

Offered: 3/25/85
Referred: Rules

Original sponsors: Gruenberg, Goll,
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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (Finance) am
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; and

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

14 Sec. 18.28.040. DUTIES OF SCHOOL OFFICIALS. To assist in imple-
15 menting the asbestos health hazard abatement program, each city or
16 borough school district and each regional educational attendance area
17 shall

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

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

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

24 (4) either

25 (A) contract for the inspection of its school build-
26 ings in compliance with Environmental Protection Agency asbestos
27 regulations (40 C.F.R. Part 763) and in accordance with guide-
28 lines established by the Department of Labor and under the super-
29 vision of the Department of Labor; or

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

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

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

17 ARTICLE 2. CERTIFICATION OF ASBESTOS WORKERS.

18 Sec. 18.28.200. 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 is trained to do the work safely and is in-
24 formed about the danger of working with asbestos;

25 (2) review certification programs proposed by contractors,
26 labor organizations, public and private vocational training programs,
27 and others for persons who will be employed to abate asbestos health
28 hazards;

29 (3) approve proposed certification programs that meet the

1 department's guidelines under this subsection;

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

4 (b) Before a contractor may undertake work to abate an asbestos
5 related health hazard, the contractor shall

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

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

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

13 (c) A person may not be employed to abate an asbestos health
14 hazard unless the person has been certified in a program approved by
15 the Department of Labor under (a) of this section.

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

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

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

23 ARTICLE 3. MISCELLANEOUS PROVISIONS.

24 Sec. 18.28.500. DEFINITIONS. In this chapter

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

27 (2) "asbestos health hazard" means the presence of material
28 containing asbestos that carries a risk of releasing asbestos fibers
29 into the atmosphere;

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

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

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