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Referred: Health, Education and
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1 IN THE SENATE

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SENATE BILL NO. 373

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing an asbestos health hazard pro-
7 gram; 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
12 other severe or fatal diseases, as compared with individuals who are not
13 exposed;

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

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

18 (4) substantial amounts of asbestos have been installed in
19 school buildings and other public facilities in 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 may be present in school build-
25 ings 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 for testing and analysis of friable asbestos ma-
6 terials in school buildings and other public facilities in the state;

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

9 (3) ensure correction of identified health hazards from friable
10 asbestos 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 ensure state compliance with 20 U.S.C. 3601-3611 (Asbestos
18 School Hazard Detection and Control Act of 1980).

19 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL CON-
20 SERVATION. In order to eliminate asbestos health hazards in schools
21 and public facilities in the state, the Department of Environmental
22 Conservation 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 friable asbestos;

26 (2) distribute information published by the United States
27 Environmental Protection Agency on asbestos control, with supplemental
28 videotapes, to city and borough school districts, regional educational
29 attendance areas, private schools, and state public facilities

1 custodians;

2 (3) distribute, retrieve, and store training materials
3 concerning inspection and sampling for friable asbestos;

4 (4) provide knowledgeable individuals to answer inquiries
5 and ensure quality control of sampling;

6 (5) establish guidelines for inspecting and collecting
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
12 and by school and public facilities personnel to identify and elimi-
13 nate 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
23 assist in implementing the asbestos health hazard program, the Depart-
24 ment of Education shall

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

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

1 procedures and standards for detecting and controlling asbestos health
2 hazards, to city and borough school districts and regional educational
3 attendance 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 atten-
9 dance 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 Conser-
15 vation and the Department of Education to ensure inspection of schools
16 and public facilities for asbestos health hazards and to ensure 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
20 facilities 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
23 school district, private school, and regional educational attendance
24 area shall

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

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

29 (3) notify school personnel of the location of friable

1 asbestos materials and ways to reduce exposure;

2 (4) notify the parents of students of asbestos inspection
3 results;

4 (5) provide for the inspection of their respective school
5 buildings and the taking of samples as needed, following guidelines
6 established by the Department of Environmental Conservation for deter-
7 mining the existence of asbestos health hazards;

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

12 Section 18.28.060. DUTIES OF DEPARTMENT OF COMMUNITY AND RE-
13 GIONAL AFFAIRS. To assist in implementing the asbestos health hazard
14 program, the Department of Community and Regional Affairs, in coop-
15 eration with the Department of Environmental Conservation, shall

16 (1) administer state money appropriated to finance reno-
17 vation contracts under AS 18.28.050(6);

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

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

24 Sec. 18.28.070. DEFINITIONS. In this chapter

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

1 (2) "friable asbestos" means any material that contains
2 more than one percent of asbestos by weight as one of its constituents
3 and that can be easily crumbled, pulverized, or reduced to powder by
4 hand pressure when dry;

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.-
8 10.070(c).