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1 IN THE SENATE

BY THE FINANCE COMMITTEE

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CS FOR SENATE BILL NO. 373 (Finance)

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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 abate-  
7 ment program; 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 in the state;

20 (5) the presence of asbestos in school buildings creates an  
21 unwarranted health hazard to school children, employees, and other individ-  
22 uals who are exposed to the material;

23 (6) the present federal and state programs to identify and abate  
24 asbestos health hazards in school buildings are severely inadequate.

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

26 (1) provide for testing and analysis of asbestos materials in  
27 school buildings in the state;

28 (2) provide for the dissemination of information relating to the  
29 health hazards caused by exposure to asbestos fibers;

1 (3) ensure abatement of identified health hazards from asbestos  
2 materials in school buildings.

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

4 CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

5 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard  
6 abatement program is established in the Department of Labor to coordi-  
7 nate efforts of state departments and agencies to eliminate asbestos  
8 health hazards in schools in the state. The program applies to all  
9 work involving

10 (1) demolition, removal, encapsulation, salvage, transpor-  
11 tation, disposal, storage, and containment of asbestos products;

12 (2) construction, alteration, repair, maintenance, or  
13 renovation conducted in environments that contain asbestos.

14 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to  
15 eliminate asbestos health hazards from schools in the state, the  
16 Department of Labor shall

17 (1) survey school buildings to inspect and sample material  
18 for the presence of asbestos;

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

21 (3) answer inquiries concerning sampling and ensure quality  
22 control of sampling;

23 (4) establish guidelines for abating the asbestos hazard,  
24 for inspecting and collecting samples of suspected asbestos, and for  
25 analyzing the samples;

26 (5) evaluate analysis results and distribute the results to  
27 affected schools;

28 (6) coordinate efforts by state departments and agencies  
29 and by school personnel to identify and eliminate asbestos health

1 hazards;

2 (7) cooperate with the Department of Education to adminis-  
3 ter state money appropriated for the asbestos health hazard abatement  
4 program;

5 (8) review and approve all asbestos health hazard abatement  
6 programs relating to respirator use and employee training, including  
7 training materials;

8 (9) oversee an employee certification program;

9 (10) establish guidelines and procedures to prevent damage  
10 to asbestos products in daily operations;

11 (11) whenever the department is informed of scheduled work  
12 to abate a health hazard that is asbestos-related, inform the  
13 contractors and others concerned of the potential health hazards of  
14 asbestos; and

15 (12) adopt regulations necessary to implement the provisions  
16 of this chapter.

17 Sec. 18.28.030. CERTIFICATION PROGRAMS. (a) The Department of  
18 Labor shall

19 (1) establish guidelines for employee training certifica-  
20 tion programs, including respiratory and competency tests to be com-  
21 pleted successfully, to ensure that a person who is employed to abate  
22 asbestos health hazards in this state is trained to do the work safely  
23 and is informed about the danger of working with asbestos;

24 (2) review certification programs proposed by contractors,  
25 labor organizations, and others for persons who will be employed to  
26 abate asbestos health hazards in this state;

27 (3) approve proposed certification programs that meet the  
28 department's guidelines under this subsection.

29 (b) Before a contractor can undertake to abate an asbestos-

1 related health hazard in this state, the contractor shall

2 (1) propose to the Department of Labor a plan for the  
3 certification of its employees as adequately trained to handle asbes-  
4 tos in a safe and knowledgeable way;

5 (2) receive approval from the department of that plan; and

6 (3) certify that each person who will work on the abatement  
7 of an asbestos health hazard in this state is adequately trained to  
8 handle asbestos in a safe and knowledgeable way.

9 (c) A person may not work to abate an asbestos health hazard in  
10 this state unless that person has been certified in a program approved  
11 by the Department of Labor under (a) of this section.

12 (d) A contractor who violates (b) or (c) of this section is  
13 subject to a civil penalty not to exceed \$1,000, as determined by the  
14 commissioner of labor.

15 (e) A contractor who violates (b) of this section is guilty of a  
16 class A misdemeanor.

17 (f) A contractor who violates (c) of this section is guilty of a  
18 class B misdemeanor.

19 Sec. 18.28.040. DUTIES OF THE DEPARTMENT OF EDUCATION. To  
20 assist in implementing the asbestos health hazard program, the Depart-  
21 ment of Education shall

22 (1) cooperate with the Department of Labor, school dis-  
23 tricts, and regional educational attendance areas to ensure inspection  
24 of schools in the state for asbestos health hazards and to ensure that  
25 identified asbestos health hazards are abated;

26 (2) maintain records, files, and reports on asbestos health  
27 hazards in city and borough schools and regional educational atten-  
28 dance area schools;

29 (3) administer state money appropriated to finance reno-

1 vation contracts under AS 18.28.050(5);

2 (4) distribute available money as necessary to abate asbes-  
3 tos health hazards in schools in the state, including reimbursement of  
4 school districts and regional educational attendance areas for  
5 asbestos hazard abatement work already undertaken;

6 (5) inform the Department of Labor when renovation con-  
7 tracts are awarded under AS 18.28.050(5), to enable the Department of  
8 Labor to advise contractors and others concerned of asbestos health  
9 hazards that may be encountered in the renovation project.

10 Sec. 18.28.050. DUTIES OF SCHOOL OFFICIALS. To assist in imple-  
11 menting the asbestos health hazard abatement program, each city or  
12 borough school district and each regional educational attendance area  
13 shall

14 (1) maintain records of all inspections, including sample  
15 dates, location, condition, and analysis of materials;

16 (2) notify school personnel of the location of asbestos  
17 materials and ways to reduce exposure;

18 (3) notify the parents of students about the results of  
19 asbestos inspections in their children's schools;

20 (4) provide for the inspection of their respective school  
21 buildings and the taking of samples as needed, following guidelines  
22 established by the Department of Labor for determining the existence  
23 of asbestos health hazards;

24 (5) contract for renovating school buildings to abate  
25 asbestos health hazards, and supervise and monitor the renovation  
26 contracts, applying the standards in AS 18.60.075 to protect the  
27 health of the persons who renovate the school buildings.

28 Sec. 18.28.090. DEFINITIONS. In this chapter

29 (1) "asbestos" means chrysotile, amosite, crocidolite,

1 fibrous tremolite, fibrous anthophyllite, and fibrous actinolite;

2 (2) "asbestos health hazard" means the presence of asbestos  
3 material that could result in the dispersal of asbestos fibers into a  
4 school building or public facility;

5 (3) "asbestos product" means any product that produces  
6 airborne asbestos.

7 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
8 10.070(c).

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