SENATE BILL NO. 270

INTRODUCED BY WILLIAMS, HARPER

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

JANUARY 27, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.

FIRST READING.

- MARCH 21, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- MARCH 22, 1989 PRINTING REPORT.

ON MOTION, TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE.

- MARCH 23, 1989 COMMITTEE RECOMMEND BILL DØ PASS AS AMENDED. REPORT ADOPTED.
- MARCH 27, 1989 PRINTING REPORT.

SECOND READING, DO PASS.

- MARCH 28, 1989 ENGROSSING REPORT.
- MARCH 29, 1989 THIRD READING, PASSED. AYES, 45; NOES, 3.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 29, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.

FIRST READING.

- APRIL 5, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- APRIL 6, 1989 PASSED CONSIDERATION FOR THE DAY.

APRIL 8, 1989 SECOND READING, CONCURRED IN.

APRIL 10, 1989 THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

APRIL 11, 1989

SENT TO ENROLLING.

RECEIVED FROM HOUSE.

REPORTED CORRECTLY ENROLLED.

51st Legislature

INTRODUCED BY Willing for 1 2 BY REQUEST OF THE DEPARTMENT OF 3 HEALTH AND ENVIRONMENTAL SCIENCES 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS 6 7 TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS: FOR в ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 9 TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF 10 PERSONS WORKING WITH ASBESTOS: ALLOWING THE DEPARTMENT TO 11 ESTABLISH CRITERIA FOR ASBESTOS PROJECTS; PROVIDING FOR 12 CRIMINAL AND CIVIL PENALTIES: AND PROVIDING EFFECTIVE 13 DATES." 14 15 STATEMENT OF INTENT

16 A statement of intent is required for this bill because 17 [section 3] authorizes the department of health and 18 environmental sciences to adopt rules. It is the intent of 19 the legislature that the rules establish standards and 20 procedures consistent with federal law for accreditation of 21 asbestos-related occupations and control of the work 22 performed by persons in any asbestos-related occupation, 23 including the setting of allowable levels of indoor airborne 24 asbestos. It is the intent of the legislature that the rules 25 for asbestos in indoor air include standards for the use of

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1 air monitoring for:

2 (1) evaluation of asbestos-containing materials in3 buildings; and

4 (2) completion and reoccupancy after an asbestos5 project.

6

7 WHEREAS, people exposed to airborne asbestos fibers
8 suffer significantly increased rates of lung cancer,
9 mesothelioma, and other diseases; and

10 WHEREAS, to prevent unnecessary public exposure to 11 asbestos fibers it is necessary to regulate and establish 12 criteria for asbestos abatement practices and to require 13 statewide standards for training and accreditation of 14 asbestos workers.

15

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

17 <u>NEW SECTION.</u> Section 1. Short title. [This act] may
18 be cited as the "Asbestos Control Act".

19 <u>NEW SECTION.</u> Section 2. Definitions. As used in [this 20 act], unless the context requires otherwise, the following 21 definitions apply:

(1) "Accreditation" means a certificate issued by the
department that permits a person to work in an
asbestos-related occupation.

25 (2) "Asbestos" means asbestiform varieties of

INTRODUCED BILL SB270

and the form the set of a light of the set o

chrysotile, amosite, crocidolite, anthophyllite, tremolite,
 or actinolite.

3 (3) "Asbestos-related occupation" means an inspector,
4 management planner, project designer, contractor,
5 supervisor, or worker for an asbestos project.

6 (4) "Asbestos project" means the encapsulation, enclosure, removal, repair, renovation, placement in new 7 construction, demolition of asbestos in a building or other 8 9 structure, or the transportation or disposal of asbestos-containing waste. The term does not include a 10 project that involves less than 3 square feet in surface 11 12 area or 3 linear feet of pipe.

13 (5) "Department" means the department of health and14 environmental sciences as provided in 2-15-2101.

15 (6) "Person" means an individual, partnership,
16 corporation, sole proprietorship, firm, enterprise,
17 franchise, association, state or municipal agency, political
18 subdivision of the state, or any other entity.

19 <u>NEW SECTION.</u> Section 3. Rulemaking authority. The 20 department shall adopt rules establishing standards and 21 procedures for accreditation of asbestos-related occupations 22 and control of the work performed by persons in 23 asbestos-related occupations. The rules must be consistent 24 with federal law and include but are not limited to:

25 (1) standards for training course review and approval;

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(2) standards for accreditation of applicants for
 asbestos-related occupations;

3 (3) examination requirements for accreditation of
4 applicants for asbestos-related occupations;

5 (4) requirements for renewal of accreditation,
6 including periodic refresher courses;

7 (5) revocation of accreditation;

8 (6) inspection requirements for asbestos projects and
9 asbestos-related occupations credentials;

10 (7) criteria to determine whether and what type of 11 control measures are necessary for an asbestos project and 12 whether a project is completed in a manner sufficient to 13 protect public health, including criteria setting allowable 14 limits on indoor airborne asbestos. A determination of 15 whether asbestos abatement of a structure is necessary may 16 not be based solely upon the results of airborne asbestos 17 testing.

18 (8) requirements for issuance of asbestos project
19 permits and conditions that permitholders must meet;

20 (9) standards for seeking injunctions, criminal and
21 civil penalties, or emergency actions;

22 (10) advance notification procedures and issuance of

23 permits for asbestos projects; and

24 (11) (a) fees for:

25 (i) review and approval of training courses;

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1	(ii) application for and renewal of accreditation by a	l occupation to meet the accreditation requirements of this
2	person seeking to pursue an asbestos-related occupation;	2 section unless the department approves the course.
3	(iii) issuance of asbestos project permits; and	3 (3) A person who applies for accreditation shall
4	(iv) requested inspections of asbestos projects.	4 submit the fees and follow procedures prescribed by
5	(b) Fees must be commensurate with costs.	5 department rule.
6	NEW SECTION. Section 4. Accreditation requirements	6 <u>NEW SECTION.</u> Section 5. Pee disposition. The
7	restrictions. (1) To qualify for accreditation in a	7 department shall deposit fees collected under (this act)
8	particular asbestos-related occupation, a person must:	8 into the resource indemnity trust fund created in 15-38-201.
9	(a) (i) successfully complete an asbestos-related	9 NEW SECTION. Section 6. Records. A person engaged in
10	training course for that occupation approved by the	10 an asbestos project shall maintain the records required by
11	department or the United States environmental protection	11 department rule concerning the nature of project activities.
12	agency; and	12 NEW SECTION. Section 7. Criminal penalties
13	(ii) pass an examination approved by the department; or	13 disposition of civil penalties. (1) The department may
14	(b) satisfactorily demonstrate equivalent previous	14 suspend, deny, or revoke the accreditation of or reprimand a
15	training or experience in the occupation as prescribed by	15 person who:
16	department rule.	
17	(2) After January 1, 1990, a person may not:	17 obtain accreditation;
18	(a) engage in an asbestos-related occupation unless	18 (b) fails to meet the qualifications for accreditation
19	accredited in that occupation by the department;	19 or comply with the requirements of [this act] or any rule
20	(b) conduct an asbestos project without a permit from	20 adopted by the department; or
21	the department or violate the conditions of a permit;	21 (c) fails to meet any applicable federal or state
22	(c) contract with or employ in an asbestos-related	22 standard for asbestos projects.
23	occupation a person not accredited in that occupation by the	23 (2) Notwithstanding the provisions of any other law, a
24	department; or	24 person who purposely or knowingly violates any provision of
25	(d) offer a training course for an asbestos-related	25 [this act] or an adopted rule or order issued pursuant to
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1 [this act] is guilty of a misdemeanor.

2 (3) If the department determines that a violation of
3 [this act] or a rule promulgated pursuant to [this act] has
4 occurred, it may issue an order compelling the person
5 receiving the order to end the violation immediately.

6 (4) In addition to or instead of the remedies listed 7 in subsections (1) through (3), an accredited person who purposely or knowingly violates [this act] or a rule adopted 8 9 pursuant to [this act] that concerns the conduct of an 10 asbestos project may be assessed a civil penalty by the district court of not more than \$1,000 a day for an initial 11 12 violation and \$5,000 a day for each subsequent violation 13 occurring within a 3-year period from the date of the 14 initial violation.

15 (5) A district court may assess a civil penalty of not
16 more than \$25,000 a day upon a person who engages in an
17 asbestos project without valid accreditation or a permit.
18 In the case of a continuing violation, each day the
19 violation continues constitutes a separate violation.

20 (6) Civil penalties collected under [this act] must be
21 deposited into the resource indemnity trust fund created in
22 15-38-201.

23 <u>NEW SECTION.</u> Section 8. Coordination instruction. If
24 <u>Bill No.</u> [LC 857] is not passed and approved, [this
25 act] is not void.

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<u>NEW SECTION.</u> Section 9. Saving clause. [This act]
 does not affect rights and duties that matured, penalties
 that were incurred, or proceedings that were begun before
 [the effective date of this act].

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 NEW SECTION.
 Section 10.
 Effective dates.
 (1)

 6
 [Section 3 and this section] are effective July 1, 1989.

7 (2) [Sections 1, 2, and 4 through 7] are effective8 January 1, 1990.

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STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB270, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation would allow for the accreditation of those persons participating in an asbestos related occupation and for issuance of permits for asbestos projects to protect the public health and safety. ASSUMPTIONS:

Assume fees will be periodically reviewed and adjusted such that revenue would not exceed the expenditures of the program.

		FY90			FY91	
	Current	Proposed		Current	Proposed	
	Law	Law	Difference	Law	Law	Difference
Revenue:	\$ -0-	\$65,169	\$65,169	\$ -0-	\$57,340	\$57,340
Expenditure:	-0-	65,169	65,169	-0-	57,340	57,340
Net Effect:	-0-	-0-	-0-	-0-	-0-	-0-
FUND IMPACT.						

FUND IMPACT:

Fees shall be set so as not to exceed the cost of the program. Fees collected shall be placed in the Resource Indemnity Trust Fund offsetting the cost of the program.

EFFECT ON COUNTY OR LOCAL REVENUE OR EXPENDITURE:

Will require the county or local entity to pay for accreditation of personnel should they so elect to accredit their own personnel. If an asbestos project is initiated by the county or local entity, they will pay for an asbestos project permit. Fees will be set so as not to exceed the cost of the program. The amount required for the fees is unknown at this time, since the amount of asbestos activity is unknown. However, the cost is expected to be minimal, since this is a user fee and will be allocated to all users.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Fees are to be reviewed periodically and adjusted such that revenue does not exceed the expenditures of the program. There is no effect anticipated, as the fees collected shall be deposited in the RIT Fund. TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

This legislation is subject to Section 2-8-202, MCA; which requires the proposal to be submitted to the Legislative Audit Committee at least 180 days prior to the first day of the next regular legislative session and report of the Legislative Audit Committee be attached to a bill containing such proposal prior to being reported out of committee. The deadline for submittal to the Legislative Audit Committee was not met since the Department of Health and Environmental Sciences was not aware that this proposal may be subject to the statute. 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.

RAY SHACKLEFORD, BUDGET DIRECTOR DAT OFFICE OF BUDGET AND PROGRAM PLANNING

BOB WILLIAMS, PRIMARY SPONSOR

Fiscal Note for SB270, as introduced

51st Legislature

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APPROVED BY COMMITTEE ON PUBLIC HEALTH: WELFARE

& SAFETY Senate BILL NO. 270 1 INTRODUCED BY 11:18 2 BY REQUEST OF THE DÉPARTMENT OF 3 HEALTH AND ENVIRONMENTAL SCIENCES 4 5

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS 6 TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS: 7 FOR ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 8 TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF 9 10 PERSONS WORKING WITH ASBESTOS; ALLOWING THE DEPARTMENT TO 11 ESTABLISH CRITERIA FOR ASBESTOS PROJECTS; PROVIDING FOR AND CIVIL PENALTIES: AND PROVIDING EFFECTIVE 12 CRIMINAL DATES." 13

14 15

STATEMENT OF INTENT

A statement of intent is required for this bill because 16 17 [section 3] authorizes the department of health and 18 environmental sciences to adopt rules. It is the intent of 19 the legislature that the rules establish standards and procedures consistent with federal law for accreditation of 20 asbestos-related occupations and control of the work 21 performed by persons in any asbestos-related occupation, 22 23 including the setting of allowable levels of indoor airborne 24 asbestos. It is the intent of the legislature that the rules 25 for asbestos in indoor air include standards for the use of

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l air monitoring for:

2 (1) evaluation of asbestos-containing materials in3 buildings; and

4 (2) completion and reoccupancy after an asbestos5 project.

7 WHEREAS, people exposed to airborne asbestos fibers
8 suffer significantly increased rates of lung cancer,
9 mesothelioma, and other diseases: and

10 WHEREAS, to prevent unnecessary public exposure to 11 asbestos fibers it is necessary to regulate and establish 12 criteria for asbestos abatement practices and to require 13 statewide standards for training and accreditation of 14 asbestos workers.

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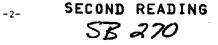
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [This act] may
be cited as the "Asbestos Control Act".

<u>NEW SECTION.</u> Section 2. Definitions. As used in [this
 act], unless the context requires otherwise, the following
 definitions apply:

22 (1) "Accreditation" means a certificate issued by the
23 department that permits a person to work in an
24 asbestos-related occupation.

25 (2) "Asbestos" means asbestiform varieties of



chrysotile, amosite, crocidolite, anthophyllite, tremolite,
 or actinolite.

3 (3) "Asbestos-related occupation" means an inspector,
4 management planner, project designer, contractor,
5 supervisor, or worker for an asbestos project.

6 (4) "Asbestos project" means the encapsulation, 7 enclosure, removal, repair, renovation, placement in new 8 construction, demolition of asbestos in a building or other 9 structure, or the transportation or disposal of 10 asbestos-containing waste. The term does not include a 11 project that involves less than 3 square feet in surface 12 area or 3 linear feet of pipe.

13 (5) "Department" means the department of health and14 environmental sciences as provided in 2-15-2101.

15 (6) "Person" means an individual, partnership,
16 corporation, sole proprietorship, firm, enterprise,
17 franchise, association, state or municipal agency, political
18 subdivision of the state, or any other entity.

19NEW SECTION.Section 3. Rulemaking authority. The20department shall adopt rules establishing standards and21procedures for accreditation of asbestos-related occupations22and control of the work performed by persons in23asbestos-related occupations. The rules must be consistent24with federal law and include but are not limited to:

25 (1) standards for training course review and approval;

(2) standards for accreditation of applicants for
 asbestos-related occupations;

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3 (3) examination requirements for accreditation of
4 applicants for asbestos-related occupations;

5 (4) requirements for renewal of accreditation,
6 including periodic refresher courses;

(5) revocation of accreditation;

7

8 (6) inspection requirements for asbestos projects and
9 asbestos-related occupations credentials;

(7) criteria to determine whether and what type of 10 control measures are necessary for an asbestos project and 11 12 whether a project is completed in a manner sufficient to protect public health, including criteria setting allowable 13 limits on indoor airborne asbestos. A determination of 14 15 whether asbestos abatement of a structure is necessary may not be based solely upon the results of airborne asbestos 16 17 testing.

18 (8) requirements for issuance of asbestos project19 permits and conditions that permitholders must meet;

20 (9) standards for seeking injunctions, criminal and

21 civil penalties, or emergency actions;

22 (10) advance notification procedures and issuance of

23 permits for asbestos projects; and

24 (11) (a) fees for:

25 (i) review and approval of training courses;

(ii) application for and renewal of accreditation by a
 person seeking to pursue an asbestos-related occupation;

(iii) issuance of asbestos project permits; and

(iv) requested inspections of asbestos projects.

(b) Fees must be commensurate with costs.

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6 <u>NEW SECTION.</u> Section 4. Accreditation requirements --7 restrictions. (1) To qualify for accreditation in a 8 particular asbestos-related occupation, a person must:

9 (a) (i) successfully complete an asbestos-related 10 training course for that occupation approved by the 11 department or the United States environmental protection 12 agency; and

(ii) pass an examination approved by the department; or
(b) satisfactorily demonstrate equivalent previous
training or experience in the occupation as prescribed by
department rule.

17 (2) After January 1, 1990, a person may not:

18 (a) engage in an asbestos-related occupation unless19 accredited in that occupation by the department;

(b) conduct an asbestos project without a permit fromthe department or violate the conditions of a permit;

(c) contract with or employ in an asbestos-related
occupation a person not accredited in that occupation by the
department; or

25 (d) offer a training course for an asbestos-related

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occupation to meet the accreditation requirements of this
 section unless the department approves the course.

3 (3) A person who applies for accreditation shall
4 submit the fees and follow procedures prescribed by
5 department rule.

6 NEW SECTION. Section 5. Fee disposition. The 7 department shall deposit fees collected under (this act) into the resource indemnity trust fund created in 15-38-201. 8 NEW SECTION. Section 6. Records. A person engaged in 9 10 an asbestos project shall maintain the records required by department rule concerning the nature of project activities. 11 NEW SECTION. Section 7. Criminal 12 penalties ___ 13 disposition of civil penalties. (1) The department may

14 suspend, deny, or revoke the accreditation of or reprimand a
15 person who:

16 (a) fraudulently or deceptively obtains or attempts to17 obtain accreditation;

(b) fails to meet the qualifications for accreditation
or comply with the requirements of (this act) or any rule
adopted by the department; or

(c) fails to meet any applicable federal or statestandard for asbestos projects.

23 (2) Notwithstanding the provisions of any other law, a
24 person who purposely or knowingly violates any provision of
25 [this act] or an adopted rule or order issued pursuant to

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1 [this act] is guilty of a misdemeanor.

2 (3) If the department determines that a violation of 3 [this act] or a rule promulgated pursuant to [this act] has 4 occurred, it may issue an order compelling the person 5 receiving the order to end the violation immediately.

(4) In addition to or instead of the remedies listed 6 7 in subsections (1) through (3), an accredited person who 8 purposely or knowingly violates (this act) or a rule adopted 9 pursuant to [this act] that concerns the conduct of an 10 asbestos project may be assessed a civil penalty by the 11 district court of not more than \$1,000 a day for an initial 12 violation and \$5,000 a day for each subsequent violation occurring within a 3-year period from the date of the 13 14 initial violation.

15 (5) A district court may assess a civil penalty of not 16 more than \$25,000 a day upon a person who engages in an 17 asbestos project without valid accreditation or a permit. 18 In the case of a continuing violation, each day the 19 violation continues constitutes a separate violation.

20 (6) Civil penalties collected under [this act] must be
21 deposited into the resource indemnity trust fund created in
22 15-38-201.

23 <u>NEW SECTION.</u> Section 8. Coordination instruction. If
24 ______ Bill No. _____ [LC 857] is not passed and approved, [this
25 act] is not void.

<u>NEW SECTION.</u> Section 9. Saving clause. [This act]
 does not affect rights and duties that matured, penalties
 that were incurred, or proceedings that were begun before
 [the effective date of this act].

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5NEW SECTION.Section 10.Effective dates.(1)6[Section 3 and this section] are effective July 1, 1989.

7 (2) [Sections 1, 2, and 4 through 7] are effective8 January 1, 1990.

-End-

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51st Legislature

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	RE-REFERRED AND Approved by committee On public Health, Welfare & Safety		
1	SENATE BILL NO. 270	1	allowable levels of indoor airborne asbestos. It is the
2	INTRODUCED BY WILLIAMS, HARPER	2	intent of the legislature that the rules for asbestos in
3	BY REQUEST OF THE DEPARTMENT OF	3	indoor air include standards for the use of air monitoring
4	HEALTH AND ENVIRONMENTAL SCIENCES	4	for:
5		5	(1) evaluation of asbestos-containing materials in
6	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS	6	buildings; and
7	FOR TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS;	7	(2) completion and reoccupancy after an asbestos
8	ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES	8	project.
9	TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF	9	
10	PERSONS WORKING WITH ASBESTOS; LIMITING THE TIME FOR	10	WHEREAS, people exposed to airborne asbestos fibers
11	PROCESSING OF CERTAIN ASBESTOS PROJECT PERMITS; ALLOWING THE	11	suffer significantly increased rates of lung cancer,
12	DEPARTMENT TO ESTABLISH CRITERIA FOR ASBESTOS PROJECTS;	12	mesothelioma, and other diseases; and
13	CREATING AN ADVISORY COMMITTEE FOR RULEMAKING; PROVIDING FOR	13	WHEREAS, to prevent unnecessary public exposure to
14	CRIMINAL AND CIVIL PENALTIES; AND PROVIDING EFFECTIVE	14	asbestos fibers it is necessary to regulate and establish
15	DATES."	15	criteria for asbestos abatement practices and to require
16		16	statewide standards for training and accreditation of
17	STATEMENT OF INTENT	17	asbestos workers,
18	A statement of intent is required for this bill because	18	
19	<pre>{section-3}-authorizes [SECTIONS 3 AND 4] AUTHORIZE the</pre>	19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
20	department of health and environmental sciences to adopt	20	NEW SECTION. Section 1. Short title. [This act] may
21	rules. It is the intent of the legislature that the rules	21	be cited as the "Asbestos Control Act".
22	establish standards and procedures consistent with federal	22	NEW SECTION. Section 2. Definitions. As used in [this
23	law for accreditation of asbestos-related occupations and	23	act], unless the context requires otherwise, the following

(1) "Accreditation" means a certificate issued by the

definitions apply:

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the work performed by persons in any

asbestos-related occupation, including the setting of

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1 department that permits a person to work in an
2 asbestos-related occupation.

3 (2) "Asbestos" means asbestiform varieties of
4 chrysotile, amosite, crocidolite, anthophyllite, tremolite,
5 or actinolite.

6 (3) "Asbestos-related occupation" means an inspector,
7 management planner, project designer, contractor,
8 supervisor, or worker for an asbestos project.

(4) "Asbestos project" means the encapsulation, 9 enclosure, removal, repair, renovation, placement in new 10 11 construction, demolition of asbestos in a building or other 12 structure, or the transportation or disposal of 13 asbestos-containing waste. The term does not include a 14 project that involves less than 3 square feet in surface 15 area or 3 linear feet of pipe.

16 (5) "Department" means the department of health and17 environmental sciences as provided in 2-15-2101.

18 (6) "Person" means an individual, partnership,
19 corporation, sole proprietorship, firm, enterprise,
20 franchise, association, state or municipal agency, political
21 subdivision of the state, or any other entity.

<u>NEW SECTION.</u> Section 3. Rulemaking authority. The
 department shall adopt rules establishing standards and
 procedures for accreditation of asbestos-related occupations
 and control of the work performed by persons in

asbestos-related occupations. The rules must be consistent
 with federal law and include but are not limited to:

3 (1) standards for training course review and approval;

4 (2) standards for accreditation of applicants for
5 asbestos-related occupations;

6 (3) examination requirements for accreditation of7 applicants for asbestos-related occupations;

8 (4) requirements for renewal of accreditation,
9 including periodic refresher courses;

(5) revocation of accreditation;

11 (6) inspection requirements for asbestos projects and 12 asbestos-related occupations credentials;

(7) criteria to determine whether and what type of 13 control measures are necessary for an asbestos project and 14 whether a project is completed in a manner sufficient to 15 protect public health, including criteria setting allowable 16 limits on indoor airborne asbestos. A determination of 17 18 whether asbestos abatement of a structure is necessary may 19 not be based solely upon the results of airborne asbestos 20 testing.

(8) requirements for issuance of asbestos project
 permits and conditions that permitholders must meet;

23 (9) standards for seeking injunctions, criminal and
24 civil penalties, or emergency actions;

25 (10) advance notification procedures and issuance of

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SB 270

1	permits for asbestos projects; and	1	ISSUANCE, AND FACILITY INSPECTIONS.
2	(ll) (a) fees for:	2	NEW SECTION. Section 5. Accreditation requirements
3	(i) review and approval of training courses;	3	restrictions. (1) To qualify for accreditation in a
4	(ii) application for and renewal of accreditation by a	4	particular asbestos-related occupation, a person must:
5	person seeking to pursue an asbestos-related occupation;	5	(a) (i) successfully complete an asbestos-related
6	(iii) issuance of asbestos project permits; and	6	training course for that occupation approved by the
7	(iv) requested inspections of asbestos projects.	7	department or the United States environmental protection
8	(b) Pees <u>FEES</u> must be commensurate with $costs_{\overline{\tau}}$;	8	agency; and
9	(C) FOR ASBESTOS PROJECTS HAVING A COST OF \$3,000 OR	9	(ii) pass an examination approved by the department; or
10	LESS, THE DEPARTMENT SHALL ISSUE ASBESTOS PROJECT PERMITS	10	(b) satisfactorily demonstrate equivalent previous
11	WITHIN 7 CALENDAR DAYS FOLLOWING THE RECEIPT OF A PROPERLY	11	training or experience in the occupation as prescribed by
12	COMPLETED PERMIT APPLICATION AND THE APPROPRIATE FEE.	12	department rule <u>; OR</u>
13	NEW SECTION. SECTION 4. FACILITY PERMITS FEE. (1)	13	(C) HAVE SUCCESSFULLY COMPLETED AN ASBESTOS-RELATED
14	THE DEPARTMENT SHALL PROVIDE BY RULE A PROCEDURE FOR THE	14	TRAINING COURSE FOR THAT OCCUPATION, APPROVED BY THE UNITED
15	ISSUANCE OF AN ANNUAL ASBESTOS PROJECT PERMIT TO ANY	15	STATES ENVIRONMENTAL PROTECTION AGENCY, DURING THE TIME
16	FACILITY THAT HAS AN ASBESTOS HEALTH AND SAFETY PROGRAM	16	PERIOD IMMEDIATELY FOLLOWING THE PASSAGE OF [THIS ACT] AND
17	MEETING DEPARTMENT CRITERIA AND THAT CONTINUOUSLY EMPLOYS	17	ENDING ON DECEMBER 31, 1989.
18	ACCREDITED ASBESTOS WORKERS. THIS PERMIT ALLOWS A FACILITY	18	(2) After January 1, 1990, a person may not:
19	TO CONDUCT ASBESTOS PROJECTS WITHIN THE CONFINES OF THE	19	(a) engage in an asbestos-related occupation unless
20	FACILITY'S CONTROLLED AREA DURING THE PERIOD FOR WHICH THE	20	accredited in that occupation by the department;
21	PERMIT IS IN FORCE. THE PROVISIONS OF THIS PERMIT MAY NOT	21	(b) conduct an asbestos project without a permit from
22	PRECLUDE STATE AND FEDERAL REQUIREMENTS FOR ASBESTOS PROJECT	22	the department or violate the conditions of a permit;
23	NOTIFICATION.	23	(c) contract with or employ in an asbestos-related
24	(2) THE FEE FOR A FACILITY PERMIT MUST REFLECT THE	24	occupation a person not accredited in that occupation by the
25	ACTUAL COST OF THE DEPARTMENT'S APPLICATION REVIEW, PERMIT	25	department; or
	-5- SB 270		-6- SB 270

1 (d) offer a training course for an asbestos-related 1 2 occupation to meet the accreditation requirements of this 2 3 section unless the department approves the course. З 4 (3) A person who applies for accreditation shall 4 5 submit the fees and follow procedures prescribed by 5 6 department rule. 6 NEW SECTION. Section 6. Fee 7 disposition. The 7 8 department shall deposit fees collected under [this act] 8 9 into the resource indemnity trust fund created in 15-38-201. 9 NEW SECTION. Section 7. Records, A person engaged in 10 10 11 an asbestos project shall maintain the records required by 11 12 12 department rule concerning the nature of project activities. 13 NEW SECTION. SECTION 8. ADVISORY COMMITTEE. (1) AN 13 14 ADVISORY COMMITTEE IS CREATED TO COORDINATE AND ADVISE THE 14 15 15 DEPARTMENT ON THE FORMULATION OF RULES TO BE PROMULGATED BY 16 16 THE DEPARTMENT UNDER [SECTIONS 3 AND 4]. THIS ADVISORY 17 17 COMMITTEE CONSISTS OF AT LEAST ONE REPRESENTATIVE FROM THE 18 FOLLOWING: 18 19 (A) ASBESTOS 19 MANUFACTURING AND CONSTRUCTION 20 INDUSTRIES; 20 21 (B) ASBESTOS SUPPLIERS; 21 22 22 (C) BUILDING INDUSTRIES; 23 23 (D) LABOR ORGANIZATIONS; 24 24 (E) EMPLOYERS WITH EMPLOYEES INVOLVED IN ON-PREMISES 25 25 ASBESTOS ABATEMENT; AND

(F) OTHER INDIVIDUALS AS CONSIDERED APPROPRIATE BY THE DEPARTMENT. (2) THE ADVISORY COMMITTEE MUST BE ABOLISHED UPON FINAL ADOPTION OF RULES PROVIDED FOR IN [SECTIONS 3 AND 4]. NEW SECTION. Section 9. Criminal penalties --disposition of civil penalties. (i) The department may suspend, deny, or revoke the accreditation of or reprimand a person who: (a) fraudulently or deceptively obtains or attempts to obtain accreditation; (b) fails to meet the qualifications for accreditation or comply with the requirements of (this act) or any rule adopted by the department; or (c) fails to meet any applicable federal or state standard for asbestos projects. (2) Notwithstanding the provisions of any other law, a person who purposely or knowingly violates any provision of [this act] or an adopted rule or order issued pursuant to [this act] is guilty of a misdemeanor. (3) If the department determines that a violation of (this act) or a rule promulgated pursuant to (this act) has occurred, it may issue an order compelling the person receiving the order to end the violation immediately. (4) In addition to or instead of the remedies listed in subsections (1) through (3), an accredited person who

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purposely or knowingly violates [this act] or a rule adopted pursuant to [this act] that concerns the conduct of an asbestos project may be assessed a civil penalty by the district court of not more than \$1,000 a day for an initial violation and \$5,000 a day for each subsequent violation occurring within a 3-year period from the date of the initial violation.

8 (5) A district court may assess a civil penalty of not
9 more than \$25,000 a day upon a person who engages in an
10 asbestos project without valid accreditation or a permit.
11 In the case of a continuing violation, each day the
12 violation continues constitutes a separate violation.

13 (6) Civil penalties collected under [this act] must be
14 deposited into the resource indemnity trust fund created in
15 15-38-201.

16 <u>NEW SECTION.</u> Section 10. Coordination instruction. If
17 _____ Bill No. ____ [LC 857] is not passed and approved, [this
18 act] is not void.

19 <u>NEW SECTION.</u> Section 11. Saving clause. [This act] 20 does not affect rights and duties that matured, penalties 21 that were incurred, or proceedings that were begun before 22 [the effective date of this act].

23 <u>NEW SECTION.</u> Section 12. Effective dates. (1)
24 [Section <u>SECTIONS</u> 3, 4, 8, and this section] are effective
25 July 1, 1989.

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1 (2) [Sections 1, 2, and--4 5 through 7, AND 9] are

2 effective January 1, 1990.

-End-

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 1
 SENATE BILL NO. 270

 2
 INTRODUCED BY WILLIAMS, HARPER

 3
 BY REQUEST OF THE DEPARTMENT OF

 4
 HEALTH AND ENVIRONMENTAL SCIENCES

 5
 5

 6
 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING

STANDARDS TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS; 7 FOR ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 8 9 TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF PERSONS WORKING WITH ASBESTOS; LIMITING THE TIME FOR 10 11 PROCESSING OF CERTAIN ASBESTOS PROJECT PERMITS; ALLOWING THE DEPARTMENT TO ESTABLISH CRITERIA FOR ASBESTOS PROJECTS; 12 CREATING AN ADVISORY COMMITTEE FOR RULEMAKING; PROVIDING FOR 13 14 CRIMINAL AND CIVIL PENALTIES: AND PROVIDING EFFECTIVE 15 DATES."

16 17

STATEMENT OF INTENT

18 A statement of intent is required for this bill because 19 {section-3}-authorizes [SECTIONS 3 AND 4] AUTHORIZE the 20 department of health and environmental sciences to adopt 21 rules. It is the intent of the legislature that the rules 22 establish standards and procedures consistent with federal law for accreditation of asbestos-related occupations and 23 24 control of the work performed by persons in any 25 asbestos-related occupation, including the setting of

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allowable levels of indoor airborne asbestos. It is the
 intent of the legislature that the rules for asbestos in
 indoor air include standards for the use of air monitoring
 for:

5 (1) evaluation of asbestos-containing materials in
6 buildings; and

7 (2) completion and reoccupancy after an asbestos 8 project.

9

10 WHEREAS, people exposed to airborne asbestos fibers
11 suffer significantly increased rates of lung cancer,
12 mesothelioma, and other diseases; and

13 WHEREAS, to prevent unnecessary public exposure to 14 asbestos fibers it is necessary to regulate and establish 15 criteria for asbestos abatement practices and to require 16 statewide standards for training and accreditation of 17 asbestos workers.

18

25

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

20 <u>NEW SECTION.</u> Section 1. Short title. [This act] may
21 be cited as the "Asbestos Control Act".

NEW SECTION. Section 2. Definitions. As used in [this
 act], unless the context requires otherwise, the following
 definitions apply:

"Accreditation" means a certificate issued by the

ana Legislative Council

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THIRD READING

3

1 department that permits a person to work in an 2 asbestos-related occupation.

3 (2) "Asbestos" means asbestiform varieties of
4 chrysotile, amosite, crocidolite, anthophyllite, tremolite,
5 or actinolite.

6 (3) "Asbestos-related occupation" means an inspector,
7 management planner, project designer, contractor,
8 supervisor, or worker for an asbestos project.

9 (4) "Asbestos project" means the encapsulation, 10 enclosure, removal, repair, renovation, placement in new 11 construction, demolition of asbestos in a building or other 12 structure, or the transportation or disposal of 13 asbestos-containing waste. The term does not include a 14 project that involves less than 3 square feet in surface 15 area or 3 linear feet of pipe.

16 (5) "Department" means the department of health and17 environmental sciences as provided in 2-15-2101.

18 (6) "Person" means an individual, partnership,
19 corporation, sole proprietorship, firm, enterprise,
20 franchise, association, state or municipal agency, political
21 subdivision of the state, or any other entity.

22 <u>NEW SECTION.</u> Section 3. Rulemaking authority. The 23 department shall adopt rules establishing standards and 24 procedures for accreditation of asbestos-related occupations 25 and control of the work performed by persons in asbestos-related occupations. The rules must be consistent
 with federal law and include but are not limited to:

standards for training course review and approval;

4 (2) standards for accreditation of applicants for
5 asbestos-related occupations;

6 (3) examination requirements for accreditation of
7 applicants for asbestos-related occupations;

8 (4) requirements for renewal of accreditation,
9 including periodic refresher courses;

10 (5) revocation of accreditation;

11 (6) inspection requirements for asbestos projects and

12 asbestos-related occupations credentials;

(7) criteria to determine whether and what type of 13 control measures are necessary for an asbestos project and 14 whether a project is completed in a manner sufficient to 15 16 protect public health, including criteria setting allowable limits on indoor airborne asbestos. A determination of 17 whether asbestos abatement of a structure is necessary may 18 19 not be based solely upon the results of airborne asbestos testing. 20

(8) requirements for issuance of asbestos project
 permits and conditions that permitholders must meet;

23 (9) standards for seeking injunctions, criminal and
 24 civil penalties, or emergency actions;

25 (10) advance notification procedures and issuance of

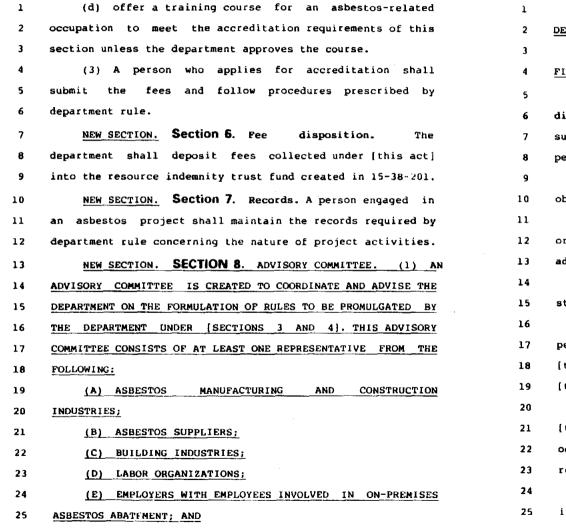
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1	permits for asbestos projects; and	1	ISSUANCE, AND FACILITY INSPECTIONS.
2	(11) (a) fees for:	2	NEW SECTION. Section 5. Accreditation requirements
3	(i) review and approval of training courses;	3	restrictions. (1) To qualify for accreditation in a
4	(ii) application for and renewal of accreditation by a	4	particular asbestos-related occupation, a person must:
5	person seeking to pursue an asbestos-related occupation;	5	(a) (i) successfully complete an asbestos-related
6	(iii) issuance of asbestos project permits; and	6	training course for that occupation approved by the
7	(iv) requested inspections of asbestos projects.	7	department or the United States environmental protection
8	(b) Fees <u>FEES</u> must be commensurate with $costs_{\tau}$:	8	agency; and
9	(C) FOR ASBESTOS PROJECTS HAVING A COST OF \$3,000 OR	9	(ii) pass an examination approved by the department; or
10	LESS, THE DEPARTMENT SHALL ISSUE ASBESTOS PROJECT PERMITS	10	(b) satisfactorily demonstrate equivalent previous
11	WITHIN 7 CALENDAR DAYS FOLLOWING THE RECEIPT OF A PROPERLY	11	training or experience in the occupation as prescribed by
12	COMPLETED PERMIT APPLICATION AND THE APPROPRIATE FEE.	12	department rule; OR
13	NEW SECTION. SECTION 4. PACILITY PERMITS FEE. (1)	13	(C) HAVE SUCCESSFULLY COMPLETED AN ASBESTOS-RELATED
14	THE DEPARTMENT SHALL PROVIDE BY RULE A PROCEDURE FOR THE	14	TRAINING COURSE FOR THAT OCCUPATION, APPROVED BY THE UNITED
15	ISSUANCE OF AN ANNUAL ASBESTOS PROJECT PERMIT TO ANY	15	STATES ENVIRONMENTAL PROTECTION AGENCY, DURING THE TIME
16	FACILITY THAT HAS AN ASBESTOS HEALTH AND SAFETY PROGRAM	16	PERIOD IMMEDIATELY FOLLOWING THE PASSAGE OF [THIS ACT] AND
17	MEETING DEPARTMENT CRITERIA AND THAT CONTINUOUSLY EMPLOYS	17	ENDING ON DECEMBER 31, 1989.
18	ACCREDITED ASBESTOS WORKERS. THIS PERMIT ALLOWS A FACILITY	18	(2) After January 1, 1990, a person may not:
19	TO CONDUCT ASBESTOS PROJECTS WITHIN THE CONFINES OF THE	19	(a) engage in an asbestos-related occupation unless
20	FACILITY'S CONTROLLED AREA DURING THE PERIOD FOR WHICH THE	20	accredited in that occupation by the department;
21	PERMIT IS IN FORCE. THE PROVISIONS OF THIS PERMIT MAY NOT	21	(b) conduct an asbestos project without a permit from
22	PRECLUDE STATE AND FEDERAL REQUIREMENTS FOR ASBESTOS PROJECT	22	the department or violate the conditions of a permit;
23	NOTIFICATION.	23	(c) contract with or employ in an asbestos-related
24	(2) THE FEE FOR A FACILITY PERMIT MUST REFLECT THE	24	occupation a person not accredited in that occupation by the
25	ACTUAL COST OF THE DEPARTMENT'S APPLICATION REVIEW, PERMIT	25	department; or
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1	(F) OTHER INDIVIDUALS AS CONSIDERED APPROPRIATE BY THE
2	DEPARTMENT.
3	(2) THE ADVISORY COMMITTEE MUST BE ABOLISHED UPON
4	FINAL ADOPTION OF RULES PROVIDED FOR IN (SECTIONS 3 AND 4].
5	NEW SECTION. Section 9. Criminal penalties
6	disposition of civil penalties. (1) The department may
7	suspend, deny, or revoke the accreditation of or reprimand a
8	person who:
9	(a) fraudulently or deceptively obtains or attempts to
10	obtain accreditation;
11	(b) fails to meet the qualifications for accreditation
12	or comply with the requirements of [this act] or any rule
13	adopted by the department; or
14	(c) fails to meet any applicable federal or state
15	standard for asbestos projects.
16	(2) Notwithstanding the provisions of any other law, a
17	person who purposely or knowingly violates any provision of
18	[this act] or an adopted rule or order issued pursuant to
19	(this act) is guilty of a misdemeanor.
20	(3) If the department determines that a violation of
21	[this act] or a rule promulgated pursuant to [this act] has
22	occurred, it may issue an order compelling the person
23	receiving the order to end the violation immediately.
24	(4) In addition to or instead of the remedies listed
25	in subsections (1) through (3), an accredited person who

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purposely or knowingly violates [this act] or a rule adopted pursuant to [this act] that concerns the conduct of an asbestos project may be assessed a civil penalty by the district court of not more than \$1,000 a day for an initial violation and \$5,000 a day for each subsequent violation occurring within a 3-year period from the date of the initial violation.

8 (5) A district court may assess a civil penalty of not
9 more than \$25,000 a day upon a person who engages in an
10 asbestos project without valid accreditation or a permit.
11 In the case of a continuing violation, each day the
12 violation continues constitutes a separate violation.

13 (6) Civil penalties collected under [this act] must be
14 deposited into the resource indemnity trust fund created in
15 15-38-201.

<u>NEW SECTION.</u> Section 11. Saving clause. [This act]
does not affect rights and duties that matured, penalties
that were incurred, or proceedings that were begun before
(the effective date of this act).

23 <u>NEW SECTION.</u> Section 12. Effective dates. (1)
24 [Section SECTIONS 3, 4, 8, and this section] are effective
25 July 1, 1989.

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(2) [Sections 1, 2, and--4 5 through 7, AND 9] are effective January 1, 1990.

-End-

-10-

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 1
 SENATE BILL NO. 270

 2
 INTRODUCED BY WILLIAMS, HARPER

 3
 BY REQUEST OF THE DEPARTMENT OF

 4
 HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS 6 TRAINING AND ACCREDITATION FOR ASBESTOS WORKERS: 7 FOR ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 8 9 TO REQUIRE PERMITS FOR ASBESTOS PROJECTS AND CHARGE FEES OF 10 PERSONS WORKING WITH ASBESTOS; LIMITING THE TIME FOR 11 PROCESSING OF CERTAIN ASBESTOS PROJECT PERMITS; ALLOWING THE 12 DEPARTMENT TO ESTABLISH CRITERIA FOR ASBESTOS PROJECTS: 13 CREATING AN ADVISORY COMMITTEE FOR RULEMAKING; PROVIDING FOR 14 CRIMINAL AND CIVIL PENALTIES: AND PROVIDING EFFECTIVE 15 DATES."

16 17

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STATEMENT OF INTENT

18 A statement of intent is required for this bill because 19 {section-3}-authorizes [SECTIONS 3 AND 4] AUTHORIZE the 20 department of health and environmental sciences to adopt 21 rules. It is the intent of the legislature that the rules establish standards and procedures consistent with federal 22 law for accreditation of asbestos-related occupations and 23 24 control of the work performed by persons in any 25 asbestos-related occupation, including the setting of allowable levels of indoor airborne asbestos. It is the
 intent of the legislature that the rules for asbestos in
 indoor air include standards for the use of air monitoring
 for:

5 (1) evaluation of asbestos-containing materials in
6 buildings; and

7 (2) completion and reoccupancy after an asbestos8 project.

9

10 WHEREAS, people exposed to airborne asbestos fibers
11 suffer significantly increased rates of lung cancer,
12 mesothelioma, and other diseases; and

WHEREAS, to prevent unnecessary public exposure to
asbestos fibers it is necessary to regulate and establish
criteria for asbestos abatement practices and to require
statewide standards for training and accreditation of
asbestos workers.

18

25

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

20 <u>NEW SECTION.</u> Section 1. Short title. [This act] may
21 be cited as the "Asbestos Control Act".

NEW SECTION. Section 2. Definitions. As used in [this
 act], unless the context requires otherwise, the following
 definitions apply:

(1) "Accreditation" means a certificate issued by the



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department that permits a person to work in an
 asbestos-related occupation.

3 (2) "Asbestos" means asbestiform varieties of
 4 chrysotile, amosite, crocidolite, anthophyllite, tremolite,
 5 or actinolite.

6 (3) "Asbestos-related occupation" means an inspector,
7 management planner, project designer, contractor,
8 supervisor, or worker for an asbestos project.

9 (4) "Asbestos project" means the encapsulation, 10 enclosure, removal, repair, renovation, placement in new 11 construction, demolition of asbestos in a building or other 12 structure, or the transportation or disposal of 13 asbestos-containing waste. The term does not include a 14 project that involves less than 3 square feet in surface 15 area or 3 linear feet of pipe.

16 (5) "Department" means the department of health and
17 environmental sciences as provided in 2-15-2101.

18 (6) "Person" means an individual, partnership,
19 corporation, sole proprietorship, firm, enterprise,
20 franchise, association, state or municipal agency, political
21 subdivision of the state, or any other entity.

22 <u>NEW SECTION.</u> Section 3. Rulemaking authority. The 23 department shall adopt rules establishing standards and 24 procedures for accreditation of asbestos-related occupations 25 and control of the work performed by persons in asbestos-related occupations. The rules must be consistent
 with federal law and include but are not limited to:

3 (1) standards for training course review and approval;

4 (2) standards for accreditation of applicants for
 5 asbestos-related occupations;

6 (3) examination requirements for accreditation of
7 applicants for asbestos-related occupations;

8 (4) requirements for renewal of accreditation,
9 including periodic refresher courses;

10 (5) revocation of accreditation;

(6) inspection requirements for asbestos projects and
 asbestos-related occupations credentials;

(7) criteria to determine whether and what type of 13 14 control measures are necessary for an asbestos project and whether a project is completed in a manner sufficient to 15 protect public health, including criteria setting allowable 16 limits on indoor airborne asbestos. A determination of 17 whether asbestos abatement of a structure is necessary may 18 not be based solely upon the results of airborne asbestos 19 testing. 20

(6) requirements for issuance of asbestos project
 permits and conditions that permitholders must meet;

23 (9) standards for seeking injunctions, criminal and
24 civil penalties, or emergency actions;

25 (10) advance notification procedures and issuance of

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permits for asbestos projects; and

(11) (a) fees for:

1	ISSUANCE, AND FACILITY INSPECTIONS.
2	NEW SECTION. Section 5. Accreditation requirements
3	restrictions. (1) To qualify for accreditation in a
4	particular asbestos-related occupation, a person must:
5	(a) (i) successfully complete an asbestos-related
6	training course for that occupation approved by the
7	department or the United States environmental protection
8	agency; and
9	(ii) pass an examination approved by the department; or
10	(b) satisfactorily demonstrate equivalent previous
11	training or experience in the occupation as prescribed by
12	department rule; OR
13	(C) HAVE SUCCESSFULLY COMPLETED AN ASBESTOS-RELATED
14	TRAINING COURSE FOR THAT OCCUPATION, APPROVED BY THE UNITED
15	STATES ENVIRONMENTAL PROTECTION AGENCY, DURING THE TIME
16	PERIOD IMMEDIATELY FOLLOWING THE PASSAGE OF [THIS ACT] AND
17	ENDING ON DECEMBER 31, 1989.
18	(2) After January 1, 1990, a person may not:
19	(a) engage in an asbestos-related occupation unless
20	accredited in that occupation by the department;
21	(b) conduct an asbestos project without a permit from
22	the department or violate the conditions of a permit;
23	(c) contract with or employ in an asbestos-related
24	occupation a person not accredited in that occupation by the
25	department; or

(i) review and approval of training courses;	3
(ii) application for and renewal of accreditation by a	4
person seeking to pursue an asbestos-related occupation;	5
(iii) issuance of asbestos project permits; and	6
(iv) requested inspections of asbestos projects.	7
(b) Pees <u>FEES</u> must be commensurate with $costs_{\tau_i}$	8
(C) FOR ASBESTOS PROJECTS HAVING A COST OF \$3,000 OR	9
LESS, THE DEPARTMENT SHALL ISSUE ASBESTOS PROJECT PERMITS	10
WITHIN 7 CALENDAR DAYS FOLLOWING THE RECEIPT OF A PROPERLY	11
COMPLETED PERMIT APPLICATION AND THE APPROPRIATE FEE.	12
NEW SECTION. SECTION 4. FACILITY PERMITS FEE. (1)	13
THE DEPARTMENT SHALL PROVIDE BY RULE & PROCEDURE FOR THE	14
ISSUANCE OF AN ANNUAL ASBESTOS PROJECT PERMIT TO ANY	15
FACILITY THAT HAS AN ASBESTOS HEALTH AND SAFETY PROGRAM	16
MEETING DEPARTMENT CRITERIA AND THAT CONTINUOUSLY EMPLOYS	17
ACCREDITED ASBESTOS WORKERS. THIS PERMIT ALLOWS A PACILITY	18
TO CONDUCT ASBESTOS PROJECTS WITHIN THE CONFINES OF THE	19
FACILITY'S CONTROLLED AREA DURING THE PERIOD FOR WHICH THE	20
PERMIT IS IN FORCE. THE PROVISIONS OF THIS PERMIT MAY NOT	21

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PRECLUDE STATE AND FEDERAL REQUIREMENTS FOR ASBESTOS PROJECT NOTIFICATION.

(2) THE FEE FOR A FACILITY PERMIT MUST REFLECT THE ACTUAL COST OF THE DEPARTMENT'S APPLICATION REVIEW, PERMIT

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(d) offer a training course for an asbestos-related
 occupation to meet the accreditation requirements of this
 section unless the department approves the course.

4 (3) A person who applies for accreditation shall
5 submit the fees and follow procedures prescribed by
6 department rule.

NEW SECTION. Section 6. Fee 7 disposition. The 8 department shall deposit fees collected under [this act] 9 into the resource indemnity trust fund created in 15-38-201. NEW SECTION. Section 7. Records. A person engaged in 10 11 an asbestos project shall maintain the records required by 12 department rule concerning the nature of project activities. NEW SECTION. SECTION 8. ADVISORY COMMITTEE. (1) AN 13 14 ADVISORY COMMITTEE IS CREATED TO COORDINATE AND ADVISE THE 15 DEPARTMENT ON THE FORMULATION OF RULES TO BE PROMULGATED BY THE DEPARTMENT UNDER [SECTIONS 3 AND 4]. THIS ADVISORY 16 COMMITTEE CONSISTS OF AT LEAST ONE REPRESENTATIVE FROM THE 17 FOLLOWING: 18 (A) ASBESTOS MANUFACTURING AND CONSTRUCTION 19 20 INDUSTRIES; 21 (B) ASBESTOS SUPPLIERS; 22 (C) BUILDING INDUSTRIES; 23 (D) LABOR ORGANIZATIONS; 24 (E) EMPLOYERS WITH EMPLOYEES INVOLVED IN ON-PREMISES ASBESTOS ABATEMENT: AND 25

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(F) OTHER INDIVIDUALS AS CONSIDERED APPROPRIATE BY THE 1 2 DEPARTMENT. (2) THE ADVISORY COMMITTEE MUST BE ABOLISHED UPON 3 FINAL ADOPTION OF RULES PROVIDED FOR IN [SECTIONS 3 AND 4]. 4 NEW SECTION. Section 9. Criminal 5 penalties disposition of civil penalties. (1) The department may 6 suspend, deny, or revoke the accreditation of or reprimand a 7 person who: a (a) fraudulently or deceptively obtains or attempts to 9 obtain accreditation; 10 (b) fails to meet the qualifications for accreditation 11 or comply with the requirements of [this act] or any rule 12 adopted by the department; or 13 (c) fails to meet any applicable federal or state 14 15 standard for asbestos projects. (2) Notwithstanding the provisions of any other law, a 16 person who purposely or knowingly violates any provision of 17 {this act} or an adopted rule or order issued pursuant to 18 [this act] is guilty of a misdemeanor. 19 (3) If the department determines that a violation of 20 [this act] or a rule promulgated pursuant to [this act] has 21 occurred, it may issue an order compelling the person 22 receiving the order to end the violation immediately. 23 (4) In addition to or instead of the remedies listed 24 in subsections (1) through (3), an accredited person who 25

- 8 -

purposely or knowingly violates (this act) or a rule adopted pursuant to [this act] that concerns the conduct of an asbestos project may be assessed a civil penalty by the district court of not more than \$1,000 a day for an initial violation and \$5,000 a day for each subsequent violation occurring within a 3-year period from the date of the initial violation.

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8 (5) A district court may assess a civil penalty of not
9 more than \$25,000 a day upon a person who engages in an
10 asbestos project without valid accreditation or a permit.
11 In the case of a continuing violation, each day the
12 violation continues constitutes a separate violation.

13 (6) Civil penalties collected under [this act] must be
14 deposited into the resource indemnity trust fund created in
15 15-38-201.

16 <u>NEW SECTION.</u> Section 10. Coordination instruction. If
17 ______Bill No. _____[LC 857] is not passed and approved, [this
18 act] is not void.

19 <u>NEW SECTION.</u> Section 11. Saving clause. [This act]
20 does not affect rights and duties that matured, penalties
21 that were incurred, or proceedings that were begun before
22 [the effective date of this act].

23 <u>NEW SECTION.</u> Section 12. Effective dates. (1)
24 (Section SECTIONS 3, 4, 8, and this section) are effective
25 July 1, 1989.

(2) [Sections 1, 2, and -4 5 through 7, ANU 9] are

2 effective January 1, 1990.

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-End-

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