



*August, 2007*

## **Instructions for Asbestos Project Notification**

The following information is for asbestos contractors and building owners submitting asbestos project notices to the Department of Labor and Industries, Division of Occupational Safety and Health. Notification of the department is required by state law, RCW 49.17.120(2). Specific requirements for notices are found in WAC 296-65-020. Asbestos projects include any construction, renovation, or demolition in a building or other facility with the potential to release asbestos fiber. The department also maintains a directive for industrial hygiene compliance staff with instructions for them on reviewing asbestos project notices, WISHA Regional Directive (WRD) 23.25, Asbestos Project Notification.

### **Preferred Notice Methods**

The department has provided an online form for submitting notices at:

<https://lni.wa.gov/licensing-permits/other-licenses-permits/asbestos-certification#asbestos-contractors>

Using the online form provides direct email notification of department regional staff and gives an immediate response from the department system acknowledging the notice. This method of notification is preferred by the department.

The notice form is also available in PDF format through the web site (L&I form F413-025-000). This form can be faxed or mailed to the department. The number for faxing notices is 360-902-4409. The mailing address is:

Department of Labor and Industries  
Asbestos Certification Program  
PO Box 44614  
Olympia WA 98504-4614

### **Exemptions to Notification**

There are two exemptions to notification of department prior to starting an asbestos project:

**Small Size:** Generally, no notice is required if the entire construction, renovation, maintenance, or demolition project involves disturbing less than 48 square feet of asbestos containing materials (the size of the material must also be less than 10 linear feet for piping or duct insulation).

**Emergencies:** If asbestos fiber is being released or release is imminent due to unforeseen circumstances, work to stabilize the site, protect people, and prevent further release of asbestos may commence immediately. The department must be notified within 3 working days of the start of the project. The emergency exemption only applies

to work necessary to abate the immediate hazard, and the department must be notified of the project prior to any other related work. See the information below for more details on what is considered an emergency and additional requirements for posting and communication at emergency work sites. The section below on timely notification has information on waivers to the 10-day waiting period, which may be appropriate for continuing work following an emergency project.

## **Project Definition**

An asbestos project is any work which will disturb asbestos-containing materials and has the potential for release of asbestos fiber. Notices should be specific to work that meets this definition. Mobilization and site preparation work that is unlikely to disturb asbestos-containing materials should not be included in the work dates of the notice. Once all expected abatement work is completed on a project, the notice should be closed out (if new material is found, a 10-day waiver may be appropriate to resume work under a new notice).

The purpose of the notice is to allow the department to monitor asbestos abatement activity and determine when and where projects are occurring. For complex activities at large sites it may be necessary to submit multiple project notices to describe the full scope of project phases or activities. The following are some considerations in determining whether a single or multiple notices will be appropriate.

- Is the work covered by separate contracts? Generally, the department expects each separate contract to have a separate notice.
- Is the work in separate buildings? Typically, a separate notice should be given for each building or address where work will occur; particularly if there will be a separate mobilization for each address.
- Is there a central job office? Where there is a single mobilization and a central jobsite office and entry point, a single notice may be appropriate, as long as department representatives can go to a single point to initiate an inspection at any time during the project.
- If the work crew and competent person will be restationed to a new building or other distinct location during the project, then separate notices should be provided to give specific location information. In large buildings, movement from one wing, floor, or functional space to another may require separate notifications if there is no single entry point that can be specified.
- Note: dividing a project into smaller projects to avoid notification is specifically prohibited. If any of the criteria above would suggest dividing the project into small projects, notification will still be required.
- If there are questions as to how many notices are necessary or on combining work into a single notice, the regional industrial hygiene compliance staff can answer questions and make decisions on notification requirements.

## **Timely Notification**

To be considered timely, the asbestos project notice must be received no later than 10 calendar days prior to the start date of the project. 10 days gives the department time to process and review the notices.

If circumstances prevent providing notice 10-days before starting asbestos project work, then a waiver to the 10-day prenotification requirement may be requested. The waiver must be requested from the regional industrial hygiene compliance staff. You may contact them through the nearest Department of Labor and Industries field location. Complete written notification information will be required and the regional staff may require additional written documentation of the circumstances requiring quick start of the project. When submitting the notice, indicate which staff member approved the 10-day waiver (if the notice was submitted prior to approval, please amend the notice with this information). No work may commence without a 10-day notice or acknowledgment of the project by DOSH industrial hygiene compliance personnel, unless the project meets the definition of an emergency asbestos project.

Examples of circumstances where a waiver of the 10-day notice requirement is appropriate include:

- People have been displaced from their home until asbestos hazards are abated.
- The project must proceed quickly to protect equipment, ensure continuous vital utilities, or minimize property damage.
- Asbestos-containing materials were encountered that were not identified during the asbestos survey and asbestos hazards must be abated to resume on-going work.
- Long-term contract situations with a limited class of work activities. Information must be provided on an annual basis, with notice for each specific work activity given prior to commencing.

Asbestos work is complicated and requires significant assessment and preparation; therefore projects that must proceed without time for a 10 day notice are rare. However, the DOSH compliance staff is directed to generally accommodate requests for waivers of the 10-day notice period. The quick nature of the project and short planning period are considered to make the project exceptional and a priority for inspection by the DOSH compliance program as part of the DOSH asbestos inspection emphasis program. Circumstances leading to the waiver request may also be reviewed during inspection of the project by DOSH compliance staff.

## **Form Information**

**Start and Completion Dates:** Exact starting and completion dates of the asbestos project, including shifts during which abatement work will be accomplished. If other work is involved in the contract, limit the notice to time when set-up and abatement work handling asbestos-containing materials will be done that meets the definition of an asbestos project. Further, the dates given must not conflict with the dates specified for asbestos removal in the any work contracts.

Changes in the start or completion dates or work shifts must be communicated to the department by an amended notice. The dates for the notice must be for actual asbestos project work. Work such as intact flooring removal, on-call time during demolition, or contract time when work will not be conducted should not be given as a project time on the notice.

- When the starting date or time changes, the amended notice must be filed no later than 5:00 p.m. on the business day prior to the starting date in the original notice and prior to the new starting date.
- When the completion date or time changes, the amended notice must be filed within eight hours from when the change is determined and before completion of the project.

**Initial or Amended Notice:** Initial notice is only the first notice for a project. Any updates should be marked as amended. When amending a notice by fax, circle the changed items. When using the online system, use the comment box to briefly describe the amendment.

**On-Hold Status:** On-Hold status is for projects that have been started, but where work has stopped for some reason and is expected to resume. For example, this may be for time between phases of a project, when there has been a scheduling problem between trades, or when there is a contract dispute.

Projects can not be placed on hold prior to starting. If there are specific reasons that the start date can not be set, contact the appropriate regional office and request a 10-day notice waiver. When setting a project on hold, please provide notes on the reason for the hold and the expected date for resuming work.

If all anticipated work has been completed, the project has ended and the notice should be closed out rather than being put on hold. If new materials are found at the site, work with the regional IH compliance staff to obtain a 10-day notice waiver to resume.

**Work Hours:** Give start and stop times for each work each day (including all shifts) and check the days of the week that work will occur. If the work shifts run overnight, check the day the shift begins. (For example if you work Friday from 6 pm to 4 am mark Friday and not Saturday, unless another shift begins on Saturday.)

**Emergency:** If the project is an emergency situation (reasonably unforeseeable projects involving significant ongoing hazards) notice must be provided to the Department within 3 working days of starting work. **Note:** Projects considered emergencies by other regulatory agencies might not be considered an emergency under Labor and Industries regulations. There are additional posting and communication requirements for emergency projects, see WAC 296-65-020(5). See the information below on emergencies for more information. When a 10-day notice waiver is requested, the project is not an emergency and should not be marked as such.

**Property Owner:** This box must contain the name of the property owner. If anyone will be representing the owner during the work the owner's agent and company must be provided. An owner's agent may be a property manager, attorney, architect, bank, holding company, etc. The general contractor on a project should not be listed as the owner's agent for this notice unless they own the facility or manage the property beyond the construction contract. Provide an address and phone number for contacting the owner or agent.

**Contractor:** Contracted asbestos abatement projects must be conducted by a Certified Asbestos Contractor. For work that is done by a building or facility owner, designate In-House-Work in this field.

**Job Site and Facility:** You must include a complete and accurate job site address. This information must include the street location, city, Zip code and county. If the site is a large structure or complex of many buildings using the same street address, you must further identify where, within that complex, your project will be performed including the specific building and room. When there are multiple work locations on a large site or contiguous sites are conducted with a single job site office, the address for the site point of entry should be given on the form. Additionally, describe the facility type (office, school, apartment, house, etc.), age (years), and size (square feet).

**Quantity of asbestos to be removed:** Determine the total quantity of material to be removed, in both square feet and linear feet. Check the box for each type of material to be removed. Include all materials to be handled during the project. If there are materials such as asbestos flooring or roofing that will not be part of the asbestos abatement project, note in the comment section that these are being removed by intact removal methods.

**Alternate Work Methods:** For work utilizing control methods not specifically described in the DOSH asbestos standard, you must have the methods certified following the direction found in WAC 296-62-07712(8) (Class I work or other materials disturbed during removal) or WAC 296-62-07712(10)(f) (Class II work where the material are removed generally intact). A description of the method must be provided to the department.

For Class I alternate methods the certification must be submitted with your notice. Certification of the work methods is done by your consultants or personnel and is not subject to approval by the department, but this information will be used in evaluating the project for inspection scheduling and assessment of the work practices if there is an inspection or questions regarding the work. If you are using the online form for your notification, you can fax or mail the work plan and certification to the asbestos certification desk using the contact information above. Put your online notification form identification number on the cover sheet, to help us determine which project you are referencing. You may also contact the department industrial hygiene compliance staff to make arrangements for mailing, emailing, or hand delivering the documents.

**Additional Information:** The online form has a comment box that can be used for additional information you need to submit. If you are faxing or mailing the notice, the information can be given on an additional page or cover letter. Information that needs to be provided in the comment section includes:

- briefly describe changes that have been made to your work plans when making amendments (circle changes on faxed or mailed notices)
- when projects are placed on hold, describe the reason and when work is expected to resume
- who at L&I authorized a 10-day notice waiver
- any other information that may be helpful for L&I staff reviewing your asbestos project notice.

## Large-scale, On-going Projects

Building owners who have extensive asbestos work involved in operation and maintenance of their facilities may request a waiver from notification requirements. This waiver applies to ongoing maintenance and operations programs where asbestos is encountered on a regular basis and there are standard procedures for handling of the materials. The program materials and work description must be supplied to the regional industrial hygiene supervisor for approval of the program. The program must be reviewed each January or whenever there are significant changes to the program, personnel, or work site. Approved programs may conduct work without notice to the department for individual projects.

## Emergency Projects

Conditions may arise unexpectedly that must be addressed immediately to prevent a greater hazard or significant operational impact. Asbestos work inherently involves significant hazard (asbestos is a human carcinogen with no known threshold limit). Projects conducted without careful planning can increase this hazard. However, other hazards or the potential for increased asbestos hazards may sometimes justify immediate action.

Examples of emergency projects:

- Water damage is causing a spray-applied asbestos containing insulation material to fall apart. A small removal project will allow access to repair the water piping, this project could reduce the need for immediate removal or cleanup of additional asbestos materials. After addressing the plumbing the remainder of the material to be cleaned up may be addressed in the normal manner, with appropriate advance notification to the department.
- A critical component in an industrial plant is damaged in an accident. If immediate removal of nearby asbestos containing materials is necessary to access the damage and effect repairs this may prevent an unscheduled plant shut down. This could save considerable expense and avoid hazards from the sudden shutdown of the plant.

Emergency projects as defined under the Washington State Asbestos Act are not necessarily the same as those defined by local air quality authorities. Typically these organizations define emergency more broadly, and require pre-approved permits for all projects, including emergencies. Situations that fall under the emergency project definition of these other organizations, but are not considered emergencies by L&I, include materials found during construction that were not part of the original survey or projects necessary to protect equipment that do not represent a significant health or safety hazard. In such cases, L&I expects the advance notification requirements of the standard to be met. See the section on timely notifications.

**Onsite Notification for Emergency Projects.** When an emergency project is conducted the following notification requirements must be met:

- Employees and other people in the vicinity of the project must be notified of the project as soon as possible. This may be prior to the project if there is any delay

in startup. Anyone entering the vicinity of the project, for example at a shift change, should be notified immediately.

- Employee representatives must also be notified (this would include collective bargaining representatives, safety committees or other representatives designated by the employees).
- A notice must be clearly posted at the work site describing the nature of the project (see the attachment at the end of this document).
- L&I must be notified within three days after commencing work including all information normally required for prenotification.

**Not all unforeseen work is an emergency.** Asbestos projects must be reasonably unforeseeable to be considered emergencies under the standard. Projects necessitated by poor maintenance, by waiting until parts fail to conduct regular replacement, or other circumstances leading to equipment or system failures that could be reasonably controlled, scheduled, or avoided by the facility owner are not emergency projects. Building and facility owners must make a good faith inspection of their facilities prior to any construction, renovation, remodeling, maintenance, repair, or demolition project that has a reasonable possibility of disturbing or releasing airborne asbestos. This requirement appears both in WAC 296-62-07721(1)(c)(ii) related to general industry activities and in WAC 296-62-07721(2)(b)(ii) related to construction activities. This responsibility includes anticipating maintenance needs and providing for appropriate handling of asbestos materials that may interfere with non-routine activities that can be reasonably expected to occur. Many options are available to building owners for handling these situations, including the following:

- Remove asbestos-containing materials to provide clear work areas for subsequent maintenance work;
- Arrange for alternate equipment, systems or operating procedures to allow time for arranging asbestos removal when necessary;
- Develop procedures for handling removal on a case-by-case basis and provide notification to the department under the ongoing maintenance provisions;
- Conduct limited removal of asbestos-containing materials so that the area is cleared for the maintenance work, but the size of the asbestos project falls below the notification threshold and other asbestos materials are left in a stable condition;
- Develop maintenance procedures that will not impact asbestos-containing materials in place.

### **Need more information?**

Please call the Asbestos Certification Program at 360-902-5435 or e-mail:

[DOSHAsbestosInfo@LNI.WA.GOV](mailto:DOSHAsbestosInfo@LNI.WA.GOV)

# EMERGENCY ASBESTOS PROJECT

This form, or equivalent, must be prominently posted in the vicinity of an emergency asbestos project. The Department of Labor and Industries, Division of Occupational Safety and Health, must be notified of the project within three days of commencement.

**Project Description:** (include type and quantity of asbestos material effected and the work procedures in use—containment, glovebagging, encapsulation, encasement, etc.)

**Nature of the Emergency:** (include description of hazards and reason for the unforeseen nature of the project)

**Certified Asbestos Supervisor(s):** (Competent Person)

**Facility Owner or Representative:**  
**Phone:**

**People Affected by Project:** (employees or others in the vicinity of the project; these people must be informed of the project as soon as possible)

**Employee Representatives:** (Collective bargaining unit, safety committee or other designated representative for the employees affected by the project.)