of the results of the building/structure asbestos survey shall be immediately transmitted by the building/structure owner as follows:
 - (1) One (1) copy of the completed asbestos survey shall be sent by the owner or their agent to the local government entity charged with issuing a permit for such demolition, renovation, remodeling or repair work under applicable State or local laws.
 - (2) The completed asbestos survey for controlled demolition (as per Subpart 56-11.5) or pre-demolition asbestos projects shall also be submitted to the appropriate Asbestos Control Bureau district office.
 - (3) The completed asbestos survey shall be kept on the construction site with the asbestos notification and variance, if required, throughout the duration of the asbestos project and any associated demolition, renovation, remodeling or repair project.
- (h) **Removal Required.** If the building/structure asbestos survey finds that the portion of the building/structure to be demolished, renovated, remodeled, or have repair work contains ACM, PACM, suspect miscellaneous ACM assumed to be ACM, or asbestos material, which is impacted by the work, the owner or the owner's agent shall conduct, or cause to have conducted, asbestos removal performed by a licensed asbestos abatement contractor in conformance with all standards set forth in this Part. All ACM, PACM, suspect miscellaneous ACM assumed to be ACM, or asbestos material impacted by the demolition, renovation, remodeling or repair project shall be removed as per this Part, prior to access or disturbance by other uncertified trades or personnel. No demolition, renovation, remodeling or repair work shall be commenced by any owner or the owner's agent prior to the completion of the asbestos abatement in accordance with the notification requirements of this Part. For multi-phased work, the access restriction for uncertified trades or personnel applies to each intermediate portion of the entire project. Upon completion of the intermediate portion of the asbestos project, other trades or personnel may access that portion of the work site. For demolition projects that are exempt from asbestos survey requirements due to being structurally unsound, the demolition is considered an asbestos project and shall proceed as per Section 56-11.5.
 - (1) All building/structure owners and asbestos abatement contractors on a demolition, renovation, remodeling, or repair project, which includes work covered by this Part, shall inform all trades on the work site about PACM, ACM, asbestos material and suspect miscellaneous ACM assumed to be ACM at the work site.
- (i) Bidding. Bids may be advertised and contracts awarded for demolition, remodeling, renovation, or repair work, but no work on the current intermediate portion of the project shall commence on the demolition, renovation, remodeling or repair work by any owner or agent prior to completion of all necessary asbestos abatement work for

the current intermediate portion of the entire project, in conformance with all standards set forth in this Part.

(j) **Unidentified and Unassessed Asbestos.** When any construction activity, such as demolition, remodeling, renovation or repair work, reveals PACM or suspect miscellaneous ACM that has not been identified by the asbestos survey per this Part, or has not been identified by other inspections as per current OSHA or EPA requirements, all activities shall cease in the area where the PACM or suspect miscellaneous ACM is found and the Asbestos Control Bureau shall be notified by telephone by the building/structure owner or their representative, followed with a written notice in accordance with the notification requirements of this Part. Unassessed PACM or suspect miscellaneous ACM shall be treated and handled as ACM and assumed to be ACM, unless proven otherwise by standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; subsequent analyses performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both NYS ELAP and federal requirements, including multi-layered sample analyses, to document non-asbestos containing material.