NY Rising Housing Recovery Programs
Understanding Environmental Testing

October 2, 2014

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 or not you have already started construction. **It is important to note that *the Program will perform or pay for these inspections, as well the estimated cost of any mitigation work needed, using a unit-pricing methodology.***

Risk Assessments/Surveys are conducted BEFORE construction starts, in order 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 the material is disturbed by construction activities. It is impossible to determine if material contains asbestos without sending samples to a lab, so the inspector will take small samples of suspect materials in order 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 contact your Customer Representative 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, in order 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 dwelling. 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 to determine if the material or debris contains asbestos. 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.
- **Lead Based Paint Clearance**: After work is performed the dwelling will be tested for lead dust or residue by the use of 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

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contractor the Program **will pay** 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, Orange, Otsego, Putnam, Rensselaer, Schoharie, Sullivan, Tioga, Ulster, Washington, Oneida, Montgomery, Saratoga and Schenectady. 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 mitigation system will be required and the Program **will pay** the estimated cost for the radon mitigation system (consisting of a system of fans and vents) to be installed. 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 that it is working properly and that your home does not contain harmful radon levels.

In all cases you will be informed of the existence of lead, asbestos, or radon in your dwelling. 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

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. This applies to 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 Certified Firm gets a certificate from EPA.

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.

For all applicants, even those who are reimbursement only, you must perform all clearance testing required by the Program or allow the Program to perform the testing for you. **Failure to comply with these clearance testing requirements can result in the loss of your award funds.**