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Finance

BY GRUENBERG, GOLL, DAVIS,
KOPONEN AND NAVARRE

1 IN THE HOUSE

2 HOUSE BILL NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST 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 14.03.030 is amended to read:

4 Sec. 14.03.030. SCHOOL TERMS. The school term begins and ends
5 on the dates fixed by the governing body of the school district.
6 However, the term shall include not less than 180 days in session,
7 except that, subject to the approval of the commissioner

8 (1) a day used for in-service training of teachers may be
9 substituted for a day in session, up to a maximum of 10 days; [AND]

10 (2) an "emergency closure day" may be substituted for a day
11 in session because of conditions posing a threat to the health or
12 safety of students; and

13 (3) for the purpose of abating asbestos health hazards in
14 its schools, and for two successive school terms only, a school board
15 may adopt a school term for a school where an abatement program is
16 undertaken of not less than 150 days in session if the commissioner
17 finds that the board has submitted a plan through which students will
18 receive the approximate educational equivalent of a 180-day session.

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

20 CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

21 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard
22 abatement program is established in the Department of Labor to coordi-
23 nate efforts of state departments and agencies to eliminate asbestos
24 health hazards in schools in the state. The program applies to all
25 work involving

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

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

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

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

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

8 (3) answer inquiries concerning sampling and ensure quality
9 control of sampling;

10 (4) establish guidelines for abating the asbestos hazard,
11 for inspecting and collecting samples of suspected asbestos, and for
12 analyzing the samples;

13 (5) evaluate analysis results and distribute the results to
14 affected schools;

15 (6) coordinate efforts by state departments and agencies
16 and by school personnel to identify and eliminate asbestos health
17 hazards;

18 (7) cooperate with the Department of Education to adminis-
19 ter state money appropriated for the asbestos health hazard abatement
20 program;

21 (8) review and approve all asbestos health hazard abatement
22 programs relating to respirator use and employee training, including
23 training materials;

24 (9) oversee an employee certification program;

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

27 (11) whenever the department is informed of scheduled work
28 to abate a health hazard that is asbestos related, inform the contrac-
29 tors and others concerned of the health hazards of asbestos; and

1 (12) adopt regulations necessary to implement the provisions
2 of this chapter.

3 Sec. 18.28.030. CERTIFICATION PROGRAMS. (a) The Department of
4 Labor shall

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

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

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

15 (b) Before a contractor can undertake to abate an asbestos-
16 related health hazard in this state, the contractor shall

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

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

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

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

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

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

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

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

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

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

15 (3) administer state money appropriated to finance reno-
16 vation contracts under AS 18.28.050(5);

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

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

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

29 (1) maintain records of all inspections, including sample

1 dates, location, condition, and analysis of materials;

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

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

6 (4) provide for the inspection of their respective school
7 buildings and the taking of samples as needed, following guidelines
8 established by the Department of Labor for determining the existence
9 of asbestos health hazards;

10 (5) contract for renovating school buildings to abate
11 asbestos health hazards, and supervise and monitor the renovation
12 contracts, applying the standards in AS 18.60.075 to protect the
13 health of the persons who renovate the school buildings.

14 Sec. 18.28.090. DEFINITIONS. In this chapter

15 (1) "asbestos" means chrysotile, amosite, crocidolite,
16 fibrous tremolite, fibrous anthophyllite, and fibrous actinolite;

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

20 (3) "asbestos product" means a product that produces
21 airborne asbestos.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).