



# Options for Controlled Demolition with Asbestos In-Place

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In New York State, the demolition of buildings/structures with asbestos-containing materials (ACM) present must be performed in accordance with New York State Department of Labor (NYSDOL) Industrial Code Rule 56 (Part 56 of Title 12 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, cited as 12 NYCRR 56). Whether the structure is being demolished in advance for new construction or scheduled to be demolished due to deteriorating structural condition or other hazards, the demolition project must be performed in a manner that ensures the safety of workers performing the work and the public. If a building/structure survey or inspection cannot be performed to identify ACM prior to the demolition of the building or structure, the NYSDOL Asbestos Control Bureau has provided three regulatory options for proper demolition of buildings/structures with asbestos in-place.

## Option 1: 12 NYCRR 56, Subpart 11.5 - Controlled Demolition with Asbestos In-Place

The first option for demolition of a building/structure with asbestos in-place requires a licensed asbestos abatement contractor to follow the standard provisions of 12 NYCRR 56, Subpart 11.5, only if a building/structure survey or inspection cannot be performed to identify ACM associated with the building/structure. This section of 12 NYCRR 56 provides regulatory conditions for which a building/structure may be demolished, in its entirety, with asbestos in-place. The core requirement for this regulatory provision is that the building/structure must be ruled structurally unsafe by a licensed Professional Engineer, Registered Architect, Building Inspector, Fire Inspector, or other official of competent jurisdiction. The official attesting to the unsafe condition of the building/structure is required to provide this statement in writing via a letter of condemnation. This letter will be subsequently submitted to the NYSDOL, in addition to the project notification, and shall be available on the work site for the duration of the project. If this option is performed, all waste generated from the demolition must be disposed of as regulated asbestos-containing material (RACM).



Example of a demolition with asbestos in-place for a vacant residential building.

## Option 2: 12 NYCRR 56, Applicable Variance-A-1 (AV-A-1) - Controlled Demolition of Municipally-Owned Vacant Residential Buildings/Structures Up to 3 Stories in Height

The second option provided by the NYSDOL is specific to vacant residential buildings/structures that are municipally owned. This regulation is referred to as Applicable Variance-A-1 (AV-A-1) and was developed to assist municipalities of New York State to address abandoned residential structures that pose safety issues and/or nuisance problems for neighborhoods. This provision of 12 NYCRR 56 still requires a building/structure survey or inspection, unless the building/structure has been condemned and a letter of condemnation has been

issued. If a letter of condemnation has been issued for the building/structure, 12 NYCRR 56-11.5 must be followed for the demolition and the provisions of AV-A-1 are no longer applicable.

If a building/structure survey or inspection has been performed for the subject property, the first requirement of AV-A-1 is that all friable ACM, in addition to any non-friable ACM that would likely become pulverized or rendered friable during demolition, must be abated pursuant to applicable provisions of 12 NYCRR 56. Subsequent to the friable ACM removal for the building/structure, the entire work site must be secured and considered the regulated abatement work area. At this time, the entire building/structure may be demolished with the remaining non-friable ACM left in-place. If this option is performed, all the remaining waste generated from the demolition will be disposed of as non-friable ACM waste.

### **Option 3: NYSDOL Site-Specific Variance (SSV) for Demolition In-Place**

A petition for a NYSDOL Site-Specific Variance (SSV) can be submitted in order to complete an abatement project in a safe and effective manner if there are safety issues/concerns that preclude performance of the work in compliance with provisions of 12 NYCRR 56-11.5 or AV-A-1. Petitions for SSV are prepared by a NYSDOL certified Asbestos Project Designer and submitted to the NYSDOL Engineering Services Unit for review and approval. Examples of items that may be submitted in a NYSDOL SSV for this option include controlled demolition of non-residential buildings (such as commercial buildings/structures or manufacturing facilities), and work activities for project site utilities (i.e., subsurface electrical vaults, removal of cementitious pipe within trenches). The NYSDOL SSV for this type of project would often outline similar conditions as the regulatory requirements in 12 NYCRR 56-11.5.

While it is preferred to complete abatement of all ACM prior to demolition of a building/structure, existing regulations do allow for options to complete demolition with asbestos in-place, provided the alternative for abatement prior to demolition is not feasible and specific regulatory provisions or conditions of a site-specific variance are satisfied. The specific option to be implemented for controlled demolition with asbestos in-place is dependent on the condition of the building/structure (i.e., whether it is condemned for being structurally unsafe), the type of property and size of building, and existing circumstances relative to how abatement work can be completed in a safe and effective manner. Selection of the appropriate option for controlled demolition with asbestos-in-place is important to ensure compliance with regulations and avoid delays or citations that could be incurred by using an option that does not apply to the specific situation. A NYSDOL certified Asbestos Project Designer can assist with selecting the appropriate option.

If you have a project that may need a controlled demolition, or if you have a project that requires asbestos surveys, design, or project monitoring, ATL, a WBE certified company, offers a wide variety of environmental consulting services. For more information, contact Andrew Amell at [315-699-5281](tel:315-699-5281), [info@atlantictesting.com](mailto:info@atlantictesting.com), or visit [AtlanticTesting.com](http://AtlanticTesting.com).

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