

LEGAL SERVICES

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MEMORANDUM

February 19, 2012

SUBJECT: Sectional Summary for CSHB 258()
(Work Order No. 27-LS0400\E)

TO: Representative Reggie Joule
Attn: Brodie Anderson

FROM: Emily Nauman 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill contains legislative findings and purpose statements to explain and support the measure.

Section 2 of the bill creates immunity from civil action or a claim for civil damages based on an alleged asbestos-related death, injury, illness, or disability or asbestos-related property damage claim in specified circumstances.

Section 3 of the bill adds a new section, AS 18.31.250, to describe how a person may qualify for immunity under sec. 2 of the bill related to use of gravel or aggregate material containing naturally occurring asbestos (NOA) in construction projects that are not initiated or contracted for by the Department of Transportation and Public Facilities (DOTPF).

Section 4 of the bill adds four new sections to AS 44.42.

Sec. 44.42.400 directs DOTPF to maintain an informational database and to report on projects using gravel or other aggregate material that contains NOA.

Sec. 44.42.410(a) states the requirements for a site-specific plan submitted by a contractor intending to use gravel or other aggregate material that contains NOA, including a requirement that the contractor bury or seal the gravel or other aggregate material, if economically practicable.

Sec. 44.42.410(b) directs DOTPF to require and approve site-specific plans for DOTPF projects that will use gravel or other aggregate material containing NOA.

Sec. 44.42.410(c) states that DOTPF cannot approve use of gravel or other aggregate material with NOA unless it is "economically unreasonable" to undertake the project with gravel or other aggregate material free from NOA.

Sec. 44.42.410(d) requires DOTPF, in consultation with Department of Environmental Conservation and Department of Health and Social Services to develop monitoring and mitigation plans; incorporates the monitoring and mitigation requirements into the site-specific plan.

Sec. 44.42.410(e) requires DOTPF to provide additional safety information to a contractor whose plans have been approved.

Sec. 44.42.410(f) requires contractors to report any monitoring data collected to DOTPF.

Sec. 44.42.420 directs DOTPF to establish standards and procedures for testing and use of gravel and aggregate materials that contain NOA.

Sec. 44.42.430 gives definitions.

Section 5 of the bill, a temporary law provision, permits DOTPF to review and approve site-specific plans submitted for DOTPF projects and for projects not initiated by the department during the interim period before initial standards and operating procedures adopted under sec. 4 of this bill take effect.

Section 6 of the bill, a temporary law provision, directs DOTPF to use a specific standard previously adopted by the California Air Resources Board on an interim basis for the purpose of determining the asbestos content of a bulk sample in a bulk test required under the new permanent law provisions until the department adopts its initial standards that may be more relevant to this state's experience.

Section 7 of the bill gives the measure an immediate effective date.