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Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

SPONSOR STATEMENT FOR HB 333

HB 333, "An Act directing the Department of Transportation and Public Facilities to develop and implement standards and operating procedures allowing for the use in the construction and maintenance of transportation projects and public facilities and in the construction of projects by public and private entities of gravel or aggregate materials that contain naturally occurring asbestos, and authorizing use on an interim basis of those materials for certain transportation projects and public facilities; and relating to certain claims arising out of or in connection with the use of gravel or aggregate materials."

HB 333 is a measure intended to authorize and regulate use of "gravel or aggregate material that is not free of naturally occurring asbestos." As defined in the bill, asbestos is defined as gravel, rock, sand and similar materials that are determined to have a content of at least 0.25 percent asbestos by mass. Asbestos is a commercial term that describes certain naturally occurring silicate minerals in the form of long, fibrous crystals. Noted for its strength and resistance to heat and chemical damage, asbestos has been mined and used commercially since the time of ancient Greece. Six types of asbestos are known to have human health impacts and are regulated by both the federal and state government. The health risks associated with asbestos are related to direct exposure. The exposure causing the greatest concern is inhalation of the material when particles become airborne, a frequent occurrence during some excavation and construction projects. The use of naturally occurring asbestos ("NOA") in construction projects may be regulated by states. Virginia and California have been regulating NOA for many years and several other states are in the process of addressing the issue.

Alaska has large known deposits of ultramafic and serpentine mineral ore throughout the state containing NOA. (Please see maps included in the packet pgs. 29-32 of the report titled, *Naturally Occurring Asbestos in Alaska and Experiences and Policy of Other States Regarding*

its Use). There are documented cases of NOA being found in several areas of the state, including Juneau, along the Dalton Highway, and in Ambler. Discovery of NOA has delayed and, in Ambler's case, halted construction projects when it was found. Some experts believe that over time, and with increasing development of our rich mineral resources, more NOA will be documented, particularly in the very areas that are rich in minerals and likely to be developed. Additionally, several large projects are on the state's horizon that will require the use of large amounts of gravel. These large projects are in mineral rich areas of the state. Most notably, it is estimated that the new gas pipeline alone may use 50 to 60 million cubic yards of new gravel. Many miles of the Dalton Highway will be reconstructed in support of the project, requiring additional gravel. There is also the possibility of a large railroad extension from Fairbanks to Delta. Moreover, almost all airport construction and upgrades in rural areas of the state require material from local gravel sources; a new small airport can use up to 25,000 cubic yards of gravel. Some localities in Alaska do not have gravel sources that are free of NOA. Any issues regarding NOA and how to handle it should be resolved before it becomes an issue during the actual preconstruction or construction process of one of these large projects.

Currently in Ambler two construction projects, a sewage lagoon and an airport project, have been delayed for years after NOA was discovered in 2003. A solution was found that will allow the sewage lagoon project to be completed this summer, but the future of the airport project and any future construction projects in Ambler remain unresolved. Ambler is located in the small mountain ranges along the Brooks Range. The mountains in the area are mineral rich, containing large ore and jade deposits and reportedly one of the world's largest copper deposits. The NOA problem in Ambler poses unique challenges, as the community uses gravel for its road system, airport runway, public utilities and local projects. All of the gravel for these projects was obtained at the local gravel pit, which has now been closed due to the NOA.

Currently when NOA is discovered in a project, construction is put on hold or delayed until a solution is found on a case-by-case basis. The easiest solutions are usually to cover the NOA with asphalt or concrete, or to find a nearby source of asbestos-free gravel. In 2004, an effort was made to find gravel free of NOA within a reasonable distance of Ambler, but none has yet been found. The closest NOA-free material is nearly 30 miles away. The current bill will provide a way forward to complete halted construction projects in Ambler.

The bill directs the Department of Transportation and Public facilities to develop and implement statewide standards and operating procedures (SOP) to allow for the use of NOA in construction and maintenance projects for both the state and private entities. The SOP will balance the needs of moving forward with construction projects while protecting the health of Alaskan workers and communities.