

1 *Hoyle* BILL NO. *724*
 2 INTRODUCED BY *Kynch (by request)*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF
 5 ASBESTOS-CONTAINING SPRAY MATERIALS IN CONSTRUCTION;
 6 PROVIDING PROCEDURES FOR THE DEMOLITION OF BUILDINGS OR
 7 STRUCTURES CONTAINING ASBESTOS INSULATION OR FIREPROOFING;
 8 PROVIDING NOTIFICATION TO LOCAL FIRE DEPARTMENTS OF
 9 DEMOLITION PERMITS GRANTED; PROVIDING PROCEDURE FOR USE OF
 10 OTHER FIBRATED PRODUCT OR COMPOUND; AND PROVIDING
 11 PENALTIES."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Purpose. The purpose of this act is to
 15 protect the citizens of Montana from the dangers
 16 precipitated by the use of spray materials containing
 17 mineral fibers. The legislature finds that if adequate
 18 safety precautions are not taken during the spray
 19 application of these materials, spraying operations may
 20 release a significant quantity of particulate matter into
 21 the ambient air. Likewise, the legislature finds the
 22 continued unregulated use of sprayed asbestos insulation and
 23 the destruction of structures containing asbestos insulation
 24 represent a significant threat to the health of workers
 25 placed in contact with these fibers and to the health of the

1 community as a whole.

2 Section 2. Definitions. As used in this act, the
 3 following definitions apply:

4 (1) "Department" means the department of
 5 administration.

6 (2) "Fibrated product" means a substance used in
 7 construction, for whatever purpose, which consists of
 8 fibers, such as asbestos fibers, which tend to disperse into
 9 ambient air during application or upon destruction or
 10 removal.

11 (3) "Person" means an individual, firm, corporation,
 12 partnership, association, or other legal entity.

13 Section 3. Approval required for demolition of
 14 building or structure containing asbestos insulation or
 15 fireproofing -- permit. (1) Before a person demolishes or
 16 attempts to demolish a building or structure containing
 17 asbestos insulation or fireproofing, he must apply for and
 18 be granted a permit from the department.

19 (2) Before the department approves and issues the
 20 demolition permit, it must determine that there is no
 21 asbestos insulation or fireproofing in the building or
 22 structure or that there is no significant risk of exposure
 23 to asbestos fibers from the dislodging of asbestos during
 24 demolition.

25 (3) The building or structure must be demolished with

1 the following safeguards imposed:

2 (a) Demolition by toppling must be supervised by the
3 department or its designee.

4 (b) Signs must be posted in conspicuous locations
5 around the building or structure being demolished warning
6 persons to take proper precautions against exposure to
7 asbestos fibers before entering the area.

8 (c) Boilers, pipes, and steel members insulated or
9 fireproofed with asbestos must be wetted and stripped before
10 toppling of the wall begins. This mandatory procedure
11 applies, where practicable, to all asbestos-lined surfaces.

12 (d) When demolition by toppling is performed, a
13 reasonable enclosure for dust emission control must be
14 constructed.

15 (e) Adequate wetting to suppress dust must be
16 performed before and during the demolition or toppling.

17 (f) Asbestos-containing debris may not be dropped or
18 thrown from any floor and must be transported by dust-tight
19 chutes or buckets with the chutes or buckets sufficiently
20 wetted to prevent dust.

21 (g) During transportation of the debris, it must be
22 thoroughly wetted before loading and must be enclosed or
23 covered during its transport to prevent dust dispersion.

24 (h) The asbestos-containing debris must be buried at a
25 sanitary landfill at which it is unlikely to be disturbed,

1 and signs must be posted around the landfill warning that
2 asbestos-containing debris is buried there.

3 Section 4. Fire departments to be notified of permit
4 -- date of demolition. (1) Upon granting a permit, the
5 department must notify the local fire department of the area
6 in which the building or structure is located.

7 (2) The person in charge of the demolition operation
8 must notify the department and the local fire department of
9 the date upon which the demolition will take place.

10 Section 5. Use of asbestos-containing spray products
11 prohibited. The use of asbestos-containing spray products,
12 for whatever purpose, in the construction of a building or
13 structure is prohibited.

14 Section 6. Use of fibrated product or compound --
15 supervisory personnel required. Whenever a fibrated product
16 or compound is applied to a surface utilizing a spray or
17 pneumatic means of application, one person must be assigned
18 full-time supervisory authority for all aspects of the
19 operation, and the name of the person responsible for the
20 operation must be submitted to the department.

21 Section 7. Rulemaking authority. The department is
22 granted authority to promulgate rules necessary to
23 accomplish the purposes of this act.

24 Section 8. Violations -- penalties. (1) A person who
25 violates any provision of this act commits a misdemeanor.

1 (2) A person convicted of violating this act shall be
2 fined no more than \$1,000 or be imprisoned in the county
3 jail for a term not to exceed 60 days, or both.

4 (3) Each separate occurrence in violation of this act
5 is a separate offense.

-End-

STATE OF MONTANA

REQUEST NO. 468-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for House Bill 724 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act prohibiting the use of asbestos-containing spray materials in construction; providing procedures for the demolition of buildings or structures containing asbestos insulation or fireproofing; providing notification to local fire departments of demolition permits granted; providing procedure for use of other fibrated product or compound; and providing penalties.

ASSUMPTIONS:

1. That the 1976 Bureau of Census data reflects 130 demolitions could be anticipated within municipalities and that a like amount will be performed outside the municipalities.
2. That two Inspectors, grade 13, will be necessary to perform the function specified in the bill.
3. Given no other revenue source, general funds will be required.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$29,500	\$31,270
Operating expenses	13,240	14,564
Capital outlay	<u>500</u>	<u>0</u>
Additional cost of proposed legislation	<u>\$43,240</u>	<u>\$45,834</u>

Richard L. Younger
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-17-77

Approved by Committee on Public Health, Welfare & Safety

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4 (b) Signs must be posted in conspicuous locations
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7 asbestos fibers before entering the area.

8 (c) Boilers, pipes, and steel members insulated or
9 fireproofed with asbestos must be wetted and stripped before
10 toppling of the wall begins. This mandatory procedure
11 applies, where practicable, to all asbestos-lined surfaces.

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15 (e) Adequate wetting to suppress dust must be
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21 (g) During transportation of the debris, it must be
22 thoroughly wetted before loading and must be enclosed or
23 covered during its transport to prevent dust dispersion.

24 (h) The asbestos-containing debris must be buried at a
25 sanitary landfill at which it is unlikely to be disturbed,

1 and signs must be posted around the landfill warning that
2 asbestos-containing debris is buried there.

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19 operation, and the name of the person responsible for the
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2 fined no more than \$1,000 or be imprisoned in the county
3 jail for a term not to exceed 60 days, or both.

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5 is a separate offense.

-End-

HOUSE BILL NO. 724
INTRODUCED BY LYNCH
BY REQUEST

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of this act is to protect the citizens of Montana from the dangers precipitated by the use of spray materials containing mineral fibers. The legislature finds that if adequate safety precautions are not taken during the spray application of these materials, spraying operations may release a significant quantity of particulate matter into the ambient air. Likewise, the legislature finds the continued unregulated use of sprayed asbestos insulation and the destruction of structures containing asbestos insulation represent a significant threat to the health of workers

placed in contact with these fibers and to the health of the community as a whole.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Department" means the department of administration.

(2) "Fibrated product" means a substance used in construction, for whatever purpose, which consists of fibers, such as asbestos fibers, which tend to disperse into ambient air during application or upon destruction or removal.

(3) "Person" means an individual, firm, corporation, partnership, association, or other legal entity.

Section 3. Approval required for demolition of building or structure containing asbestos insulation or fireproofing permit. (1) Before a person demolishes or attempts to demolish a building or structure containing asbestos insulation or fireproofing, he must apply for and be granted a permit from the department.

(2) Before the department approves and issues the demolition permit, it must determine that there is no asbestos insulation or fireproofing in the building or structure or that there is no significant risk of exposure to asbestos fibers from the distodging of asbestos during demolitions.

~~(3) The building or structure must be demolished with the following safeguards imposed:~~ STANDARDS TO FOLLOW WHILE DEMOLITION IS UNDERWAY. THE BUILDING OR STRUCTURE TO BE DEMOLISHED MUST FOLLOW THE FOLLOWING SAFEGUARDS:

(a) Demolition by toppling must be supervised by the department or its designee, AND WHENEVER POSSIBLE, THE LOCAL FIRE DEPARTMENT SHALL BE NOTIFIED OF THE DEMOLITION.

(b) Signs must be posted in conspicuous locations around the building or structure being demolished warning persons to take proper precautions against exposure to asbestos fibers before entering the area.

(c) Boilers, pipes, and steel members insulated or fireproofed with asbestos must be wetted and stripped before toppling of the wall begins. This mandatory procedure applies, where practicable, to all asbestos-lined surfaces.

(d) When demolition by toppling is performed, a reasonable enclosure for dust emission control must be constructed.

(e) Adequate wetting to suppress dust must be performed before and during the demolition or toppling.

(f) Asbestos-containing debris may not be dropped or thrown from any floor and must be transported by dust-tight chutes or buckets with the chutes or buckets sufficiently wetted to prevent dust.

(g) During transportation of the debris, it must be

thoroughly wetted before loading and must be enclosed or covered during its transport to prevent dust dispersion.

(h) The asbestos-containing debris must be buried at a sanitary landfill at which it is unlikely to be disturbed, and signs must be posted around the landfill warning that asbestos-containing debris is buried there.

~~Section 4. Fire departments to be notified of permit date of demolition. (1) Upon granting a permit, the department must notify the local fire department of the area in which the building or structure is located.~~

~~(2) The person in charge of the demolition operation must notify the department and the local fire department of the date upon which the demolition will take place.~~

Section 4. Use of asbestos-containing spray products prohibited. The use of asbestos-containing spray products, for whatever purpose, in the construction of a building or structure is prohibited.

Section 5. Use of fibrated product or compound -- supervisory personnel required. Whenever a fibrated product or compound is applied to a surface utilizing a spray or pneumatic means of application, one person must be assigned full-time supervisory authority for all aspects of the operation, and the name of the person responsible for the operation must be submitted to the department.

Section 6. Rulemaking authority. The department is

1 granted authority to promulgate rules necessary to
2 accomplish the purposes of this act.

3 Section 7. Violations -- penalties. (1) A person who
4 violates any provision of this act commits a misdemeanor.

5 (2) A person convicted of violating this act shall be
6 fined no more than \$1,000 or be imprisoned in the county
7 jail for a term not to exceed 60 days, or both.

8 (3) Each separate occurrence in violation of this act
9 is a separate offense.

-End-

March 25, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare & Safety

That House Bill No. 724 be amended as follows:

1. Amend page 4, section 5, line 22.
Following: line 21
Strike: "full-time"

March 30, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 724 be amended as follows:

1. Amend page 2, section 2, lines 8 and 9.
Following: "which"
Strike: "consists of fibers, such as"
Insert: "contains"
2. Amend page 3, section 3, line 4.
Following: "DEMOLISHED"
Insert: "which contains asbestos insulation or fireproofing"
3. Amend page 3, section 3, line 5.
Following: "toppling"
Strike: "must"
Insert: "may"
4. Amend page 3, section 3, line 13.
Following: "wetted"
Strike: "and stripped"
5. Amend page 4, section 3, line 3.
Following: "be"
Strike: "buried"
Insert: "deposited"
6. Amend page 4, section 5, lines 23 and 24.
Following: "operation"
Strike: ", and the name of the person responsible for the operation
must be submitted to the department"

HOUSE BILL NO. 724
INTRODUCED BY LYNCH
BY REQUEST

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placed in contact with these fibers and to the health of the community as a whole.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Department" means the department of administration.

(2) "Fibrated product" means a substance used in construction, for whatever purpose, which consists of fibers, such as CONTAINS asbestos fibers, which tend to disperse into ambient air during application or upon destruction or removal.

(3) "Person" means an individual, firm, corporation, partnership, association, or other legal entity.

Section 3. ~~Approval required for demolition of building or structure containing asbestos insulation or fireproofing permit.~~ (1) ~~Before a person demolishes or attempts to demolish a building or structure containing asbestos insulation or fireproofing, he must apply for and be granted a permit from the department.~~

~~(2) Before the department approves and issues the demolition permit, it must determine that there is no asbestos insulation or fireproofing in the building or structure or that there is no significant risk of exposure to asbestos fibers from the dislodging of asbestos during demolition.~~

1 ~~{3}--The--building--or--structure--must--be--demolished--with~~
 2 ~~the--following--safeguards--imposed*~~ STANDARDS TO FOLLOW WHILE
 3 DEMOLITION IS UNDERWAY. THE BUILDING OR STRUCTURE TO BE
 4 DEMOLISHED WHICH CONTAINS ASBESTOS INSULATION OR
 5 FIREPROOFING MUST FOLLOW THE FOLLOWING SAFEGUARDS:

6 (a) Demolition by toppling ~~must~~ MAY be supervised by
 7 the department or its designee, AND WHENEVER POSSIBLE, THE
 8 LOCAL FIRE DEPARTMENT SHALL BE NOTIFIED OF THE DEMOLITION.

9 (b) Signs must be posted in conspicuous locations
 10 around the building or structure being demolished warning
 11 persons to take proper precautions against exposure to
 12 asbestos fibers before entering the area.

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 14 fireproofed with asbestos must be wetted ~~and stripped~~ before
 15 toppling of the wall begins. This mandatory procedure
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 19 constructed.

20 (e) Adequate wetting to suppress dust must be
 21 performed before and during the demolition or toppling.

22 (f) Asbestos-containing debris may not be dropped or
 23 thrown from any floor and must be transported by dust-tight
 24 chutes or buckets with the chutes or buckets sufficiently
 25 wetted to prevent dust.

1 (g) During transportation of the debris, it must be
 2 thoroughly wetted before loading and must be enclosed or
 3 covered during its transport to prevent dust dispersion.

4 (h) The asbestos-containing debris must be ~~buried~~
 5 DEPOSITED at a sanitary landfill at which it is unlikely to
 6 be disturbed, and signs must be posted around the landfill
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8 ~~Section 4--Fire departments to be notified of permit~~
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