

Offered: 4/30/81
Referred: Community & Regional
Affairs

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BY THE HEALTH EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 338 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an asbestos health hazard program;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

10 (1) medical studies indicate that individuals who are exposed to
11 asbestos fibers have a significantly increased incidence of cancer and other
12 severe or fatal diseases, as compared with individuals who are not exposed;

13 (2) medical evidence suggests that children may be particularly
14 vulnerable to cancer induced by exposure to asbestos fibers;

15 (3) medical science has not established a minimum level of
16 exposure to asbestos fibers which is considered to be safe;

17 (4) substantial amounts of asbestos, particularly in sprayed
18 form, have been installed in school buildings and other public facilities in
19 the state;

20 (5) a partial survey of Alaskan schools indicates that

21 (A) in many cases materials containing asbestos fibers have
22 become damaged or friable, causing asbestos fibers to be released into
23 the air; and

24 (B) asbestos concentrations exceeding normal air levels may
25 be present in school buildings containing damaged asbestos material;

26 (6) the presence in school buildings and public facilities of
27 friable or easily damaged asbestos creates an unwarranted health hazard to
28 school children, employees, and other individuals who are exposed to the
29 material;

1 (7) no systematic program presently exists to identify asbestos
2 health hazards in school buildings and public facilities or to remedy those
3 conditions.

4 (b) It is the purpose of this Act to

5 (1) provide testing and analysis of friable asbestos materials in
6 school buildings and other public facilities in the state;

7 (2) provide information relating to the health hazards caused by
8 exposure to friable asbestos fibers;

9 (3) correct identified health hazards from friable asbestos
10 materials in school buildings and other public facilities.

11 * Sec. 2. AS 18 is amended by adding a new chapter to read:

12 CHAPTER 28. ASBESTOS HEALTH HAZARD PROGRAM.

13 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard
14 program is established in the Department of Environmental Conservation
15 to coordinate efforts of state departments and agencies to eliminate
16 asbestos health hazards in schools and public facilities in the state,
17 in order to insure state compliance with the Asbestos School Hazard and
18 Control Act of 1980 (P.L. 96-270).

19 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL CONSER-
20 VATION. In order to eliminate asbestos health hazards in schools and
21 public facilities in the state, the Department of Environmental Conser-
22 vation shall

23 (1) provide training materials for school personnel and
24 custodians of public facilities to enable them to inspect and sample
25 material for the presence of deteriorating friable asbestos;

26 (2) distribute the Environmental Protection Agency "Guidance
27 Manual on Asbestos Control in School Buildings, Parts I and II" and
28 supplemental videotapes to city and borough school districts, regional
29 educational attendance areas, Bureau of Indian Affairs schools, private

1 schools, and to state public facilities custodians;

2 (3) distribute, retrieve, and store asbestos training
3 materials;

4 (4) provide resource personnel to answer inquiries and
5 assure quality control of sampling;

6 (5) establish guidelines for inspection and collection of
7 samples of suspected friable asbestos, and provide for analysis of the
8 samples;

9 (6) evaluate analysis results and distribute the results to
10 affected schools and public facilities;

11 (7) coordinate efforts by state departments and agencies and
12 by school and public facilities personnel to identify and eliminate
13 asbestos health hazards;

14 (8) provide information on asbestos health hazards and
15 proper means of inspection and analysis, and analyze specimens upon
16 request by any state department or agency, or local government;

17 (9) cooperate with the Department of Community and Regional
18 Affairs to administer state money appropriated to finance the asbestos
19 health hazard program; and

20 (10) adopt regulations necessary to implement the provisions
21 of this chapter.

22 Sec. 18.28.030. DUTIES OF THE DEPARTMENT OF EDUCATION. To assist
23 in implementing the asbestos health hazard program, the Department of
24 Education shall

25 (1) cooperate with the Department of Environmental Conserva-
26 tion and the Department of Transportation and Public Facilities to
27 insure inspection of schools in the state for asbestos health hazards
28 and to insure that identified asbestos health hazards are eliminated;

29 (2) revise, update, and distribute information on procedures

1 and standards for detecting and controlling asbestos health hazards, to
2 city and borough school districts and regional educational attendance
3 areas;

4 (3) distribute new information as it becomes available on
5 asbestos health hazards, to city and borough school districts and
6 regional educational attendance areas; and

7 (4) maintain records, files, and reports on asbestos health
8 hazards in city and borough schools and regional educational attendance
9 area schools.

10 Sec. 18.28.040. DUTIES OF THE DEPARTMENT OF TRANSPORTATION AND
11 PUBLIC FACILITIES. To assist in implementing the asbestos health
12 hazard program, the Department of Transportation and Public Facilities
13 shall

14 (1) cooperate with the Department of Environmental Conserva-
15 tion and the Department of Education to insure inspection of schools
16 and public facilities for asbestos health hazards, and to insure that
17 identified asbestos health hazards are eliminated; and

18 (2) provide technical assistance and guidelines for renova-
19 tion techniques to eliminate asbestos health hazards from public facil-
20 ities and from other buildings in the state.

21 Sec. 18.28.050. DUTIES OF SCHOOL OFFICIALS. To assist in imple-
22 menting the asbestos health hazard program, each city or borough school
23 district, each regional educational attendance area, each Bureau of
24 Indian Affairs agency office in charge of schools in Alaska, and each
25 private school shall

26 (1) provide for the training of school personnel in the
27 detection of friable asbestos in their respective school buildings;

28 (2) maintain records of all inspections, including sample
29 dates, location, condition, and analysis of friable materials;

- 1 (3) notify school personnel of the location of friable
2 asbestos materials and ways to reduce exposure;
- 3 (4) notify the parents of students of asbestos inspection
4 results;
- 5 (5) provide for the inspection of their respective school
6 buildings and the taking of samples as needed, following guidelines
7 established by the Department of Environmental Conservation for deter-
8 mination of the existence of asbestos health hazards;

9 (6) contract for renovation of school buildings to eliminate
10 asbestos health hazards, and supervise and monitor the renovation
11 contracts, applying the standards set out in AS 18.60.075 to protect
12 the health of the persons who renovate the school buildings.

13 Section 18.28.060. DUTIES OF DEPARTMENT OF COMMUNITY AND REGIONAL
14 AFFAIRS. To assist in implementing the asbestos health hazard program,
15 the Department of Community and Regional Affairs, in cooperation with
16 the Department of Environmental Conservation, shall

17 (1) administer state money appropriated to finance renovation
18 contracts under AS 18.28.050(6);

19 (2) distribute available money as necessary to eliminate
20 asbestos health hazards in schools and public facilities in the state;

21 (3) inform the Department of Labor when renovation contracts
22 are awarded under AS 18.28.050(6), to enable the Department of Labor to
23 advise contractors of asbestos health hazards which may be encountered
24 in the renovation project.

25 Sec. 18.28.070. DEFINITIONS. In this chapter

26 (1) "asbestos health hazard" means the presence of friable
27 asbestos material or asbestos material which could easily be damaged
28 by water or air circulation or by other means, and which could result in
29 the dispersal of asbestos fibers into a school building or public

1 facility;

2 (2) "friable asbestos" means any material that contains
3 asbestos as one of its constituents and can be easily crumbled, pulver-
4 ized, or reduced to powder;

5 (3) "public facilities" means buildings owned by the state
6 or by a local government.

7 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
8 070(c).