

June 22, 2012

(FAQ# 10 revised on August 27, 2012)

Dear Interested Party,

On April 8, 2011, a list of frequently asked questions (FAQs) regarding asbestos/fibers analysis was developed through the collaboration of the New York State Department of Health's (NYSDOH) Environmental Laboratory Approval Program (ELAP) and Bureau of Occupational Health (BOH), and the NYS Department of Labor (DOL). This FAQ was distributed to all ELAP- accredited asbestos laboratories, as well as posted on the DOL website due to a high level of interest from asbestos-related mitigation companies /consultants, training providers or other interested parties involved in the assessment, sampling and/or analysis of asbestos.

These FAQs, along with responses, were created to help clarify and interpret existing New York State guidance and regulations. However, since that time, we have received numerous inquires regarding the State's interpretation of requirements pertaining to the testing for asbestos fibers in materials that contain vermiculite. ***This informational letter is being sent to provide additional guidance and to revise FAQ # 10 regarding the State's interpretation of standard requirements pertaining to vermiculite.***

Additional Vermiculite guidance:

Material type	Testing Requirements	Explanation
<u>Vermiculite materials used for thermal systems insulation, surfacing materials and other miscellaneous ACM</u> <i>(including but not limited to: existing or new surfacing material, plaster, pipe lagging, and sprayed-on fireproofing)</i>	NYS ELAP Certification Manual Item 198.1 (PLM Friable) may be used	Since vermiculite materials used for thermal systems insulation, surfacing materials and other miscellaneous ACM (<i>such as existing or new surfacing material, plaster, pipe lagging, and sprayed-on fireproofing</i>) can be more constrained than loose fill, there is less of a public health concern pertaining to airborne asbestos fibers following disturbance
<u>Vermiculite attic fill, block fill and other loose bulk vermiculite materials</u>	<i>Because there is no currently approved analytical methodology to reliably confirm vermiculite as non-asbestos containing, these materials <u>must be assumed to be contaminated with asbestos and therefore designated as ACM</u></i>	Vermiculite attic fill, block fill and other loose bulk vermiculite materials cause a greater public health concern for the disturbance and release of asbestos fibers following disturbance

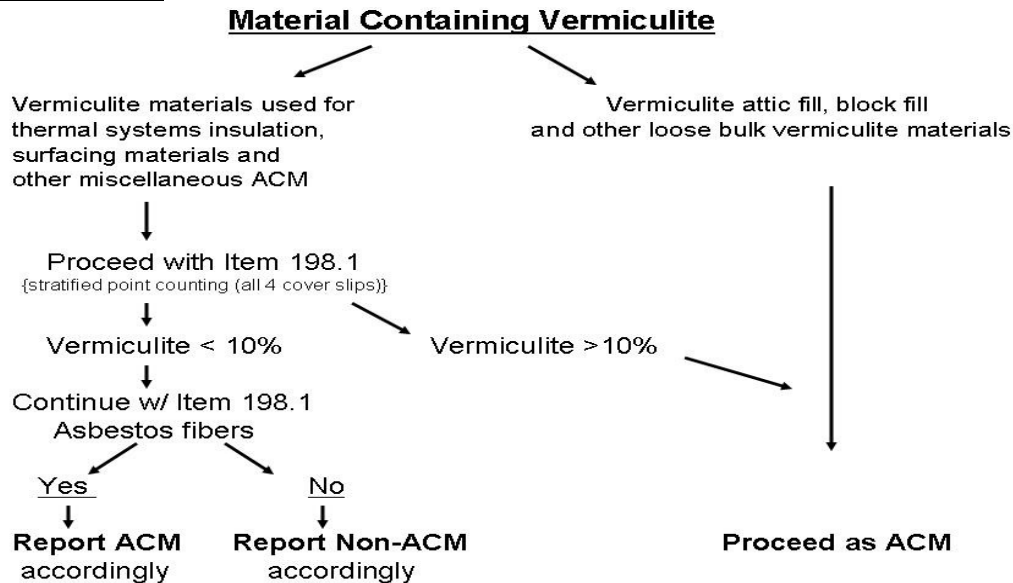
Evaluation of Vermiculite Materials:

Required evaluation criteria of vermiculite materials used for thermal systems insulation, surfacing materials and other miscellaneous ACM:

Determine percentage of vermiculite using Item 198.1 - stratified point counting (all four cover slips).

- 1) If vermiculite is calculated to be less than (<) 10% of the entire material composition and no asbestos fibers are detected, the material may be reported as non-ACM.
- 2) If ***any asbestos fibers are identified*** – analysis must proceed according to Item 198.1 PLM and reported as ACM according to Section 6.3.
- 3) If vermiculite is calculated to be 10% or more (>) of the material, the material must be reported as ACM.

Vermiculite decision tree:



Based upon the above guidance, please find below a ***revised answer to FAO# 10 as of August 27, 2012:***

How can I tell if vermiculite contains asbestos or what sampling methods should be used?

According to the EPA, you should assume that vermiculite insulation contains asbestos (http://www.epa.gov/asbestos/pubs/verm_questions.html.) Historically, the majority of the world's supply of vermiculite came from the mine located near Libby, Montana, that was closed in 1990 due to high levels of asbestos contamination. Since there is no mechanism to visually distinguish between vermiculite from the Libby mine versus other mines, as well as evidence of inaccuracies by methods used to rule out asbestos contamination, EPA's guidance continues to emphasize caution when a building is being remediated especially when the origin of the vermiculite material is unknown. Accordingly, NYS Industrial Code Rule 56 lists vermiculite as a suspect miscellaneous asbestos-containing material. Since vermiculite's asbestos contamination typically ranges from 1% to 5%, vermiculite's contribution to asbestos content of vermiculite materials used for thermal system insulation, surfacing materials and other miscellaneous ACM (e.g., pipe lagging, sprayed-on fireproofing) may be assumed to be less than 1% ***if*** the vermiculite constitutes less than 10% of the total material. If vermiculite is determined to be present at less than 10% of the material content, analysis must continue to determine if asbestos fibers are present. If vermiculite is determined to be present at greater than 10% of the material content, the inaccuracies of currently available testing methods may lead to a false negative result for asbestos; therefore the material should be assumed to be ACM. (Please refer to the decision tree above for more laboratory testing guidance.)

You are reminded that this interpretation of vermiculite-related guidance does not prohibit the use or application of vermiculite materials, but instead applies during renovation and/or demolishing of structures when the origin of the vermiculite material is unknown. Note that NYS Industrial Code Rule 56-5.1(c) allows for other documentation, such as manufacturer documentation that adequately documents that a material is non-ACM (e.g., MSDS compliant with all pertinent federal regulations through EPA and Occupational Safety and Health Administration (OSHA)), in lieu of bulk sample analysis. This documentation, along with any available documentation indicating the origin of the vermiculite material being used, should be shared with the building owner(s) for future reference and consideration during renovation and/or demolishing that may be required at their building in order to avoid future concerns. Please refer to the appropriate regulations, guidance, manuals and methods as necessary for further information. For more information see the EPA website at http://www.epa.gov/asbestos/pubs/verm_questions.html.

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