

Title: Asbestos Management Safety Written Program

Effective Date: November 2005

Revision Date: January 2017

Issuing Authority: VP, Facilities and Construction Management

Responsible Officer: Director Environmental Health and Safety

## **PURPOSE OF THE WRITTEN PROGRAM**

To communicate New York University's written program on asbestos management safety in order to minimize employee, faculty and student exposure to asbestos and to ensure that the University is in compliance with all applicable regulations pertaining to asbestos. All New York University employees should be familiar with this written program.

The Global purpose of this written program is to ensure all International, Federal, State and Local regulations and codes are adhered to where applicable.

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## **WHO NEEDS TO KNOW THIS WRITTEN PROGRAM**

This Program applies to all NYU employees whose work tasks may result in coming in contact with or in close proximity of ACM.

## **PROCEDURES FOR IMPLEMENTATION**

### **Responsibilities:**

#### **Department of Environmental Health and Safety**

EHS provides exposure monitoring services when applicable, asbestos awareness training in coordination with the EHS Training manager, building inspection/surveys (bulk sampling) for the identification of asbestos containing materials, review of asbestos project designs, asbestos abatement project inspections and air monitoring services, emergency response to fiber release episodes, proper disposal of asbestos and recordkeeping. Updates the Asbestos

Management Safety Written Program as needed.

## **Directors or Department Chairs**

Directors and/or department chairs ensure the health and safety of employees, students and visitors in NYU facilities under his/her control. They inform faculty, staff, and students of any asbestos related hazards of which they have been apprised. Directors or department chairs make necessary provisions, in collaboration with EHS, to ensure employees are protected from any asbestos hazards that are identified.

## **Facilities Manager, Department Manager, Construction Manager and Supervisors**

Each person responsible for a building facility where asbestos is present identifies, with the assistance of EHS, asbestos containing building materials prior to any disturbance of these materials. In collaboration with EHS, this person implements practices and procedures to protect personnel and building occupants from asbestos hazards.

## **Maintenance and Housekeeping Personnel**

All maintenance, construction or housekeeping employees, are responsible for understanding and following the requirements of the Asbestos Management Safety Written program and attending the OSHA required Annual Asbestos Awareness training.

Facilities and Construction Management (FCM) and Faculty Housing \ are responsible for identifying and managing asbestos whenever renovation or demolition projects involve the potential disturbance of identified ACM. EHS must be contacted.

## **Medical Surveillance**

If employees are ever identified to be exposed at or above a permissible exposure limit, participate in the medical surveillance program administered by the NYU Langone School of Medicine.

OSHA has established the permissible exposure limit (PEL) for airborne concentration of asbestos above which no employee may be exposed at 0.1 fibers per cubic centimeter (f/cc) as an eight (8) hour time-weighted average.

In addition, a short-term exposure limit (STEL) for asbestos as averaged over a sampling period of thirty (30) minutes at 1.0 f/cc.

If these exposure limits have been breached, the University (responsible department) is responsible to:

- Perform medical surveillance of university employees exposed to asbestos at or above the permissible exposure limit of 0.1 fibers per cubic centimeter of air, calculated as an 8 hour time weighted average, for 30 or more days per year.
- Maintain medical records as required by state and federal regulations.

## **Complaint Response**

Occasionally employees raise concerns about their potential for exposure to asbestos. Employees are encouraged to speak to their Supervisors and/or call EHS at 212.998.1450 with any concerns about asbestos in their work areas. The investigation of these concerns is confidential and may be anonymous, if the employee wishes. Their work areas are inspected and their potential exposures are evaluated and will be discussed with their Supervisor.

# WRITTEN PROGRAM DEFINITIONS

**ASBESTOS-CONTAINING MATERIALS (ACM)** refer to products that contain greater than one percent by weight and volume asbestos. These may include, but are not limited to, pipe and boiler insulation, floor and ceiling tiles, spray applied fireproofing, gaskets, cooling tower fill, roofing, window caulking/glazing, etc.

**AUTHORIZED PERSONNEL:** An NYU employee authorized to use controlled substances by a Unit Registrant.

**BUREAU OF NARCOTIC ENFORCEMENT ( BNE):** The agency under the Department of Health of the State of New York (DOH) that requires any person who engages in research, teaching or educational projects involving the use, study or testing of controlled substances be licensed. Licenses are renewed every two years.

**CONTROLLED SUBSTANCE:** Any substance listed in the Controlled Substances Act, in the Code of Federal Regulations (21 CFR, Part 1300)

**DISPOSAL:** Disposal of a controlled substance that is outdated, in excess or no longer intended for use. Disposal also refers to controlled substance that is residual (often referred to as waste) or has been contaminated through use or spills.

**DRUG ENFORCEMENT ADMINISTRATION (DEA):** The unit within the United States Department of Justice that establishes and enforces regulations for the handling and use of controlled substances under the Controlled Substances Act.

**INDIVIDUAL PRACTITIONER:** A physician, dentist, veterinarian or other individual licensed, registered or otherwise permitted by the United States or the jurisdiction in which they practice, to dispense a controlled substance in the course of professional practice. Practitioner must abide by federal laws and state laws where their practice is located.

**RECORD:** An accurate, continuous and current record used to track the acquisition, receipt, use and disposal of controlled substances.

**REGISTRATION:** Formal grant of specific authority by the DEA issued to practitioners.

**LICENSE:** Required and issued by the DOH BNE for research and instructional use of controlled substances within New York State.

**RSEAERCH:** Any investigative activity engaged in by NYU personnel using university facilities or resources regardless of funding source.

**TEACHING:** Teaching activities include classroom demonstrations, laboratory exercises and research projects that are required for completion of a course at the undergraduate, graduate or professional level.

**UNIT:** School, department, or other group approved by the Senior Vice Provost for Research (Washington Square Campus).

**UNIT REGISTRANT:** An NYU faculty member that holds an Individual Researcher NYSDOH BNE license and DEA registration. The unit registrant assumes all the responsibilities as a licensee. He/She is ultimately responsible and accountable for understanding and adhering to all federal and state controlled substances rules and regulations as well as any specific University and department requirements.

# UNIVERSITY WRITTEN PROGRAM

## RESPONSIBILITIES

New York University (NYU) strives for excellence in its environmental health and safety (EHS) program. For this written program, compliance is achieved through the following structure:

### SENIOR VICE PROVOST FOR RESEARCH RESPONSIBILITIES INCLUDE :

1. Providing written program direction to all departments;
2. Approving of controlled substance written program;
3. Requiring revisions to programs based on results of periodic evaluations by NYU EHS Department or changes in city, state or federal law.

### DEPARTMENT CHAIR OR HEAD RESPONSIBILITIES INCLUDE:

1. Ensuring compliance with the written program in the departments;
2. Ensuring that all faculty, staff and students who work with controlled substances receive information about, and are trained according to, the written program;
3. Designating a Unit Registrant.

### UNIT REGISTRANT RESPONSIBILITIES INCLUDE, BUT NOT LIMITED TO:

1. Maintaining DEA registration and BNE license;
2. Exercising signature authority to purchase and dispose of controlled substances used within that unit;
3. Authorizing and maintaining records on NYU personnel who work with controlled substances that were ordered under their registration and license;
4. Controlling access to controlled substances;
5. Ensuring proper use, storage and disposal of controlled substances and maintenance of records at each location, including preparing biennial controlled substance inventories;
6. Reporting significant inventory discrepancies, to include loss or theft of controlled substances to EHS for investigation to determine if further action is required;
7. Having all users working with controlled substances complete a Personnel Screening form.

**AUTHORIZED PERSONNEL WHO WORK WITH CONTROLLED SUBSTANCES ARE RESPONSIBLE FOR:**

1. Completing a Personnel Screening form;
2. Familiarizing themselves with the hazards and effects of the controlled substances they use through attendance at training sessions conducted by the NYU EHS Department;
3. Receiving, storing, and dispensing controlled substances within the facility in accordance with the Written program;
4. Maintaining controlled substance records, including but not limited to receipt logs, use logs and biennial inventories, as per this written program;
5. Notifying their supervisors of exposures, spills, inventory discrepancies, suspected diversion or any other pertinent problems.

**THE DIRECTOR OF ENVIRONMENTAL HEALTH AND SAFETY (EHS) OR DESIGNEE IS RESPONSIBLE FOR:**

1. Developing the NYU Controlled Substances Use and Disposal Written program for review and approval of the Senior Vice Provost for Research;
2. Providing guidance to individuals and campus units on licensing and registration, procurement, use, record keeping, storage, security and disposal of controlled substances;
3. Providing the units with information about the Written program;
4. Assisting the units in implementing the Written program;
5. Periodically evaluating the effectiveness of the Written program; and recommending revisions, if appropriate, to the Senior Vice Provost of Research;
6. Providing training as per this written program;
7. Maintain records of all licensed/registered users at NYU;
8. Ensuring compliance, as described in the Compliance Safe guards section of this written program.

**PURCHASING SERVICES AND CONTRACT ADMINISTRATION IS RESPONSIBLE FOR:**

1. Authorization of the purchase of controlled substances by ensuring the presence of the signature of the Unit Registrant.

**RELATED POLICIES**

NYU Environmental Health and Safety Policy

**RELEVANT RESOURCES**

OSHA Asbestos standard for the Construction Industry 29 CFR 1926.1101, OSHA General Industry Standard 29CFR 1910.1001

New York State Department of Labor – Asbestos 12 NYCRR Part 56 New York City Rules of Construction 15 NYCRR Chapter 1