

COMMITTEE REPORT
SENATE

4/18/85

FURTHER:

Date 5/10/85

Mr. President

The Committee on FINANCE considered CSSSHB 5(Fin) an establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

Rich Hildner

W. L. ...

J. ...

Chairman

Chairman recommendation

Offered: 3/25/85
Referred: Rules

Original sponsors: Gruenberg, Goll,
Davis, et al

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.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

FISCAL DETAIL

Bill/Resolution No.: CSSSHB 5 (Fin) Agency Affected: Labor
 Title: Establishing an asbestos health hazard abatement Program Category Affected: Public Protection
 Sponsor: Rep. Gruenberg BRU, Program or Subprogram(s) Affected: Occupational Safety and Health
 Requestor: _____
 Date of Request: 3/21/85

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		70.7	28.3	29.4	30.4	31.4
200 TRAVEL		9.0	-0-	-0-	-0-	-0-
300 CONTRACTUAL		151.7	44.0	7.0	3.0	3.2
400 SUPPLIES		3.2	1.0	1.0	1.1	1.1
500 EQUIPMENT		14.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		248.6	73.3	37.4	34.5	35.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	188.6	73.3	37.4	34.5	35.7
FEDERAL FUNDS	60.0				
OTHER					
TOTAL					

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY		1				

ANALYSIS: Attach a separate page if necessary

The certification program will need 1 temporary industrial hygienist for 10 months to establish the program and a full-time clerk typist to handle the correspondence about the asbestos program. The school survey program will be handled by contract employees over a two year period.

Prepared By: Al Adams - Chairman Phone: 465-3706
 Division: House Finance Committee Date: 3/21/85

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84
 LABOR

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 5
Title: ... asbestos abatement...

FISCAL DETAIL

Agency Affected: Department of Education
Program Category Affected: K-12 Support

Sponsor: Rep. Gruenberg
Requestor: House HESS
Date of Request: 1/21/85

BRU, Program or Subprogram(s) Affected: Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact.

Prepared By: James E. Tozer
Division: Management, Law and Finance

Phone: 465-2865
Date: 1/21/85

Approved by Commissioner: Harold Reynolds, Jr.
Agency: Department of Education

Date: 1/21/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Education



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

SENATE LABOR AND COMMERCE COMMITTEE LETTER OF INTENT
FOR CSSSHB 5 (FIN)am

It is the intent of the Legislature in passing CSSSHB 5(Fin)am that the terms and conditions of employment of affected school employees are not abrogated nor diminished. For employees who are members of a bargaining unit, any changes in employee working conditions caused by the plan will be addressed by a written agreement between the school board and the recognized bargaining unit.

SECTIONAL ANALYSIS

CSSSHB 5 (FIN) - An Act establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

Section 1 Allows the Commissioner of the Department of Education to designate a shorter school term, of at least 150 days, in a particular school for the sole purpose of abating an asbestos health hazard.

Section 2 18.28.010

Establishes the asbestos health hazard abatement program in the Department of Labor, applicable to public schools and the University of Alaska for all work involving asbestos products.

18.28.020

Provides that the duties of the Department of Labor are to: inspect and test for asbestos hazards in any school not in compliance with EPA regulations; establish guidelines for abatement; analyze and distribute test results; coordinate efforts of agencies and departments; establish classifications of identified hazards and make funding recommendations; review and oversee certification training programs; assist the University in abating asbestos hazards and adopt regulations.

18.28.030

Provides that the duties of the Department of Education are to: cooperate with the Department of Labor and inform them when asbestos projects are undertaken by schools; maintain records, files and reports; administer any state money appropriated for asbestos hazard abatement and distribute grants in accordance with the priority list established under 18.28.020.

18.28.040

Provides that the duties of school officials are to: maintain records and files; notify school personnel and parents of asbestos hazards; contract for inspection and testing in compliance with EPA regulations or inform the Department of Labor of their intent not to do the work so that it can be completed by the Department; contract for abatement work and monitor the work under existing worker safety laws.

18.25.050

Provides that districts shall repay any state funds received for asbestos abatement from any money recovered for damages from manufacturers or other parties after deducting costs and legal fees.

18.28.060

Provides that the duties of the Department of labor relating to employee certification programs are to: establish training program guidelines; review contractors' program proposals; approve those programs meeting their requirements and give assistance to those needing help in getting their programs approved.

Before contractors may begin an abatement project they must propose and receive approval for their training program and certify the training for each employee. A person cannot work with asbestos unless certified. Contractors who violate these provisions are liable for a civil penalty up to a \$1,000. A contractor who violates the training provisions is guilty of a class A misdemeanor, and a class B misdemeanor if a non-certified employee is hired.

18.28.500

Definitions

- Section 3 Provides that this act does not apply to projects underway on October 1, 1985.
- Section 4 Immediate effective date.

Bill No. Committee Substitute for Sponsor Substitute
for House Bill 5 (Finance) am

Date April 8, 1985

Title "An Act establishing an asbestos health
hazard abatement program."

Contact: Richard Arab
465-4856
Dr. Annette Thorn
465-2700

This bill is designed to assure safe and healthful abatement of asbestos hazards in the state, and it primarily focuses on Alaska's schools.

There is no longer any doubt that exposure to asbestos presents a serious and substantial threat to health; and the Department's understanding is that the results of recent surveys indicate that many school buildings in Alaska do contain asbestos materials.

Under the provisions of the bill, the Department of Labor would inspect school buildings to identify asbestos health hazards; classify the severity of the hazards and make recommendations as to the need for removal or encapsulation of asbestos; and certify employee training programs to assure that workers removing or encapsulating asbestos know how to do it safely.

In connection with the certification program, the Department of Labor would establish minimum requirements for asbestos abatement employee training programs, and review and approve specific training plans proposed by contractors, labor organizations, or other training persons who will be employed to abate asbestos health hazards. Contractors involved in asbestos health hazard abatement would then certify that each employee who will work on the project has been trained in accordance with the plan approved by the Department. Likewise, the bill prohibits a person from working on the abatement of asbestos health hazards unless the person has been certified in a program approved by the Department.

The certification program is essential, not only to prevent harmful exposure to workers who are required to work with materials containing asbestos, but to also assure that harmful exposures do not occur to school children and other building occupants as a result of removal or encapsulation work.

The Department supports Committee Substitute for Sponsor Substitute for House Bill 5 (Finance) am. The Department's fiscal note is attached.

APPROVED:



Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

Asbestos Abatement Fact Finding Committee

I Introduction

Commissioner Robison to satisfy many petitions to approve asbestos abatement training programs, such as described by the following excerpt from a "Request for Proposals" by the Municipality of Anchorage:

"Contractor shall provide notarized certification by name and social security (number) certifying that all employees involved in asbestos removal have been thoroughly instructed through an Asbestos Removal Training Program as approved by the State of Alaska Department of Labor in the hazards of exposure to asbestos fibers; proper care and use of protective clothing; decontamination procedures and all other conditions and requirements as reviewed under relevant DOSH, EPA, and OSHA standards."

and a response by the purchasing officer to the members of the request for proposal evaluating committee to wit: That eight of the nine proposers offered training programs of varying scope and strength. "Notwithstanding inferences to the contrary, no federal, state, or municipal guidelines exist against which specific training programs can be objectively evaluated. Absent such guidelines, the adequacy of individual programs remain in question."

The Commissioner recognizing the need as identified above and his responsibility to lead the way in this critical area of worker safety and health, appointed our industry (government, labor and management) task force to act as a fact finding committee for asbestos abatement and related problems.

The committee represents all aspects of this industry with over 125 years combined experience in asbestos-related work.

The committee includes:

1. Chair, Ambrose Bittner - State Director
U.S. Department of Labor - Bureau of Apprenticeship and Training; Member, Alaska Safety Advisory Council
2. Co-Chair, Ron Cunningham - Safety and Health Director
Alaska General Construction Company
Member AGC Safety Committee
3. Ray Jorgensen - Chief of Industrial Health Compliance
Alaska Department of Labor, Division of Labor Standards and Safety, Occupational Safety and Health Section

4. Dan Middaugh - Member Asbestos Workers Local 97
Joint Apprenticeship and Training Committee
Asbestos Abatement Instructor
President, Board of Directors, Alaska Health Project
5. Leonard Limtiaco - Occupational Safety & Health Manager
U.S. Department of Labor, Occupational Safety and
Health Administration
6. Joe Churchill - Manager
E. J. Bartell Company
Secretary - Asbestos Workers Joint Apprenticeship and
Training Committee
President, Alaska Chapter, Western Insulation
Contractors Association
Secretary-Treasurer - Western Insulation Contractors
Association
7. Les Lauinger - Training Director
AGC - Laborers Training Trust
Instructor - Asbestos Abatement
8. Nancy Cannington - Special Assistant to the Commissioner
Executive Assistant - Alaska Safety Advisory Council

The Committee in its collective wisdom did not attempt to reinvent a wheel, but rather outline and describe existing practices and procedures. The committee report outlines procedures and programs to deal with the safety and health concerns of those involved in an asbestos abatement project.

Our report follows.

II Scope

This report is intended to describe recommended rules which are in existence and to establish minimum content for an acceptable training program, provide for certification of trainers, recognition of trainers, and to establish the requirements for a presurvey and provide disposal procedures while performing demolition, removal, enclosure, remodeling and disposal of asbestos contaminated materials.

III Asbestos Abatement Safety and Health Standards, Rules and Regulations

A. Agencies

There are many regulations that must be followed to implement an effective asbestos abatement program. There are, for the most part, four agencies that are responsible for administering asbestos related regulation:

1. U.S. Environmental Protection Agency (EPA)
2. Alaska Department of Environmental Conservation (DEC)
3. U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)
4. Alaska Department of Labor, Labor Standards and Safety Division, Occupational Safety and Health Section (DOSHS)

B. Regulations

EPA and DEC regulation covers non-work related exposures, transportation and disposal of asbestos containing material. Municipalities have set up procedures and areas for the disposal sites. Virtually all of the OSHA regulations are mirrored by DOSHS regulation. The State Department of Labor has enforcement jurisdiction at most places of employment in Alaska (exceptions are navigable water ways and federal/military employees). The regulations and/or industry standards are:

1. EPA 40 CFR Part 61 Subpart M

The Environmental Protection Agency's 40 CFR Part 61 is the national emission standard for hazardous air pollutants. Subpart M is the national emission standard for asbestos.

2. Occupational Safety and Health Standards Subchapter 4, Article 1, Occupational Health and Environmental Control (OH & EC)

Occupational Safety and Health Standards Subchapter 4, Article 1, Occupational Health and Environmental Control (OH & EC) Section 04.0102 specifically lists the requirements to abate exposure to asbestos. It defines the permissible exposure to airborne concentrations of asbestos fibers, methods of compliance, monitoring and medical records.

3. Occupational Safety and Health Standards
Subchapter/General Safety and Health Code (GSC)
Articles/Section 01.0101 to Article 15

Occupational Safety and Health Standards
Subchapter/General Health Safety Code Articles/
Section 01.0101 to Article 15.15.0101(j)(14)
lists the requirements for establishing an
accident prevention program, work platforms,
hazardous materials and operations, personal
protective equipment including respiratory pro-
tection, medical and first aid, fire protection,
etcetera on to hazard communication (the right to
know and be informed of hazardous substances in
the work places).

4. 30 CFR Part II (37F.R. 6244, Mar. 25, 1972)

Provides for the approval of respirators by NIOSH.

5. Alaska Statutes (AS) Section 18.60.010-18.60.105

Alaska Statutes Secs. 18.60.010-18.60.105 Alaska
Department of Labor, Division of Labor Standards and
Safety "Prevention of Accident and Health Hazards".
This statute lists the duties of the Department
of Labor. Some of the duties described enable the
Department of Labor to (a) plan and execute
safety programs, including educational campaigns,
(b) establish and enforce occupational safety and
health standards, (c) participate in occupational
safety and health programs, and (d) assist employers
to identify and obtain information on toxic and
hazardous substances and develop employee education
programs.

6. Alaska Administrative Code (AAC) Title 8 8AAC60.010-
8AAC 80.010.

Alaska Administrative Code Title 8 8AAC60.010-
8AAC80.010 Alaska Department of Labor Division of
Labor Standards and Safety charge the division
with the responsibility and the authority to:

- a. Enforce all laws and lawful orders requiring
work and work places to be safe and healthful;
- b. Investigate disabling or fatal occupational
injuries and illnesses;
- c. Develop occupational safety and health standards
which, after adoption, have the affect of law
and,

- d. Establish special orders, or rules and regulations, to cover a specific place of employment or process or work.

Section 8 AAC 61.270 provides for the access to records of employee's past or present exposure to toxic substances or harmful physical agents and job duties or working conditions by the Department of Labor and employees or their representatives.

7. American National Standards (ANSI) 288.2-1969 and 1980 are adopted by reference in the GSC and OH & EC.

American National Standards 288.2 - 1969 and 1980 cover the use of respiratory protection.

288.2 - 1980 section 7.2 requires the respirator issuer and wearer be given adequate training by a qualified person and describes training subjects (topics).

288.2 - 1969 section 7.4 requires the supervisors and workers be so instructed by competent persons and lists minimum training (topics).

American National Standards 29.2 - 1971 addresses the design and operation of local exhaust systems required to control exposure to asbestos.

In addition to enforced regulations, the agencies have enforcement policies and regulation interpretations that affect the owner/operator, contractor/employer, and worker/employee of asbestos abatement/compliance programs.

IV Asbestos Abatement Project Responsibilities

A review of the standards and regulations in Section III of this report revealed a need for the assignment of specific responsibilities of owners/operators, contractors/employers and workers/employees prior to the initiation or commencement of work on any asbestos abatement project. Therefore, this Fact Finding Committee has determined that specific responsibilities be assigned:

A. Owners/Operators

1. Ensure that a survey is conducted to identify the presence of asbestos materials and the actual location of these materials prior to the preparation of bid specifications for the abatement project.

2. Include in the bid specifications the designated disposal site and methods/procedures for disposal.
3. Provide in the bid specifications the requirements for inspection and monitoring of the work performance during the abatement project.

B. Contractor/Employer

1. Provide a skilled workforce of qualified workers who have received safety and health training prior to commencement of any asbestos abatement work.
2. Provide adequate material and equipment to safely perform the asbestos abatement project such as: approved respirators, personal protective equipment and clothing, work clothing change rooms, disposal packaging materials and monitoring equipment. (Reference - Attachment 1)
3. Ensure that trainers/instructors and supervisors are familiar with Safety and Health Rules and Regulations and Environmental Protection Agency Standards.
4. Provide a written training program for workers and maintain documentation of the completed training of each worker.

C. Workers/Employees

1. Be familiar with and abide by Safety and Health requirements and procedures when working with asbestos materials.
2. Be familiar with personal protective equipment and ensure that equipment and protective clothing are used and worn when working with asbestos materials.

V Recommended Procedures for Abatement Projects

In Alaska, the magnitude of the asbestos problem is just now being uncovered. Recently, many of our schools, military structures, and other public and private buildings have been found to contain asbestos. Legislation has been introduced this year to determine in more detail the extent of the asbestos problem in Alaska. At issue is the actual and potential dangers from "intermittent" asbestos exposure Alaskan construction workers face as they remodel and/or demolish these structures. In order to combat this problem and prevent future unsuspected asbestos exposure to Alaskan

workers, a proper survey of any building and plant prior to remodel or demolition is the most important first step.

Such a survey would check all materials in a building or plant that are known to possibly contain asbestos. Materials found to contain asbestos would then be charted as to type and amount (percentage) of asbestos present. This would allow the survey personnel to recommend removal/handling techniques to keep exposure at a minimum. (Reference Attachment 2)

A. Owner/Operator

1. Have survey performed by appropriate agency. (Reference Attachment 3)

Only properly trained personnel should pre-survey remodel/demolition operations for asbestos-bearing materials. Survey personnel must be familiar with building construction, as well as be acquainted with all materials that may contain asbestos. Such persons should be capable of locating the suspect materials, collecting bulk samples, checking the samples and following them through the lab procedure and making recommendation on how to handle these materials during demolition/remodel.

The training of survey technicians is very important. These persons are the key in preventing unnecessary exposure to asbestos. Survey personnel must be proficient in self protection, removal, encapsulation, monitoring, lab techniques, basic building construction and identification of asbestos bearing materials.

2. Disposal Site

It is recommended that each owner/operator be required to identify, in the bid specifications of all asbestos abatement projects, the location of the disposal site and provide disposal procedures to include as a minimum : (Reference Attachment 3)

- a. The geographical area or locale which the disposal facility will accept materials from.
- b. The time and dates that the facility will accept asbestos materials for disposal.
- c. Procedures for making arrangements for disposal to include contact points and telephone numbers.

- d. Procedures for packaging, transporting, labeling and processing of the materials for acceptance at the disposal facility.
3. Specifications for Worker Safety-Health and Environmental Concerns.

The following general specifications are recommended for demolition, removal, disposal, enclosure and remodeling of asbestos abatement projects. If these recommended specifications are incorporated into contracts and strictly enforced, the exposure of asbestos to both public and employees will avoid unsafe and unhealthful exposures. Contractors must receive training and must train their workers in safe work practices. Owners/operators of buildings must identify projects with asbestos contained materials prior to issuance of bids. (Reference Attachment 4)

- a. Regulations

Contractors shall comply with the requirements of the EPA regulations, OSHA regulations on asbestos, and any applicable State and Local Government regulations which are incorporated by reference.

- b. Scope of Work

1. The contractor shall furnish all labor, materials, services, insurance, and equipment necessary to carry out the operation in accordance with the EPA and OSHA regulations (and any applicable State and Local Government regulations).
2. The contractor shall be responsible for obtaining approval for a waste disposal site in compliance with section 61.25 of the EPA regulations.
3. Contractors shall post the EPA, OSHA, State DOSH and any applicable Local Government regulations at the job site.

- c. Workers Protection (any and all personnel entering contaminated area)

1. The contractor shall provide workers with approved respirators as determined by the exposure level (filtration or air supplied) as applicable. The contractor shall provide a sufficient quantity of filters approved for asbestos so that workers can change filters

during the work day. Filters shall not be used any longer than one (1) work day. The respirator filters shall be stored at the job site in the change room and shall be totally protected from exposure to asbestos prior to their use.

2. Workers shall always wear a respirator properly fitted on the face in the work area.
3. Contractors shall instruct and train workers in proper respirator use.
4. Workers shall wear disposable, full-body coveralls and disposable head and foot wear in the work area. Footwear may be disposable. Non-disposable footwear shall be left in the work area at all times until disposal at job completion.
5. The contractor shall set up a decontamination facility to include a shower outside of the work area. (Example: Reference Attachment 5)
6. All workers without exception shall:
 - a. Remove street clothes in the change room and put on the disposable coveralls and head covers and respirator before entering the work area.
 - b. Remove the disposable coveralls, head covers and footwear in the work area before leaving the work area. Still wearing their respirators, proceed to the showers and remove their respirators while showering with soap and water.
 - c. Shower at the end of each day's work before entering the change room to change into street clothes.
7. Workers shall not eat, drink, smoke, chew gum, or chew tobacco in the work area. To eat, drink or smoke, workers shall remove the disposable work clothes and footwear in the work area before leaving the work area. Still wearing their respirators, workers shall proceed to the showers and remove respirators while showering with soap and water. Workmen shall then dress into new, clean, disposable coverall to eat, smoke, or drink. The new coverall can be worn to reenter the work area.

8. The contractor shall provide a respirator and disposable coveralls, head cover, and footwear to any official representative who inspects the job site.
9. All persons entering the work area shall wear an approved respirator and disposable coveralls, head cover, and footwear.

d. Work Area Preparation

1. The Contractor shall set up a decontamination facility outside of the work area which will consist of a change room, shower area, and equipment area. (Reference Attachment 5)
2. The contractor shall isolate the work area for the duration of the work by completely sealing off all openings and fixtures in the work areas including, but not limited to, heating and ventilation ducts, doorways, corridors, windows, skylights, and lighting with plastic sheeting taped securely in place.
3. The contractor shall build double barriers of plastic sheeting at all entrances and exits to the work area so that the work area is always closed off by one barrier when workers enter or exit.
4. All floor and wall surfaces in the work area shall be covered with plastic sheeting taped securely in place to protect from water damage (or damage by sealants).
5. Before the work has begun, the contractor shall wet clean all removable items and equipment, remove them from the work area, and then return these items and equipment to the work area after the job has been completed and the area has been decontaminated.
6. The contractor shall cover all non-removable items and equipment in the work area with plastic sheeting taped securely in place.
7. After work area isolation the contractor shall take out detachable electrical heating, ventilation equipment, and other items located on the asbestos material, clean them before covering with plastic sheeting taped securely in place, and return them to their proper places after the job has been completed and the work area has been decontaminated.

8. The contractor shall remove all heating, ventilation, and air conditioning system filters, pack them in sealable plastic bags (6-mil minimum) for burial in the approved waste disposal site and replace them with new filters.
9. The contractor shall establish emergency and fire exits from the work area. Emergency procedures shall have priority.

e. Method of Removal

1. The asbestos material shall be sprayed with water containing a wetting agent to enhance penetration. A fine spray of the amended water shall be applied to reduce fiber release preceding removal of the asbestos material. The material shall be sufficiently saturated to prevent emission of airborne fibers in excess of the exposure limits prescribed in the OSHA and State regulations referenced in these specifications.
2. The asbestos material shall be removed in small sections by two-man teams on staging platforms. Before beginning the next section, the material shall be packed while still wet into sealable plastic bags (6-mil minimum) and placed into fiber or metal drums or skips for transport. Bags, drums, and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications. The outside of all containers shall be clean before leaving the work area.
3. All plastic sheeting, tape, cleaning material, clothing and all other disposable material or items used in the work area shall be packed into sealable plastic bags (6-mil minimum) and placed into metal or fiber drums or skips for transport. The drums and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications.
4. The contractor shall transport the sealed drums or skips to the approved waste disposal site. The sealed plastic bags may be dumped from the drums into the burial site unless the bags have been broken or damaged. The damaged bags shall be left in the drum and the entire contaminated drum shall be buried. Uncontaminated drums may be recycled.

5. As a highly recommended engineering control method and as an industrywide practice whenever feasible, HEPA filtered air exhaust should be used to create a negative pressure and allow for thorough cleanup.

f. Decontamination of Work Area

1. The contractor shall completely decontaminate all tools before removal from work area. The contractor shall clean all surfaces with a HEPA filtered vacuum (HEPA - High Efficiency Particulate Absolute) and/or water. (HEPA vacuums fail when used on wet material.) After cleaning the work area, the contractor shall wait 24 hours to allow for settlement of dust and then wet-clean all surfaces in the work area. After completion of wet-cleaning and when all surfaces are completely dry, the contractor shall take two air samples, minimum six hours duration each, within 48 hours and 24 hours apart. Such air samples shall be taken while activities normal to the use of the area are simulated i.e., sweeping floor, dusting counters, vacuuming with standard vacuum, air handling system functioning, or any other air disturbing activity that would normally take place in the area after takeover by owner/operator.
2. If the air samples results show that the work area has not been decontaminated, the contractor shall repeat the cleaning and air monitoring until the work area is in compliance.
3. After the work area is found to be in compliance, all entrances and exits are unsealed and the plastic sheeting, tape, and any other trash and debris is disposed of in sealable plastic bags (6-mil minimum) and buried in the approved waste disposal site.

g. Air Monitoring

1. Air monitoring shall be conducted by a certified agency/laboratory to ensure compliance with the OSHA/State DOSH regulations.
2. Air monitoring will be conducted according to the method prescribed by OSHA/State DOSH regulations.

3. Air monitoring shall be performed to provide the following samples during the period of asbestos operations.

Area to be Sampled	Minimum Number of Samples for each Work Day	Each Sample Minimum Time
Work Area	2	6 Hrs.
Personnel	Each Job Title	6 Hrs.
Outside Building	1	6 Hrs.
Outside Work Area	1	6 Hrs.

B. Contractor/Employer

1. Provide Asbestos Abatement Training Program

The Committee recommends a minimum three-day asbestos training program, as outlined in Attachment 6.

2. Provide Qualified Supervisors and Instructors

The Committee recommends the following minimum requirements:

- a. Recognize distinction between legal vs. recommended practices.
- b. Capable of reading analyses between bulk and air samples.
- c. Know requirements of OSHA, State DOSH, EPA and DEC in regards to asbestos.
- d. Knowledge of jurisdictional issues between regulatory agencies listed in item C.
- e. Knowledgeable in respirator requirements.

C. Worker/Employee

1. The employee should receive instruction pertaining to aforementioned training. (Health effects, respirator program, abatement procedures, engineering controls, waste disposal, and any applicable regulations.)
2. Follow procedures outlined in the training program.
3. Participate in on-the-job safety meetings.
4. Work with the contractor to identify and participate in any corrective actions deemed necessary.
5. Avoid shortcuts in work procedures involving safety.
6. Be a productive and safe worker by following recommended practices.

VI. Conclusions - Committee Recommendations to the Commissioner

1. Require pre-surveys for asbestos containing materials in demolition and remodeling projects. Pre-survey should be performed by competent person using a check list of prominent asbestos containing materials.
2. Identify appropriate sites and provide operational guidelines for disposal of asbestos containing materials consistent with VA2, page 7.
3. Adopt minimum training standards for asbestos abatement (Reference Attachment 6)
4. Establish instructor qualifications for Asbestos Abatement training (Reference VB2, page 8)
5. Require workers to successfully complete minimum training program prior to employment in hazardous or contaminated work areas. (Reference VC2 Page 9)

We further recommend that the Commissioner adopt certification procedures for standards of training, instructor qualifications and worker skills.

Respectfully Submitted:

Ambrose Pittier II Chairman

Ronald E. Cunningham Co-Chairman

Daniel Middaugh Member

Joseph J. Hurst III Member

Robert H. Downing Member

Lemuel P. Buntacio Member

Ceymond L. Ferguson Member

Nancy E. Cunningham Member

Offered: 3/25/85
Referred: Rules

Original sponsors: Gruenberg, Goll,
Davis, et al

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.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/2/85

Date 17 April 85

Mr. President

The Committee on Labor & Commerce considered CSSSHB 5(Fin)am establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

1 [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 [Signature] No REC
2 [Signature] No REC

1 [Signature]
Chairman
Do Pass
Chairman recommendation