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Original sponsors: Gruenberg, Goll,  
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1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (L&C)

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; providing for certification of  
9 asbestos workers; and providing for an effective  
10 date."

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

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

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

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

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

23 (3) a school board may adopt a school term of not less than  
24 150 days for a school if the commissioner finds that

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

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

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

2 CHAPTER 28. ASBESTOS.

3 ARTICLE 1. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

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

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

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

14 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to  
15 abate asbestos health hazards from public schools and from the Univer-  
16 sity of Alaska the Department of Labor shall

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

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

25 (3) establish guidelines, in conformity with Environmental  
26 Protection Agency asbestos regulations (40 C.F.R. Part 763), for  
27 abating asbestos health hazards, for inspecting and collecting samples  
28 of suspected asbestos, and for analyzing the samples;

29 (4) evaluate analysis results and distribute the results to

- 1 affected schools;
- 2 (5) coordinate efforts by state departments and agencies  
3 and by school officials to identify and abate asbestos health hazards;
- 4 (6) cooperate with the Department of Education to adminis-  
5 ter state money appropriated for the asbestos health hazard abatement  
6 program;
- 7 (7) establish classifications of asbestos health hazards  
8 according to the severity of the hazard and determine on the basis of  
9 those classifications the order in which abatement projects should  
10 proceed;
- 11 (8) review and approve all asbestos health hazard abatement  
12 projects relating to respirator use and employee training, including  
13 training materials;
- 14 (9) oversee an employee certification program;
- 15 (10) establish guidelines and procedures to prevent damage  
16 to asbestos products in daily operations;
- 17 (11) whenever the department is informed of scheduled work  
18 to abate an asbestos health hazard, inform the contractors and other  
19 concerned persons of the health hazards of asbestos;
- 20 (12) assist the University of Alaska in its efforts to abate  
21 asbestos health hazards; and
- 22 (13) adopt regulations necessary to implement the provisions  
23 of this chapter.

24 Sec. 18.28.030. DUTIES OF THE DEPARTMENT OF EDUCATION. To  
25 assist in implementing the asbestos health hazard abatement program,  
26 the Department of Education shall

- 27 (1) cooperate with the Department of Labor, school dis-  
28 tricts, and regional educational attendance areas to ensure inspection  
29 of public schools for asbestos health hazards and to ensure that

1 identified asbestos health hazards are abated;

2 (2) maintain records, files, and reports on asbestos health  
3 hazards in public schools;

4 (3) administer state money appropriated to finance reno-  
5 vation contracts under AS 18.28.040(5);

6 (4) in accordance with priorities established by the Depart-  
7 ment of Labor under AS 18.28.020(7), distribute grants to school  
8 districts and regional educational attendance areas for the abatement  
9 of health hazards in public schools;

10 (5) reimburse school districts and regional educational  
11 attendance areas for asbestos health hazard abatement work undertaken  
12 on or after January 1, 1985, with other than federal or state funds;-  
13 and

14 (6) inform the Department of Labor when renovation con-  
15 tracts are awarded under AS 18.28.040(5), to enable the Department of  
16 Labor to advise contractors and other concerned persons of the health  
17 hazards of asbestos that may be encountered in the renovation project.

18 Sec. 18.28.040. 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 and under the  
4 supervision of the Department of Labor; or

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

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

13 Sec. 18.28.050. REPAYMENT OF GRANT FUNDS. A school district or  
14 regional educational attendance area that receives a state grant for  
15 the abatement of asbestos health hazards in schools shall repay the  
16 grant from any money the district or the regional educational atten-  
17 dance area recovers from asbestos manufacturers or other parties in a  
18 claim for damages arising from the use of asbestos in a school.  
19 Repayment shall be made after deducting legal fees and other costs  
20 associated with the claim for damages.

21 ARTICLE 2. CERTIFICATION OF ASBESTOS WORKERS.

22 Sec. 18.28.200. CERTIFICATION PROGRAMS. (a) The Department of  
23 Labor shall

24 (1) establish guidelines for employee training certifica-  
25 tion programs, including respiratory and competency tests to be com-  
26 pleted successfully, to ensure that a person who is employed to work  
27 with asbestos is trained to do the work safely and is informed about  
28 the danger of working with asbestos;

29 (2) review certification programs proposed by contractors,

1 labor organizations, public and private vocational training programs,  
2 and others for persons who will be employed to work with asbestos;

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

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

7 (b) Before a contractor may undertake work involving asbestos,  
8 the contractor shall

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

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

13 (3) certify that each person who will work with asbestos is  
14 adequately trained to handle asbestos in a safe and knowledgeable way.

15 (c) A person may not be employed to work with asbestos unless  
16 the person has been certified in a program approved by the Department  
17 of Labor under (a) of this section.

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

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

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

25 ARTICLE 3. MISCELLANEOUS PROVISIONS.

26 Sec. 18.28.500. DEFINITIONS. In this chapter

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

29 (2) "asbestos health hazard" means the presence of material

1 containing asbestos that carries a risk of releasing asbestos fibers  
2 into the atmosphere;

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

5 \* Sec. 3. This Act does not apply to work involving asbestos or the  
6 abatement of asbestos health hazards underway on October 1, 1985.

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