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Referred: Labor & Commerce  
and Finance

Original sponsors: Gruenberg, Goll,  
Davis, et al

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (HESS)

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 a program for the abatement of  
7 asbestos health hazards in public schools and the  
8 University of Alaska; and providing for an effective  
9 date."

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

11 \* Section 1. AS 14.03.030 is amended to read:

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

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

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

22 (3) a school board may adopt a school term of not less than  
23 150 days for a school if the commissioner finds that

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

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

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

1           CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

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

7           (1) demolition, removal, encapsulation, salvage, repair,  
8 transportation, disposal, storage, and containment of asbestos prod-  
9 ucts;

10          (2) construction, alteration, repair, maintenance, or  
11 renovation that will cause asbestos fibers to become airborne.

12          Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to  
13 eliminate asbestos health hazards from public schools and from the  
14 University of Alaska the Department of Labor shall

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

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

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

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

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

1 hazards;

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

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

8 (8) oversee an employee certification program;

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

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

14 (11) assist the University of Alaska in its efforts to abate  
15 asbestos health hazards; and

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

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

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

26 (2) review certification programs proposed by contractors,  
27 labor organizations, public and private vocational training programs,  
28 and others for persons who will be employed to abate asbestos health  
29 hazards in a public school or the University of Alaska;

1           (3) approve proposed certification programs that meet the  
2 department's guidelines under this subsection;

3           (4) assist in meeting the certification guidelines those  
4 whose certification program proposals have been found unacceptable.

5           (b) Before a contractor may undertake to abate an asbestos-  
6 related health hazard in a public school or the University of Alaska,  
7 the contractor shall

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

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

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

15           (c) A person may not be employed to abate an asbestos health  
16 hazard in a public school or the University of Alaska unless that  
17 person has been certified in a program approved by the Department of  
18 Labor under (a) of this section.

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

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

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

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

29           (1) cooperate with the Department of Labor, school

1 districts, and regional educational attendance areas to ensure in-  
2 spection of schools in the state for asbestos health hazards and to  
3 ensure that identified asbestos health hazards are abated;

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

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

9 (4) distribute available money as necessary to abate asbes-  
10 tos health hazards in public schools and reimburse school districts  
11 and regional educational attendance areas for asbestos hazard abate-  
12 ment work undertaken on or after January 1, 1985, with other than  
13 federal or state funds;

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

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

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

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

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

28 (4) either

29 (A) contract for the inspection of its school

1 buildings in compliance with Environmental Protection Agency  
2 Asbestos Regulations (40 C.F.R. Part 763) and in accordance with  
3 guidelines established by the Department of Labor; or

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

8 (5) contract for renovating school buildings to abate  
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 Sec. 18.28.060. REPAYMENT OF GRANT FUNDS. A school district or  
13 regional educational attendance area that receives a state grant for  
14 the abatement of asbestos health hazards in schools shall repay the  
15 grant from any money the district or the Regional Educational Atten-  
16 dance Area recovers from asbestos manufacturers or other parties in a  
17 claim for damages arising from the use of asbestos in a school.  
18 Repayment shall be made after deducting legal fees and other costs  
19 associated with the claim for damages.

20 Sec. 18.28.090. DEFINITIONS. In this chapter

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

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

26 (3) "asbestos product" means a product that produces air-  
27 borne asbestos.

28 \* Sec. 3. This Act does not apply to asbestos abatement work underway  
29 on October 1, 1985.

1 \* Sec. 4. This Act takes effect October 1, 1985.