The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 831-89 on September 22, 1989 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56-6.1, 56-8.1(j), 56-8.1(k)(1-5), 56-15.2(b-e) and 56-16.1(a) 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 September 20, 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. 5", (5-page stamped copy attached), is accepted subject to the following conditions:

THE CONDITIONS

1. The portion of the bridge actively being worked on shall be considered to be the work area. Barriers and fences shall be established in accordance with figure §2 (attached). The vacation of the work area and warning signs shall comply with Industrial Code Rules 56-8.1(a and b).

2. 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 5-page proposal entitled "Blanket Variance No. 5", shall be displayed conspicuously at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of graphite coated asbestos sheet used as a bond breaker and low friction material between the top of the abutment and the approach slab on bridges.

DATED: OCTOBER 12, 1989

THOMAS F. HARTNETT
COMMISSIONER OF LABOR

BY
ROBERT GOLNICK, DIRECTOR
DIVISION OF SAFETY AND HEALTH

JHS

3 OF 8
Blanket Variance No. 5

BACKGROUND

One some bridges, a graphite coated asbestos sheet has been used as a bond breaker and low friction material between the top of the abutment and the approach slab as shown on attached Figure 1.

This material is exposed during a bridge rehabilitation or bridge deck replacement project when the approach slab is removed.

When a bridge is rehabilitated or a bridge deck is replaced, work is progressed on only a portion of the bridge at a time while traffic is being maintained on the remaining portion of the deck.

REQUEST

It is requested that a general variance be granted to the Department to remove this material when encountered during a bridge deck replacement or bridge rehabilitation project using the following proposed modification of AV 91 and that the following requirements of IRC 56 be waived: Sections 56-6.1; 56-8.1, subdivision (j), subdivision (k), Paragraph (1) through (5); 56-15.2, subdivisions (b) through (e) and 56-16.1, subdivision (a). It is further requested that only that portion of the bridge actively being worked on be designated as the work area.

PROPOSAL

The portion of the bridge actively being worked on shall be designated as the work area and physically separated from the travel way by a Jersey barrier and construction fence as shown on Figure 2.

The asbestos containing material would be removed by Method 1 or Method 2 depending on whether the top of the abutment had to be removed.

Method 1 - Removal of Asbestos Containing Material with Abutment Concrete.

1. After removal of the approach slab, soak the asbestos containing material with an approved encapsulating agent.

2. Wrap the asbestos containing material with a minimum of 2 layers of 6 mil polyethylene overlapping the edges of the abutment by a minimum of 4 inches and securely fastening the polyethylene with duct tape to the concrete.
3. With a concrete saw make two horizontal cuts and create a weakened plain a minimum of 6 inches below the top of the abutment.

4. With jackhammer or similar tool; remove the top portion of the concrete abutment with the asbestos containing material encapsulated by the polyethylene and dispose of the material in accordance with state and federal rules and regulations.

Method 2 - Removal of Asbestos Containing Material without Removing Concrete.

1. After removal of the approach slab, soak the asbestos containing material with an approved encapsulating agent.

2. Remove the asbestos containing material using a glove bag with the edges of the glove bag wrapped over the edges of the abutment and securely fastened to the concrete with duct tape.

3. The glove bag and asbestos containing material should be disposed of in accordance with state and federal rules and regulations.

CONDITIONS

1. Air sampling and analysis shall be conducted according to the requirements of Subpart 56-17 before the start and after the completion of asbestos removal projects ranging in size from 25 to 260 linear feet.

2. Air sampling and analysis should be conducted according to the requirements of Subpart 56-17 before the start, during and after the completion of asbestos removal projects greater than 260 linear feet.

3. In addition to the requirements of Subpart 56-17, air monitoring shall be conducted daily in each section of the work area in which the above methods are being utilized. Sample and analysis turnaround time shall not exceed twenty-four hours. If air sampling results indicate any airborne asbestos fiber concentration(s) at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work shall be stopped immediately and methods shall be altered to reduce the airborne asbestos fiber concentration(s) to the aforementioned level. Work shall not resume until that level is attained.

4. In lieu of compliance with the provisions of Condition Number 3 above, tents conforming to the requirements of Industrial code Rules 56-16.1 (c) and (d) shall be utilized. Actual removal of asbestos or asbestos containing material within the said tents shall be performed in conjunction with glove bag operations in compliance with the provisions of Industrial Code Rules 56-16.1 (b) (1) through (11).

5. Individual glove bags shall be used no more than once during the course of an asbestos removal project and shall not be moved or reused.

6. On all projects where the removal of asbestos or asbestos containing...
material is greater than 25 linear feet, notification conforming to the requirements of Industrial Code Rule 56-1.6 (b) shall be given to the Department of Labor's Division of Safety and Health.

7. Uncertified persons shall be prohibited from all work areas(s).

8. The requirements of Section 56-15.4 shall be complied with in the event of glove bag or tent failure or loss of integrity.

9. Personal protective equipment as required by Industrial Code Rule 56-4.1 (d) shall be provided and used.

10. A personal decontamination enclosure system, which may be remote from the tents but otherwise complies with the provision of Subpart 56-9, shall be utilized.

11. A waste decontamination enclosure system, which may be remote from the tents but otherwise complies with the provisions of Subpart 56-10, shall be utilized.

12. The portion of the structure actively being worked on shall be regarded as the work area.

13. A construction fence with appropriate sign shall be erected a minimum of 25 feet from the ends of the structure to delineate the work area.

14. The provisions of this applicable variance shall apply only to the work areas described above.

15. A copy of this Variance shall be conspicuously posted at the entrance to the work area(s).

16. All other applicable provisions of Industrial Code Rules 56-1 through 56-17 shall be complied.