



# ASBESTOS TECHNICAL REVIEW

A Guide to the  
New York City Asbestos Regulations

First Edition, October 2009



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# Introduction

In 2009, the City enacted a number of new laws to ensure that asbestos abatement is conducted safely. These laws impact the ways that asbestos projects are filed, approved and inspected, and involve new levels of cooperation among the agencies that oversee asbestos and construction safety: the Department of Environmental Protection (DEP), the Department of Buildings (DOB) and the Fire Department (FDNY).

The purpose of this guide is to explain the new laws and help building owners, builders and abatement contractors working in New York City.

This guide is divided into three sections:

1. A review of the entire asbestos abatement process from before filing to after close-out.
2. A detailed explanation of the new Asbestos Project Notification (Form ACP7).
3. Guidance for contractors about how to maintain proper egress at asbestos abatement/construction sites.

# 1 Notifying DEP of an Asbestos Project

The asbestos abatement process has five phases:

1. Pre-abatement Activities
2. Notifying DEP of an Asbestos Abatement Project
3. Project Intake
4. Conducting Abatement
5. Close-out

## 1. PRE-ABATEMENT ACTIVITIES

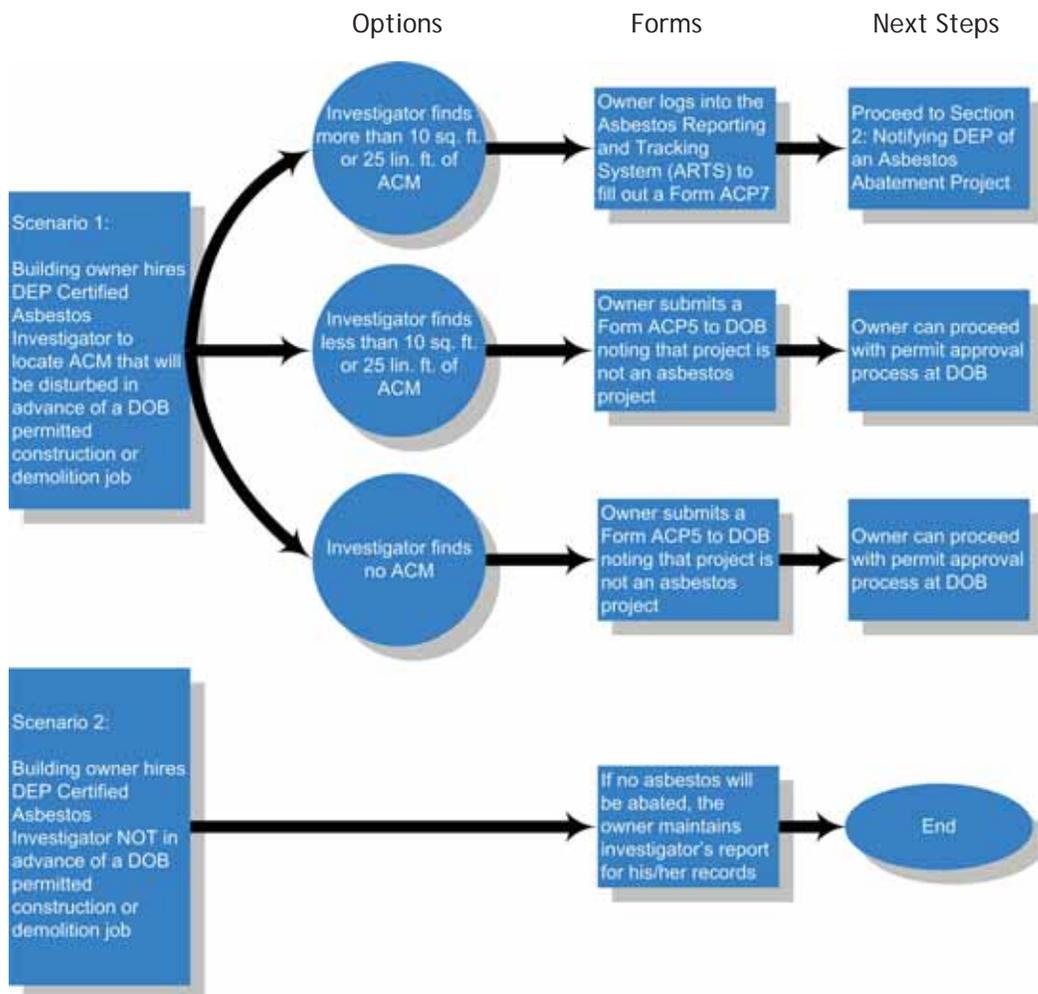
The pre-abatement activities begin when you hire a DEP-certified asbestos investigator to survey a building. These investigators are experts at identifying Asbestos Containing Material (ACM) and calculating the square feet and or linear feet of an abatement project. You may conduct an investigation as part of a construction project,<sup>1</sup> or you may just want to know if there is asbestos in your building. Whatever your reason, the investigator’s report will determine the amount of ACM.

The asbestos investigator will find that your project is either “Not an Asbestos Project (A)” or an “Asbestos Project (B).”

### A. Asbestos Assessment Report (Form ACP5)

If the asbestos investigator finds that less than 10 square feet or 25 linear feet of Asbestos Containing Material (ACM) will be disturbed, the project is considered “Not an Asbestos

Fig. 1: Pre-Abatement Activities



Project.” Even though such a project is termed “Not an Asbestos Project,” asbestos must still be abated in accordance with all relevant laws. However, there is no need to file any paperwork with DEP for a minor project. The ACP5 could also certify that you’re not going to disturb any ACM during your construction job or that the premises is free of any ACM. Once DOB receives the Form ACP5, DOB may proceed with the DOB permitting process.

**Note:** You must follow all the relevant laws and rules for asbestos abatement even when you remove minor amounts of ACM.

## B. Asbestos Project Notification (Form ACP7)

If the asbestos investigator finds that an amount of ACM greater than 10 square feet or 25 linear feet will be disturbed, the job is considered an “Asbestos Project” and you must submit an Asbestos Project Notification (Form ACP7) to DEP. If the asbestos abatement is part of a construction job, DOB will not issue a permit and construction may not begin until you complete the steps outlined in this guidance document and DOB receives a DEP Asbestos Project Completion Form indicating that the abatement is complete.

## 2. NOTIFYING DEP OF AN ASBESTOS ABATEMENT PROJECT

An asbestos project is defined as the abatement of more than 10 square feet or 25 linear feet of asbestos containing material. Under the law governing asbestos abatement, if you are conducting an asbestos project in New York City, you must notify DEP and follow all its rules and regulations.

### The Asbestos Reporting and Tracking System (ARTS)

If you have an “Abatement Project,” you will need to fill out an Asbestos Project Notification (Form

ACP7). You can do this by logging on to ARTS, the Asbestos Reporting and Tracking System. ARTS is the new central location for building owners and contractors to manage abatement job notifications. ARTS is accessible from DEP’s website ([www.nyc.gov/dep](http://www.nyc.gov/dep)) and, in addition to using it to electronically submit an Asbestos Project Notification, you can also use ARTS to request a variance, submit an amendment or print any form submitted to DEP. If you are undertaking an asbestos abatement job that requires a review and permit from the Asbestos Technical Review Unit (A-TRU), you can use ARTS to receive objections and approvals during your permit review.

The online Form ACP7 has been revised, and now features a number of new questions. In addition to questions about the abatement contractor, the asbestos hauler, and the independent air monitor, the new Form ACP7 asks a number of detailed questions about conditions in the abatement work area. You should consult a licensed asbestos abatement contractor to help fill out the form. However, you can begin filling out the Form ACP7 even if you don’t know all the information because ARTS allows you to save your applications. That way, even if you can’t answer a question, you can save the document and come back to it at another time.

After you submit the Abatement Project Notification online, you are still not ready to begin abatement activities. Every applicant who submits a Form ACP7 must print the ACP7, sign the signature page to attest that everything on the form is truthful, and then obtain signatures from the building owner, the asbestos abatement contractor and the project’s independent air monitor. By signing the Form ACP7, the asbestos abatement contractor, building owner or other party is attesting to the accuracy of the information, so they should be sure to read through the application carefully before signing. When all signatures have been obtained, you will be ready to bring the ACP7, including the

signature page and any required fees<sup>ii</sup> to DEP to file your abatement project. DEP will then issue you an “Asbestos Abatement Notice” that must be posted at the workplace.

In some cases, the submission of the Form ACP7 will also involve a review to approve a variance or an Asbestos Work Permit.

### **Asbestos Variance Application (Form ACP9)**

If you believe that you will be unable to comply with all the applicable City and State rules and regulations related to asbestos abatement, you may apply for a variance. You will need to submit an “Asbestos Variance Application” (Form ACP9) along with your Form ACP7. The Form ACP9 can also be completed using ARTS.

### **Asbestos Work Permit**

You will also need to submit additional materials if you need a permit from the Asbestos Technical

Review Unit. The ACP7 has a new section called “Project Details” and your answers to the questions in this section may determine that your project poses certain safety risks. In these cases, the application will need to undergo a review to ensure that you are taking appropriate safety precautions during the abatement. This review, conducted by A-TRU, may sometimes require you to hire a registered architect or professional engineer to create a Work Place Safety Plan to show how you will maintain safety throughout the course of the work. When the review is finished and A-TRU has concluded that the project will meet safety requirements, DEP will issue you an Asbestos Work Permit. That permit must be prominently posted in the entrance of the building where abatement is taking place, with additional copies posted directly outside each permitted asbestos containment area.

As soon as you submit your ACP7 online, an electronic copy of your completed ACP7 will pop up on your computer screen. The first page of this document will be an instruction sheet. These



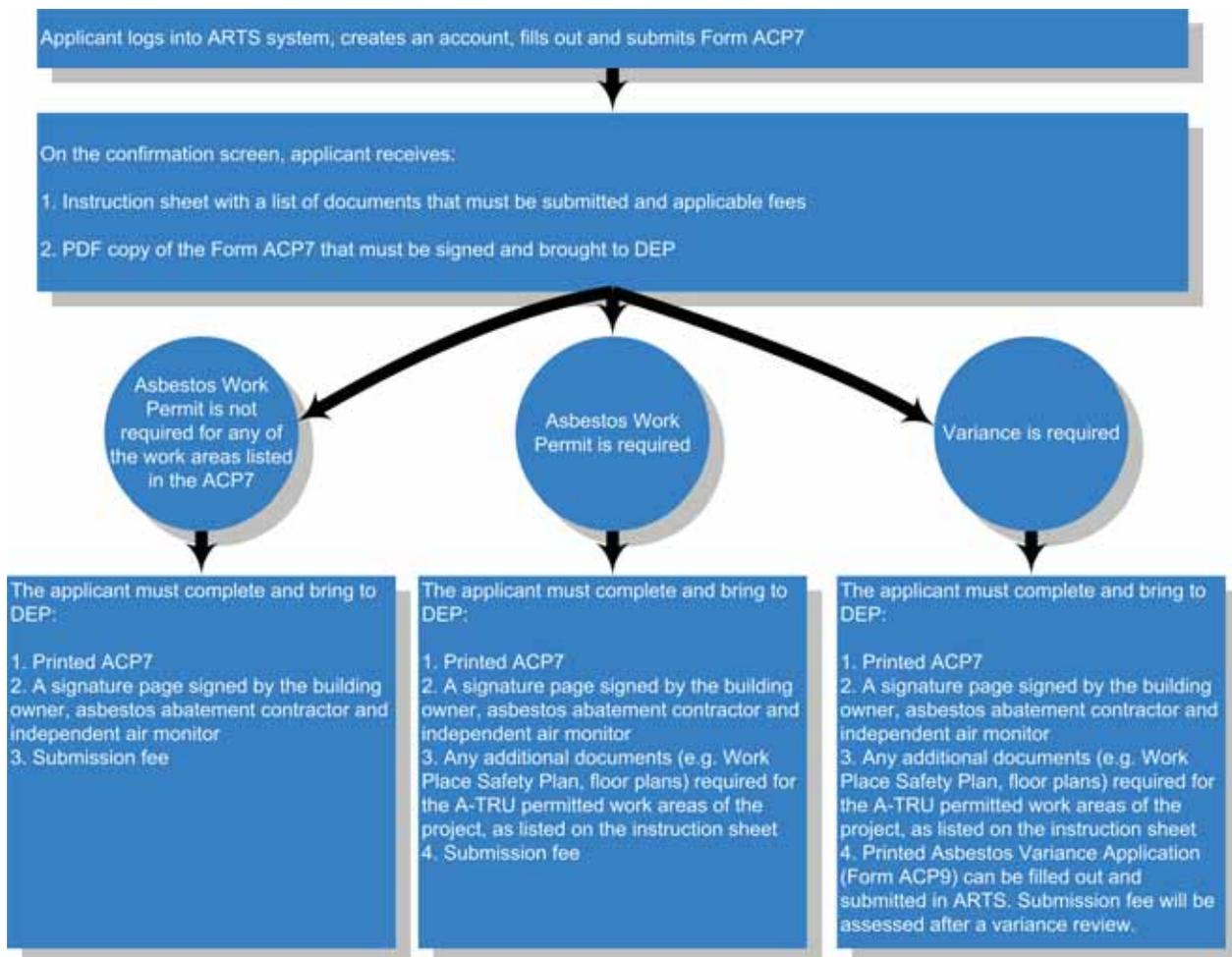
credit: Carl Ambrose

detailed instructions will tell you, based on your answers on the application, if your project will require an Asbestos Work Permit and what documents you need to submit for your plan review. The instruction page will also show the notification and permit fees<sup>iii</sup> due at the time of submission, which are calculated based on the amount of ACM, if required.

If the instruction sheet indicates that you must submit a Work Place Safety Plan, you must hire a registered architect or professional engineer to help prepare these documents. Then, when

you have all the signatures on your signature page and all the accompanying documents you need to submit, you will be ready to bring them to the DEP office.

Fig. 2: Notifying DEP of an Asbestos Project



### 3. PROJECT REVIEW

The Project Review Section has two parts, 'In-person Submission' and 'Following Submission':

#### A. In-person Submission

The submissions counter for the DEP Asbestos Control Program is on the eighth floor of the DEP headquarters, located at 59-17 Junction Boulevard in LeFrak City, Queens.

When you present your signed Form ACP7 and filing fee to the DEP clerk, the signature page will be scanned to confirm that it corresponds to the Form ACP7 that was submitted online.

At this point, if you have the need to make any changes to the start date, end date or abatement method for this abatement project, the clerk will print a Correction Form that can be signed by any of the signatories to the ACP7. The authorized clerk can then make those changes in the ACP7.

**Note:** An expeditor or courier will be considered an agent of a signatory and allowed to sign a Correction Form only if they have a letter signed by an ACP7 signatory authorizing them to sign the Correction Form.

Once the signature sheet has been confirmed, one of four things may occur:

I. *If the application doesn't require an Asbestos Work Permit or a variance*, the DEP clerk will provide you with a stamped copy of the Form ACP7, which includes the TRU tracking number (this number is used by DEP to identify the ACP7 and all accompanying documentation with the particular job) and a copy of the Asbestos Abatement Notice. The Asbestos Abatement Notice must be posted centrally in the entranceway or lobby of the building where abatement is taking place and you must begin abating asbestos by the start



date on the Notice.

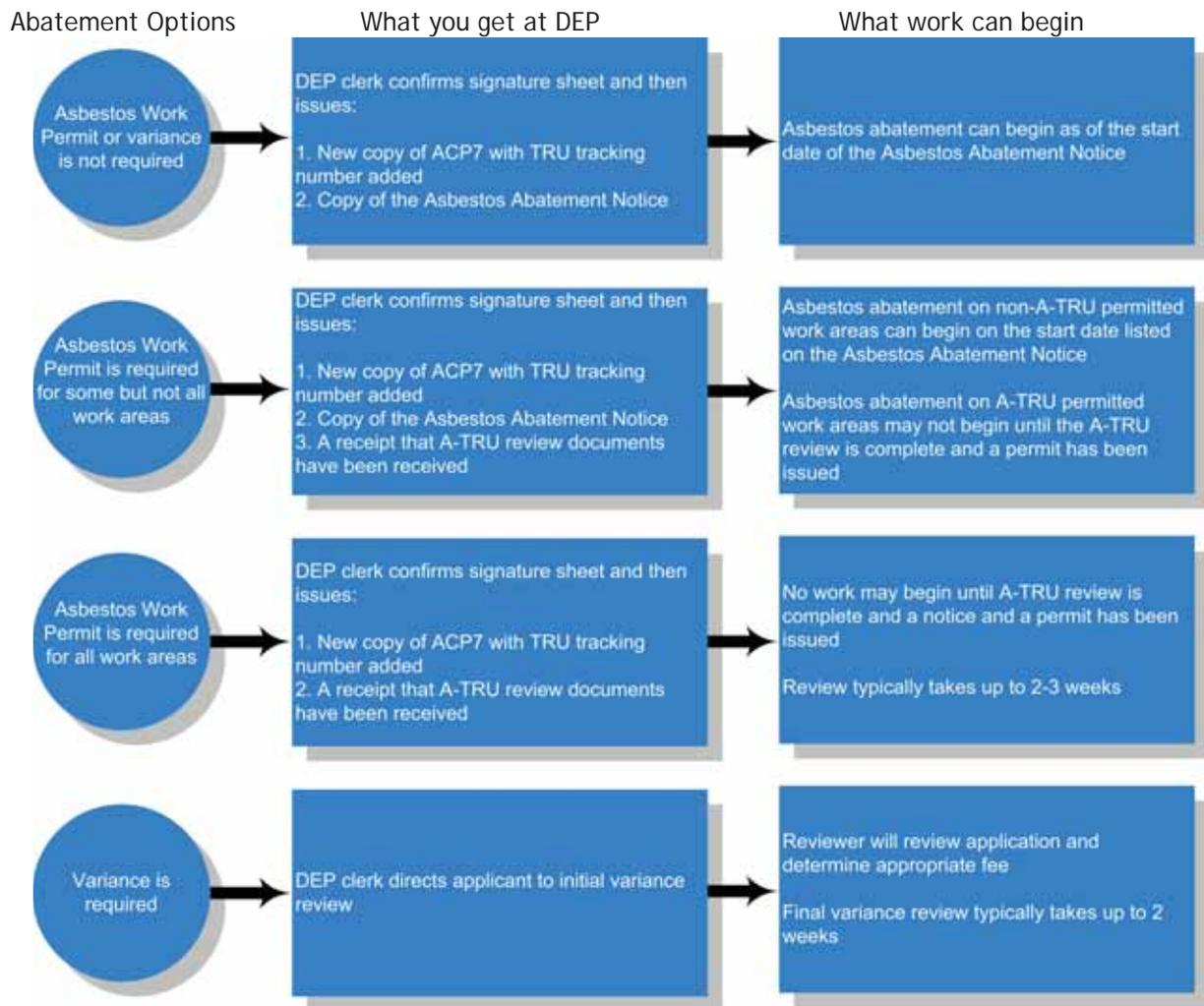
II. *If the abatement job requires an Asbestos Work Permit for some (but not all) of the asbestos work areas listed in the ACP7*, you must provide the DEP clerk with the documentation required for the A-TRU review. The clerk will then provide you with a stamped copy of the Form ACP7, printed with a TRU tracking number, a receipt confirming DEP's receipt of the supporting documents for A-TRU review and a copy of the Asbestos Abatement Notice. The Asbestos Abatement Notice must be posted at the workplace. You must begin abating asbestos in the work areas where A-TRU Review is not required by the start date on the Notice. Once the A-TRU review is finished and you have an Asbestos Work Permit, you may begin work in the areas where the permit is required. (If you did not bring the correct documentation for A-TRU review, the receipt will note that A-TRU review remains pending until you provide the documents.)

- III. *If the abatement job requires an Asbestos Work Permit for all the asbestos work areas listed in the ACP7*, the DEP clerk will collect the documentation required for the A-TRU review. The clerk will then provide you with a receipt confirming DEP's receipt of the documentation for A-TRU review and a stamped copy of the Form ACP7 with a TRU tracking number added. DEP will not provide you with a copy of the Asbestos Abatement Notice until the Asbestos Work Permit is granted, since there is no work that may commence until after the A-TRU review takes place. (If you did not bring the correct documentation for A-TRU review, DEP will not accept the ACP7.)
- IV. *If the abatement job requires a variance*, the clerk will direct you to a DEP reviewer for initial variance review. Unlike the fee for the ACP7 and the A-TRU review, the variance fee cannot be determined until the variance application has been reviewed.<sup>iv</sup> Therefore, you must meet with a DEP reviewer, who will perform a cursory review of the variance application to determine if the submission is complete for all technical aspects. Once the DEP reviewer is satisfied that the variance submission is completed, he or she will advise the clerk to enter the appropriate fee into the ARTS system and direct you back to the clerk to pay the fee for the variance.

## B. Following Submission

- I. *If you leave DEP with an Asbestos Abatement Notice*, you may post the Asbestos Abatement Notice and work may commence on the start date in any work areas that do not require a variance or A-TRU review.
- II. *If all the required documents have been properly submitted*, the review period for a variance or Asbestos Work Permit will take approximately two to three weeks. You will receive the results of your Request for Variance and/or Asbestos Work Permit via a message sent to your email account advising you to log on to your online ARTS account (or by mail if you have requested it):
  - If the Request for Variance and/or Asbestos Work Permit has been approved, a copy of your permit will be sent electronically to your ARTS account. You will enter the start date (which must be at least three days after the date of receipt) and you will be able to print the variance, which must be posted at the workplace, or the Asbestos Work Permit, which must be posted in the entrance of the building where abatement is taking place with additional copies hanging directly outside each permitted asbestos containment area.
  - If the Asbestos Technical Review Unit has any objections or questions concerning your variance and/or Asbestos Work Permit, you will be notified via your email (or by mail if you have requested it). You can respond to objections via fax or email, or you can schedule an appointment to speak with the A-TRU reviewers if you want detailed clarification about how to resolve the objections.
- III. *If you did not submit all the materials for your Request for Variance or Asbestos Work Permit*, it will be noted on your receipt, as well as in an email to you, that review is delayed pending the complete submission of all supporting material. Asbestos Work Permit and/or Variance approval can take up to two or three weeks, but these reviews will not begin until you have submitted all the necessary documentation (even if you have already received your Asbestos Abatement Notice and have already started work on non-variance, non-A-TRU jobs).

Fig. 3: Project Review



## 4. CONDUCTING ABATEMENT

### A. Inspections

Once abatement has begun, your abatement project may be inspected by DEP. Inspectors ensure that the asbestos abatement and all related work is being conducted safely and according to law.

DEP inspectors will verify that abatement work taking place matches the work described in your submitted drawings and paperwork (including your Form ACP7, Variance Approval and Asbestos

Work Permit), and that it conforms to the City rules governing abatement. Therefore, a copy of your Asbestos Abatement Notice must be posted at the workplace, your Asbestos Work Permit must be posted at the building entrance and outside every workplace and Variance Approval must be posted outside every workplace.

If permits, drawings and/or paperwork are missing from the work site, or the DEP inspector finds that your project should have received an Asbestos Work Permit or Variance Approval but didn't, the inspector can order the abatement contractor to cease all abatement work. The

contractors and building owners may face penalties or even criminal prosecution for falsifying the Form ACP7.

Furthermore, DEP Inspectors trained in the fundamentals of Building and Fire Code safety inspections will be checking that abatement sites comply with fire- and life-safety requirements like maintaining egress and fire-protection systems.

### B. Amendments

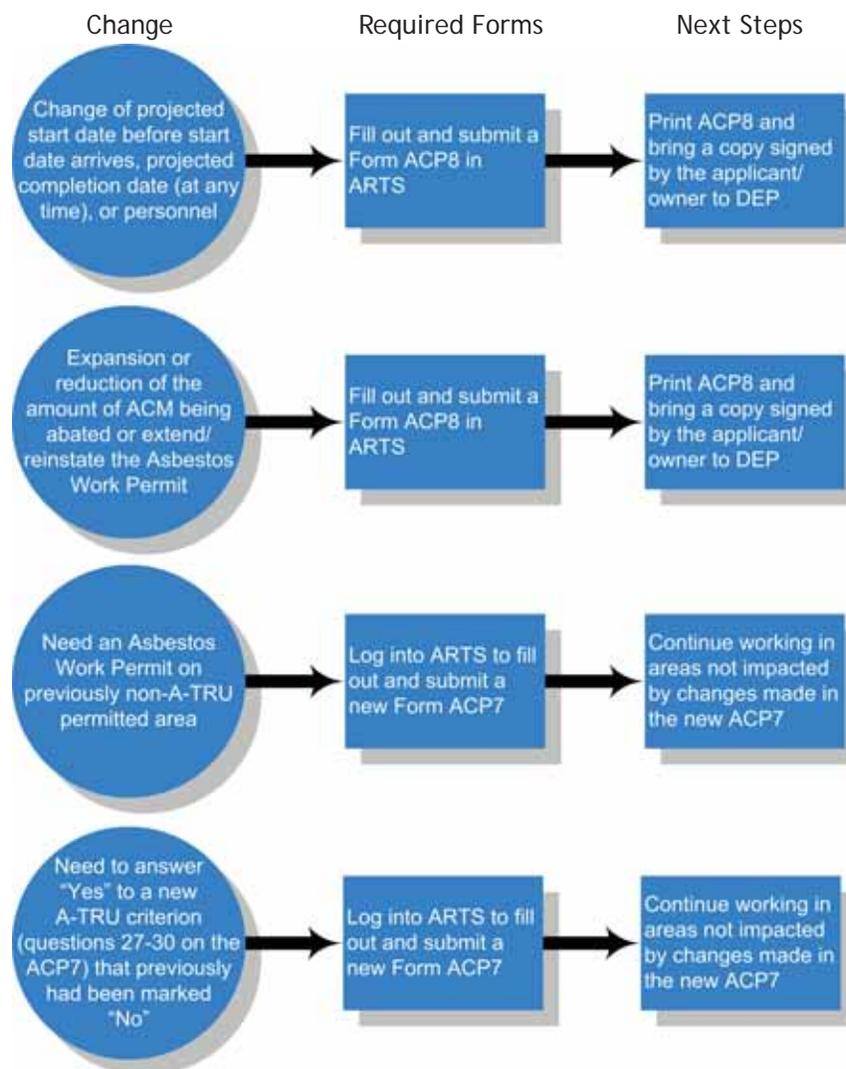
Modification or deviation from the information

provided on any notification submitted to DEP shall immediately be reported to DEP via your ARTS account using a Form ACP8.

If any of the following items change after the ACP7 has been submitted, you must submit a signed ACP8 to DEP:

1. Asbestos contractor
2. Third party air monitor
3. Project start/completion date
4. Additional amount of ACM
5. Any reduction in amount of ACM
6. Extend or reinstate the Asbestos Work Permit

Fig. 4: Amendment





If any of the following items change after the ACP7 has been submitted, you must submit the changes via your ARTS account only:

7. Project cancelled or postponed
8. Asbestos work schedule
9. Abatement procedures
10. Type of abatement
11. Asbestos Hauler

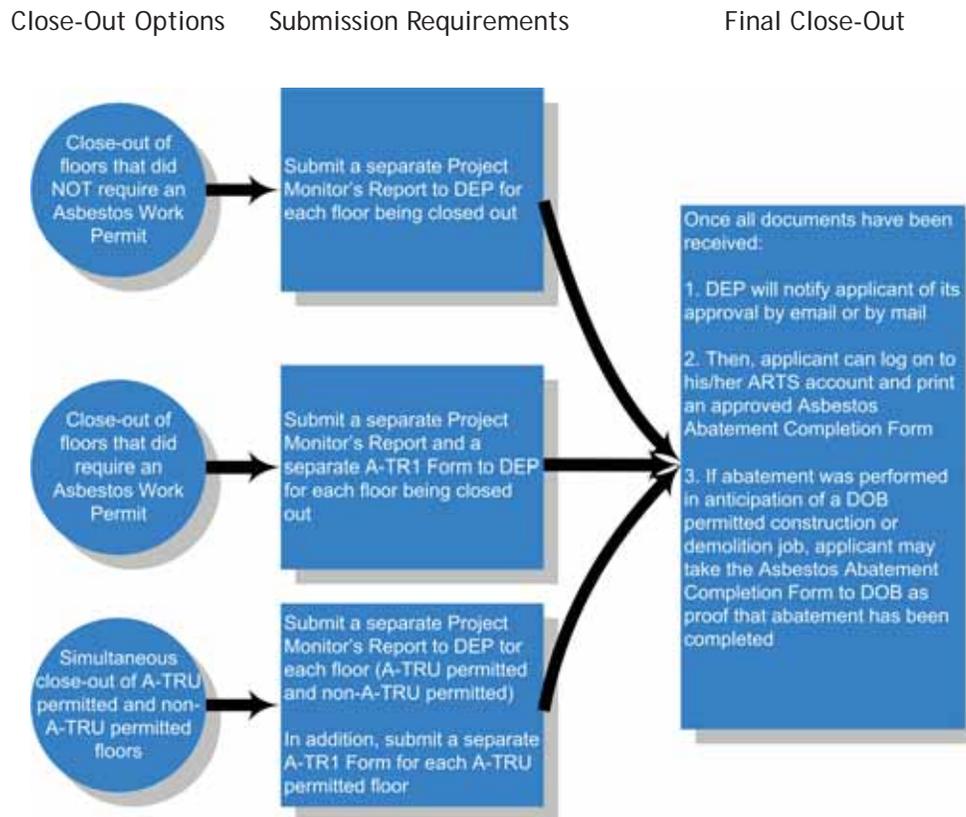
To register changes, enter your ARTS account and find the TRU number for the relevant project in the 'Processed' section on the homepage, and then click 'Make a Change.' You will be guided to a list of the details of your abatement project as they appear on your Form ACP7. Make whatever changes you need and then click 'Submit.' If you are making changes to items 1-6, ARTS will generate an Amendment Form (Form ACP8), which must be printed, signed and submitted to DEP with applicable fees, either by mail or in-person. Once DEP has received and approved the Form ACP8, it will advise you via your email that an approved version is in your ARTS account (or by mail, if requested) and the Form ACP8

should be posted at the work place next to the Asbestos Abatement Notice. If you are making changes to items 7-11, which do not necessitate the submission of a signed ACP8 to DEP, ARTS will immediately register the changes that you have entered and you may proceed with the abatement project.

However, you will have to file a new Form ACP7 if the changes that you are making will include any of the following:

- A change to the project details that will require an Asbestos Work Permit in a work area not previously covered; or
- A change to the project details that will require answering "Yes" about a new A-TRU criterion (questions 27-30 on the Form ACP7) that had previously been marked "No" (even in an area that is already permitted).

Fig. 5: Close-Out



## 5. CLOSE-OUT

In the past, the DOB issued permits for jobs as soon as it had received a copy of the ACP5, the ASB4, or an ACP7 indicating that the applicant was making plans to abate the asbestos. Under the new policy, the Form ACP7 is no longer a prerequisite for the issuance of a DOB permit. All abatement projects must be completed before a DOB permit will be issued. Once abatement has been successfully completed, DEP will issue an Asbestos Project Completion Form or an Asbestos Project Conditional Close-Out Form, either of which can be presented to DOB in order to obtain a DOB permit.

DEP issues an Asbestos Project Completion Form once all components of the asbestos abatement project have been completed. If the abatement project did not require an Asbestos Work Permit

and only received an Asbestos Abatement Notice, then the Abatement Project Close-Out will be issued once DEP receives a Project Monitor's Report. The Project Monitor is a certified professional who will monitor the abatement and review the results of the air monitoring. When abatement has been completed, the Project Monitor will file a Project Monitor's Report with DEP.

If the asbestos abatement project has received an Asbestos Work Permit from the Asbestos Technical Review Unit, then DEP will not issue the Asbestos Project Completion Form until it receives confirmation that all of the building work that was authorized by the Asbestos Work Permit has been carried out properly. This confirmation must be provided by a registered

architect or professional engineer, or another licensed professional qualified to grant that particular sign-off (e.g., a master plumber in a case where plumbing has been affected by the abatement) who will file an A-TR1 Form.

The A-TR1 Form may be used to report a number of things. If the abatement involved the removal of elements of the fire safety system like sprinkler systems, standpipes or exit doors, the appropriate inspector (e.g., architects, engineers, licensed plumbers, fire suppression contractors) will conduct a Special Inspection at the time that the building element is replaced to inspect and certify that the necessary work was completed as per all Building Code requirements. This Special Inspection will be noted on the A-TR1 Form that is submitted at the completion of the project.

In situations where no Special Inspection is required, an A-TR1 Form is still required to close out an Asbestos Work Permitted job. The registered architect or professional engineer will conduct a Final Inspection to confirm that the building has been returned to its original state. The registered architect or professional engineer will submit the A-TR1 Form and any relevant construction documents detailing the restoration of the building elements that were removed during the abatement.

Once DEP receives and reviews the appropriate documents, you will be notified of its approval via email (or by mail if you requested it). You will be able to log into the ARTS system and print your approved Asbestos Project Completion Form. You may then submit this form to DOB as proof that you have finished abatement, allowing the issuance of DOB construction permits.

If the work area is being left in a non-compliant state because a DOB-approved alteration or demolition job will occur following abatement, the registered architect or professional engineer must certify that you have not exceeded your scope of work and begun your construction or demolition and that the approved alteration scope encompasses the asbestos project work area. In this case, once DEP reviews and accepts the A-TR1 Form, it will issue an Asbestos Project Conditional Close-Out Form that will authorize DOB to issue building permits but will not close out the Asbestos Work Permit. You will have to keep the Asbestos Work Permit posted until the DOB permits have been pulled. Once the permits have been pulled, DEP will receive notice from DOB and the Asbestos Work Permit will be automatically closed out. If the Asbestos Work Permit, which is valid for one year, expires before the necessary DOB permits have been issued and the Asbestos Work Permit has not been renewed, DEP will issue violations for not properly closing out the abatement project. You will have to apply to have the Asbestos Work Permit reinstated in order to complete the close-out process.

**A-TR1: Technical Report  
Statement of Responsibility**  
*This form must be approved*

**1. Location Information** Required for all applications

House No. \_\_\_\_\_ Street Name \_\_\_\_\_ TRU No. \_\_\_\_\_  
Close-out Type Check one: Full  Partial

**2. Applicant Information** Required for all applications

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_  
Business Name \_\_\_\_\_ Business Telephone \_\_\_\_\_  
Business Address \_\_\_\_\_ Business Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Mobile Telephone \_\_\_\_\_  
License Type choose one:  P.E.  R.A.  Other \_\_\_\_\_ License Number \_\_\_\_\_

**3. Special Inspection and Progress Inspection Items**

SA #	Item Identification of Inspection	IC, ACP, E-ignition	BC Code Section
1	Special Inspect: Fire Alarms	20F	BC 1928.11
2	Standpipe Systems	20H	BC 1924.21
3	Standpipe Systems	20H	BC 1924.22
4	Sprayed Fire-Resistant Materials	20A	BC 1924.11
5	Smoke Control Systems	20B	BC 1924.14
6	Mechanical Systems	20B	BC 1924.16
7	Fire Protection and Fire Alarm Systems	20B	BC 1924.20
8	Final Inspection	20A	BC 1924.14
9	Final Inspection	20F	20-TR1.2.2
10	Final (Required for all A-TR1 Jobs)		20-TR1.2.2

**4. Locations of Abatement** Required for all applications

Floor	Section of Floor	Inspector's (See section 3b above)	DOB Self-Certification (conditional close-out type)	Certificate of Complete Inspection/Tests
<input type="checkbox"/>				Initial & Date
<input type="checkbox"/>				

DRAFT

Fig. 6: Items 1-9 in Section 3 of the A-TR1 relate to Special Inspections. Item 10 is the Final Inspection required to close out all permitted jobs.

# 2 The New Asbestos Project Notification Form

A detailed explanation of the new Asbestos Project Notification Form available on ARTS:

1. Asbestos Job Status
2. Form ACP7 Explained

## 1. ASBESTOS JOB STATUS

Once you log on to the ARTS system, you can see a list featuring the status of all your asbestos jobs. The status might be:

**Work In Progress** - These are applications that you are in the process of filling out.

**Pending** - These applications have been submitted to DEP's database and are pending until you come in with your signature sheet and any supporting documents. Opening these documents for editing will cause them to be automatically moved back into the "Work In Progress" folder.

**Submitted** - These applications have been submitted to DEP along with all necessary signatures and supporting documents. This category includes abatement jobs that are approved and may already be in progress. Once at this stage, your submitted paperwork can no longer be edited.

## 2. FORM ACP7 EXPLAINED

Online, the Form ACP7 has been divided into nine sections:

**Section 1: Facility** - Requires the location of the property where asbestos abatement will take place and some very basic characteristics about the property.

**Sections 2 - 6: Contact Information** - Requires contact information for all parties involved with the abatement project, including the applicant information (Section 2), the building owner (Section 3), the asbestos abatement contractor (Section 4), the third-party air monitor (Section 5) and the asbestos hauler (Section 6). In the section requesting information about the asbestos hauler (Section 6), you must list the disposal sites where the asbestos will be discarded.

**Section 7: Project Information** - This section asks basic questions about the asbestos abatement operation, including the abatement work schedule, the size of the abatement area and the type of abatement to be used. This section also asks if the building is government-owned.

**Section 8: Abatement Locations** - In this section, you must list each location within the building where you will be conducting abatement. You must provide the location of the abatement area and the amount (e.g., square feet or linear feet) of ACM to be abated. In this section you must note if any

## Form ACP7 Outline

Section 1  
Facility

Section 2  
Contact Information:  
Applicant

Section 3  
Contact Information:  
Building Owner

Section 4  
Contact Information:  
Asbestos Abatement Contractor

Section 5  
Contact Information:  
Third Party Air Monitor

Section 6  
Contact Information:  
Asbestos Hauler

Section 7  
Project Information

Section 8  
Abatement Locations

Section 9  
Project Details

of the locations will require a variance.

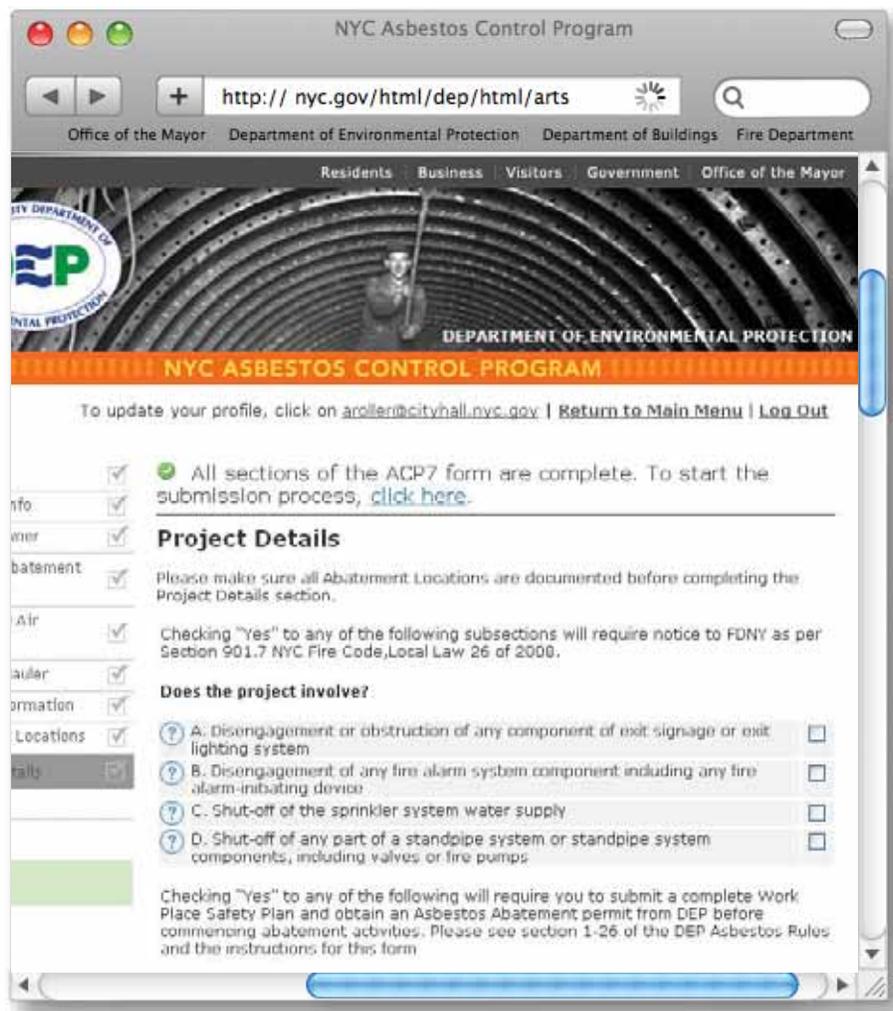
**Section 9: Project Details** - While all the other sections in the online ACP7 can be filled out in any order, this section cannot be filled out until Section 8 has been completed and all the asbestos locations have been entered.

This section consists of three groups of very detailed questions. Because these questions can be a bit confusing, they are presented here with some guidance to help you answer them accurately:

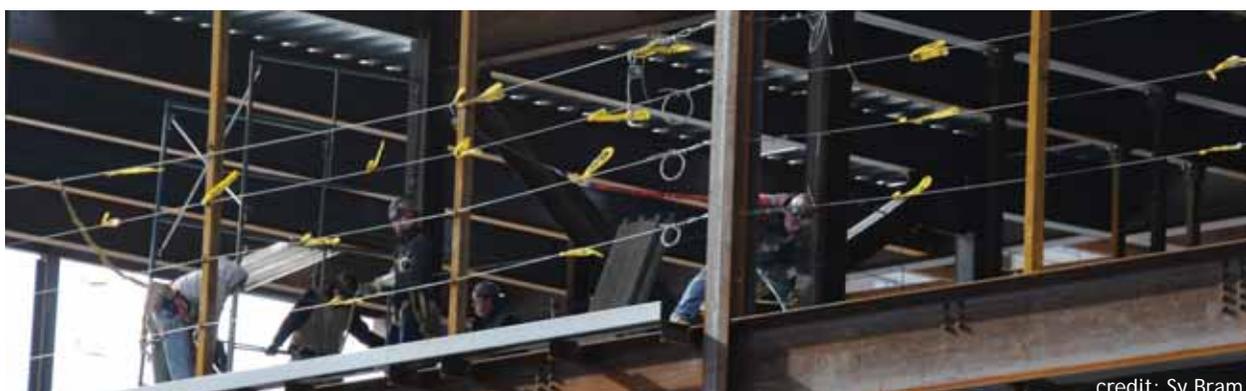


credit: Andreanna Seymour

The first group of questions in this section asks whether any of the building's fire protection systems (e.g., fire alarm or sprinkler system) will be turned off as a result of the abatement work.



If you indicate that any of these conditions will occur you must notify the FDNY Borough Communications Office, informing them of the date and time those conditions will be created and follow any instructions you receive from FDNY (this may include the posting of a fire guard). DEP will also notify FDNY of this abatement.

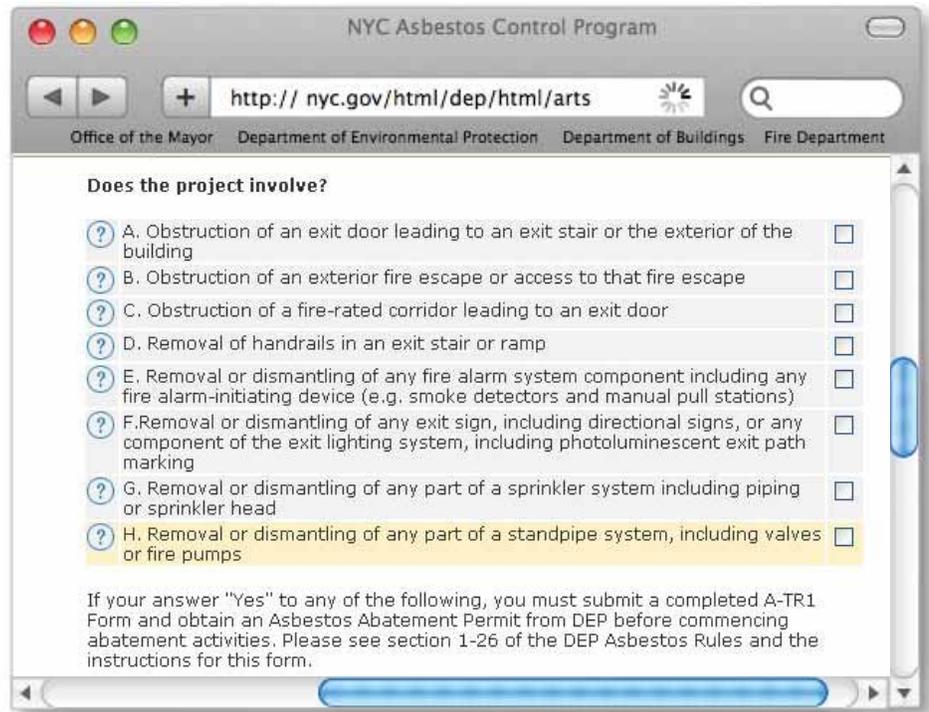


credit: Sy Bram

The second group of questions determines whether the abatement work will result in blocked or compromised egress or whether any components of the fire protection system are going to be removed as part of the abatement.

If you indicate that any of these conditions will occur, the project will need a permit issued by A-TRU, which will require a Work Place Safety Plan in order to conduct its technical review. A Work Place

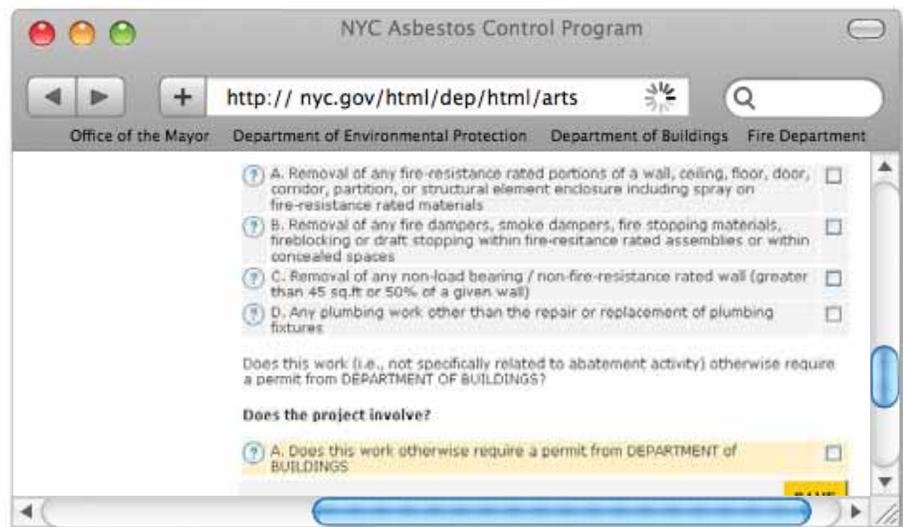
Safety Plan consists of work plans drawn up by a registered architect or professional engineer. It must include a floor plan indicating the location of the asbestos abatement containment area(s) - including personnel and waste decontamination enclosure system(s) - signed by a licensed project designer and any narratives that explain the means, methods, and sequencing of any additional safety measures to be in place for the duration of the permit.



The third group of questions determines whether or not the abatement work entails removal of passive fire protection, (e.g., fire-resistance rated walls, sprayed on fireproofing, or smoke dampers).

If you indicate that any of these conditions will occur, the project will require a permit from A-TRU. However, instead

of a full Work Place Safety Plan, you will only need to submit floor plans of all abatement containment areas in the building, all applicable construction documents, and all documents detailing how the work area is to be returned to its original condition. During the close-out, these projects are like any other Asbestos Work Permitted jobs and a Statement of Responsibility (Form A-TR1) from a registered architect or professional engineer must be submitted after the work has been finished in order to ensure the correct restoration of the work area after the abatement has been completed.





# 3 Maintaining Proper Egress

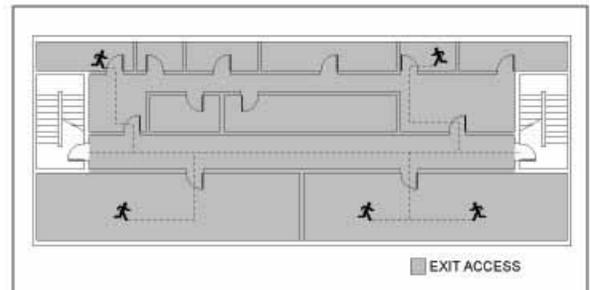
An introduction to principles of egress and egress during abatement:

1. What is Egress?
2. Egress During Abatement
3. Mitigation Steps
4. A-TRU Review and Permit
5. Inspections

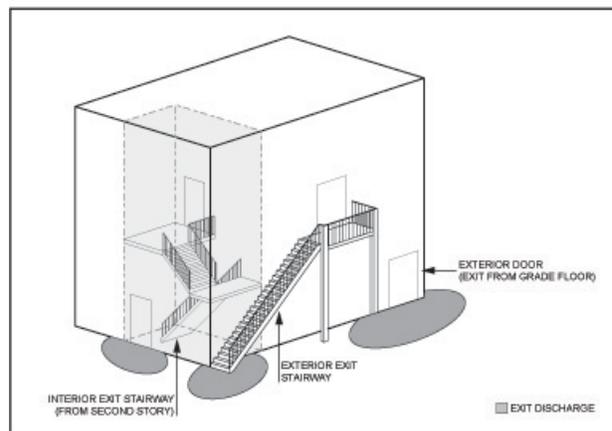
## 1. WHAT IS EGRESS?

A means of egress, as defined in DEP rules, is “a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building, structure or premises to a public way.”

Under the ACP Rules, required means of egress, including emergency and fire exits, shall be maintained at all times during abatement activities, except as otherwise provided under Section 3303 of the New York City Building Code.



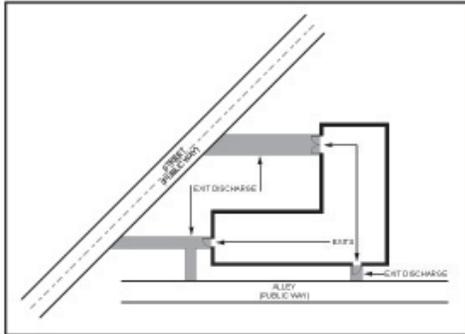
The requirements for egress in the DEP rules, as well as in the Building Code and Fire Code,<sup>v</sup> are intended to ensure that safe passage is always maintained within buildings undergoing abatements so that, in the case of an emergency, building occupants and asbestos handlers can evacuate and first responders can safely conduct rescue operations.



There are many components to maintaining proper egress. In preparing an abatement work-site, revised § 1-81 of the rules stipulates several

new requirements relating to the maintenance of exit ways and exit lighting, including:

- Posting a floor plan in the building's lobby showing the location of all fire exits [§ 1-81(b)].



- Maintaining exit signs in the work area [§ 1-81(t)].
- Replacing any emergency lighting blocked by abatement-related materials with battery-operated exit signs, exit lights and/or photoluminescent path markings [§ 1-81(l)].
- Exits shall not be obstructed; however, the exit shall not be considered obstructed if the barrier is limited to two layers of fire retardant 6-mil plastic and marked as an exit by photoluminescent paint or signage. Additionally, cutting tools must be attached to the work area side of the plastic to enable workers to escape in the event of an emergency [§ 1-81(o)(4)].
- Means of egress are not allowed to be obstructed by hardwall barriers unless an alternative means of egress is provided to the satisfaction of the A-TRU plan examiners [§ 1-81(o)(5)].

Along with maintaining egress in the work area generally, the DEP rules require maintenance of all exits from work areas in accordance with Section 1027 of the New York City Fire Code. Among those requirements:

- All doors and other devices must be maintained in good working order [FC 1027.3.1].
- All passageways that are part of the egress must be kept free from furniture or storage that would create an obstruction [FC 1027.4 and 1027.4.1].
- In the winter, maintaining egress includes preventing snow and ice from accumulating in front of exits [FC 1027.3.3].

Additionally, § 1-94(f) of the DEP rules requires abatement contractors to document daily inspections of emergency exits in their log book. Section 1-94(g) of the rules requires abatement work to cease if blocked exits are discovered during inspection.

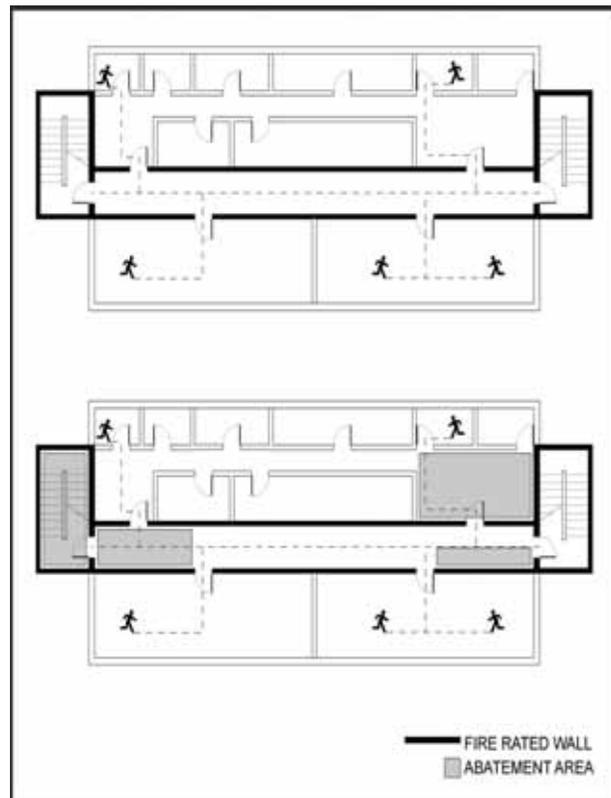


Diagram indicating abatement areas that obstruct egress

## 2. EGRESS DURING ABATEMENT

In the course of an abatement job, a number of legitimate reasons to obstruct egress may arise. Many of these are referred to in the 'Project Details' section of the new Form ACP7, where they appear in the form of questions. An asbestos abatement project may involve any of the following:

1. Obstruction of an exit door leading to an exit stair or to the exterior of the building.
2. Obstruction of an exterior fire escape or access to that fire escape.
3. Obstruction of a fire-rated corridor leading to an exit door.
4. Removal of handrails in an exit stair or ramp.

Each of these represents a scenario where the abatement containment unit is situated in a place that will prevent asbestos abatement workers and/or building occupants from safely exiting the premises or first responders from entering the premises in the case of an emergency. The ACP7 refers to other situations where egress is impacted by the impairment of systems that help guide building inhabitants out of the building. These include:

5. Removal or dismantling of any exit sign or any component of the exit lighting, including photoluminescent exit path markings.
6. Disengagement or obstruction of any component of exit signage or exit lighting system, including photoluminescent exit path markings.

## 3. MITIGATION STEPS

You can take several mitigating measures to help prevent the obstruction of egress during abatement:

1. In a hallway or corridor (i.e., an exit access), egress is not considered to be blocked as long as a 36" wide path is maintained for the entire length of that hallway or corridor.
2. A doorway leading to an exit or a window leading to a fire escape (i.e., an exit) is not considered to be obstructed if the exit is only sealed with two layers of 6 mil fire retardant polyurethane sheeting in front of the doorway or window. However, the doorway or window should be clearly marked as an exit and a clearly visible knife or blade that can be used to cut through the polyurethane in case of an emergency needs to be attached next to the sheeting.
3. If exit signs, exit lighting or photoluminescent exit-path markings will



be turned off, dismantled or obstructed during the abatement, egress will not be considered to be impacted as long as they are replaced with battery-equipped temporary substitutes.

#### 4. A-TRU REVIEW AND PERMIT

If egress must be obstructed or impacted during the course of your asbestos abatement project and the aforementioned mitigation steps are not an option, you must record this on your Asbestos Project Notification (Form ACP7). Then, you will need an A-TRU review and an Asbestos Work Permit before abatement may begin in the location where means of egress will be obstructed (abatement may begin in other work areas where egress is not affected once the Abatement Project Notification (ACP7) has been submitted and the Asbestos Abatement Notice has been issued).

For the purpose of the A-TRU review, you will need to provide the Asbestos Technical Review



Unit with a Work Place Safety Plan consisting of:

1. Floor plan(s), signed by a licensed project designer, indicating the locations of all abatement containment areas in the building, including personnel and waste decontamination enclosure system(s);
2. Floor plan(s) produced by a registered architect or professional engineer indicating the locations of any obstructed required exits and all temporary mitigating measures to be undertaken for the duration of the Asbestos Work Permit. These plans may also include alternate egress path(s) that will satisfy the applicable code requirements for maximum travel distances, the minimum number of exits per floor, exit widths and required signage and lighting. This is in keeping with 2008 Building Code Section BC 3303.11, which provides an exception for the maintenance of regular means of egress where there are approved temporary means of egress systems and facilities;
3. A Tenant Protection Plan as required by Chapter 1 of Title 28 of the Administrative Code where the abatement work is in a building where any dwelling unit is occupied for the duration of the Asbestos Work Permit;
4. Description in narrative form of any measures to be taken to mitigate compromised fire protection systems or means of egress. Such descriptions may include surveillance by a fire watch and an emergency action plan which sets forth the circumstances and procedures for the sheltering in place, in-building relocation, partial evacuation or evacuation of building occupants in response to an emergency.

## 5. INSPECTIONS

Once abatement operations begin, the asbestos handler supervisor must check exits daily to ensure that there are no exterior blockages or impediments to exiting. If any blockages or impediments are identified, work must stop until the blockage has been removed. The asbestos handler supervisor should maintain a record of these inspections in their logbook.



### TIPS TO HELP PREPARE FOR A-TRU

- Be aware of which building materials are going to be used.
- Be aware of where the asbestos containment unit is going to be situated relative to fire safety devices.
- Be aware of how the building is going to be used during the course of the asbestos abatement.
- Develop plans for different configuration options for the abatement containment units.

## ENDNOTES

<sup>i</sup> Under normal circumstances, the DOB will require that any asbestos in an area where construction or demolition is to occur must be completely abated before they will issue a DOB permit.

<sup>ii</sup> Fees for asbestos project notifications, which have not been changed, are calculated based on the amount of ACM being abated:

More than 25 but less than 100 linear feet or more than 10 but less than 50 square feet .....	\$200
More than 100 but less than 260 linear feet or more than 50 but less than 160 square feet .....	\$400
More than 260 but less than 1000 linear feet or more than 160 but less than 1000 square feet .....	\$800
1000 linear feet or more or 1000 square feet or more .....	\$1,200

<sup>iii</sup> Additional fees for Asbestos Work Permits (A-TRU Review) are calculated based on the amount of ACM being abated:

25 to 99 linear feet or 10 to 49 square feet of ACM .....	\$100
100 to 259 linear feet or 50 to 159 square feet of ACM .....	\$300
Large projects up to 1000 linear/square feet of ACM .....	\$500
1,000 to 4,999 linear/square feet of ACM .....	\$700
5,000 to 9,999 linear/square feet of ACM .....	\$1,100
10,000 or more linear/square feet of ACM .....	\$1,300

<sup>iv</sup> Fees for the Asbestos Variance Application are calculated based on the amount of ACM to be abated and the number sub-sections for which the variance is requested:

	If total amount of ACM is less than 5,000 ft.	5,000 ft. or more
First sub-section (per category).....	\$400	\$600
Each additional sub-section.....	\$200	\$300
Maximum fee.....	\$1200	\$1,800

<sup>v</sup> The following are Fire Code requirements regarding maintenance of the means of egress, which have been incorporated into the DEP rules and apply to asbestos abatement sites.

### SECTION FC 1027 - MAINTENANCE OF THE MEANS OF EGRESS

**1027.1 General.** The means of egress for buildings, structures or premises, or parts thereof, shall be maintained in accordance with the construction codes, including the Building Code and this section.

**1027.2 Prohibition.** It shall be unlawful to obstruct or impede access to any required means of egress, including any exit, exit access or exit discharge.

**1027.3 Unobstructed and unimpeded egress required.** All required means of egress, including each exit, exit access and exit discharge, shall be continuously maintained free from obstructions and impediments to immediate use in the event of fire or other emergency.

**1027.3.1 Door hardware.** Door hardware and other devices and physical components of the means of egress shall be maintained in good working order at all times.

**1027.3.2 Security devices.** It shall be unlawful for a security device to emit any substance that could obscure a means of egress in any building, structure or premises. Security devices affecting means of egress shall be subject to the approval of the Commissioner of Buildings in consultation with the commissioner.

**1027.3.3 Snow and ice.** All required means of egress shall be maintained free from the accumulation of snow and ice.

**1027.3.4 Overcrowding.** Premises shall not be caused, allowed or maintained in such a manner as to become overcrowded, such that the number of persons present on the premises and/or their location thereon obstructs or impedes access to any means of egress.

**1027.4 Furnishings and decorations.** Furnishings, decorations or other objects shall not be placed so as to obstruct exits, access thereto, egress therefrom, or visibility thereof. Hangings and draperies shall not be placed over exit doors or otherwise be located to conceal or obstruct an exit except as authorized by the commissioner. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner to confuse the direction of exit.

**1027.4.1 Corridor storage.** It shall be unlawful to store combustible materials or combustible waste in corridors except as authorized by this code or by the commissioner.

**1027.5 Existing window gates and other restrictions.** Bars, grilles, grates or similar devices installed on windows and other openings onto fire escapes prior to the effective date of this code shall be in accordance with the applicable laws, rules and regulations in effect at the time of installation, and Section 1025.4

**1027.6 Maintenance of window gates and other restrictions.** Bars, grilles, grates or similar devices placed over emergency escape and rescue openings, and windows or other openings onto fire escapes shall be maintained in good working order.



