**§ 901. Definitions.** As used in this article, the following terms have the meanings indicated:

1. "Approved asbestos safety program" means a program approved by the commissioner of health providing training in the handling and use of asbestos and asbestos material, education concerning safety and health risks inherent in such handling and use and training in techniques for minimizing exposure of the public to asbestos fibers.

2. "Asbestos" means any naturally occurring hydrated mineral silicate separable into commercially usable fibers, including chrysotile (serpentine), amosite (cummingtonite-grunerite), crocidolite (riebeckite), tremolite, anthrophyllite and actinolite.

3. "Asbestos contract" means an oral or written agreement contained in one or more documents for the performance of work on an asbestos project and includes all labor, goods and services.

4. "Asbestos handling certificate" means a certificate issued by the commissioner pursuant to the provisions of this article to a person who has satisfactorily completed an approved asbestos safety program.

5. "Asbestos handling license" means a license issued by the commissioner pursuant to the provisions of this article to an asbestos contractor engaged in an asbestos project.

6. "Asbestos material" means any material containing more than one percent by weight of asbestos.

7. "Asbestos project" means work undertaken which involves the removal, encapsulation, enclosure, repair or disturbance of friable or non-friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber except for work in an owner-occupied single family dwelling performed by the owner of such dwelling and, for the purpose of compliance with regulations promulgated pursuant to subdivision one of section nine hundred six of this article, except for in-plant operations as defined in subdivision thirteen of

this section. Where all asbestos work on a project is subcontracted to an asbestos contractor with an asbestos handling license, only that part of the work involving asbestos shall be deemed to be an asbestos project.

8. "Commissioner" means the commissioner of labor.

9. "Asbestos contractor" means the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality thereof, self-employed person, company, unincorporated association, firm, partnership or corporation, limited liability corporation or professional limited liability corporation and any owner or operator thereof, which engages in any portion of an asbestos project or employs persons engaged in an asbestos project.

10. "Department" means the department of labor.

11. "Entity" means a partnership, association, joint venture, company, sole proprietorship, corporation, limited liability corporation, professional limited liability corporation or any other form of doing business.

12. "Friable" means any material that when dry, can be crumbled, pulverized, crushed or reduced to powder by hand pressure or is capable of being released into the air by hand pressure.

13. "In-plant operations" means work within the premises of an employer other than the state, any political subdivision of the state, a public authority or other governmental agency or instrumentality thereof, in an area to which persons other than employees of that employer directly involved in the work will not have access during the course of the work and which is performed in a manner consistent with federal regulations promulgated under the federal occupational safety and health act pursuant to chapter 15 of title twenty-nine of the United States code, and is performed in a manner which will not expose the public or employees of that employer not directly involved with the asbestos project to asbestos fibers in excess of background levels or

..01 fibers per cubic centimeter, provided that the work involves the encapsulation, enclosure, removal, repair, disturbance or handling of (a) less than one hundred sixty square feet or two hundred sixty linear feet of asbestos or asbestos material and is performed by employees of such employer or (b) any quantity of non-friable organically bound asbestos material.

14. "Non-friable organically bound (NOB) asbestos material" means a wide range of non-friable asbestos materials embedded in flexible-to-rigid asphalt or vinyl matrices, including but not limited to, flooring materials, adhesives, mastics, asphalt shingles, roofing materials and caulks.

15. "Parent company" means an entity that directly, or indirectly through one or more intermediaries, controls the asbestos contractor.

16. "Person" means any natural person.

17. "Subsidiary" means an entity that is controlled directly, or indirectly through one or more intermediaries, by an asbestos contractor or by the asbestos contractor's parent company.

18. "Substantially owned-affiliated entity" means, in relation to any asbestos contractor, any (a) parent company of the asbestos contractor, (b) subsidiary of the asbestos contractor, (c) successor of the asbestos contractor, (d) entity in which the parent company of the asbestos contractor owns more than fifty percent of the voting stock, (e) entity in which one or more of the top five shareholders of the asbestos contractor individually or collectively also owns a controlling share of the voting stock, or (f) entity which exhibits any other indicia of control over the asbestos contractor or over which the asbestos contractor exhibits control, regardless of whether the controlling party or parties have any identifiable or documented ownership interest. Such indicia shall include, but not be limited to, power or responsibility over employment decisions, access to and/or use of the relevant entity's assets or equipment, power or responsibility over contracts of the entity, responsibility for maintenance or submission of certified

payroll records, and influence over the business decisions of the relevant entity.

19. "Successor" means an entity engaged in work substantially similar to that of the predecessor, where there is substantial continuity of operation with that of the predecessor.