



**WORKING FOR YOU**

Kathy Hochul, Governor  
Roberta Reardon, Commissioner

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

---

---

---

Re: \_\_\_\_\_

---

---

---

Dear: \_\_\_\_\_

The New York State Department of Labor, Division of Safety and Health, Asbestos Control Bureau (Bureau), conducted an investigation of an asbestos project. This investigation disclosed that you violated the New York State asbestos regulations at 12 NYCRR Industrial Code Rule 56 (ICR 56). As a result, the enclosed Notice(s) of Violation have been issued to you.

#### **Compliance**

The Bureau is responsible for regulating asbestos abatement activities throughout New York State. Projects must be conducted in accordance with safety standards promulgated by the Commissioner of Labor in ICR 56 to avoid potential public health hazards that can result from the improper handling of asbestos containing material. Accordingly, the Bureau's priority in all circumstances is compliance with the Labor Law and ICR 56.

#### **Response**

The Bureau encourages you to submit a response to the enclosed Notice(s) of Violation. The response should consist of:

1. An explanation of steps taken to correct the violations (brief letter or email is appropriate),
2. Proof of compliance of the issued violations (time-stamped pictures or other supporting documentation), and
3. Any additional relevant information regarding the following four statutory factors identified in Section 909 of the Labor Law that are considered during the assessment of a potential civil penalty:
  - The size of your business (Number of employees)
  - The good faith you exhibited in complying with ICR 56 (cooperation with inspectors, immediate repairs, etc.).
  - The gravity of the violations (potential asbestos fiber release or exposure) and
  - Your history of any previous asbestos related violations.

The Bureau encourages submitting information and any supporting documentation described above to:

New York State Department of Labor  
Asbestos Control Bureau

---

Your response should be submitted to the Bureau within ten (10) business days from the date of this letter. Your response will be incorporated into the Bureau's file and be used to evaluate the violation(s) at the time of review. Should you not submit a response, the Bureau will evaluate the violation(s) and any associated need for further enforcement action based on the information available at the time of review.

### **Civil Penalties**

Civil Penalties are sought to provide incentive to prevent or voluntarily correct compliance issues that led to the violation(s).

With respect to licensing and/or certification related violations (Labor Law Section 902 and ICR 56-3), the Commissioner is authorized to impose a civil penalty upon an asbestos contractor of up to \$2,500.00 for an initial violation of each section.

With respect to any non-license and certification related violations of Article 30 or ICR 56, Section 909(1)(b) states that the Commissioner may, after a formal administrative hearing, assess a civil penalty of not more than the greater of: (1) 25% of the monetary value of the contract upon which the violation was found to have occurred, or (2) \$5,000.00 per violation.

Asbestos regulations, laws and additional asbestos-related information can be found on the New York State Department of Labor's website; [www.labor.ny.gov](http://www.labor.ny.gov).

Please contact me if you require any clarification or further assistance in this matter.

Sincerely,

---

---

Enclosure