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Referred: Health, Education & Social
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1 IN THE HOUSE

BY GRUENBERG, GOLL, DAVIS,
KOPONEN AND NAVARRE

2 SPONSOR SUBSTITUTE FOR 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. AS 14.03.030 is amended to read:

10 Sec. 14.03.030. SCHOOL TERMS. A [THE] school term begins and
11 ends on the dates fixed by the governing body of a [THE] school
12 district. A school [HOWEVER, THE] term shall include not less than
13 180 days in session, except that, with [SUBJECT TO] the approval of
14 the commissioner,

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

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

20 (3) a school board may adopt a school term of not less than
21 150 days for a school if the commissioner finds that

22 (A) the shorter term is necessary for abating asbestos
23 health hazards in the school; and

24 (B) the school board has submitted an acceptable plan
25 under which students will receive the approximate educational
26 equivalent of a 180-day term.

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

28 CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

29 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard

1 abatement program is established in the Department of Labor to coordi-
2 nate efforts of state departments and agencies to eliminate asbestos
3 health hazards in schools in the state. The program applies to all
4 work involving

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

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

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

12 (1) in a school district or regional educational attendance
13 area that has not complied with Environmental Protection Agency asbes-
14 tos regulations (40 C.F.R. Part 763), inspect school buildings to
15 determine the presence of asbestos, take samples as needed, answer
16 inquiries on the subject, ensure quality control of asbestos sampling,
17 or enter into contracts for these purposes;

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

20 (3) establish guidelines for abating the asbestos health
21 hazard, for inspecting and collecting samples of suspected asbestos,
22 and for analyzing the samples;

23 (4) evaluate analysis results and distribute the results to
24 affected schools;

25 (5) coordinate efforts by state departments and agencies
26 and by school officials to identify and eliminate asbestos health
27 hazards;

28 (6) cooperate with the Department of Education to adminis-
29 ter state money appropriated for the asbestos health hazard abatement

1 program;

2 (7) review and approve all asbestos health hazard abatement
3 programs relating to respirator use and employee training, including
4 training materials;

5 (8) oversee an employee certification program;

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

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

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

13 Sec. 18.28.030. CERTIFICATION PROGRAMS. (a) The Department of
14 Labor shall

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

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

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

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

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

1 (2) receive approval from the department of that plan; and
2 (3) certify that each person who will work on the abatement
3 of an asbestos health hazard in this state is adequately trained to
4 handle asbestos in a safe and knowledgeable way.

5 (c) A person may not be employed to abate an asbestos health
6 hazard in this state unless that person has been certified in a pro-
7 gram approved by the Department of Labor under (a) of this section.

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

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

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

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

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

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

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

27 (4) distribute available money as necessary to abate asbes-
28 tos health hazards in schools in the state, including reimbursement of
29 school districts and regional educational attendance areas for

1 asbestos hazard abatement work already undertaken;

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

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

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

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

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

16 (4) either

17 (A) contract for the inspection of its school build-
18 ings in compliance with Environmental Protection Agency Asbestos
19 Regulations (40 C.F.R. Part 763) and in accordance with guide-
20 lines established by the Department of Labor; or

21 (B) notify the Department of Labor that the school
22 district or regional educational attendance area has not entered
23 and does not intend to enter into a contract for an inspection
24 for asbestos health hazards; and

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

29 Sec. 18.28.090. DEFINITIONS. In this chapter

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

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

6 (3) "asbestos product" means a product that produces air-
7 borne asbestos.

8 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).