ASBESTOS
BLANKET VARIANCE 3.21

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK  12240-0100

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Variance Petition : File No. 102-89
of : DECISION
NYS Department of Transportation : Cases 1-10
Petitioner : ICR 56
in re :
All Locations Statewide :
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The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 102-89 on February 13, 1989 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56-8.1(g), 56-8.1(h), 56-8.1(i), 56-8.1(j), 56-8.1(k)(1-5) and 56-10 on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the Petitioner, dated February 13, 1989; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:
The Petitioner's proposal, to utilize procedures as delineated in the technical specification entitled "Blanket Variance No. 3", (7-page stamped copy attached), is accepted subject to the following conditions:

**THE CONDITIONS**

1. The entire bridge and its surrounding fenced-in area shall be considered to be the work area. Uncertified persons shall not be permitted within the work area. The vacation of the work area and warning signs shall comply with Industrial Code Rules 56-8.1(a and b).

2. A personal decontamination enclosure system that may be "remote" from the bridge, but otherwise complies with Subpart 56-9, shall be utilized. The personal decontamination enclosure shall be removed only after satisfactory clearance air monitoring results have been achieved.

3. Asbestos-contaminated tools/equipment shall be decontaminated by utilizing a waste decontamination enclosure system that complies
with Subpart 56-10 or by utilizing the personal decontamination enclosure system in conjunction with the applicable requirements of Industrial Code Rule 56-5.1.

In addition to the conditions required by the above specific variance, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION, complete with a stamped copy of the attached 7-page proposal, entitled "Blanket Variance No. 3", shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of the "asbestos containing conduit (transite pipe)" and "asbestos insulated pipe suspended from a bridge".

DATED: APRIL 18, 1989

THOMAS P. HARTNETT
COMMISSIONER OF LABOR

BY  CARL J. THURNAU, ASSISTANT DIRECTOR
DIVISION OF SAFETY AND HEALTH
Blanket Variance No. 321

Nature of Work: Removal of a) asbestos containing conduit (transite pipe) or b) asbestos insulated pipe suspended from a bridge. The asbestos insulated pipe may have a thin metal or fabric outer wrapping.

Reason for Request: Because of the volume of traffic, the cost and the practical difficulties involved in shutting down a lane of traffic on the bridge or traffic beneath the bridge for an extended period of time, it is proposed to remove the conduit with an equivalent if not higher level of protection for the workers and the general public while permitting the proper removal of the asbestos insulation or conduit in conjunction with the existing logistical constraints.

To erect enclosures and comply with all the large asbestos project provisions of Industrial Code Rule 56 would require eliminating traffic beneath the bridge for an extended period of time. Because of the extraordinary physical constraints that exist, the removal cannot take place from within an enclosure as required by Industrial Code Rule 56, since such an enclosure would prohibit the continued movement above or below the structure.

The Department of Transportation proposes to encapsulate all exposed edges of asbestos insulation, or asbestos containing material, wrap and secure the encased piping insulation in two layers of minimum six mill. thickness polyethylene. Glove bags will then be used to remove three foot sections of insulation or asbestos containing conduit at twenty foot intervals. A new glove bag will be used for each section. Wrapped piping will then be cut and lowered into lined wooden boxes for disposal.

A Department of Transportation employee or designated representative who has satisfactorily completed an approved New York State Department of Health asbestos safety program and who is certified by the New York State Department of Labor, will monitor the entire removal operation to ensure worker and public safety. Reduction of exposure potential is effected through the use of one glove bag per section of insulation (no moving of the glove bag) and the removal of insulation in discreet sections (minimal disturbance of material).

The following is an outline of the work procedures to be employed.

PART 1 - GENERAL

1.01 SCOPE OF WORK

A. The work covered by this procedure includes the removal of the pipe insulation or of the asbestos containing conduit suspended from a bridge.

1. Encapsulation of exposed edges of pipe insulation or asbestos containing conduit.

2. Wrapping and securing pipe insulation or asbestos containing conduit with polyethylene.

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3. Removal of three foot sections of pipe insulation or asbestos containing conduit at approximately twenty foot intervals using glove bags.

4. Cutting and lowering intact, sealed and labeled sections for disposal.

1.02 QUALIFICATIONS

A. All the removal work shall be done by a New York State Licensed Asbestos Contractor. All employees and project supervisors involved in the asbestos removal project will have received three (3) days of training in an asbestos safety program approved by the New York State Department of Health and be certified asbestos handlers in accordance with Industrial Code Rule 56.

1.03 WORK AREA ENTRY/EXIT PROCEDURES

A. Prior to any removal activities, a construction fence shall be placed around the bridge and approach areas at a minimum distance of 25 feet from the bridge, as shown in Figure 1, to insure complete isolation of the work area during removal procedures. Caution signs shall be posted that permit a person to read the sign and take the necessary protective measures to avoid exposure.

B. Workers and authorized visitors shall enter/exit the work area through a personal decontamination unit placed at the work area entrance.

C. Workers and authorized visitors shall be fully protected with respirators and protective clothing, as per ICR 56-4.1(d), immediately prior to the first disturbance of asbestos containing or contaminated materials and until final clean-up is completed.

D. Workers and authorized visitors shall not eat, drink, smoke, or chew gum or tobacco in or near the asbestos work areas.

PART 2 - PREPARATION

2.01 WORK AREA PREPARATION

A. Scissors Lifts/"Cherry-Picker"

1. The lifting device used shall be pre-cleaned.

2. The lifting device platform shall be covered with a minimum two independent layers of minimum six mil. thickness polyethylene sized to minimize joints and sealed with tape. The sides/ railings and ends of the lift platform shall be similarly plasticized.

3. One layer of 1/2" plywood, sized to fit, will be placed over the polyethylene to ensure secure footing. The plywood shall be disposed of as asbestos waste material.
B. Scaffolding

1. If scaffolding is used, the flooring shall be covered with a minimum of two independent layers of six mil. polyethylene sheeting sized to minimize joints and sealed with tape. The sides/railings and ends of the scaffold platform shall be similarly plasticized.

2. One layer of 1/2" plywood will be secured on top of the polyethylene to ensure good footing. The plywood shall be disposed of as asbestos waste material.

3. All penetrations into scaffold supports shall be sealed with tape.

2.02 PREPARATION OF PIPE INSULATION OR ASBESTOS CONTAINING CONDUCT

A. Working from scaffolding, "cherry pickers", scissor lifts, or similar equipment, workers wearing respirators, safety belts, and protective clothing, in accordance with Industrial Code Rule 56, will wrap entire lengths of piping in two layers of minimum six mil. polyethylene sheeting sealed air-tight with tape.

1. Exposed edges of insulation or the asbestos containing conduit shall be sealed with a penetrating encapsulant prior to wrapping with polyethylene.

   a. Any loose material will be removed with a HEPA vacuum.

   b. Encapsulant shall be applied in accordance with manufacturer's recommendation.

2. Apply the first layer of polyethylene with a minimum 12 inch overlap at the seam and seal it to itself.

3. Apply the second layer of polyethylene in a similar manner, locating the seam opposite that of the first layer.

4. Using waterproof tape, secure the circumference of the piping at appropriate intervals.

PART 3 - EXECUTION

3.01 EXECUTION

A. At intervals no greater than twenty (20) feet, locate a three foot section of pipe and slip a glove bag over the double wrapped piping. Fold the open edges together and seal the seam. Seal each end around the work area with duct tape to form an air-tight seal.
B. Testing the Glove Bag Seal - Perform a smoke test of the glove bag seal as follows:

1. Aspirate the contents of a smoke tube through the water port access of the bag.

2. After twist sealing the access port, the bag shall be squeezed gently and checked for any leakage points which shall be sealed airtight.

C. Line a metal or fiber drum with a sealable, labeled poly. bag of six mil. minimum thickness.

1. Position the lined drum on the lifting device directly below the glove bag.

2. Place tools in glove bag.

3. Place lower portion of glove bag inside drum.

If Case A

4. Carefully cut the asbestos containing conduit and place in lower portion of glove bag.

5. Continue with step 13 below.

If Case B

6. Carefully slit the polyethylene pipe wrapping to gain access to the thin metal stove or fabric covering.

7. Using an airless, sprayer, saturate the outer surface of the covering with amended water and if wrapped insulation carefully cut through the covering and insulation around the circumference at each end.

8. Longitudinally cut and open the covering and insulation, while saturating both inner and outer surfaces with amended water.

9. Remove insulation and covering from the piping.

10. Wet pipe until visibly free of residue.

11. Rinse piping, tools and upper portion of glove bag.

12. Seal edges of adjacent insulation with an encapsulant.

13. Fold edges of polyethylene over the remaining piping and secure with waterproof tape.

14. Insert HEPA - vacuum hose through side port, seal hose airtight, then turn on HEPA - vacuum to remove air from glove bag.
15. With air removed, squeeze bag tightly, twist, seal and tape closed. Turn off HEPA - vacuum, remove hose and seal port.

16. Tool segregation: With the glove bag collapsed, the tool pouch shall be separated from the bag by twisting it several times, taping the twist and thus sealing the pouch. Alternatively, the tools may be pulled through with one or both glove inserts, thus turning the gloves inside out. The gloves shall then be twisted several times, taped and thus sealed.

17. Seal edges of insulation or asbestos containing conduit with duct tape or encapsulant.

18. Remove glove bag and place in lined drum.

19. Continue to next location.

20. Once the insulation has been removed from the pipe, or the asbestos containing conduit has been cut into sections, the double wrapped and sealed piping will be cut into lengths no greater than 20 feet and carefully lowered using nylon slings, into double six mil. minimum polyethylene per layer, lined wooden boxes. The boxes shall be provided with secured tops and sealed airtight. The nylon slings shall be attached to the metal portions of the piping and not to the insulated areas.

21. Boxes will be labeled in accordance with OSHA/EPA requirements. Boxes will then be loaded on a NYSDEC permitted transporter.

22. Boxes will be transported to and disposed of at a NYSDEC asbestos permitted landfill.

PART 4 - MATERIALS AND ADDITIONAL PROVISIONS

4.01 MATERIALS

A. Sealable polyethylene bags of 6 mil. minimum thickness shall be used. Bags shall be sized to fit within drums specified below.

B. Sealable drums of 30 or 55 gallon capacity shall be of fiber or metal with tightly fitting lids. The drums and bags shall be labeled in accordance with OSHA or U.S. EPA requirements and shall be air and water tight.

C. Glove bags shall be a minimum 6 mil. clear polyethylene, minimum size of 43" x 63", maximum size of 72" x 92", approved and labeled for removal and containment of asbestos materials with tool pouch, PE coated sleeves with latex gloves and vacuum port, either of horizontal or vertical design.
4.02 ADDITIONAL PROVISIONS

A. Air sampling shall be conducted daily; in those areas on the bridge directly above the removal activities occurring on that day, in the work area, on the workers, and outside the work area. Background air samples will also be collected up wind. "Sample/Analysis" turnaround time shall not exceed 24 hours. If air sampling results indicate any airborne asbestos fiber concentrations at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work will be stopped immediately, methods shall be altered to reduce the airborne fiber concentrations to the aforementioned level and work shall not resume until that level is attained. Air sampling, monitoring and analysis shall conform with ICR subpart 56-17.

B. The contractor shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-17.
Asbestos
Blanket Variance 321
STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Engineering Services Unit
State Office Building Campus
Albany, N.Y. 12240

Re: File No. 102-89
NYS Department of Transportation
State Campus, Bldg. 7A
Albany, NY 12232

The attached is a copy of a Decision dated June 3, 1994 which I have compared with the original filed in this office and which I DO HEREBY CERTIFY to be a correct transcript of the text of the said original.

If you are aggrieved by this decision you may appeal within 60 days from its issuance to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, 194 Washington Avenue, Albany, New York 12210, as prescribed by its Rules of Procedure, a copy of which may be obtained upon request.

WITNESS my hand and the seal of the Department of Labor, at the City of Albany, this third day of June, One thousand nine hundred and ninety-four.

Daniel J. Sullivan, P.E.
Principal Safety and Health Engineer

NOTE: It is important that a copy of this Decision (if a variance is granted) be preserved at all times for public inspection for the reason that the violation upon which the petition for variance is based is, through this Decision, removed and the petitioner is thereby deemed to be in full compliance with the Law, thus avoiding the penalties prescribed by Section 213 of the Labor Law.
Asbestos
Blanket Variance 3RI

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

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Variance Petition - Reopening : File No. 102-89
of : *DECISION
NYS Department of Transportation : General
and : Condition No. 2
Shared Jurisdictional Partner : CR-56
NYS Thruway Authority :
in re :
All Locations Statewide :

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The Petitioners, pursuant to Section 30 of the Labor Law, by letter dated May 31, 1994 requested a reopening of File No. 102-89, Decision dated April 18, 1989, with regard to the usage of the subject variance by the New York State Thruway Authority on bridge projects which the NYS Department of Transportation and the NYS Thruway Authority have shared jurisdiction; and

The Commissioner of Labor, having considered the above noted request and the contents of File No. 102-89, does hereby take the following actions:

The NYS Thruway Authority, when acting as a Shared
Asbestos
Blanket Variance 3 E 1

Jurisdictional Partner of the NYS Department of Transportation, shall be permitted to perform asbestos abatement projects under the terms and conditions of File No. 102-89.

General Condition 2 shall now read as follows:

2. This DECISION shall apply only to the removal of the "asbestos containing conduit (transite pipe)" and "asbestos insulated pipe suspended from a bridge" on projects under the jurisdiction of the NYS Department of Transportation and/or their shared jurisdictional partner, the NYS Thruway Authority.

General Condition 3 is hereby added and shall read as follows:

3. All terms and conditions of File No. 102-89, Decision dated April 18, 1989, not modified by this Decision shall be complied with by the Petitioner.

DJS

Dated: June 3, 1994

JOHN F. HUDACS
COMMISSIONER OF LABOR

BY

CARL J. THURNAU, ASSISTANT DIRECTOR
DIVISION OF SAFETY AND HEALTH

*This Decision shall be attached to and made a part of the Commissioner of Labor's Decision dated April 18, 1989, relative to File No. 102-89.