

56-1.5 Responsibility of Cleanup of Uncontrolled Disturbance If there is an incidental disturbance or other disturbance (not as part of a controlled asbestos project) of ACM, PACM, asbestos material, or suspect miscellaneous ACM assumed to be ACM at a building or structure, upon discovery of the disturbance, the property owner shall be responsible for contracting with a licensed asbestos contractor for immediate isolation of the disturbance and cleanup in accordance with all provisions of this Part.

DOL Guidance Document – Responsibility of Cleanup of Uncontrolled Disturbance

Question: Are property owners subject to a potential violation of ICR 56 if ACM or PACM is disturbed by a trade’s contractor or other entity unbeknownst to the owner and the damaged material or debris fallout is subsequently discovered by an Asbestos Control Bureau inspector? Is the party who disturbed the ACM or PACM required to notify the property owner, to aid the owner in complying with this requirement?

Answer: Similar to US OSHA, any contractor performing a general supervisory role on any renovation, remodeling, demolition, or repair project is responsible for informing all contractors under their direct general supervision and control that any disturbance to ACM, PACM and asbestos material (known or assumed) at the site is prohibited by any contractor other than the asbestos contractor.

Also, the contractor performing the general supervisory role shall require all asbestos contractors under their direct general supervision and control to be in compliance with Code Rule 56. (This requirement does not include entering asbestos project work areas to check on the asbestos contractor.)

In addition, Section 1.4 includes contractor notification requirements to the building/structure owner or their representative for newly discovered materials and any disturbances to ACM, PACM or suspect miscellaneous materials.

Once a disturbance 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. A site-specific variance is necessary for cleanup of any disturbance other than a Minor size incidental disturbance.



DISTURBANCE & CONTAMINATION ASSESSMENT INFORMATION SHEET

Thank you for contacting **ACA** for assistance on your asbestos abatement project. While we appreciate being the first call for your abatement needs, there are instances of disturbance and contamination that make it necessary to have a report before we can come to your site to provide a bid.

The New York State Regulations mandate that if there has been a disturbance, a report must be prepared by a Certified Inspector. This report will assess the disturbance/contamination, outline the abatement necessary and the protocol by which it shall be performed. See the below excerpt of the New York State Regulation Asbestos Regulations.

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TRANSITE SIDING DEBRIS	<u>EXAMPLES</u>	POST FIRE DAMAGE WITH ACM JOINT COMPOUND POSITIVE
Another example not pictured is piping debris in crawl spaces		

Minor is 10 sf/ 25 lf

New York State Regulation
GUIDANCE DOCUMENT (redline version 2.0, released 1/30/09)
On amended Industrial Code Rule 56 (ASBESTOS)

"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/. 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, 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 bulk sampling/analysis of the remaining debris/residue to **define the limits of contamination that must be cleaned up.**"



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