

	<p><b>Office of Construction</b> <b>Code Compliance Department</b></p>	<p><b>DASNY Guidance – DOL Emergency Asbestos Variance Requests</b> <b>3/28/13</b></p>
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### NYS DOL Emergency Asbestos Variance Requests

- If a safety or health emergency exists and a site-specific variance decision is necessary immediately, after reviewing the emergency variance petition details with DASNY CCD, the asbestos project designer must call the Engineering Services Unit (ESU) at the Department of Labor (DOL) and inform one of the engineers of the anticipated variance submission, along with an explanation/description of the safety or health emergency. If the asbestos abatement contractor proceeds with the asbestos project without obtaining the necessary variance decision first, it may result in a Violation, possible fines and asbestos project suspension. [ESU 518-457-1536 Melissa Dippel – secretary; Asbestos Variance Engineers – Ed Smith, Ravi Pilar, Paul Demick, Jim Meacham]
  
- The asbestos project designer will need to give the details of the emergency asbestos site-specific variance petition as required when filing a normal asbestos site-specific variance petition, plus the designer must be able to demonstrate and explain what the safety or health emergency is and why the asbestos project has to be started ASAP. The asbestos project designer shall utilize DOL asbestos variance application form SH 752 to submit the emergency asbestos site-specific variance petition. [ESU Fax 518-457-1301 e-mail: obtain from Melissa (secretary) at 518-457-1536]
  - Please note that the details must be thorough and complete for the DOL Engineers to understand both the scope and methods to be utilized for the project.
  - Also, the safety or health emergency must be thoroughly described/explained as well as the reasoning for the emergency status request. Here are a couple of examples:
    - Friable ACM became dislodged and the resulting friable debris must be cleaned up ASAP to reduce the exposure potential to the general public and building occupants
    - Due to weather conditions flooding occurred in the lower level of the building and to re-energize the electrical system ASAP, intact non-friable ACM must be removed in accordance with proposed variance procedures, to allow damaged electrical equipment to be replaced immediately, so the system can be re-energized.
  
- **Emergency Asbestos Cleanup Project variances:** Please note that for asbestos cleanup projects, a contamination assessment is always required to identify the extent of contamination requiring cleanup and this assessment must be included with the emergency variance petition submission. Typically, relief from plasticizing surfaces [56-7.11(e)] is requested for emergency asbestos cleanup projects, as the surfaces are potentially contaminated, Also, reduction of cleanings from 3 to 1 [request to follow 56-9.1(e)] is typically requested if the surfaces are not plasticized and negative air ventilation is typically increased to 8 air changes per hour to increase the asbestos project engineering controls. For cleanup projects relief from 56-11.2(f) is requested to utilize similar procedures for cleanups greater than minor in size. Air sampling and decontamination enclosure requirements would be more stringent, based upon the size of the cleanup project.
  
- **Emergency Asbestos Project – Non-cleanup:** This type of emergency variance typically has to do with safety related concerns (e.g. structural, electrical, plumbing, or other building infrastructure) and the abatement must be completed immediately to address the safety concern ASAP. Detail the specific sections of ICR 56 that can't be complied with and the precautions to be undertaken to protect the health and safety of the building occupants, general public and the asbestos project workers. Typical examples include:
  - Intact component abatement of ACM electrical panels to allow installation of replacement panels and re-energization of electrical system [relief from 56-7.11(b-e) & 56-7.8]
  - Removal of ACM pipe insulation or other ACM to allow for plumbing repairs and reactivation of building water/fire suppression systems. [relief from 56-7.11(f)(1) for large tent construction]
  - Removal of ACM fireproofing to allow shoring of decking to occur [relief from 56-7.11(f)(1) for large tent construction ]