



2011 Proposed ICR 56 Revisions

Relating to Fire/Life Safety

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Other Noteworthy Issues

Introduction

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 - ◆ Christopher Alonge, PE
- NYS DOL DOSH ESU
Associate Safety & Health Engineer



Anticipated Timeframe for ICR 56 Revisions

- ICR 56 Revisions final review by Department of State underway
- Submission to GORR April-May 2011
- Publish proposed revisions in June 2011 NYS Register
- Finalized revisions take effect October 2011



Fire & Life Safety Issues - to be added within ICR56

- Required Means of Egress from all work areas including stairways, exit signage, and illumination, shall be maintained throughout the asbestos project, as per all pertinent federal state and local regulations. All required means of egress shall be clearly marked inside and out. In general, means of egress is a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consisted of three separate and distinct parts: the exit access, the exit and the exit discharge.
- Required means of egress for building/structure including stairways must be maintained for the duration of the asbestos project.
- Maintain existing fire protection systems within building throughout asbestos project as per New York State Uniform Fire Prevention and Building Code requirements, and any local regulations. No person shall remove or modify any fire protection system device(s) installed or maintained under the provisions of the New York State Uniform Fire Prevention and Building Code.
- Structural Integrity of building/structure existing structural elements shall not be compromised by the asbestos abatement contractor during the asbestos project.



Fire & Life Safety Issues - to be added within ICR56

- Pre-demolition asbestos projects at buildings with an existing standpipe, must have such standpipe maintained in an operational condition for the duration of the asbestos project.
- Except for pre-demolition and controlled demolition asbestos projects, required fire-resistance rating of fire-rated construction shall be maintained by asbestos abatement contractor and owner. Such elements shall be properly repaired, restored or replaced when damaged, altered, breached or penetrated.
- A copy of the current prefire plan or modifications to the existing building fire safety and evacuation plan shall be completed for the asbestos project and the finalized plan must be available on-site. A copy of the finalized plan shall be provided to the Code Enforcement Official (CEO) and Fire Chief having jurisdiction at the site. Emergency evacuation route maps for each work area shall be posted at the attached decontamination system enclosures, the ground floor lobby or comparable location, and at all exits from each work area.
- If The New York State Uniform Fire Prevention and Building Code or local regulations require CEO approval for fire or life safety issues relating to, or resulting from the asbestos project (i.e. modifications to egress, fire protection systems, passive fire protection, etc.), all appropriate permits and approvals must be obtained using New York State registered design professionals as required by pertinent state or local agency. Each required permit or approval must be obtained from the pertinent agency and made part of the project record. This documentation must be available on-site for the duration of Phase II of the asbestos project. Copies of each permit or approval shall be given to the Fire Chief having jurisdiction at the site, prior to its implementation.



Fire & Life Safety Issues - to be added within ICR56

- **Negative Air Ventilation System Disconnect Switch.** If the containment enclosure area of an asbestos project covers the entire floor of the affected building/structure, or an area greater than 15,000 square feet on any given floor, then the installation of a negative air ventilation system disconnect switch or switches shall be required at a single location one floor below the lowest floor of the containment enclosure work area, such as inside a stairwell, or at a secured location in the ground floor lobby when conditions warrant. The required switch or switches shall be installed by a licensed electrician in compliance with all applicable state and local building and fire codes. The required switch or switches shall be maintained by the asbestos abatement contractor throughout Phase II of the asbestos project. If negative air ventilation equipment is used on multiple floors, the disconnect switch or switches shall be able to turn off the equipment on all floors. The switch or switches location shall be coordinated with the Fire Chief who has jurisdiction at the site, and notice of the switch or switches location shall be posted in the ground floor lobby or comparable location.



Fire & Life Safety Issues - to be added within ICR56

- **Fire-Retardant Sheathing.** All sheathing used for construction of decontamination system enclosures and isolation barriers at Phase II asbestos project operations, shall be minimum 3/8-inch thickness non-combustible or exterior fire-retardant treated (FRT) plywood.
- **Framing.** Non-combustible or fire-retardant framing shall be used for construction of temporary barriers and decontamination system enclosures at Phase II asbestos project operations.
- **Work Area Exits.** Required exits from the regulated abatement work area shall be maintained or alternate exits shall be established and appropriately signed according to all applicable codes. If alternate exits are necessary, a registered design professional shall coordinate approvals with the Code Enforcement Official having jurisdiction, and the Fire Chief shall be notified of all alternate exit approvals. Exits shall be inspected daily by the supervisor for obstructions. Signs clearly indicating the direction of exits shall be maintained and prominently displayed within the work area. Exits from the work area shall be sealed using two (2) layers of at least six (6) mil fire-retardant plastic sheeting sealed airtight with duct tape. Utility knives shall be taped to the work area side of each exit once the exit has been established.



Fire & Life Safety Issues - to be added within ICR56

- **Required Exits.** Required exits from the building/structure shall be maintained or alternate exits shall be established and appropriately signed according to all applicable codes. If alternate exits are necessary due to location of asbestos project, a registered design professional shall coordinate approvals with the Code Enforcement Official having jurisdiction, and the Fire Chief shall be notified of all alternate exit approvals. Required exits shall be inspected daily by the supervisor for obstructions. Signs clearly indicating the direction of each alternate exit shall be maintained and prominently displayed as per each alternate exit approval.
- **Emergency Lighting.** Any source of emergency lighting which is temporarily blocked as a result of work area preparation, shall be replaced for the duration of Phase II of the asbestos project, by battery operated or temporary exit signs, exit lights, or photoluminescent path markings, consistent with applicable federal, state, and local regulations.
- **Portable Fire Extinguishers.** At least one approved portable fire extinguisher with a minimum rating 2-A, or 10-B:C shall be required at each regulated abatement work area and at each stairway on all floor levels where combustible materials are located. Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.



Fire & Life Safety Issues - to be added within ICR56

- **Barriers Over Active Fire Protection System Components.** Active fire protection system components shall not be considered fixed objects subject to plasticization, and shall not be obscured with critical barriers or isolation barriers.
 - ◆ Exposed fire protection system devices shall be cleaned by wet-wiping and/or HEPA-vacuuming during each required stage of cleaning.
- **Sources of Ignition.** All sources of ignition within the regulated abatement work area (including but not limited to pilot lights) shall be extinguished.
- **Notifications.** On each NYS DOL asbestos project notification, the name, current NYS certification/ professional license and registration number, and contact phone number of the person currently certified with CEO level of training by New York State Department of State, or registered design professional who has reviewed the project documents for fire/life safety compliance and provided written acceptance of compliance with all pertinent federal, state and local building and fire code regulations relating to fire/life safety, for implementation of the asbestos project. The written acceptance shall be made part of the project record.



Fire & Life Safety Issues - to be added within ICR56

- All variance petition submissions shall include a statement by a person currently certified with a CEO level of training by New York State Department of State or New York State registered design professional, who has reviewed the project documents for fire/life safety compliance with all applicable federal, state and local building and fire code regulations, for implementation of the asbestos project. This statement shall include the name, current NYS certification/ professional license and registration number, and contact phone number of the CEO level trained person or registered design professional who has reviewed the project documents and shall indicate compliance with all aspects of The New York State Uniform Fire Prevention and Building Code and local regulations for fire or life safety issues relating to, or resulting from the asbestos project. For variance submissions on asbestos projects with no apparent fire and life safety issues, the review and statement of compliance may be provided by a person currently certified with a CEO level of training by New York State Department of State. Form DOSH-752 to be revised accordingly.
 - ◆ If The New York State Uniform Fire Prevention and Building Code or local regulations require CEO approval for fire or life safety issues relating to, or resulting from the asbestos project (i.e. modifications to required egress, fire protection systems, passive fire protection, etc.), all appropriate permits and approvals must be obtained using New York State registered design professionals as required by pertinent state or local agency. Each required permit or approval must be obtained from the pertinent agency and made part of the project record. This documentation must be provided with each variance petition.



In-Service Training Course under Development for CEOs

- 4-hour In-service training course being developed by DOS with assistance from DOL and DOH
- Training to include
 - ◆ What is asbestos and its characteristics
 - ◆ Where was/is it used in building materials
 - ◆ Potential Health Effects
 - ◆ How an asbestos project typically impacts Uniform Code compliance (e.g. means of egress, fire protection systems, passive fire-resistance)



Submission of Information to Local Government Entity

- **Transmittal of Asbestos Survey Information(Survey or Certificate of Completion) to local government entity.** One (1) copy of the completed asbestos survey or certificate of asbestos survey completion shall be sent by the owner or their agent to the local government entity (code enforcement official) charged with issuing a permit for such demolition, renovation, remodeling, alteration, addition, or repair work under applicable State or local laws. If no such permit is required, the copy of the asbestos survey or certificate of asbestos survey completion shall be submitted to the town or city clerk. The certificate of asbestos survey completion shall include information indicating if ACM was found, and if so, a listing of ACMs, quantities, locations, conditions and friability, along with signatures of the asbestos contractor's certified inspector that completed the survey and the building owner, must be included with the certification.
- **Transmittal of Asbestos Project Certificate of Completion.** Once all regulated abatement work areas have been satisfactorily completed and dismantled, one (1) copy of the completed asbestos project certificate of completion shall be sent by the owner or their agent to the local government entity (code enforcement official) charged with issuing a permit for such demolition, renovation, remodeling, alteration, addition, or repair work under applicable State or local laws. If no such permit is required, the copy of the asbestos project certificate of completion shall be submitted to the town or city clerk. The certificate of asbestos project completion shall include a listing by work area of the ACMs removed along with quantities, and the certificate shall be signed by all asbestos abatement contractor certified supervisors that worked at the work site, and all other asbestos contractors utilized at the work site (e.g. project monitoring and air monitoring firms), as well as the building owner, confirming that the information provided in the certificate is correct. The certificate shall also include a statement from the building owner or their agent, that all ACMs potentially impacted by the demolition, renovation, remodeling, alteration, addition or repair project have been removed.



Construction of Temporary Decks, Tunnels and Scaffolding in the Work Area

- **Tunnels and Decks.** Each Tunnel or deck to be constructed within the work area, for use during the asbestos project, shall be adequately designed by a registered design professional. A site-specific variance petition shall be obtained as per the requirements of Subpart 56-12, to permit construction and use of the tunnel and/or deck during Phase II of the asbestos project.
- **Decontamination System Enclosures.** Each decontamination enclosure system that is to be constructed within the footprint of the work area (but still contiguous to the work area environment), and is also planned for use as decking or scaffolding within the work area during the asbestos project, shall be adequately designed by a registered design professional. A site-specific variance petition shall be obtained as per the requirements of Subpart 56-12, to permit use of the enclosure as decking and/or scaffolding during Phase II of the asbestos project.



Addition of Personal Hygiene Section

- **Personal Hygiene at the Work Site shall meet the following requirements:**
 - ◆ There shall be no smoking on any floor of the building or structure where asbestos project activities are taking place.
 - ◆ Jewelry, watches, and cellular telephones shall not be worn, carried, or kept in any regulated abatement work area.
 - ◆ There shall be no eating, drinking, application of cosmetics, or chewing of gum or tobacco inside any regulated abatement work area. There shall be no food or beverages present in any regulated abatement work area.
 - ◆ If lunch areas are provided, they shall be located at the work site in areas that are separate from and not affected by the asbestos project.
 - ◆ There shall be no lighters or matches in possession of any asbestos contractor employee, or any authorized visitor who may enter a regulated abatement work area, while at the work site.



Air Sampling and Demolition Proposed Revisions

- **Revised Demolition Definition.** Destruction and subsequent removal of load bearing and non-load bearing structural members and/or building system components from a building or structure. This includes, but is not limited to, portions of: walls, floors, ceilings, windows, doors, hatches, mechanical systems, electrical systems, roofing, siding, insulations, interior or exterior finishes, foundations, etc.
- **Minimum Air Sample Volume.** A minimum volume of 1,200 liters shall be collected for each PCM background or clearance air sample collected. A primary or secondary calibration device shall be used for each required air sample flow rate calibration.
- **Clearance Air Sampling Clarifications.**
 - ◆ Critical Barriers and HEPA filtered negative air pressure ventilation equipment shall be installed as per the requirements of this part, for all regulated abatement work areas requiring collection of clearance air samples.
 - ◆ **Pre-Sampling Agitation.** Before starting the air sampling pumps, the exhaust of a minimum one (1) horsepower leaf blower shall be directed against all walls, ceilings, floors, ledges, and other surfaces in the rooms. This shall continue for at least five (5) minutes per 1,000 square feet of floor space.



Required On-Site Documents

- The following documentation shall be available at the work site throughout the duration of Phase II of the asbestos project.
 - ◆ A copy of the project record as required by Section 56-3.4(a)(2).
 - ◆ A copy of the current EPA NESHAP regulations pertaining to asbestos, and a copy of the current OSHA asbestos standards for general industry and the construction industry.
 - ◆ A list of telephone numbers for local hospital (including location of hospital), and/or emergency squad, local fire department, the property owner (or representative) and the Department's local district of the asbestos control bureau.
 - ◆ A copy of this Part, any variances pertinent to the asbestos project, and all asbestos project notifications required by this Part.
 - ◆ A copy of all Material data safety Sheets (MSDS) for chemicals used during the asbestos project.
 - ◆ A copy of the current NYS Asbestos Handling License for each asbestos contractor at the work site, and a copy of the current asbestos handling certificate for all asbestos contractor employees at the work site.
 - ◆ A copy of the asbestos survey required by this Part.
 - ◆ A copy of the Prefire Plan or Fire Safety and Evacuation Plan for the building.
 - ◆ A copy of the building/structure floor plan showing all current Phase II regulated abatement work areas, and the location of all exits in said work areas, shall be prominently posted in the ground floor lobby or comparable location, along with a notice stating the location of the negative air ventilation system disconnect switch or switches as required by Section 56-7.8 of this Part.



Asbestos Cleanup Project Preliminary Requirements

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.
- Currently, a site-specific variance is necessary for cleanup of any disturbance other than 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 dust and debris to define the limits of the contamination that must be cleaned up.



Asbestos Cleanup Project Preliminary Requirements (cont.)

- 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 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, exposure potential 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.



Current Applicable Variances

(all to be included within the amended ICR 56)

- AV-A-1 Requirements for controlled demolition asbestos projects at municipally owned vacant residential buildings/structures (56-11.5)
- AV-A-2 Requirements for extension of negative air exhaust tube greater than 25 foot in length (56-7.8)
- AV-A-3 Non-friable ACM Floor Covering Mastic Removal Using Chemical Methods along with Low-speed Floor Buffers (56-11.7)
- AV-A-4 Removal or Cleanup of Intact Minor Size Non-friable ACM Floor Tile (56-11.3)



Potential AVs – anticipated to be included within amended ICR 56

- Mechanical fastening of Items/Components or Systems – Penetrating Through Non-friable ACM – As per OSHA – considered Class III asbestos project work
- Small & Minor Size Asbestos Disturbance Cleanup Projects – to be used for cleanup of all type asbestos disturbances
- Buried Non-friable ACM Piping Abatement – For Owners with Buried ACM Piping – variance to apply to entire ACM piping system.
- Allow use of Commercially Available Reusable Tent Enclosures for Minor size O&M Tent Enclosure Asbestos Projects



Potential AV (56-11.3)

- Mechanical fastening of Items/Components or Systems – Penetrating Through Non-friable ACM – Considered an O&M Asbestos Project (less than 10 sq. ft. ACM impacted)
 - ◆ Drilling Prohibited
 - ◆ ACM not to be used as structural support
 - ◆ O & M training and certification at a minimum
 - ◆ No generation of debris allowed during fastening operations
 - ◆ Cat. I NF ACM - Sealant/caulking applied to ACM surface at point of intended impact, system overlayment/attachment allowed
 - ◆ Cat. II NF ACM – Self-adhesive asphalt based ice & water shield to be installed to ACM surface at framing/support system point of intended fastener impact. System overlayment/attachment not allowed to be directly fastened to ACM



Potential AV [56-11.2(f)]

- Small & Minor Size Asbestos Cleanup Projects – to be used for cleanup of all type uncontrolled asbestos disturbances
 - ◆ Exterior Non-friable Asbestos Cleanup Projects
 - Restricted area with minimum buffer zone requirements
 - Remote Personal Decon allowed – if manual wet methods to be used
 - Negative Air Containment Enclosure not required
 - Daily Abatement and Clearance Air Sampling required (last set of dailies compared to clearance criteria)
 - ◆ Interior Non-friable Asbestos Cleanup Projects
 - Restricted area required
 - Remote Personal Decon allowed - if manual wet methods to be used
 - Negative Air Containment Enclosure required
 - Daily Abatement and Clearance Air Sampling required
 - ◆ Interior and Exterior Friable Asbestos Cleanup Projects
 - Restricted area required
 - Attached Personal Decon required
 - Negative Air Containment Enclosure required
 - Daily Abatement and Clearance Air Sampling required



Potential AV (56-11.9)

- Buried Non-friable ACM Piping Abatement – For Owners with Buried ACM Piping – variance to apply to entire ACM piping system
 - ◆ O & M training and certification at a minimum, including heavy equipment operators that potentially disturb ACM. Handler (worker) training and certification required if quantity of ACM impacted is greater than minor size
 - ◆ Open air regulated abatement work area allowed, provided wet manual methods or wet powered shearing methods for cuts within glovebags are utilized.
 - ◆ Sawcutting not allowed.
 - ◆ Non-friable ACM not allowed to be rendered friable during abatement.
 - ◆ All generated debris removed from excavation



Potential AV (56-11.3)

- Allow use of Commercially Available Reusable Tent Enclosures for Minor size O&M Tent Enclosure Asbestos Projects
 - ◆ Single layer commercial tent enclosures allowed that are constructed with minimum 12 mil thickness fire retardant plastic sheeting.
 - ◆ Commercially available tent enclosures must be designed for reuse at minor size asbestos projects and asbestos abatement contractor is responsible for following manufacturer instructions regarding use, including cleaning after use and repairs prior to reuse.
 - ◆ Lockdown encapsulant not required to be applied to interior of tent enclosure during final cleaning.
 - ◆ The tent enclosure shall be inspected prior to each use and repaired as necessary as per manufacturer instructions.

