

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By Chairman Russell, on April 4, 1989, at 5:15 P.M.

#### ROLL CALL

Members Present: Thirteen.

Members Excused: One, Duane Compton.

Members Absent: Two, Mark O'Keefe and Jim Rice.

Staff Present: Eddy McClure, Staff Attorney.

Announcements/Discussion: CH. RUSSELL: We will have a hearing on SB 270 and secondly, I have asked Tom Gomez to talk about a resolution.

#### HEARING ON SB 270

#### Presentation and Opening Statement by Sponsor:

SEN. WILLIAMS: I am passing out some anticipated questions and answers concerning the subject of this bill. (Attached hereto as Exhibit #1).

This is one of two companion bills. The other bill is SB 259, which is a bill to exempt asbestos workers from our sunrise audit. (Written testimony of Sen. Williams on SB 259 attached hereto as Exhibit #2, at his request).

The reason this bill hasn't come to you any sooner is because the chairman of our health committee did not want it out until 259 was signed into law. SB 259 has been signed into law. It addresses this and the underground tanks, so the groundwork is all in place for SB 270 to go through and satisfy some federal mandates. These are some problems we do have in the state of Montana that I feel could be much worse unless we get a handle on it. I started on it last October and I made the initial contact with the Department of Health. I appreciate all the work that they have put into this bill but it is not necessarily their bill alone. There are a lot of people who are concerned about asbestos, how we are going to handle it.

This bill was not just put together over night and we held several meetings. Labor attended these meetings as we needed input from them because, in my mind, they are the ones who are looking out for the health of the people who

are going to be working with this asbestos removal. We also had several engineering firms who came and spent time with us and people in education, as the schools are going to be heavily involved in it.

Testifying Proponents and Who They Represent:

LARRY LLOYD, Administrator of the Environmental Sciences Division for the State Department of Health and Environmental Sciences.

JIM TUTWILER, Montana Chamber of Commerce.

GENE FENDERSON, Montana State Building Construction Trades Council.

STEPHEN BROWNING, Safe Building Alliance.

Proponent Testimony:

LARRY LLOYD, proponent. The deleterious effects of human exposure to asbestos fibers has been known for many years. Epidemiologists have been studying such effects for over fifty years and we know that the breathing of such fibers causes diseases such as asbestosis, which is a debilitating fibrotic lung disease; mesothelioma, which is a fibrotic condition of the lining of the lung cavities; and also lung cancer.

Submitted written testimony which is attached hereto as Exhibit #3.

JIM TUTWILER, proponent. We rise in support of this bill. We supported this bill on the Senate side and we wish to support it here for the simple reason that we know that across the state in Montana there are not only schools but other structures and buildings which have potential asbestos problems. We know that asbestos poses a real threat in some cases to occupants of buildings; particularly, we know that it poses a threat to employees who work in asbestos removal and disposal. We are aware also that the companies and corporations who are engaged in investing their resources and engaged in working in the asbestos field also run a risk if there are not proper safety guidelines and standards. We believe that SB 270 provides those guidelines. It is a major step towards providing a safe working environment and it also provides very stiff penalties for those who do not comply with those requirements. For these reasons we feel the bill is needed. It is a sound bill and we urge your support.

GENE FENDERSON, proponent. We rise in support of this bill. We have put a lot of work in it and we think it is a good bill.

STEPHEN BROWNING, proponent. Submitted written testimony, attached hereto as Exhibit #4.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

LEE: Question for Mr. Lloyd. In the accreditation standard that you are going to adopt, are they going to be AHERA standards or what are you going to be adhering to?

LLOYD: The rules would be adopted under the Administrative Procedures Act. You will notice in here that there is a committee formed of affected people, industry, asbestos suppliers, contractors, etc. I anticipate in my own mind that the rules which will be adopted will most likely be very close, if not identical, to that within the federal law.

LEE: It is my understanding that there are two different sets of federal laws that deal with asbestos. You have the most stringent law contained in AHERA and then there is a lesser standard contained in NESHAPS. Which of those two will be your guidelines here?

LLOYD: We would be adopting the requirements under the AHERA law. The NESHAPS is designed more for ambient air purposes rather than for indoor exposure.

LEE: On page 6, line 5, the accreditation section. Is this going to be for anyone who is going to work with asbestos? Will it be the worker who is hired onto a job, is he going to have to take this AHERA standard accreditation course, or is this with the employer in mind who will then have a subsidiary function to frame his work force?

LLOYD: The accreditation would include the workers as well as the contractors. The experience has been that many of the workers have not been adequately trained for their own protection, nor for the protection of others who are either co-occupying the structure or who may occupy the structure after the completion of the job.

LEE: How long will this course take?

LLOYD: I will have to ask Gene Fenderson to answer that.

FENDERSON: For the worker the EPA calls for 19 1/2 hours. For the person who is running the job it goes up to 32 hours.

Our labor union runs everybody through a 40-hour course, whether they are a worker, supervisor, or whatever. We demand 40 hours.

THOMAS: Question of Sen. Williams. What are we doing in the bill with disposal of the asbestos?

WILLIAMS: I defer the disposal question to the Department of Health.

THOMAS: Is disposal addressed in the bill and, if not, what are we doing with it?

LLOYD: Disposal is defined as an asbestos project, so anyone disposing of asbestos would be covered by this bill.

THOMAS: What do you mean by that, covered by the bill?

LLOYD: They would be required to dispose of asbestos in accordance with federal and state law. This would mean the packaging, transportation, use of accredited and certified landfills, the covering, the training of the people involved in the transport and disposal.

THOMAS: Currently, do we have any of these landfills in the state?

LLOYD: We do have landfills which are approved for the disposal of asbestos. The procedures are different than for some other wastes.

THOMAS: There is a lot of asbestos that has been removed that has not been properly disposed of. What are we doing in that area, or what can we do? Does this bill help us in that area?

LLOYD: This bill would provide us with the wherewithal to do some inspections and some follow-up. At the current time we have no resources and essentially no program. The only follow-up that is currently being done is the local supervision of the landfills and that has not been adequate.

THOMAS: I just might point out for the committee's interest, if nothing else, that there are places where the asbestos is taken to landfills and just dumped and it blows all over. So there is another element to this problem, and it is in the landfill operation.

SIMPKINS: Question of Mr. Lloyd. Is there any reason that you can see that is necessary to double the training hours for a particular worker above that which is recommended by the federal government?

LLOYD: This is something we need to look at when we adopt the rules. The requirement is 24 hours by the EPA. This 24

hours is all classroom and it is hard to conceive that someone could adequately learn to safely remove and work with asbestos without having some hours on-the-job training. I think this would be in addition to the 24 hours of classroom training.

SIMPKINS: Therefore, the person would be accredited once he completes this training course, regardless of how long, is that correct?

LLOYD: There will be an established minimum course. The courses would be approved under the provisions of this bill, if it is passed.

SIMPKINS: I direct your attention now to page 9(4) regarding the fines. The way I read this is that if a person knowingly violates the rules adopted by your agency, he can be fined up to \$1,000 a day for initial violation and \$5,000 from there on. Down in (5) if he doesn't know anything about the law, and a small contractor goes in there and works on asbestos, we are going to sock him \$25,000 a day even though he didn't know he was violating a law. The way I read this, too, the laborer who is also working under that, since he has valid accreditations to work on this project, can also be fined \$25,000 a day for even working on the project. Isn't that the way that reads?

LLOYD: In my recollection, it was a "knowing" violation, which would have that penalty. It would not be for someone who unsuspectedly got into an asbestos project without knowing it.

SIMPKINS: Would you mind looking at that, starting with line 8 and tell me if that is what it says, in your interpretation?

(4) refers strickly to "knowingly" violates, and then (5) just says "if he doesn't."

LLOYD: I defer this to Adrian Howe. He was the prime drafter of this bill and he can explain this question.

ADRIAN HOWE, Chief of the Occupational Health Bureau with the Department of Health and Environmental Sciences.

(4) is for violation of any worker, contractor, or consultant who is doing consulting or working on the job who does not have the proper accreditation.

(5) is for someone who is engaging in an asbestos project, directed toward a contractor who knowingly went into an asbestos project without the permit that is required.

LEE: Adrian, that \$25,000, is that in compliance with the federal AHERA standard?

HOWE: To the best of my knowledge on the AHERA standard there is no requirement for the state to set a specific civil penalty or criminal penalty. That was done by our legal staff in the Department of Health and Environmental Sciences, using as a guideline other civil penalties which are assessed under other environmental sciences statutes and rules. For example, I know that one of the water quality civil penalties is \$25,000 per day.

LEE: I had a person advise me, who works in asbestos a lot, that under AHERA the maximum penalty is \$1,000 a day. I don't know if that is right or not, but that is what I was told. I was wondering, if that is true, why are we exceeding that by so much.

HOWE: I may have to defer that to Mr. Lloyd since he is more versed in the AHERA law than I am.

LLOYD: When this was drafted by our legal staff, it was brought in pretty much into conformance with penalties from other environmental laws. The others are in this range. To my knowledge, I have never known of a maximum penalty that has been assessed. Most of the penalties are almost always substantially less than the maximum and then they are generally negotiated on a settlement.

LEE: Question for Sen. Williams. On the bottom of the fiscal note it says a separate bill has been introduced to exempt state entities who have a federal mandate to implement a program or a program which may receive delegation of primary enforcement responsibility from the federal government from the provisions of Section 2-8-202, MCA. I take it our school systems have a federal mandate to clean up their asbestos problem, is that right?

WILLIAMS: This is mandated by federal law, it is my understanding. We had to enact this type of legislation within 180 days from the beginning of our next legislative session, so we couldn't put it off for another two years. The separate bill was to exempt the asbestos workers from the sunrise audit. I guess I am not quite following you as to what you mean by the schools. How do you mean?

LEE: What I am wondering is if, under this exemption, does that mean that the people going to work on these school projects are exempt from these licensing and accreditation standards?

WILLIAMS: Definitely not. There would be no exemptions for somebody going into a school.

SIMPKINS: The Resource Indemnity Trust Fund, 15-38-201, is that the super fund? What is that fund?

DRISCOLL: The Resource Indemnity Trust is a fund paid by people involved in mining and it is to clean up environmental

hazards. Normally that money is spent on whatever the legislature decides it should be spent on. Rep. Fritz Daily and people in Butte took it to the supreme court alleging that the money was not being spent properly. The supreme court said that the legislature has the power to spend it on anything they want to.

Closing by Sponsor:

WILLIAMS: I appreciate the questions that were asked. I suppose that \$25,000 does seem awfully high. I don't feel it would be abused. I feel the committee that will be advising the Department of Health on the rules and regulations will be looking after their own good. We have not heard from the refineries today, but we invited them in because they have a lot of asbestos problems. The amendments were put in here at the request of the refineries to address their problems and we hopefully have the bill pretty well designed around what problems they might have.

Rep. Harper's name is on the bill. He carried 259 and he has agreed to carry this bill if it should pass.

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DISPOSITION OF SB 270

Motion:

WHALEN: Move we DO CONCUR IN SB 270.

Discussion:

SIMPKINS: I would like to move to delete that section on page 9, lines 8 through 12, concerning \$25,000 a day penalty. That is an excessive penalty and it seems to me that if you look at the other penalty above that, \$1,000 a day, and then \$5,000 a day for a subsequent violation, seems should be adequate to take care of the needs because we are talking about "purposely or knowingly violates" this act or a rule adopted pursuant to this act, so it is going to cover anything such as licensing, accreditation, jobs; it covers everything under this bill. It seems that the \$25,000 a day just doesn't need to be in this bill.

KILPATRICK: You are reading that differently than I am because the other is a person and I can see that (5) is referring to a company that blatantly comes in and does this job without anything at all and they should get a \$25,000 fine. I think that something as important as asbestos is, let's nail them, because they better know what is going on and I think it is a good amendment.

MCCORMICK: I agree with Rep. Kilpatrick on that. You are taking the whole bill away if you take that out of there. It says

"if they do it without a permit", well that's the idea of this training, is to get a permit. If you don't want them to take the training, throw the bill out.

SIMPKINS: Tim (Whalen), would you please tell me, is that the way that reads? It doesn't say anything about a company, it says "...upon a person who engages in an asbestos project."

WHALEN: When the word "person" is used in the law, it also means business entities. Corporations, incorporations, partnerships, associations, all those things, are recognized as "person" under the law.

SIMPKINS: Are we assured that just a worker working on a project can't be held under this paragraph?

WHALEN: I would say that your assurance, Dick, is the fact that it has been brought up here in executive action on this bill. It has been stated that the intent of the bill is that it not apply to just the worker, so when you look at the legislative intent of this bill, or the courts looking at the legislative intent of this bill down the road, I think it will be pretty clear from the minutes that this isn't intended to apply just to a worker working on a project.

RUSSELL: Are you ready for the question? Now Rep. Simpkins' motion is to take that whole section 5 out of the bill.

LEE: Dick, I can't see taking this whole section out of there, but I could see a penalty equal to what is in (4) above there, but I can't see striking the whole thing. I think it is entirely possible a person could unknowingly get into a remodeling or demolition project and get into things he didn't know were there. I think the asbestos problem being what it is, contractors are going to have to be aware more and more of what they possibly can get into, but I think \$25,000 is excessive. I think nothing there is excessive in the other direction also. I could support something that was agreeable with section 4 there.

DRISCOLL: If you read (5) it says the district court may assess not more than \$25,000, so you still have to be found guilty and I am sure you would have to be blatant in your violations for any judge to assess anything close to \$25,000 a day. You would have to have a continuous violation. I think the safeguards are the judges. We are just putting a cap on it so the judge can't get really mad at them and fine him \$50,000 a day.

SIMPKINS: Rep. Driscoll, the wording is the same as up in paragraph 4. It's the judge. It says \$1,000 a day may be assessed as a civil penalty by the district court. It just seems to me, and Rep. Lee's comment is very good too, but the only main difference between paragraph 4 and paragraph 5



is "knowingly." So you are saying it is less of a penalty if a guy knew about it, knew he was violating this act, knew that he was violating state law, and he only gets socked \$1,000. If he didn't know he was violating state law and went into this whole deal, he is going to get fined \$25,000. It just doesn't make sense to me.

DRISCOLL: Sub 4 says "an accredited person" who knowingly and purposely violates this act. The second one is "they engage in it without accreditation or permit." You still have to go back to the judge. In either case, the department can't do it, the judge of a district court has to do it and I guess it would be my opinion that if the person was accredited and they knowingly and purposely did it they would probably get fined the \$5,000 a day, or close to it. If you didn't know about it and it was just a small amount, such as in a small demolition project, the judge would probably just slap your hands. If you went into a major asbestos removal project, you would have at least some knowledge of the business or you wouldn't be allowed on the project. Then if you went in there without valid accreditation or permit and you were blatant, I think that the judge would make that decision. It doesn't read the way I think the law should read, but you do have to put some trust in the judges to make the decisions as they hear the evidence in individual cases.

#### Amendments, Discussion, and Votes:

RUSSELL: Called for vote on the amendment by Rep. Simpkins to delete this section.

Vote: Fifteen to one against passing the amendment. Rep. Simpkins voted for.

The amendment has FAILED.

#### Further Discussion on the Motion to Approve the Bill:

LEE: The only other concern I have is that it seems like if you are going to ask everybody who works with asbestos to take the highest possible standard accreditation program under AHERA, it is either (a) going to be really expensive for the employer, or (b) you're going to have employers who don't want to do this. It is my understanding that there is a slightly lesser standard under the other asbestos act that the national congress has under NESHAPS that still requires a physical and eight hours of training, but isn't quite so expensive. If a guy goes through a three-day course, takes his physical exam, walks on the job, puts his respirator on and then in half an hour walks back out and says he is not going to work with that thing on his face, then it is all gone. I understand the problem but I am just trying to see if there might be a little better way to approach this.

GLASER: Right now a good portion of the people doing this work are coming from out of state; a lot of them from Alaska because there was a lot of work up there; from Washington state and all over.

Workers should be properly trained if they are going to have anything to do with it. There should even be a rudimentary training to every carpenter who goes into a finished building and does any remodeling. That is simply to protect themselves and the labor unions and other folks around are doing this. I have seen a lot of asbestos work done and I have been around an awful lot of it. If we don't do this right we are going to be one unhappy bunch of people.

DRISCOLL: There may be some confusion on the training. There is a thing called a "competent person" and that is the person who needs to know how to set up the negative air machine and make sure the enclosures are airtight so that none of those fibers get outside of the enclosure. The other training is for the people who simply take it off and stick it in a bag. There may be some confusion on how many hours of training is needed. To be a competent person you need at least forty hours, in my opinion. Then the training of the asbestos worker who simply knows how to suit up to keep the stuff off him, stick it in the bags and make sure the bags are washed and then stick it in another outside bag before it goes to the dump, that is probably the 19 or 24-hour training.

You can't learn the negative air machine and all that other stuff in 24 hours. I think in their rules they will do as Washington state did and clarify that there is a difference between what is called a "competent person" asbestos removal and just asbestos removal person. A "competent person" has to be on the job and know how to set up all the machinery.

Vote:

Unanimous vote to DO CONCUR IN SB 270.

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COMMITTEE JOINT RESOLUTION

RUSSELL: (addressing Tom Gomez, Staff Attorney) Tom, do you want to present the two drafts that you have drawn up?

Committee members, you will remember that we passed unanimously to have a committee resolution dealing with the National Park Service and asking that the concessionaires in those parks adhere to Montana hour and wage laws.

I have asked Tom to explain the two items.

TOM GOMEZ: For the record I am Tom Gomez, staff researcher with the Montana Legislative Council.

(copies of Resolution drafts LC 1814 and LC 1814X attached hereto)

I have prepared for your consideration two drafts of a committee resolution urging the federal government to require employers on federal lands to pay employees wages in accordance with Montana's minimum wage and overtime compensation laws.

The first bill which is marked LC 1814, is a resolution which is the broader of the two resolutions. This resolution would apply to all the recreational establishments in national parks, national forests and other lands, asking in this resolution that those particular establishments pay their employees the state minimum wage and also overtime compensation based on Montana law.

The second resolution which is marked LC 1814X is the alternative resolution which would apply only to concessionaires in the national parks of this state.

Both resolutions are the same, or at least similar, with respect to the problem which is stated in the various whereas clauses as follows: First, the federal law provides exemptions from the minimum wage and overtime compensation requirements for various employers in the national parks, the national forests and other federal lands that are under the jurisdiction of the Department of Agriculture and the U.S. Department of the Interior. Second, the federal law, however, does not excuse employers, including these employers on the federal lands, from paying wages that are higher than allowed under the federal minimum wage laws if there is a state law that would result in greater wage and hour protection for workers in that particular state. The resolutions both go on to say that, thirdly, that in Montana if law were to be applied that the employees of these various recreational establishments would, in fact, be entitled to a higher minimum wage and to greater overtime compensation than is now afforded under the current scheme of things. Therefore, both resolutions conclude that this legislature urges the federal government to require employers on these federal lands to pay wages in accordance with the Montana minimum wage and overtime compensation acts.

The resolution pertaining only to the national parks is clearly focused as it relates to a problem that involves only one federal entity, namely the National Park Service. It would involve only those concessionaires such as the Glacier Park Company which employs between 300 and 400 persons.

The other resolution includes those establishments that might be in the national forests, BLM lands and other federal lands since those lands are under the jurisdiction of the Departments of the Interior and Agriculture. You have more people or more agencies to deal with as opposed

to the bill that simply relates only to concessionaires in the national parks.

Overall, there is the big problem which is why we do not simply have a bill to correct all of this. We sheeted jurisdiction over these federal lands back in 1911; therefore, we can't simply try to enforce Montana's law. There is a need for some kind of action in order to have Montana's minimum wage and overtime laws apply in these particular areas of the state.

RUSSELL: Tom, as I understand it, if we went for the broader resolution it looks like there are a number of other steps that we would have to take here as a legislature, probably in the next session, is that correct?

GOMEZ: If the BLM and the National Park Service and the U.S. Forest Service and these other agencies decided that they didn't want to abide by the request of this legislature to apply the state minimum wage and overtime laws, then you would have the task of going through and amending a number of sections or trying to alter the agreement between this state and the federal government. That is a broader task than simply having the National Park Service ask in their lease agreements with concessionaires to apply the state minimum wage law to employees in the national parks. The National Park Service has the authority to set wage and hour conditions as part of these agreements with concessionaires, but they don't do that.

KILPATRICK: This is just a resolution, right? I would assume that this is a suggestion and they can do what they want. I kind of like the broader idea, covering a lot more people on it than the narrower one. If they should happen to take a hold of it and really go along with it then we would have to do some changing and that would be great.

RUSSELL: Tom, I want to thank you because you have done considerable research on this, we do appreciate it. We'll discuss among ourselves which one we want to go forward with.

Motion:

KILPATRICK: Moved that the committee accept LC 1814 as our resolution.

Discussion:

SMITH: Outside of the parks, how much problem do we have on this? If you are going to get all the federally owned land divisions and all their department heads to go along with this, that might be a problem. We might be a lot better off to take the park service on first and then next time around try the rest of them if there is a problem there.

RUSSELL: Tom, might you have any input on this. What kind of problem do we have out there with these other federal entities?

GOMEZ: I haven't had enough time to really look at how this is affecting this state. The law clearly says that recreational establishments in the national parks, national forests and other federal lands under the jurisdiction of the Department of Interior and also the Department of Agriculture, are exempt from the payment of the \$3.35 for a cash wage and also from overtime compensation until an employee has worked in excess of 56 hours in a work week. According to the Salt Lake City office of the U.S. Department of Labor, they know only of a problem specifically regarding the concessionaires in the parks because the Department of Labor of this state tried to enforce the state minimum wage law in those areas and they weren't able to do so. That was brought to their attention.

RUSSELL: Any other comments on Rep. Kilpatrick's motion to approve LC 1814?

KILPATRICK: I'm not sure what good a resolution will do anyway, but maybe the narrower one would focus in more.

Motion:

DRISCOLL: As a substitute motion, I move that we adopt LC 1814X and focus simply on national parks.

Vote:

Fifteen to one to ADOPT RESOLUTION LC 1814X. Rep. Simpkins voted against the motion.

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DISCUSSION REGARDING SB 165

THOMAS: I move that we reconsider our action taken on SB 165. This was a bill introduced by Bob Brown regarding the governor's ability to appoint department heads. We tabled the bill in our earlier action in the committee. Before we tabled it we amended out "division administrators" so it would just apply to deputies. Just a very few people would be handled by the bill as it is now. I ask you to reconsider that and possibly pass the bill out. I think there is a great big safeguard that members of the committee who voted against the bill could certainly consider at this time and that is the bill is past transmittal deadline because it is amended. For the bill to be accepted into the Senate, 2/3 of the Senate would have to accept the bill. That means that 2/3 of the Senate would have to vote for the bill and I do not believe that 2/3 voted for the bill in the

form that it passed over to the House in. I offer that as a compromise situation as when we considered the bill earlier there was not that safeguard to the members who voted against the bill and that 2/3 would have to accept it in the Senate. Now that situation is upon us and so there is an extra safeguard.

So I ask you to reconsider the bill, possibly pass it out in the form it is in now, as amended, and let the Senate consider this further.

Motion:

THOMAS: Moved to take SB 165 off the table for reconsideration.

Vote:


Roll call vote taken, resulting in nine votes against and seven votes in favor of the motion.

Motion failed.

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ADJOURNMENT

Adjournment At: 6:20 P.M.

  
\_\_\_\_\_  
REP. ANGELA RUSSELL, Chairman

AR/mo

7509.MIN

# DAILY ROLL CALL

## LABOR AND EMPLOYMENT RELATIONS COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 4-4-89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Angela Russell, Chairman	✓		
Rep. Lloyd "Mac" McCormick, VC	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Duane Compton			✓
Rep. Jerry Driscoll	✓		
Rep. Bob Pavlovich	✓		
Rep. Bill Glaser	✓		
Rep. Tom Kilpatrick	✓		
Rep. Thomas Lee	✓		
Rep. Mark O'Keefe		✓	
Rep. Jim Rice		✓	
Rep. Richard Simpkins	✓		
Rep. Clyde Smith	✓		
Rep. Carolyn Squires	✓		
Rep. Fred Thomas			
Rep. Timothy Whalen			

# ROLL CALL VOTE

## HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

DATE 4-4-89 BILL NO. SB 165 TIME \_\_\_\_\_

NAME	AYE	NAY
Rep. Angela Russell, Chairman		✓
Rep. Lloyd "Mac" McCormick, Vice Chairman		✓
Rep. Vicki Cocchiarella		✓
Rep. Duane Compton	✓	
Rep. Jerry Driscoll		✓
Rep. Bill Glaser	✓	
Rep. Tom Kilpatrick		✓
Rep. Thomas Lee	✓	
Rep. Mark O'Keefe		✓
Rep. Bob Paylovich		✓
Rep. Jim Rice	✓	
Rep. Richard Simpkins	✓	
Rep. Clyde Smith	✓	
Rep. Carolyn Squires		✓
Rep. Fred Thomas	✓	
Rep. Timothy Whalen		✓

TALLY

7 9

Maureen Orban  
Secretary

\_\_\_\_\_  
Chairman

MOTION: \_\_\_\_\_

- \* Rep. Rice was absent this date but left his proxy with Rep. Thomas to vote on another bill. He did not know SB 165 was going to be discussed again. At the committee meeting on April 11, 1989 he requested that the committee allow him to change this vote to "no", this request was granted, so the actual count was 10 against and 6 for



STANDING COMMITTEE REPORT

April 5, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that Senate  
Bill 270 (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_  
Angela Russell, Chairman

[REP. HARPER WILL CARRY THIS BILL ON THE HOUSE FLOOR]

ASBESTOS CONTROL SB 270

QUESTIONS AND ANSWERS

EXHIBIT 1  
DATE 4-4-89  
HB SB 270  
1 of 2

Q. Why was SB 270 drafted?

A. A state asbestos consultant and contractor certification program is mandated by the Federal Asbestos Hazard Emergency Response Act (AHRA Public Law 99-519). The diseases caused by breathing of asbestos fibers by humans has been investigated for more than fifty years and the findings have prompted the need to insure that proper training is provided for those involved in asbestos related occupations. The public health risks associated with human exposure to asbestos have prompted the proposal to expand the asbestos program to all structures.

Q. What are the health effects of human exposure to asbestos fibers?

A. Breathing asbestos fibers is known to cause diseases such as asbestosis ( a debilitating fibrotic lung disease), mesothelioma (a fibrosis of the endothelial tissues lining the chest cavity), and lung cancer.

Documentation of asbestos-related diseases has been well established among asbestos workers. World War II shipyard workers and insulators were notoriously stricken by these diseases. Even children in the families of asbestos workers are known to have contracted asbestos-related diseases from the contamination brought home on the clothing of the workers which subsequently deposited within the living areas.

With a better understanding of the health effects of breathing asbestos fibers federal agencies have reduced the allowable asbestos fiber exposure of workers by a factor of ten during the 1980's.

Q. How much will passage of SB 270 cost the State?

A. The program is intended to be self supporting. It will be funded by the RIT Fund. The accreditation and asbestos project permit fees will be redeposited in the RIT Fund to replace the funds withdrawn.

Q. How will SB 270, if enacted, affect school districts that have already been inspected for asbestos and have developed asbestos management plans?

A. SB 270 will not affect the inspections and management plans already developed by the school districts. Notification of asbestos abatement projects and

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application for asbestos project permits will be required to enable the Department of Health and Environmental Sciences to inspect the contractor. SB 270 was endorsed by the Montana School Board Association. It should be noted that SB 270 does not provide for asbestos inspection of structures or preparation of asbestos management plans. SB 270 provides for the accreditation of individuals providing these services. 2042

Q. How will SB 270 if enacted affect school districts and other structures?

A. Inspections by DHES will insure that asbestos abatement projects will be carried out by properly trained and accredited personnel in accordance with all State and Federal laws. This will insure the protection of asbestos workers and their families and insure that the completed project will provide a clean and uncontaminated environment in the structure.

Q. How will SB 270 affect contractors and consultants who are currently accredited by the EPA?

A. These individuals will be accredited by grandfathering and will be able to maintain accreditation by meeting requirements for continuing education. It is anticipated that with the enactment of SB 270 more asbestos training courses will be made available in Montana thus reducing the cost to business currently sending personnel out of state for training which is required by the EPA.

TESTIMONY ON SB 259

Mr. Chairman and Committee Members:

This portion of my testimony concerns the new language on page 4 of SB 259 relating to the assumption of primary enforcement responsibility for programs established under state and federal law.

In 1984 and again in 1986, the United States Congress acted to create a program regulating leaks from underground storage tanks. Under the federal law and rules recently adopted by the U.S. Environmental Protection Agency, a state can run its own underground storage tank program if as a part of that program the state adopts a mechanism to ensure that underground storage tanks are properly installed. This is because incorrect installation of tanks has been found to be a significant source of leaks and groundwater contamination. The Department of Health and Environmental Sciences has had a bill introduced this session, HB \_\_\_\_\_ (LC 851) to require licensing of underground tank installers. If enacted into law, this licensing bill will help ensure quality tank installations and will enable USEPA to give the Department of Health the authority to operate the underground storage tank program in Montana in place of the EPA. The operation of this program by the Department of Health is a worthy goal for this state because it will allow state operation of what would otherwise be a federal program regulating all underground storage tank owners and would be run from the USEPA in Denver, Colorado. However, the licensing program cannot be created during this session of the legislature unless the state sunrise statutes are amended to allow the passage of the licensing bill without the report now required by the Legislative Audit Committee.

In conclusion, before Montana can assume the underground storage program from EPA, the state must provide a system to ensure quality tank installations, and before HB \_\_\_\_\_ (LC 851) can be enacted, the Sunrise Law must be amended to allow the licensing of tank installers by the Department of Health.

For all these reasons, I urge you to recommend approval of SB 259. Thank you.

Bob Williams  
State Senator  
District No. 15

PROPOSED INTRODUCTION FOR  
SB 270  
ASBESTOS CONTROL

EXPOSURE TO AIRBORNE ASBESTOS FIBERS CAUSES ASBESTOSIS, LUNG CANCER, AND MESOTHELIOMA ALL OF WHICH ARE LIFE THREATENING DISEASES. TO PREVENT UNNECESSARY PUBLIC EXPOSURE AND TO PROTECT THE ENVIRONMENT IT IS NECESSARY TO REQUIRE THE REGULATION OF ASBESTOS PROJECTS.

I AM INTRODUCING AN ASBESTOS CONTROL BILL THAT WILL:

- 1 - ESTABLISH STANDARDS FOR THE TRAINING AND ACCREDITATION OF ASBESTOS CONTRACTORS, CONSULTANTS, AND WORKERS.
- 2 - ALLOW THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES (DHES) TO REQUIRE PERMITS FOR ASBESTOS PROJECTS.
- 3 - ALLOW THE DHES TO CHARGE FEES FOR THE EVALUATION AND APPROVAL OF ASBESTOS TRAINING COURSES, ACCREDITATION, AND THE ISSUANCE OF PERMITS FOR ASBESTOS PROJECTS.
- 4 - PROVIDE FOR INSPECTION OF ASBESTOS PROJECTS.
- 5 - PROVIDE FOR CRIMINAL AND CIVIL PENALTIES.
- 6 - ESTABLISH EFFECTIVE DATES.

THE FEES TO BE ESTABLISHED ARE TO BE REASONABLE AND ARE TO BE ESTABLISHED AT SUCH LEVELS THAT THEY PROVIDE FOR THE PAYMENT OF THE PROGRAM OPERATING COSTS. FEES AND PENALTIES COLLECTED ARE TO BE DEPOSITED INTO THE RESOURCE INDEMNITY TRUST (RIT) FUND.

THE FEDERAL ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA)  
- PUBLIC LAW 99-519 , WHICH WAS ENACTED ON JANUARY 21, 1986,

MANDATES IN SECTION 206 (B) (2) THAT EACH STATE SHALL ADOPT AN ACCREDITATION PROGRAM AS STRINGENT AS THE MODEL PLAN DEVELOPED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA). UNDER THE AHERA PROVISIONS, AUTHORITY OF THE STATE ACCREDITATION PROGRAM MUST BE ENACTED BY THE 1989 LEGISLATIVE SESSION. THIS ACCREDITATION PROGRAM INCLUDES ACCREDITATION FOR THE INSPECTION OF FACILITIES, CREATION OF ASBESTOS MANAGEMENT PLANS, PROJECT DESIGN FOR ASBESTOS REMOVAL AND THE ACCREDITATION OF ASBESTOS CONTRACTORS, SUPERVISORS AND WORKERS.

PRESENT FEDERAL LEGISLATION IS AIMED AT THE IDENTIFICATION AND POSSIBLE ABATEMENT OF FRIABLE (CRUMBLY) ASBESTOS AND NON-FRIABLE ASBESTOS (SUCH AS SOME FLOOR TILE) IN PRIVATE AND PUBLIC ELEMENTARY AND SECONDARY SCHOOLS. AHERA ALSO DIRECTED THE EPA TO REPORT ON EXTENDING ASBESTOS REMOVAL TO GOVERNMENT BUILDINGS AND OTHER STRUCTURES IN THE PRIVATE SECTOR. IT IS ANTICIPATED THAT CONGRESS WILL TAKE STEPS TO EXTEND ASBESTOS REMOVAL TO THOSE AREAS AFTER THE ELEMENTARY AND SECONDARY SCHOOL MANAGEMENT ASBESTOS MANAGEMENT PLANS ARE COMPLETED IN MAY OF 1989.

ALTHOUGH AHERA CURRENTLY ONLY ADDRESSES SCHOOLS, THE POTENTIALLY SEVERE PUBLIC HEALTH CONSIDERATIONS ASSOCIATED WITH ALL PHASES OF INSPECTING AND REMOVING ASBESTOS CREATE AN URGENT NEED FOR THE ESTABLISHMENT OF A STATE REGULATORY PROGRAM FOR ASBESTOS PROJECTS.

I ASK THAT THE COMMITTEE FAVORABLY CONSIDER THIS BILL. THANK YOU.

## STATEMENT IN SUPPORT OF SB 270

BY R. STEPHEN BROWNING

## FOR THE SAFE BUILDINGS ALLIANCE

Before the House Committee on Labor and Employment Relations

April 4, 1989

1042

Madam Chairman and the Members of the Committee:

I appear before you today to ask you for your support for SB 270. I am testifying today on behalf of the Safe Buildings Alliance, an association of leading building products companies which formerly manufactured products with asbestos-containing materials. Along with members of the real estate and development communities, government leaders and concerned scientists, the Safe Buildings Alliance advocates:

- (1) The development of inspection techniques that objectively evaluate the condition of asbestos-containing materials in buildings;
- (2) The adoption of uniform standards, including acceptable exposure levels, to govern responses to asbestos materials in buildings;
- (3) The acceptance of practical alternatives to the dangerous process of indiscriminately removing asbestos materials from buildings; and
- (4) The establishment of training and certification requirements for inspectors, assessors, contractors, and workers involved in asbestos-related work.

The Safe Buildings Alliance supports SB 270 because it addresses the four concerns stated above. Of particular relevance to SBA are those provisions in SB 270 (Section 3, subsection 7) which require the Department of Health to set allowable limits on indoor airborne asbestos. SBA believes that these standards are particularly important in letting the public know of the actual danger faced with asbestos-containing materials in buildings.

I am attaching to this statement copies of three short issue papers published by the Safe Buildings Alliance. These papers discuss three principal question areas which are, in turn, addressed by this legislation:

- (1) What experts say about air monitoring;
- (2) What experts say about asbestos in buildings; and
- (3) What experts say about asbestos removal.

In closing, I would like to compliment both the Montana Department of Health and Environmental Sciences and Senator Williams for sponsoring this legislation.

I will be available to answer any questions that the Committee might have about the bill.

Thank you.

W

## HAT EXPERTS SAY ABOUT AIR MONITORING

Risk is posed by the presence of *airborne* asbestos fibers — not by the mere presence of asbestos-containing materials. Only air monitoring can determine whether asbestos fibers are actually present in the air of a building.

An exposure action level, based on air monitoring, would distinguish conditions when asbestos materials do or do not pose significant risks. Without an action level, public or market pressures will inevitably lead to unnecessary removals that could increase exposures.

“

*How does one assess risk? In the vast majority of cases, air sampling is the major tool . . . It is ironic, and incomprehensible to me that [EPA], which consistently stresses measuring pollutants . . . in its air pollution, water pollution, ionizing radiation and hazardous waste programs, takes a position in the case of [asbestos-containing materials] in schools that does not rely on measurement of the toxic material in the media (air) of concern. . . . air sampling in initial assessment of a building condition offers an effective basis for a national approach to dealing with asbestos in buildings . . .”*

Morton Corn, Ph.D. (1987)

Professor, Johns Hopkins University School of Hygiene and Public Health  
Former Assistant Secretary, Occupational Safety and Health Administration

“

*[EPA's] de-emphasized reliance on air measurements [has resulted in] an irrational response of removing asbestos from schools and buildings based completely on its presence . . . costly and potentially more harmful removal of asbestos has been undertaken irresponsibly.”*

John D. Spengler, Ph.D. (1987)

Harvard University School of Public Health

“

*Significant funds may be expended [on abatement] with little or no gain in health protection, or worse, with positive harm to human health. Air monitoring offers the only rational guide to decisions that will, as Congress rightly required, protect human health by the least burdensome means.”*

Michael Gough, Ph.D. (1987)

Member, EPA Science Advisory Board  
Former Senior Associate, Office of Technology Assessment

“

*A reasonable approach to the issue of asbestos products in schools and other buildings would include a monitoring system in conjunction with a program of proper maintenance and repair.”*

Hans Weill, M.D., and Dr. Janet Hughes  
Annual Review of Public Health (1986)

“

*Results of air sampling . . . establish the degree of actual hazard present in building areas by determining the airborne concentrations of asbestos fibers that are present in the breathing zones of employees and/or the public occupying those areas.”*

General Accounting Office  
Asbestos Control Management Document (1984)

“

*[I]t is absolutely appropriate, no matter how you analyze the air, to have an air [monitoring] regimen be the criteria for an action decision, but having decided that you're now going to keep the asbestos in place . . . it certainly is appropriate to do air monitoring over time.”*

William Nicholson, Ph.D. (1986)

Mt. Sinai Environmental Health Sciences Laboratory

## SAFE BUILDINGS ALLIANCE

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## WHAT EXPERTS SAY ABOUT ASBESTOS IN BUILDINGS

Expert scientific groups around the world have found that asbestos exposures in most buildings with asbestos-containing materials do not differ significantly from outside air. Using conservative risk assessment models, these experts have concluded that the risks posed by asbestos in buildings are well below commonly accepted everyday risks.

*... the average concentrations in the vast majority of buildings with asbestos as surfacing material do not differ significantly from background."*

Omenn, Merchant, Boatman, Dement, Kushner, Nicholson, Peto and Rosenstock  
Environmental Health Perspectives (1986)  
National Institute of Environmental Health Sciences

*Currently, there is no evidence that the levels of airborne asbestos found in public buildings, such as schools, present a hazard."*

Ronald G. Crystal, M.D., National Institutes of Health  
1986 Medical and Health Annual  
Encyclopedia Britannica

*The public must be advised that under most conditions, non-occupational exposure to asbestos in buildings is not expected to pose a significant public health hazard."*

J. Richard Goldstein, M.D.  
Chairman, Asbestos Policy Committee (1985)  
State of New Jersey

*... the environmental health risk from asbestos in buildings is of an extremely low order."*

Sir Richard Doll, M.D., and Professor Julian Peto, Oxford University  
United Kingdom Health and Safety Commission (1985)

*We deem the risk which asbestos poses to building occupants to be insignificant and therefore find that asbestos in building air will almost never pose a health hazard to building occupants."*

The Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario (1984)

*[T]he presence of asbestos in buildings, or even forced air circulation over asbestos products, is unlikely to give rise to measurable airborne levels."*

G.J. Burdett and S.A.M.T. Jaffrey  
Annals of Occupational Hygiene (1986)

*It is clear that the levels of airborne fiber in buildings sprayed with asbestos-containing materials are very similar to the fiber levels detected in buildings without asbestos, under normal conditions."*

Donald J. Pinchin  
Report to the Ontario Royal Commission on Asbestos (1982)

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# WHAT EXPERTS SAY ABOUT ASBESTOS REMOVAL

Removal causes great disturbance of asbestos-containing materials and is difficult to control. The Environmental Protection Agency and other experts have found that even well-conducted removals *increase* asbestos exposures when compared with pre-removal conditions. Rather than protecting human health, removal can endanger it.

“*Asbestos removal is difficult to control . . . and in buildings in which average levels are low, the exposure to both workers and occupants caused by asbestos removal may actually increase the health hazard.*”

Omenn, Merchant, Boatman, Dement, Kuschner, Nicholson, Peto and Rosenstock  
*Environmental Health Perspectives* (1986)  
National Institute of Environmental Health Sciences

“*The engineering controls used in asbestos removal are at best crude. Firstly, the technology of removal involves physically scraping wetted asbestos from irregularly shaped surfaces using scrapers, putty knives, and wire brushes. This is a crude method for removing small fibers visible only by electron microscopy. Logically, all the asbestos is never removed.*”

Environmental Protection Agency  
Asbestos Control Technology Research Program (1987)

“*[A]sbestos removal cannot be assumed to remove the risk to [building] occupants. When large areas of asbestos are removed from buildings, it remains difficult for the existing technology to control to the levels encountered during normal occupation. Further improvements in methods, supervision and monitoring of asbestos removal would appear to be necessary. On balance, management rather than removal would appear to give the lowest risk at present . . .*”

G.J. Burdett et al.  
United Kingdom Health and Safety Executive (1987)

“*'First, do no harm,' is a basic principle of medicine. In contrast to removal, the management of asbestos-bearing materials will not only satisfy this rule, but in most situations is highly effective in preventing contamination. It is cost-effective and avoids the high and definite risk involved with material removal.*”

Robert N. Sawyer, M.D.  
*Preventive and Occupational Medicine* (1984)  
Yale University Health Service

“*The mere presence of asbestos does not in and of itself pose a health risk to anyone. Asbestos-containing materials in good repair are not likely to release fibers into the air, and therefore, removal of these materials is not essential.*”

J. Richard Goldstein, M.D.  
Chairman, Asbestos Policy Committee (1985)  
State of New Jersey

“*Neither the scale nor the pace of the school program was warranted by the risk posed by most asbestos containing schools to occupants or workers. If anything, the scale and pace of the program significantly increased the risk to some workers directly engaged in control projects.*”

The Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario (1984)

## SAFE BUILDINGS ALLIANCE

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EXHIBIT 5

DATE 4-4-89

HB                     

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LC 1814

pg 1 of 3

\*\*\* Bill No. \*\*\*\*\*

Introduced By \*\*\*\*\*

By Request of House Committee on Labor and Employment Relations

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA URGING THE UNITED STATES SECRETARY OF  
AGRICULTURE AND THE SECRETARY OF THE INTERIOR TO REQUIRE  
RECREATIONAL ESTABLISHMENTS IN MONTANA NATIONAL PARKS, NATIONAL  
FORESTS, AND OTHER FEDERAL LANDS TO PAY EMPLOYEES WAGES IN  
ACCORDANCE WITH THE STATE MINIMUM WAGE AND OVERTIME COMPENSATION  
LAWS.

Be it drafted for sponsor approval . . . . .

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C. 206  
and 29 U.S.C. 213(a)(3)) allows recreational establishments in  
Montana national parks, national forests, or other federal lands  
to pay employees a minimum hourly wage of \$2.01 an hour; and

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C.  
213(b)(27)) also exempts recreational establishments from paying  
overtime compensation until an employee has worked an excess of  
56 hours in a workweek; and

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C.  
218) does not excuse an employer from complying with any state  
law that provides employees greater wage and hour protection; and

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EXHIBIT 5  
DATE 4-4-89  
HB LC 1814 2053

WHEREAS, Montana law would provide a higher minimum wage for employees of recreational establishments than the federal Fair Labor Standards Act; and

WHEREAS, Montana law would establish a stronger overtime compensation requirement for employees of recreational establishments than the federal law; and

WHEREAS, the federal government may establish wage and hour requirements for recreational establishments in national parks, national forests, and other federal lands; and

WHEREAS, it is the policy of the State of Montana to provide minimum wage and overtime compensation requirements necessary to preserve the health, efficiency, and general well-being of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVE OF THE STATE OF MONTANA:

That the Legislature of the State of Montana strongly urges the U.S. Secretary of Agriculture and the Secretary of the Interior to require recreational establishments in Montana national parks, national forests, and other federal lands to pay employees wages in accordance with the Montana minimum wage and overtime compensation laws.

BE IT FURTHER RESOLVED, the Secretary of State transmit a copy of this resolution to the U.S. Secretary of Labor, the U.S. Secretary of Agriculture, the U.S. Secretary of the Interior, the Director of the National Park Service, the Chief of the U.S.

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EXHIBIT 5  
DATE 4-4-89  
HB LC 1814

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Forest Service, and to each member of the Montana Congressional  
Delegation.

-END-

LC 1814

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Printed 11:02 am on April 4, 1989

EXHIBIT 6  
DATE 4-4-89  
HB                       
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LC 1814x

pg 1 of 2

\*\*\* Bill No. \*\*\*\*\*

Introduced By \*\*\*\*\*

By Request of House Committee on Labor and Employment Relations

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF MONTANA URGING THE NATIONAL PARK SERVICE TO  
REQUIRE CONCESSIONAIRES IN MONTANA NATIONAL PARKS TO PAY  
EMPLOYEES WAGES IN ACCORDANCE WITH THE STATE MINIMUM WAGE AND  
OVERTIME COMPENSATION LAWS.

Be it drafted for sponsor approval . . . . .

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C. 206  
and 29 U.S.C. 213(a)(3)) allows concessionaires in Montana  
national parks to pay employees a minimum hourly wage of \$2.01 an  
hour; and

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C.  
213(b)(27)) also exempts park concessionaires from paying  
overtime compensation until an employee has worked an excess of  
56 hours in a workweek; and

WHEREAS, the federal Fair Labor Standards Act (29 U.S.C.  
218) does not excuse an employer from complying with any state  
law that provides employees greater wage and hour protection; and

WHEREAS, Montana law would provide a higher minimum wage for

# Unproofed Draft

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DATE 4-4-89

HB LC 1814x

employees of park concessionaires than the federal Fair Labor  
Standards Act; and

WHEREAS, Montana law would establish a stronger overtime  
compensation requirement for employees of park concessionaires  
than the federal law; and

WHEREAS, the National Park Service may establish wage and  
hour requirements for concessionaires in the national parks; and

WHEREAS, it is the policy of the State of Montana to provide  
minimum wage and overtime compensation requirements necessary to  
preserve the health, efficiency, and general well-being of its  
citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
REPRESENTATIVE OF THE STATE OF MONTANA:

That the Legislature of the State of Montana strongly urges  
the National Park Service to require concessionaires in Montana  
national parks to pay employees wages in accordance with the  
Montana minimum wage and overtime compensation laws.

BE IT FURTHER RESOLVED, the Secretary of State transmit a  
copy of this resolution to the U.S. Secretary of Labor, the U.S.  
Secretary of the Interior, the Director of the National Park  
Service, and to each member of the Montana Congressional  
Delegation.

-END-

LC 1814x

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## VISITORS' REGISTER

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEEBILL NO. SB 270DATE April 4, 1989SPONSOR Sen. Williams

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Eugen Fender	Mt State Bldg Trade	X	
Harold Uda	CIEMEX	X	
Larry Lloyd	DHES	X	
Adrian C. Howe	DHES	X	
Steve Browning	Safe Buildings Alliance	X	
Gini Tutwiler	Mt Chamber Com	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.