NEW YORK STATE OF OPPORTUNITY. Department of Health

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Testing Requirements for Surfacing Material Containing Vermiculite

This communication is a follow up to both the July 9, 2013 interim guidance letter and July 22, 2014, testing requirements for Spray- on Fireproofing containing Vermiculite (SOF-V) issued by the New York State Department of Health (NYS DOH) in collaboration with the New York State Department of Labor (NYS DOL).

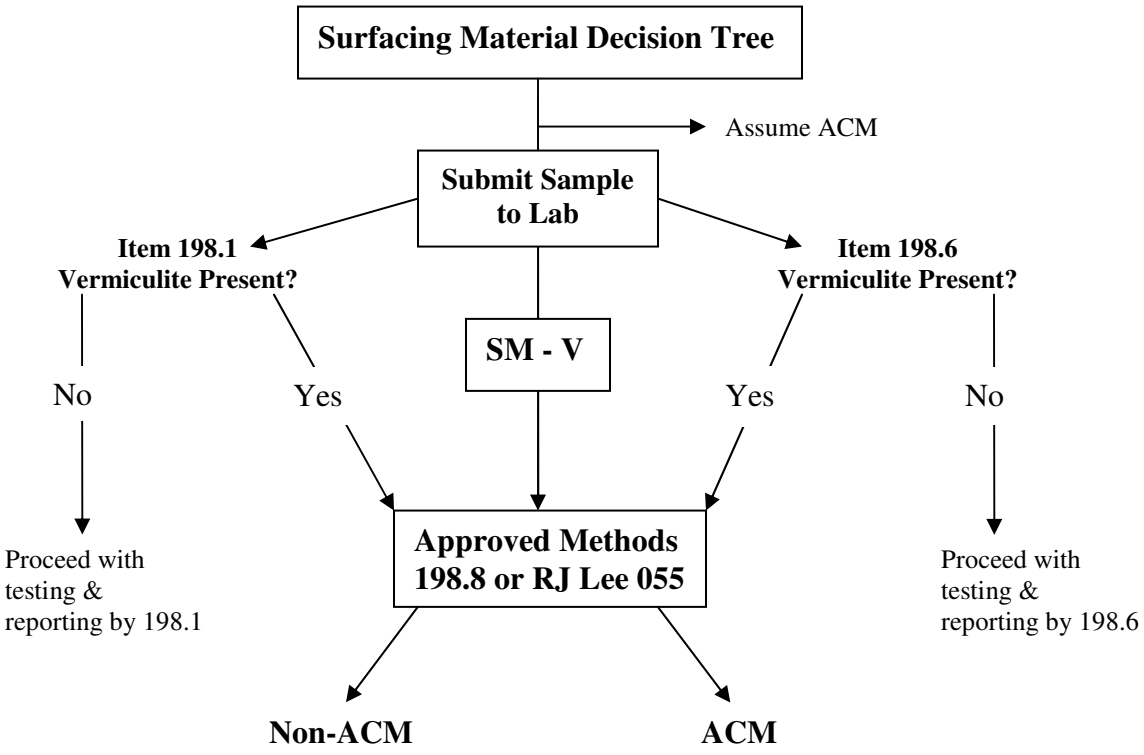
Two methods were approved for the detection and quantitation of asbestos content in Spray-on Fireproofing containing Vermiculite (e.g., SOF-V).

The original July 2013 and July 2014 letters addressed SOF-V only. Both NYS DOH's Item 198.8 and RJ Lee Group Method 055 shall now be applied to test for vermiculite in other Surfacing Material (SM) as defined in 12 NYCRR Part 56 (NYS Industrial Code Rule 56).

The following information was contained in the July 2014 letter and has been updated to address all Surfacing Materials. Also, refer to the Decision Tree for more guidance, noting SOF-V is now replaced with Surfacing Material containing Vermiculite (SM-V). Surfacing Material is defined as a material that is sprayed-on, troweled-on, or otherwise applied to surfaces (such as acoustical or finish plaster on ceilings and walls, and fireproofing materials on structural members, or other materials of surfaces for acoustical, fireproofing, or other purposes (NYSDOL Part 56, 2007).

At this time, NYS DOH's Item 198.8 and RJ Lee Group's Method 055 are the methods approved for the analysis of "Asbestos-Vermiculite-Containing Materials" in the Solid and Chemical Materials category. Laboratories that would like to perform analysis for the detection and quantitation of asbestos content in Surfacing Material containing Vermiculite (SM-V) must seek accreditation for Item 198.8.

- In the field, when an inspector, using his/her professional judgment, identifies a Surfacing Material, as defined in NYS Industrial Code Rule 56, the material may be assumed to be ACM according to NYS Industrial Code Rule 56, or they must collect samples of that material, and send those samples to a NYS DOH ELAP certified laboratory for analysis. All NYS approved PLM methods begin with a stereoscopic examination of the material to confirm the presence or absence of vermiculite. If vermiculite is present (regardless of the amount), one of the two approved methods must be used for the detection and quantitation of asbestos content. If vermiculite is not present, then Items 198.1 or 198.6 must be used, as appropriate, and based upon the presence of organically-bound or microscopically interfering materials.



Note: No disclaimer is needed for SM-V even for non-ACM SM-V if approved methods are followed.

Note: Disclaimers are at present still required for all other vermiculite containing materials tested that are reported as non-ACM (e.g.-TSI, or miscellaneous)

Note: Loose fill vermiculite cannot be tested and must be presumed to be ACM.

Factors to be considered:

Sample Requirements: Each of the methods will require larger samples, as compared to 100-500 mg listed in Items 198.1 and 198.6. For these methods, the client will be required to submit a minimum of 10 gm of Surfacing Material to the laboratory to ensure there is enough material available for a repeated analysis if required, and to ensure materials for archiving. These larger samples may be critical during two scenarios; a) if a client submits the SM sample to a laboratory that is certified for Items 198.1 or 198.6, but not one of the ELAP-approved methods for the detection and quantitation of asbestos content in surfacing material, and vermiculite is determined to be present, requiring the laboratory to refer the subsequent testing to another laboratory, b) or if following stereoscopic examination the Surfacing Material is determined to contain layers which must be separated, analyzed, and reported independently.

Other material types that may contain vermiculite: Currently, the methods have been validated and approved for use on Surfacing Material Therefore, other building materials that are considered thermal systems insulation (TSI), other presumed ACM (PACM) or miscellaneous suspect ACM containing greater than 10% vermiculite must continue to be analyzed by Item 198.6, with the use of the disclaimer as specified in the July 9, 2013 interim guidance letter. Please be reminded that attic fill, block fill or other loose bulk vermiculite materials, must be designated and treated as ACM as described in July 9, 2013 interim guidance letter.

Laboratories will be notified when the new methods are validated and approved for additional materials. Please contact your laboratory for these updates.

Industry Implications: The approval of these methods for the identification and quantitation of asbestos in Surfacing Material will have the following implications during the demolition, renovation, remodeling and/or repair of buildings that fall under the authority of NYS Industrial Code Rule 56.

- For future projects that have no associated survey – MUST use one of the new methods and current NYS guidance.
- For projects that have an existing survey, but no project plan – MUST resample and resurvey and use one of the new methods and current NYS guidance prior to starting any new project.
- For projects with an existing survey, and project yet to be done (Phase 1A) - MUST resample and resurvey and use one of the new methods and current NYS guidance.
- For projects in progress using an old survey, and work actively underway (Phase 2A-2D) – re-sampling and use one of the new methods is RECOMMENDED, but NOT REQUIRED unless there is a change to the project design requiring a change order. If a change order is required, then re-sampling and analysis by one of the new methods and current NYS guidance is REQUIRED on the new area.

For completed projects that were conducted under an old survey – there is no requirement to go back and re-sample. However, if there is a need to disturb a material in the future - MUST use one of the new methods and current NYS guidance.

If you have any additional questions, please do not hesitate to contact the appropriate State program listed below:

NYS DOH Environmental Laboratory Approval Program:	(518) 485-5570 or elap@health.ny.gov
NYS DOH Asbestos Worker Training Program:	(518) 402-7940 or boh@health.ny.gov
NYS DOL- Division of Safety & Health Engineering Services Unit - For ICR 56 or Variance inquires:	(518) 457-1536 or ESU.SH@labor.ny.gov