



ANDREW M. CUOMO
Governor

NY Rising Housing Program

Understand Environmental Testing

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NY Rising Housing Program (applies to all Programs)

We recommend you share this document with your contractor.

As part of the NY Rising Housing Recovery Program (the "Program") you are required to comply with Federal and State regulations regarding environmental testing of your damaged property. There are two distinct types of tests that you will be required to carry out, depending on whether you have already started construction. It is important to note that the Program will perform or pay for these inspections (up to a limit of \$750 per inspection), as well the estimated cost of any mitigation work needed, using a unit-pricing methodology.

Risk Assessments/Surveys are conducted BEFORE construction starts to identify hazardous materials that may be disturbed during construction and therefore need special handling.

- **Asbestos Survey:** This test determines if any of the areas where work will be performed have asbestos containing material. This material poses a health risk when it is disturbed by construction activities. It is impossible to determine if a material contains asbestos without sending samples to a lab, so the inspector will take small samples of suspect materials to determine if they contain asbestos. The Program will pay for the estimated cost of the required mitigation work if any materials are discovered.
- **Lead Based Paint Risk Assessment:** This test determines through visual inspection, paint chip analysis, dust sampling, and/or exterior soil testing if a lead hazard exists as the result of existing deteriorated paint, or if there is an expected disturbance to lead based paint during construction. The Program will pay for the estimated cost of the required mitigation or lead safe work practices required to deal with any discovered risks. This test is only required if your house was constructed prior to 1978.

If you have not yet started work you should call us at (516) 830-3560 to schedule an asbestos survey, and (if your house is pre-1978) a lead paint risk assessment. If you have already commenced construction the Program may request that you furnish documentation from hired contractors relating to any asbestos and lead based paint assessments and/or mitigation measures that may have been performed. Additionally, you will be required to submit to a clearance inspection (see below).

Clearance Inspections are conducted once construction is COMPLETE to ensure that there are no issues present for asbestos, lead, or radon.

- **Asbestos Clearance:** After work is performed, an inspector will perform a visual, non-destructive evaluation of your property. If there are suspected materials in your home which are damaged, or if debris from construction or repair activities is observed, then it will be necessary to take small samples for testing. If test results from the sampling analysis indicate that asbestos is present at regulated levels, the Program will pay the estimated cost to remedy the problem. All homes receiving NY Rising funds for repair/reconstruction MUST receive a clean asbestos clearance inspection report after construction is completed.



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- **Lead Based Paint Clearance:** After work is performed, the property will be tested for lead dust or residue using test wipes. If testing indicates that concentrations of lead in dust are above acceptable levels, instructions will be given on how to clean the areas, and a re-test will be required to verify clearance. If you use a contractor, the Program will fund the estimated additional costs. This test is only required if your house was constructed prior to 1978.

Radon Assessment and Clearance

Homes in the following Counties need to be assessed for radon, a cancer-causing radioactive gas that can emanate from the earth: Albany, Broome, Chemung, Chenango, Columbia, Delaware, Dutchess, Greene, Herkimer, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, and Washington. Air monitoring canisters will be set up in your dwelling. If the initial testing indicates the presence of radon above acceptable levels, a follow up test will be performed. If the average result from the initial test and the follow up test are still above the standard, a radon mitigation system will be required and the Program will pay the estimated cost for the installation of the system (consisting of a system of fans and vents). Radon remedial activities are not regulated by New York State; however, training from either one of the national organizations (The American Association of Radon Scientists and Technologists/National Radon Proficiency Program, or the National Radon Safety Board) is recommended. Training/licensing from neighboring states is also acceptable. If a mitigation system needs to be installed, a final clearance test will be performed after installation, to ensure the mitigation work was successful.

In all cases, you will be informed of the existence of lead, asbestos, or radon in your property. Your design professional can assist you with developing a mitigation work plan. Asbestos and lead and design and remediation activities must be performed by a contractor with the appropriate certification. You have the option of scheduling assessments/surveys AND clearance inspections through the NY Rising Housing Program, or hiring your own testing contractor. If you hire your own contractor these costs are reimbursable by the Program at a pre-determined unit-pricing cost, so long as you submit the results of the testing to the Program, and the testing meets Program requirements.

Asbestos

Hiring a qualified asbestos mitigation professional: You must hire a properly licensed asbestos abatement firm in order to establish compliance. Please refer to the following websites for details on hiring a professional as well as information on compliance codes:

- NYS DOL General Asbestos Website:
https://www.labor.state.ny.us/workerprotection/safetyhealth/dosh_asbestos.shtm
- NYS DOL Asbestos Regulations (PDF Version):
<https://www.labor.state.ny.us/formsdocs/wp/CR56.pdf>
- NYS DOL Asbestos Contractor Listing (Includes Removal and Testing Firms):
<https://www.labor.state.ny.us/workerprotection/safetyhealth/asbestoscontractorslist.shtm>



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Certifications for firms and individuals who perform asbestos testing:

NYS Department of Labor issues licenses to all firms who are involved in asbestos projects. They also issue certificates to all workers involved in asbestos projects, including contractors and testing firms.

Waste transport and disposal records:

The New York State Environmental Conservation Law requires that anyone engaged in the transportation of regulated waste generated or disposed of within New York State possess a valid New York State Waste Transporter Permit. All waste should have a manifest signed by the generator, hauler and disposal facility. The completed waste manifest typically serves as proof of waste disposal.

Lead

Hiring a qualified lead abatement professional: A list of Lead Safe Certified Contractors can be found on EPA's website: http://cfpub.epa.gov/flpp/searchrrp_firm.htm.

Each firm must have at least one certified renovator. Renovators are certified upon completion of an EPA accredited renovator training course, whose course completion certificate serves as their certification credential.

Certifications for firms and individuals who perform lead testing

For testing firms, EPA issue certificates to all workers and firms:

- Listing of EPA Lead Contractors - http://cfpub.epa.gov/flpp/searchrrp_firm.htm
- EPA Lead Paint Website - <http://www2.epa.gov/lead>

Lead based paint testing is not required if your home was constructed on or after January 1, 1978.

Applicants (including reimbursement only applicants), must perform all clearance testing required by the Program or allow the Program to perform the testing. **Failure to comply with these clearance testing requirements can result in the loss of your award funds.**

If you hire your own environmental inspection firm:

You must make sure the resulting reports contain the same information as those created by the environmental testing consultants hired directly by the Program. At a minimum the report must contain the following information:

- Applicant ID Number
- Applicant Name
- Applicant Address (damaged property address)
- Company Name and License Number
- Inspector's Name and License/Certificate Number
- Date of Inspection
- Laboratory Name, Address & ELAP Number
- Description of the Survey Procedures Employed
- Conclusions & Recommendation
- Listing of Samples Collected and Results (Tabular Form or in Text of Report)

Additionally, the following items/documents should be attached to the report:



**Governor's Office of
Storm Recovery**

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Attachment to Report (As Applicable)	Asbestos Inspections & Clearances	Lead Risk Assessments & Clearances	Radon (Initial and Follow-Up Tests)
Chain of Custody Form	Yes	Yes	Yes
Typed Lab Results	Yes	Yes	Yes
Sample Location Sketch	Yes	Yes	Yes
Copy of Inspector's/Risk Assessor's Certificate	Yes	Yes	Not Applicable
Photographs	Yes	Yes	Yes
O&M Plan	Yes	No	No
Corrective Action Plan for Positive/Failed Samples (Can Be Included in Text of Report as an Alternate))	Yes (Clearances Only)	Yes	Yes