

LADNA LEGISLATIVE COUNCIL FILED 1900-1900 DU / 2

14.53 HHESS HB 5

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 DCSH, 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.

<u>Area to be Sampled</u>	<u>Minimum Number of Samples for each Work Day</u>	<u>Each Sample Minimum Time</u>
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 Pittner II

Chairman

Ronald E. Cunningham

Co-Chairman

Daniel Middaugh

Member

Sept. Churchill

Member

Patricia H. Lowinger

Member

Leonardo P. Buntain

Member

Raymond J. Jensen

Member

Nancy E. Cunningham

Member

ASBESTOS ABATEMENT
EQUIPMENT MANUFACTURERS

Mention of trade names of specific products does not constitute endorsement by the committee.

1. High Efficiency Particulate Air (H.E.P.A.) Vacuum
 - a. Nilfisk
 - b. Pullman-Holt
2. Protective Clothing
 - a. Durafab
 - b. Tyviek
 - c. Best Manufacturing
3. Respirators
 - a. Filtered Face Masks
 1. HSC
 2. Norton
 3. Wilson
 - b. Self Contained Air Supplied Systems
 1. 3M
 2. Aqualung-Safety Division
 3. Scott
 - c. Grade "D" Air Supplied Systems
 1. Racal
 2. Scott
4. Negative Air Pressure Systems With H.E.P.A. Filters
 - a. Nilfisk
 - b. Pullman-Holt
5. Removal Bags
 - a. Profo
 - b. Durafab
 - c. Safe-T-Strip
6. Disposal Bags
 - a. Profo
 - b. Associated Bag
 - c. DuraFab

ASBESTOS ABATEMENT
EQUIPMENT MANUFACTURERS

7. Warning Signs
 - a. Sa-So
 - b. National Marker Co.
8. Decontamination Trailer
 - a. Mators Mobile Detox
9. Surfactant Wetting Application Sprayer
 - a. Hudson

ASBESTOS ABATEMENT
EQUIPMENT SUPPLIERS

Sahlberg Equipment Inc.
1702 Ship Ave.
Anchorage, Alaska 99501

E. J. Bartells Co.
601 Whitney Rd.
Anchorage, Alaska 99501

Reynolds Equipment Co., Inc.
1537 E 5th Ave
Anchorage, Alaska 99501

Safety and Supply Co.
901 Orca
Anchorage, Alaska 99502

EQUIPMENT NEEDED
FOR
ASBESTOS ABATEMENT

1. On Site Decontamination
 - a. Portable Trailer
 - b. Visqueen Enclosure
2. Scaffolding
3. Shower
4. H.E.P.A. Vacuum

TOOLS REQUIRED

1. Saws
2. Nippers (Wire Cutters)
3. Scissors
4. Scrapers
5. Knife and Sharpener

MATERIALS NEEDED

1. Framing Lumber
2. Visqueen Walls and Ceilings 4 Mil; Floors 6 Mil
3. Respirators
4. Protective Clothing
5. H.E.P.A Filters
6. Removal and Disposal Bags
7. Warning Signs
8. Tape

Attachment 2

ASBESTOS ABATEMENT

WHERE TO LOOK IN A BUILDING FOR ASBESTOS BEARING MATERIALS

1. Floors

Vinyls
Linoleum
Underlayment for Sheet Type Flooring

2. Ceilings

Accoustic Tiles
Sprayed/Non-Sprayed Textures
Paints

3. Outer Walls (Outside)

Sidings

4. Above Ceilings

Sprayed Fireproofing
Insulation Products - Asbestos Insulation
Asbestos Insulation Cement, i.e., Grease Ducts
Mud Fittings, Mud Seams on Air Ducts with Canvas
Covers Over Insulation

5. Walls

Drywall Seam Filler (Taping Mud)
Asbestos Wallboard (Cement Asbestos Board)
Asbestos Millboard (At Fireplaces or Around Furnaces)
Paints (Masonry or Concrete Filler Type)
Wall Texture
Felt Type Vapor Barriers (Under Drywall)
Chalkboards (Schools)
Plaster

6. Mechanical Rooms

Electrical Switchboards
Insulations on any Mechanical Appliance or Piping System
Mud Seams on Ductwork with Canvas over Insulation
Insulation on Flues
Insulation on Emergency Generator
Exhaust Systems

7. Roofs

Fire Retardant Cedar Underlayment
Shingles
Felt Type Vapor Barrier
Built-Up Roofing Membrane
Roofing Felt
Asphalt/Asbestos Roof Coatings

8. Laboratories

Furniture

Hoods/Vents for Corrosive Chemicals

Gas Vapor Ducts for Corrosive Compounds

Table Pads/Heat Protective Mats

Fire proof Draperies

9. Theaters

Curtains

Sprayed Accoustic Materials

MUNICIPALITY OF ANCHORAGE
SOLID WASTE SERVICES
OPERATIONS PROCEDURE

TITLE: ASBESTOS DISPOSAL

EFFECTIVE DATE:

1. Only asbestos generated within the Municipality will be accepted for disposal.
2. Asbestos will be accepted at the Merrill Field Landfill on a scheduled basis. (The time and dates will be established by the department.)
3. Prior arrangements, by the asbestos generator/disposer, will be made with the Processing and Disposal General Foreman before asbestos is accepted.
4. Asbestos must be transported, packaged, and marked in accordance with all federal, state, and municipal regulations. These regulations include, as a minimum:

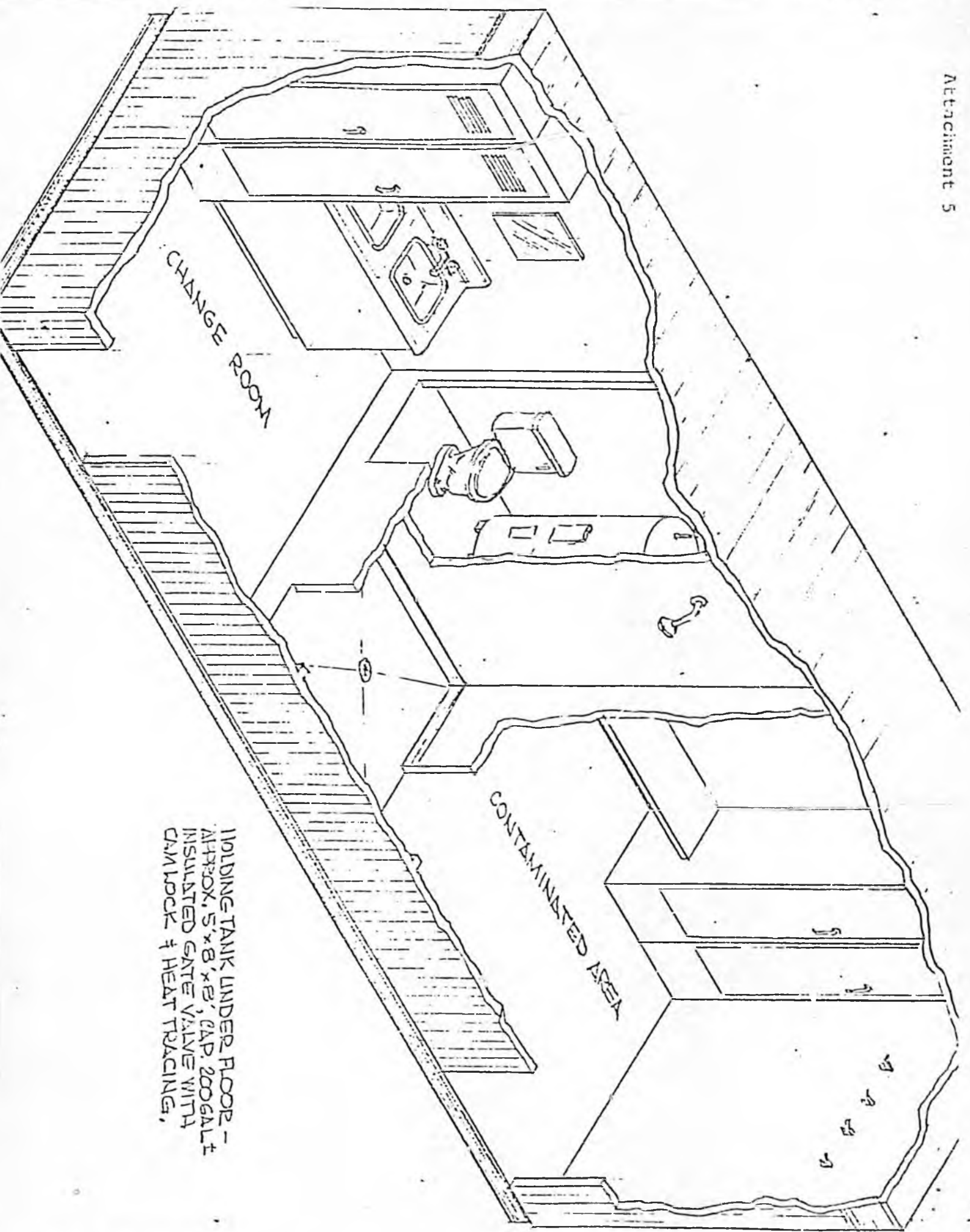
- transport in a closed vehicle
- asbestos must be thoroughly wetted and placed in a water tight container before burial. Containers may be barrels, drums, or doubled 6 mil or thicker plastic bags. All asbestos containers will display the following label:

CAUTION
CONTAINS ASBESTOS
AVOID OPENING OR BREAKING CONTAINER
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH

- all containers will be hand placed in designated area.
 - any asbestos containers determined by Solid Waste Services to be inadequate will be repackaged or removed, by the disposer, from the Merrill Field Landfill immediately.
5. All asbestos will be covered on a daily basis by at least six inches of soil.
 6. Cost for disposal of asbestos will be based on actual time and materials and will include but not be limited to equipment rental, equipment operator's time, administrative time and cover material as required.

GENERAL INSTRUCTIONS AND GUIDELINES FOR ASBESTOS REMOVAL

1. Notify proper authorities of intent to remove asbestos
2. Seal off work area, put up caution signs and build change areas and transition area.
3. If possible, have adequate "wet down" water supply available. If a pressure system is not available, provide sprayer cans.
4. Provide each employee with duplicate copies of the Asbestos Removal Instructions. Retain employee-signed copy in files.
5. Have all equipment necessary, i.e., disposable coveralls, respirators, etc., available.
6. Have air monitoring equipment in position.
7. Proceed with the removal and bagging procedure.
8. Dispose of waste. The dump area should be checked out prior to actual hauling to be sure it will accept asbestos waste.
9. Provide to each employee, by hand or mail, duplicate copies of the medical examination form. Retain employee-signed copy in files.
10. Records of all medical examinations shall be retained for the required 20 years storage.
11. Monitoring records will also be retained for the required 20 years storage.
12. Any employee found to have been exposed to airborne concentrations of asbestos fibers in excess of the limits set in paragraph (b) of the OSHA standards shall be notified in writing within five (5) days.
13. The key to a successful operation is to keep the fiber count down. This means containment of the fibers either by water or encapsulation.
14. Check local EPA or State requirements.



HOLDING TANK UNDER FLOOR -
APPROX. 5' x 8' x 2' (APP. 200 GALL)
INSULATED GATE VALVE WITH
DAMPLOCK & HEAT TRACING.

MINIMUM ASBESTOS ABATEMENT TRAINING

DAY 1

8:00 - 12:00

INTRODUCTIONS - Asbestos History
Health Affects

(Lecture, film, slides, materials,
speakers)

"More Than A Paycheck"

"A Way To A Dusty Death"

12:30 - 1:30

Federal Asbestos Standards

State Asbestos Standards

(Each Student Should Receive A Copy Of
The Current Standards And The Class
Should Go Through It In Its Entirety)

1:30 - 3:30

Respirator Protection/Standards

(Different Types, Uses, Fit Testing,
What A Respirator Program Consists Of,
Filters, Maintenance)

3:30 - 4:30

Respirator Lab

(Part Of The Class Does Fit Testing
With Different Masks)

MINIMUM ASBESTOS ABATEMENT TRAINING

DAY 2

8:00 - 12:00

Engineering Controls

(Lowering Fiber Count With Encapsulation, Negative Air Pressure, HEPA Vacuums, Decontamination Rooms, Protective Clothing, Wet Methods, House Keeping.)

12:30 - 1:30

Air Monitoring

(Instructional Film, Practical Application)

1:30 - 2:30

Work Area Preparation - Hazard Recognition

(Taping, Planning, Draw Schematic of Actual Work Site) Ask Students to Outline How They Will Proceed With This Particular Project.

2:30 - 3:30

Waste Disposal

(EPA Regulations, Labeling, Double Bagging, Land Fills)

3:30 - 4:30

Respirator Fit Testing

(Other Half of Group Doing Fit Testing With Different Masks)

MINIMUM ASBESTOS ABATEMENT TRAINING

DAY 3

8:00 - 10:00	Working With Scaffolding (Setting Up, Tearing Down, Safety Regulation, Asbestos Abatement Application)
10:00 - 12:00	Actual Work Area Preparation (Scaffold Setting, Taping, Setting Up Change Rooms)
12:30 - 2:30	Continuing Hands On Work Area Preparation (Switch Tasks, Suit Up In Asbestos Abatement Gear, Using Respirators, And Perform Work Area Preparation.)
2:30 - 3:30	Review and Give Final Test on Material Covered

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Committee Staff

DATE: February 11, 1985 Monday

SUBJECT: Overview, HB 5 & HB 57

On Monday, February 11, at 1:15 in Room 102 of the Capitol Bldg., the House Labor and Commerce Committee met on HB 5: "Asbestos Health Hazard Abatement," and HB 57: "Appropriation for Asbestos Abatement."

A good brief history of the asbestos problem is found in the HESS staff memo of January 18 in your file under HB 5, (1); and good background material is found in the immediately following series of articles taken from State Government News, beginning with the article "Asbestos: Still a Danger in Schools."

Last year, this issue received extensive coverage in both Houses: SB 373 by Josephson, (similar to HB 5) died in House HESS at the end of the session; and SB 374 by Josephson (similar to HB 57) died in Senate Finance Committee. The minutes of the House HESS hearings are included in the very back of your file under HB 5 (10).

The Sponsor Substitute for HB 5 essentially dropped out the Findings and Purposes section, and re-worded some of the phrasing to make it more readable.

The Committee Substitute for the SSSHB 5 incorporated many additional changes at the request of the HESS committee members Hanley, Koponen, and Gruenberg, and most of these were of a housekeeping variety (they are included in your file behind the CSSSHB 5). Three substantive changes the committee may wish to be aware of are: 1) the inclusion of the U. of Alaska in the program; 2) a date of January 1, 1985 as the earliest date schools can claim reimbursement, thus eliminating the claims of a few schools that did their inspections before that date; and finally 3) wording to insert public schools, so that the bill would not apply to private schools.

There is a further committee substitute that is proposed and being drafted up for consideration by the committee, and should be available for the meeting. This proposed CS for CSSSHB 5 (L & C) would incorporate the following general groups of amendments:

1) A group of amendments proposed by Don Rouleau of the Alaska District Council of Laborers that would change the asbestos certification program of the Department of Labor from being just for the schools to being a statewide program. Because of additional problems with statutory references discovered in Legislative drafting, the bill is being re-written to account for this whole certification issue.

2) A set of amendments, mostly technical, that have been proposed by the U.S. EPA in their January 30, 1985 memo (see your file).

3) A final set of amendments that would deal with the issue of directing the Department of Labor to prioritize sites into classes, in terms of which sites would be treated first, second, etc.

4) Another problem area, according to Legislative Legal Counsel, is that HB 5 does not set up a grant program enabling the Department of Education to distribute and/or reimburse schools for funds obtained for asbestos removal, including the HB 57 appropriation sources. This may have to be included in the final CS from L & C.

Because of the short notice time, some of the above material may not be present in the proposed draft Committee Substitute in time for the hearings this afternoon.

Finally, there is a separate issue here that should be considered regarding the funding of the activities under HB 5. To ensure that the certification and testing programs remain intact, it would be appropriate to consider changing the Fiscal Note from zero to \$285,000 to fund the program in HB 5, and then amend HB 57 to reduce that appropriation bill by \$285,000 (actually, by \$300,000, since it is a rounded figure), and thus eliminating section 1 of HB 57.

The EPA is starting to apply financial sanctions against schools that have not done any testing; a lot of the possible consequent fines and litigation could end up at cost to the state (particularly with REAAs). The end result is that after extensive and expensive litigation, the state would most likely have to set up a certification program anyway, so the funds for this particular program are needed.



REPLY TO
ATTN O :

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X
ALASKA OPERATIONS OFFICE
3200 HOSPITAL DRIVE
SUITE 101
JUNEAU, ALASKA 99801
February 13, 1985

Representative Navarre, Chairman
Labor and Commerce Committee
Pouch V
Juneau, AK 99811

Re: Sponsor Substitute for House Bill No. 5 and House Bill No. 57

Dear Mr. Chairman:

Enclosed is the information the House Labor and Commerce committee requested from the U.S. Environmental Protection Agency (EPA) during the public hearing (February 11, 1985) on the referenced subject.

The EPA is in the process of developing priority listing procedures for those schools requesting loan and grant dollars allocated in accordance with the Asbestos School Hazard Abatement Act (Asbestos in Schools Hazard Ranking System). We have developed the first phase of the Ranking System and distributed the information to each State's Governor or their designee (Attachment A). The second phase of the Ranking System will be used by EPA to further refine the priority lists provided by each state. We anticipate to have this phase developed by March 1985.

If I can be of any further assistance, please contact me at 586-7619.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn L. Pazera".

Kathryn L. Pazera
Environmental Protection Specialist

Enclosure

cc: Jim Robison, Environmental Health Division
Rich Arab, Division of Labor Standards & Safety

ASBESTOS IN SCHOOLS HAZARD RANKING SYSTEM

The Asbestos School Hazard Abatement Act of 1984 (ASHAA) directs the EPA to provide financial assistance to schools which have severe asbestos exposure hazards and are unable to identify or obtain financial resources for abatement projects at the local or state levels. The Act requires each State Governor seeking assistance under the Act to submit to EPA a ranking of schools within the state based on asbestos exposure hazards. EPA, within the resources provided by Congress, will assess the financial need of the schools on the State Governors' hazard ranking lists and make awards to specific schools based on the hazard ranking and financial need determinations.

To assist the Governors in developing the priority ranking based on hazard and to insure that a common approach is used by all States, EPA provides the attached Asbestos Hazard Ranking Table. EPA will be providing each state a computer program to assist them with their hazard ranking responsibilities.

The Table developed by EPA is based, in part, on the Agency's Guidance for Controlling Friable Asbestos-Containing Materials-in-Buildings. Governors will be ranking each proposed abatement project within a school according to the degree of damage of the Asbestos Containing Friable Materials (ACFM), whether the ACFM is exposed and whether the ACFM is located in an air plenum. These three characteristics of asbestos containing materials are described in the guidance document as being associated with the greatest risk to human health. It is important to note that this table is not meant to be a tool to assess the hazards of asbestos containing materials in buildings. As discussed in the above EPA guidance document, assessment of ACFM in a building requires a comprehensive analysis of many factors which results in the selection of an appropriate abatement strategy. The hazard ranking system will be used as a priority setting system for ASHAA funding decisions, and should not be viewed as a comprehensive assessment tool.

Each Loan/Grant Application that the Governors receive will contain information on the condition of the ACFM that can be used to rank sites. The specific questions which provide the relevant information are contained on page 12 of the application in Part III-School Application, Section III-Asbestos Area Description. They are:

*Question 7: Is any of the material in the area damaged?

To which the school answers "no" or "yes", and if yes, indicates the degree of damage;

*Question 8: Is the material directly exposed (e.g., not behind a barrier)?

To which the school answers "yes" or "no"; and

*Question 13: Is the material located in an air plenum?

To which the school answers "yes" or "no".

Based upon the response to these questions, the Governors rank abatement projects given the ranking scheme outlined in the Asbestos Hazard Ranking Table. There are seven categories of hazard, with the most hazardous being associated with ACFM that is badly damaged, exposed and not located in an air plenum. The Agency has determined that by definition, if ACFM is in an air plenum, it is not exposed. Therefore, the combination of material that is both exposed and in an air plenum does not appear in the Table. Also because the presence of debris is highly correlated with damage, the Agency has not placed this factor on the table, although it is an indicator of a potentially hazardous situation in a building.

The table places damaged ACFM above undamaged ACFM and stratifies damaged ACFM based on the extent of damage. ACFM which is in an air plenum is of concern given the potential for transport through the building's air handling system.

The Governors will prepare and submit the six group lists to EPA. It should be noted that it is possible for an individual school with multiple projects to have more than one entry in a single category or to have entries in different categories.

For each state, the EPA will further rank each group beginning with category 1, based on additional information in the application regarding building occupant exposure to the material and/or cost effectiveness of the abatement project. Financial need of the local educational agency will be considered when determining the amount of assistance to be awarded each school.

Asbestos Hazard Ranking Table

<u>GROUP</u>	<u>CONDITION</u>	<u>EXPOSURE</u>		<u>AIR PLENUM</u>
I	Badly Damaged	+	Exposed	+ No Plenum
	Badly Damaged	+	Not Exposed	+ Air Plenum
II	Moderately Damaged	+	Exposed	+ No Plenum
	Moderately Damaged	+	Not Exposed	+ Air Plenum
III	Minor Damage	+	Exposed	+ No Plenum
	Minor Damage	+	Not Exposed	+ Air Plenum
IV	Badly Damaged	+	Not Exposed	+ No Plenum
	Moderately Damaged	+	Not Exposed	+ No Plenum
	Minor Damage	+	Not Exposed	+ No Plenum
V	No Damage	+	Exposed	+ No Plenum
	No Damage	+	Not Exposed	+ Air Plenum
VI	No Damage	+	Not Exposed	+ No Plenum

COMPLETE A SEPARATE SECTION III FOR EACH HOMOGENEOUS AREA (SEE INSTRUCTIONS)
OF ASBESTOS-CONTAINING MATERIAL TO BE ABATED

SECTION III - ASBESTOS AREA DESCRIPTION

1. What is/are the uses of the rooms (i.e., classroom(s), gymnasium, band room, hallway(s)); list separately by use	2. What is the location of the material to be abated (i.e., wall, ceiling, ceiling tile, etc.)?	3. What is the number of person hours exposed to this area in a week?			Group # _____
USES OF AREA	LOCATION OF MATERIAL	STUDENT HOURS	EMPLOYEE HOURS	OTHER HOURS	
4. How many square feet of material are to be abated in this area?	5. Which abatement method is to be used in this area? (CIRCLE ONE LETTER) A. Removal C. Encapsulation B. Enclosure D. Special maintenance	6. What is the total cost (include the cost of replacement if material is removed) for this homogeneous area? \$ _____			

7. Is any of the material in the area damaged (attach photos):

	NO	YES		SEVERE	MODERATE	MINOR
A. Flaking, cracked, deteriorated, delaminating?	<input type="checkbox"/>	<input type="checkbox"/>	} — CHECK ONE —>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Is there water-damage?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Has debris been found on horizontal surfaces?	<input type="checkbox"/>	<input type="checkbox"/>				

8. Is the material directly exposed (e.g., not behind a barrier)? YES NO

9. Is the material accessible? YES NO

A. Can it be disturbed or damaged by:

1. Students	YES	NO
2. Routine custodial tasks	<input type="checkbox"/>	<input type="checkbox"/>
3. Other (Specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

10. Is the material friable? If Yes, circle one: (See Instructions)

A. Low friability	<input type="checkbox"/>
B. Moderate friability	<input type="checkbox"/>
C. High friability	<input type="checkbox"/>

11. What is the average thickness of the material (in inches)? _____ INCHES

12. What is the ceiling height (in feet)? _____ FEET

13. Is the material located in an air plenum? YES NO

14. Is air erosion evident? YES NO

15. Is there a coating (encapsulant or paint) present? YES NO

16. Type of Asbestos	Percent of Asbestos				
	Bulk Sample				
	1	2	3	4	5
Chrysotile					
Amosite					
Crocidolite					
Other (specify) _____					

16a. _____ LABORATORY _____ DATE _____

17. Is the material in this area (check one)

Sprayed on	<input type="checkbox"/>
Trowelled on	<input type="checkbox"/>
Pipe/boller wrap	<input type="checkbox"/>
Other (specify) _____	

18. What is or was the process by which public comment was sought on this abatement project?
Mail _____ Newspaper _____ Public meeting _____ Other (specify) _____

19. Describe the planned abatement project for this area and explain the basis of selection of this particular approach (See Instructions).

SSHB 5 QUESTIONS

1. Since the scope of asbestos abatement certification includes school district personnel, how much will it cost the Department of Education to train their personnel in the fifty five school districts?
2. Where will this training take place? At the respective school? Or at a central Location? What are the travel costs?
3. What are the training guidelines?
4. Will the training take one day? seven days? thirty days?
5. Who will teach the instructor/trainers?
How many are needed for the state?
How long will this course be?
How many times a year will this course be conducted?
6. What will be the review period time frame for Department of Labor to certify an:
 - owner program?
 - employee program?
 - employee organization program?
7. What is the cost of training an employee?
What is the cost of training an owner?
What is the cost of training an instructor/trainer?
8. If asbestos abatement work cannot commence unless an individual is certified, what happens in an emergency (i.e., boiler malfunction in a school's mechanical room on a cold day) and there is not a certified maintenance person?
9. What are the guideline requirements?
10. Who will certify the transporters of asbestos debris?
11. Who will certify the landfill operator?

SSHB 5 QUESTIONS

Page Two

12. Do all of the states landfills have an asbestos disposal policy?
13. Do all landfills accept asbestos?
14. What storage certification guidelines are proposed?
New products?
Old products?
What level is considered certifiable?
15. Department of Labor, in its Position Paper, suggests that the Environmental Protection Agency surveys were not conducted by a qualified person. Will they re-survey all of the previous Environmental Protection Agency surveys? What will be the cost?
16. There is a considerable amount of duplication of the current Environmental Protection Agency School Asbestos Removal Requirements and the SSHB 5's Department of Labor requirements? What is the purpose of this duplication? What is Environmental Protection Agency's position on the duplicity?

1. The bill requires the training and certification of employees. It also requires the employers have a certified training program for their employees but, who is going to train the employers on how to train their employees?
2. Who is going to teach these courses for the employees and employers?
3. Who in the State is certified to train employees and employers?
4. Who is responsible for identifying abestos in schools?
 - A. BIA Schools -
 - B. Local Schools
 - C. Private Schools
5. The bill mentions city and borough schools and regional educational attendance area schools; Does this mean that there is no abestos at the Community Colleges, University of Alaska, Career Centers Vocational Educational facilities, private schools and Universities?
6. Who is responsible for identifying abestos in state, local and private buildings?
7. If the owner (state or local government) of a building is unable to identify that abestos exist or does not know it is there; upon the start up of the job the contractor discovers abestos, will the job have to be stopped while the employer and employees are trained and certified?
8. Who is responsible to assure that abestos is properly disposed of?
9. Are all of the land fill sites familar with disposal regulations? Are all land fills accepting abestos?
10. What is the purpose of the Certification program?
11. What are the certification requirements? If response is we do not have any at this time: Follow-up:
 - How long will it take the Department of Labor to develop the certification program and regulations?
 - Who will develop the program and regulations and what is their experience in developing such programs and regulations?
 - Will the Department have to contract out to a firm to develop the program? And how long will this take?
12. If there is an abatement project going on and this bill passes with an immediate effective date: Will the Department stop the job until it can develop regulations and certification program and employees and employers are trained and certified?
13. Page 3, line 16 requires respirator test: What kind of test is being anticipated? If the use of a machine: What is the cost of the machine and who will pay for it?
14. What kind of training program is going to be required for land fill employees and employers.
15. What kind of training program is going to be required for the transportation industry employers and employees?

16. At what level of abestos exposure will require the traning and certification? Number of fibers in the air? What if the material is entact and not releasing fibers into the air, such as replacing vinyl asbestos floor tile.
17. Alot of times abestos insulation around pipes in boiler rooms at schools is removed by the city maintenance crew, are these people going to have to be trained and certified for a one time project. What about state maintenance crews removing abestos from state buildings.
18. How are the people in the bush communities going to become trained? Travel to Anchorage? Travel to Fairbanks?
19. What is the cost for cities, contractors, employee groups to implement the program?
20. Does the Department of Labor have sufficient personnel to monitor for compliance the various abatement projects in urban and bush communities? How much is thier travel budget to go to bush communities?
21. What happens in an emergency situation. The pipes at a school, which are insulated with abestos, freeze; the city maintenance crew or in a small community that has only one or two construction firms, none of which are certified; will the school district have to wait for these people to become certified? - take a training course, establish a training program and become certified by the Department of Labor - How long will this take?
22. How long, from date of submission of a certification program to approval by the Department of Labor?
23. In the fiscal note, FY 86 has two hygienist and one Clerk typist III. One of the hygienist will survey approximately 40 buildings and evaluate the certification program, the other hygieniest will survey 30 buildings and assist in evaluating the employer certification program and the typist will provide support for the evaluation of employer and employee training certification program. With the hygienist out surveying the schools; is this really enough personnel to do proper job? Or will the Clerk typist be the person really approving the various employer and employee training certification programs?
24. In the fiscal note, FY 87 has one hygienist and one clerk typist III. Does the Department anticipate that all of the abestos abatement projects will be completed by that time? Or that just a few will be going on?
25. In the fiscal note, FY 88, FY-89, FY 90 list no funding for this program. Is the Department assuming that all abestos, in all public buildings, will have been taken care of? Or that all contractors have a certified program in place? What about newly discovered abestos, what about a contractor wanting to branch out and get into the business of abestos abatment? There is no funds for those years does this mean that we will have an exclusive club of abestos abatement contractors that were certified during FY 86 and FY 87?

26. During the hearing January 22, 1985 there was no testimony from the Department of Education. What is their position on the certification program?

27. At the present time the Department of Transportation has out for bid the Mt. Edgecumbe School project. A portion of the job is asbestos abatement. This project is an Indian Preference project subject to Section 7(b) of the Indian Self-Determination Act (Public Law 93-639). What effect will the certification program have on this project? There are certain time constraints imposed by the BIA for completion of the project. Will the certification program cause any problems for this project? Is there the potential that the State could lose up to \$22 million if this project is delayed?

Introduced: 1/16/85
Referred: Health, Education & Social
Services, Labor & Commerce and Finance

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

abatement program is established in the Department of Labor to coordinate efforts of state departments and agencies to eliminate asbestos health hazards in schools in the state. The program applies to all work involving

(1) demolition, removal, encapsulation, salvage, transportation, disposal, storage, and containment of asbestos products;

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

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

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

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

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

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

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

(6) cooperate with the Department of Education to administer state money appropriated for the asbestos health hazard abatement

program;

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

(8) oversee an employee certification program;

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

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

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

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

(1) establish guidelines for employee training certification programs, including respiratory and competency tests to be completed successfully, to ensure that a person who is employed to abate asbestos health hazards in this state is trained to do the work safely and is informed about the danger of working with asbestos;

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

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

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

(1) propose to the Department of Labor a plan for the certification of its employees as adequately trained to handle asbestos 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

asbestos hazard abatement work already undertaken:

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

Sec. 18.28.050. DUTIES OF SCHOOL OFFICIALS. To assist in implementing the asbestos health hazard abatement program, each city or borough school district and each regional educational attendance area shall

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

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

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

(4) either

(A) contract for the inspection of its school buildings in compliance with Environmental Protection Agency Asbestos Regulations (40 C.F.R. Part 763) and in accordance with guidelines established by the Department of Labor; or

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

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

Sec. 18.28.090. DEFINITIONS. In this chapter

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

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

(3) "asbestos product" means a product that produces airborne asbestos.

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

House Labor and Commerce
February 13, 1985

HB 5 SUPPLEMENTAL FILE

- 1) Updated CS for CSSSHB 5 (L & C)
- 2) Sectional Analysis comparing L & C CS with HESS CS by Ed Hine, Legislative Legal Counsel & Bill Drafter (requested by the Committee)
- 3) Additional Materials - EPA
 - a. Summary Overview of EPA Asbestos School Hazard Abatement Act
 - b. Copy of Federal Title V Act: "Asbestos School Hazard Abatement Act of 1984"
 - c. Interim Guidelines for Evaluating Asbestos Hazards and Appropriate Abatement Actions (Gives a preliminary overview of the Prioritization approach EPA will employ, in accord with L & C Committee request).
- 4) Letter from Jackie Jones (local carpenter who worked untrained on an asbestos construction project) -- Added to record at request of Committee after her testimony February 11.

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 501. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984".

Asbestos School
Hazard
Abatement Act
of 1984.
20 USC 4011
note.

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress finds that—

Congress.
20 USC 4011.

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer, and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally caused cancers;

(3) medical science has not established any maximum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be

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dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

Establishment.
20 USC 4012.

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

- (C) the means of abating the threat posed by asbestos and asbestos containing materials;
- (2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;
- (3) the development within forty-five days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and
- (4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of this title, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

20 USC 4013.

- (1) the presence of asbestos materials in school buildings of local educational agencies;
- (2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);
- (3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken.
- (b)(1) Not later than six months after the date of enactment of this title, and annually thereafter, the Governor of each State shall:
- (A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;
- (B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and
- (C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).
- (2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.
- (3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.
- (4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:
- (A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

Report.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

Asbestos
Hazards
Abatement
Assistance
Progr:
20 USC 1014.

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 504, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of section 504(b)(4).

Study.

(3) Within sixty days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

EPA —

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4); and

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

Loans.
Grants.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

Grants.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

Loans.

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

- (i) the nature and extent of the asbestos problem for which the assistance is sought;
- (ii) the asbestos content of the material to be abated;
- (iii) the methods which will be used to abate the asbestos materials;
- (iv) the amount and type of financial assistance requested;
- (v) a description of the financial resources of the local educational agency; and
- (vi) a justification for the type and amount of financial assistance requested.

(B) the application contains a certification that—

- (i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and
- (ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 507 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Regulations.
20 USC 4015.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

- (A) abating asbestos materials in school buildings;
- (B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and
- (C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within ninety days, standards for determining—

- (A) which contractors are qualified to carry out the activities referred to in paragraph (1), and
- (B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

SEC. 507. During each of the ten calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

Loans.
Grants.
20 USC 4016.

Suits.
20 USC 4017.

Discrimination,
prohibition.
20 USC 4018.

SEC. 509. No State or local educational agency receiving assistance under this title may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

Prohibitions.
20 USC 4019.

SEC. 510. Except as otherwise provided in section 508, nothing in this title shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

20 USC 4020.

SEC. 511. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

20 USC 2354.

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than \$50,000,000 for the fiscal year ending on September 30, 1984, \$50,000,000 for the fiscal year ending on September 30, 1985, and \$100,000,000 for each of the five succeeding fiscal years.

Appropriations
authorization.
20 USC 4021.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this title or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this title, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

(D) the development of a comprehensive testing and technical assistance program.

Kassidy

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO M/S 524
ATTN OF:

NOV 26 1984

Honorable William Sheffield
Governor
State of Alaska
State Capitol
Pouch A
Juneau, AK 99811

Dear Governor Sheffield:

The Asbestos School Hazard Abatement Act (ASHAA) was signed into law on August 11, 1984. It provides for the availability of Federal loans and grants to assist in the abatement of friable asbestos-containing materials in public and private schools. The Environmental Protection Agency (EPA) will administer the loans and grants to Local Education Agencies (LEAs) on a school-by-school basis. Details are listed on the enclosed fact sheet.

Within the next few weeks, EPA will distribute the loan application forms directly to LEAs. The LEAs are responsible for selecting individual schools as candidates for assistance. LEAs will then submit their applications to Governors or their designees for prioritization based on degree of risk.

The Act requires this Governor's priority list to be submitted to EPA by March 1, 1985.

Because of the short time available to implement this program, we are requesting that, at your earliest convenience, you designate a state office or contact person for us to work with on the details of this program. A response by phone would be appreciated in the interest of time. The necessary information concerning your plan for maintaining records can be sent to us by mail thereafter.

Sincerely,

Ernesta

Ernesta B. Barnes
Regional Administrator

Asbestos School Hazard Abatement Act - Fact Sheet

General Information About the Asbestos School Hazard Abatement Act of 1984

The Asbestos School Hazard Abatement Act (ASHAA) was signed into law on August 11, 1984. It provides for: 1) the availability of Federal loans and grants to assist in the abatement of friable asbestos-containing materials in public and private schools, and 2) continued scientific and technical assistance by EPA to state and local agencies to enable them to identify and abate asbestos hazards in schools. EPA will administer the loans and grants to Local Education Agencies (LEAs) on a school-by-school basis. Major details of the program are as follows:

- The Act authorizes funds of up to \$50 million for 1984, \$50 million for 1985, and \$100 million per year for each of the five subsequent years. At present, Congress has appropriated the first \$50 million increment, but no money has been appropriated for the future years.
- EPA may award a loan of up to one hundred percent of the cost of a specific abatement project. These no-interest loans are repayable over 20 years. If the Agency determines that an applicant is unable to undertake and complete an abatement program with a loan, the applicant will be eligible for a grant not to exceed 50 percent of the cost of an abatement program. Grants and loans are also available in combination.
- The first step in awarding the \$50 million is to prioritize the applications. The governor of each state must prioritize the applications from his/her state based on degree of risk. Following this prioritization, the governors forward the lists to EPA.
- EPA's responsibility is to assure that financial assistance will be provided to only the most serious exposure problems within LEAs having the most severe financial need. EPA must determine the eligibility of applicants for funds based on the following criteria:
 - a) the priority assigned to each applicant by the governor of the state;
 - b) the likelihood of release of asbestos fibers into the school environment;
 - c) the degree to which corrective action proposed by the applicant is cost-effective and will reduce the potential for exposure; and
 - d) the financial resources of the applicant.
- The Act prohibits the allocation of funds to schools which are determined to have adequate financial resources to fund appropriate abatement programs, or which have completed abatement programs prior to January 1, 1984.

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- The \$50 million currently appropriated will likely only provide enough funds for financial assistance to a few schools in each state. Therefore, the Agency strongly encourages LEAs and state governments to continue their abatement activities and not delay or revise current plans in anticipation of Federal assistance.

ASHAA Application Process and State Responsibilities

EPA will distribute the application form directly to LEAs. The LEAs are responsible for selecting individual schools as candidates for assistance. LEAs will then submit their applications to state governors or their designees. Major state responsibilities are summarized below.

State Recordkeeping Requirement

Governors are asked to submit to EPA at their earliest convenience a very short plan for maintaining records on:

- 1) The presence of asbestos in school buildings;
- 2) asbestos abatement activities conducted by LEAs;
- 3) repairs made to restore buildings to pre-abatement conditions.

This recordkeeping requirement applies specifically to schools applying for funding. Individual questions on the application form will provide the necessary information regarding items one and two. In addition, any information the state has in its possession for non-applying schools should be added to the records.

Priority List and Certification for Financial Need

Governors will be asked to submit to EPA a priority list which ranks applications according to the nature and magnitude of the existing and potential exposure presented by the asbestos materials. EPA will give guidance to governors on how to perform this risk assessment. In addition, governors will be asked to certify the accuracy of the statement of financial need presented by each school. EPA is also considering requesting that states provide a preliminary judgment of financial need.

DEADLINE: By March 1, 1985, states must submit to EPA all the applications, their hazard priority listing, and their financial need assessments, if such are requested.

Note: States must determine their own deadlines for receipt of applications from LEAs in order to meet their March 1 submission requirement.

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Annual Report of Actions under ASHAA

Governors will be asked to submit to EPA an annual report describing action taken by the state in accordance with the state's recordkeeping plan for abatement activities.

DEADLINE: August 10, 1985, and annually thereafter.

EPA Assistance to State for Implementation of ASHAA Requirements

- EPA will provide states with as much assistance as possible in their requirements under ASHAA. EPA will send copies of the Act and the application package to state governors or their designees. The Agency will also provide guidance concerning the state recordkeeping plan and methodologies for developing both the hazard priority list and the certification and potential assessment of financial need.
- The Regional Asbestos Coordinator, Walter Jaspers (206) 442-2870, can provide information concerning the ASHAA applications and review process. Also, a toll-free phone line will be set up soon to respond to LEA or individual school questions about the form.
- EPA also plans to assist the Regions in conducting informational briefings for state and local officials to explain provisions of ASHAA and answer questions about the application form.

D. INTERIM GUIDELINES FOR EVALUATING ASBESTOS HAZARDS AND
APPROPRIATE ABATEMENT ACTIONS

Congress directed that the Agency develop guidelines for classifying and evaluating asbestos hazards and appropriate abatement options. To supplement the information provided in the documents cited in Unit IV.B.2. of this notice, EPA is providing the following interim guidance. Final guidance will be provided in June of 1985 which will supercede this guidance and will be useful in classifying and evaluating asbestos hazards in the future.

The purpose of this section is to assist school officials and other persons in identifying and evaluating potential asbestos hazards and in selecting appropriate measures to effectively reduce the risk to which people are exposed. The process of identifying and evaluating asbestos hazards and selecting abatement actions involves three basic questions which will serve as the framework of this document. The three questions are:

- ° Is asbestos actually present?
- ° If it is present, how significant is existing or potential exposure?
- ° What actions are most appropriate to prevent or reduce exposure?

Below are factors to consider and procedures to use in answering these questions. Much of the information contained here was drawn from the EPA publication entitled "Guidance for Controlling Friable Asbestos-Containing Materials in Buildings." EPA recommends use of that publication by persons dealing with asbestos hazards.

1. Detecting Asbestos: Is Asbestos Actually Present?

The first task in an asbestos control plan is to determine whether asbestos-containing materials are present. Professional assistance such as from an engineering or architectural firm, may be useful for this and other tasks.

Asbestos-containing materials may be found in schools in the form of sprayed on acoustical and thermal insulation, cement products, acoustical plaster, fireproofing textiles, vinyl floor tiles, and other construction materials. EPA recommends the following steps for detecting the presence of asbestos:

a) **Check Building Records:** Investigate building plans, remodeling records, and other sources (such as personal knowledge) for specification of asbestos-containing materials. Information on the type and location of asbestos-containing materials will help target a building inspection. Figure 1 provides more information about the type of building materials which could contain asbestos. Building records may not always be a conclusive source of information. EPA experience shows that the actual composition of building products and their description in building records can differ significantly.

b) **Inspect for Friable Materials:** Friable materials are those which can be crumbled, pulverized or reduced to powder by hand pressure. Typically, friable materials have been sprayed or trowelled onto surfaces for fireproofing, insulation soundproofing, or decoration. A building inspection should start with those areas where asbestos-containing materials are reported to be present and then expand to all parts of the building. If friable materials are found they should be sampled and analyzed in accordance with procedures described in Figure 2. If the presence of asbestos in the friable materials is confirmed, then the assessment of corrective action is begun. (such assessment is discussed in Section 2 of this document).

c) **Inspect for Nonfriable Materials:** 1. If the inspection of building records or the building inspection indicates that nonfriable asbestos-containing materials are present, these materials should be inspected periodically for changes in their condition. Reinspection is especially important for friable materials that have been painted or covered with a hard wrapping (and thus would be classified as "nonfriable") such as pipe and boiler insulation. If the painted or wrapped material is not damaged the best course of action is to be aware of its location and leave it undisturbed. Damage or slow deterioration of the wrapping or paint however could cause release of asbestos fibers, thus periodic maintenance and reinspection is required.

If the sampling and analysis of bulk material show that asbestos is not present, there is no need for further action, although documentation of the assessment should be retained.

2. Evaluating the Asbestos Hazard: How Significant are Existing or Potential Exposure Problems?

After determining that asbestos is present in friable materials or in damaged nonfriable materials, an assessment of the existing or potential hazard must be made. EPA recommends the following in evaluating the exposure problem.

a) Evaluate friable asbestos first: Because friable materials have a greater potential for asbestos-fiber release, they pose a greater hazard, and special attention should be given to them.

b) Evaluate the condition of Asbestos-containing materials: EPA believes three factors regarding condition of material are most useful in assessing exposure problems:

- i) evidence of deterioration or delamination (i.e., separation into layers) from the underlying surface;
- ii) evidence of physical damage;
- iii) evidence of water damage.

If any of these conditions is evident, then fiber release has occurred, is occurring, or is likely to occur in the future. Evidence is obtained from the appearance of the material and from the presence of asbestos-containing dust, broken or crumbled material on the floor, tables, or other surfaces.

If none of these three factors is present the best course of action may be to leave the materials alone and to periodically reinspect the area to assure that damage has not occurred.

c) Assess potential for exposure, particularly in locations where materials may be subject to further disturbance or erosion.

Once the condition of the material is evaluated, its location is an important factor in further evaluating the potential risk from asbestos, since it affects the number of people exposed, and the magnitude of the exposure. EPA believes that the presence of friable asbestos-containing material in four types of locations should receive special attention: (note: these locations are not ranked in any priority.

- i) air plenums (when returned or conditioned air moves at low pressure through a space between the actual ceiling and suspended ceiling or ducts);
- ii) high-traffic areas (e.g., hallways, gymnasiums, classrooms, dining areas);
- iii) areas within easy reach of passersby (e.g., low ceilings above stairways);
- iiii) confined spaces (e.g., boiler rooms, supply closets).

Asbestos-containing materials located in an air plenum or near a forced airstream (such as an air conditioning or heating duct intake) are likely to suffer surface erosion. Fibers released into an airstream may be transported to other parts of the building, possibly increasing the number of people exposed. The presence of asbestos-containing dust, debris or damaged material in a supply air plenum or in a direct air stream, presents the greatest concern.

The presence of fibers in ventilation ductwork or louvers can be confirmed by physical inspection, or more thoroughly, by taking wipe samples of the suspected areas and having them analyzed by Polarized Light Microscopy (PLM) for asbestos content. (A draft protocol for taking wipe samples is available from EPA upon request by calling 1-800-424-9065. The presence of asbestos in ducts, on return registers or louvers, or on horizontal surfaces in occupied areas is evidence that occupants are currently exposed to asbestos.

Asbestos materials located in high traffic areas are more directly exposed or easily visible than materials in air plenums. The release of asbestos fibers into heavily traveled or occupied areas presents a high risk due to the number of people exposed and the increased potential for distribution of asbestos fibers throughout the building. Fibers in these areas are regularly disturbed and therefore do not settle out of the air.

In addition, exposed and highly accessible materials in areas frequented by building occupants or subject to maintenance activities are more vulnerable to physical damage than materials in other locations. In this category are high traffic areas such as hallways and dining areas. This category also includes materials subject to vibration from mechanical equipment, sound or athletic activities. Examples include materials near a gymnasium or band room, or materials in buildings near an airport or highway. Damaged or deteriorated asbestos-containing material which is within easy reach of passersby or occupants of a room also pose increased potential for release of asbestos fibers through contact with persons or objects.

Confined spaces present a particular hazard to maintenance and custodial employees because of the limited circulation of external air. The concentration of asbestos fibers in such areas can increase due to poor air circulation.

Finally, a change in building use can affect the extent and severity of exposure and the potential for material erosion. For example, the change in use of a room from a classroom or cafeteria to a gymnasium could significantly increase the number of people exposed and the potential for erosion from objects such as basketballs striking the ceiling.

d) Using the Assessment Factors: EPA's evaluation of several proposed "formulas" or indices of assessment factors indicate that numerical ratings derived from subjective assessments of fiber release potential are not consistently accurate indicators of measured airborne asbestos levels. However, employing the assessment factors specified in this Section in a qualitative manner can help identify a high potential for present or future fiber release and help determine whether potential asbestos problems are severe, moderate, minor, or non-existent.

For example, small quantities of asbestos-containing materials which are badly damaged and located in a high traffic area would warrant a higher priority than similar amounts of asbestos-containing materials which are newer, in good condition, and are less accessible to a large number of persons (e.g., well-insulated pipes contained in a space between ceiling tiles and a building's roof.) However, the absolute number of persons potentially exposed should not be the single controlling factor. High concentrations of friable asbestos-containing materials in a frequently serviced boiler room may present a more serious exposure hazard to maintenance workers than would be the case with a large number of students in a large space exposed to smaller amounts of asbestos-containing materials.

The presence of any one of the conditions (friability, poor condition of material, potential for disturbance or erosion, and location of material in high exposure areas) may present a condition necessitating corrective action. However, the presence of two or more of these conditions may dramatically increase the potential for release of fibers to which students and school employees may be exposed. These situations should receive priority ranking for the most immediate attention.

3. Response to the Presence of Asbestos: What Abatement Action is Most Appropriate?

Since each situation possesses special circumstances, attempts to develop a set of definitive decision rules with broad applicability are of little value. Therefore, deciding which abatement action is most appropriate involves careful analysis of the circumstances of each situation. Four approaches to asbestos control can be used, individually or in combination: 1) special operations and maintenance practices combined with periodic reassessment of asbestos-containing materials; 2) material encapsulation; 3) material enclosure; and 4) material removal. Figure 3 provides a guide to selecting a course of action.

a) Special Operations and Maintenance Programs: Where asbestos-containing material is in good condition and has a low potential for disturbance or erosion, an active program of proper maintenance and periodic reassessment of the need for other control measures is appropriate. Other control measures will depend on the results of future reassessments. This choice minimizes current costs (although there are recurring costs from reinspection) while providing reasonable assurance of protection to building occupants. If this alternative is selected, a periodic reinspection program is required to assess the material's condition and the potential for erosion or disturbance. This option is advised when the friable material is in good condition and has a low potential for erosion or disturbance. It is also advised when the material is nonfriable. Operations and maintenance

programs should also be established when encapsulation or enclosure is selected as the preferred abatement alternative (see below).

b) **Encapsulation:** This involves spraying asbestos-containing material with a sealant. Encapsulation is appropriate when the material still retains its bonding integrity, when damage to the material is not likely, when the material is not highly accessible to building users, or the material is granular or cementitious, (e.g., friable materials that are densely packed and non-fibrous). Ideally, this activity helps bind together the asbestos fibers and other material components and offers some resistance to impact damage. The asbestos-containing materials will still have to be removed before building demolition. The advantages of encapsulation include temporary elimination of asbestos fiber release from materials and lower initial costs than other abatement methods because the replacement of materials with substitutes is not required. Encapsulation will require an operation and maintenance program including periodic reinspection to check for damage or deterioration of the materials. Repair of damaged or deteriorating encapsulated surfaces may eventually be necessary. Because encapsulation surfaces are generally difficult to remove, and will not easily absorb water they may ultimately require use of removal techniques without wetting solutions. Such dry removal may increase the amount of fiber release during abatement work.

c) **Enclosure:** Enclosure involves construction of airtight walls and ceilings around surfaces coated with asbestos-containing materials. Enclosure is an appropriate choice when materials need to be isolated from building occupants and disturbance or entry into the enclosed area is unlikely. Enclosures should be constructed with impact-resistant materials. Since the asbestos-containing materials will have to be removed when the building is remodeled or demolished, enclosure may only be a temporary solution. On the other hand, carefully constructed, airtight enclosures may reduce, if not eliminate, emission of fibers within the building for its remaining life. The initial cost of enclosure may be lower than removal, unless it necessitates the relocation of utilities or other major changes. Replacement of materials with substitutes will usually not be required. Decision makers should be aware that fiber release will continue behind the enclosed surface. The choice of enclosure requires a special operations program to control access to the enclosure for maintenance and renovation work. Periodic reinspection should be conducted and repair of enclosures will be necessary if damage occurs. Enclosure may be inappropriate when damaged or deteriorating materials are causing rapid fiber release, where water damage is evident, if damage or entry into enclosure is likely, or if a ceiling is to be enclosed which is low to the ground and accessible. Containment barriers and worker protection equipment will be necessary during the enclosure process.

d) **Removal:** The removal of friable asbestos-containing materials significantly reduces or eliminates the asbestos. Replacement of the removed material with substitutes may be necessary. However, improper removal will result in an increased level of airborne asbestos fibers. Therefore, the choice of removal must carry with it a strong commitment to worker and occupant protection. Containment barriers will be needed as will worker protection equipment. Wet removal (e.g., use of water and a wetting agent to reduce fiber release) is required for all types of asbestos. Proper disposal is required by EPA regulation and, therefore, approved facilities must be identified in advance.

It is important to reiterate that removal of asbestos-containing materials may not be appropriate if the material is in good condition or another abatement option would provide equal protection. If improperly performed, removal projects may result in much higher airborne levels of asbestos fibers than would be expected if the materials had been left in place and a management program instituted. Therefore, a building owner, using EPA guidance and professional advice, (such as an engineering or architectural firm), must carefully consider each abatement option before deciding an appropriate course of action.

In summary, if friable asbestos-containing materials are present and determined to be 1) in bad condition (e.g., damaged), or 2) subject to erosion or disturbance, then the material should be removed, enclosed or encapsulated. Periodic reinspection and special maintenance should also be conducted. If the material is in good condition and unlikely to be disturbed or eroded, a special operations, maintenance, and periodic reinspection program should be selected as the corrective action. If the asbestos-containing materials are nonfriable, no corrective action is needed. Instead, the nature and location of these materials should be documented and their condition should be reassessed periodically.

Jackie Jones

Box 210112

Rube Lay Bk
99821

To Whom it May Concern,

I am a carpenter of local #2247. While working on remodeling Harborview Elementary School I came into contact with asbestos and became aware of the great hazard that it poses to public health. The hazard is significantly increased by the ignorance and apathy of many people involved in all phases of remodel work, from the architects to the construction workers.

By the time an anonymous worker reported his suspicions of material at Harborview containing asbestos, most of the remodeling had been already completed. The upper four feet or so of the first and

second floor hallways had been sealed off as ducts for the return air on the ventilation system.

Throughout these large ducts were pipes insulated with old asbestos which flaked off when touched and often had to be cut away to allow room for framing.

This insulating material and broken ceiling tiles, also containing asbestos (as later testing proved) were ground into dust on the floor by the worker's feet. By the time the testing was completed to determine the nature of the suspicious materials, the workers had been carelessly removing it where necessary and breathing the dust filled air for many months.

At that one worker had

not realized and reported the danger, the children at Harlowview School might now be breathing air filled with asbestos fibers loosened by the constant air flowing over the pipes within the ductwork.

Due to this experience I realized that the workers are responsible themselves for judging a working environment to be safe or not. I recently called the Dept. of Labor to test material which had been sprayed years ago on a ceiling and which was now dropping on us with the slightest contact. I was told when the samples were taken that the results would not be available for a month.

I propose that a bill be written and supported that would place responsibility on the owner of a building being remodeled to have any suspicious material tested so that during the design process plans can be made to remove or seal any asbestos discovered on a proposed jobsite. Contractors could then make more accurate bids if additional time would be needed and workers could walk on the jobsite with the knowledge of any materials that should be avoided or handled cautiously.

Having witnessed widespread ignorance about asbestos among construction workers, I also support the proposal that workers involved

in removal of this hazardous substance be certified through a training program designed to teach proper handling techniques. The program could be designed and administered by the State Dept. of Labor.

Thank you for your attention and your concern about the danger that asbestos poses to your constituents.

Sincerely,
Jackie Jones

HB 5 File Contents

CS, SS, Proposed CS

- 1) Brief Summary --Legislative Reporting Service
 - 2) Overview -- House L & C Committee Staff
 - 3) Proposed House L & C Committee Substitute for CSSHB 5
 - 4) Fiscal Note and Analysis for CS SS HB 5 -- Dept. of Labor
 - 5) Fiscal Note and Analysis for SS HB 5 -Dept. of Labor
 - 6) Sectional analysis SS HB 5 -- by HESS staff
 - 7) Letters and positions on SS HB 5
 - a. Alaska State District Council of Laborers
 - b. Dept. of Law -- Ron Lorensen
 - c. SSHB 5 Questions -- Associated General Contractors
 - d. Position Statement: Dept. of Labor (Arab and Thorn)
 - e. Position Statement--Asbestos Abatement Fact Finding Committee, with full report coming February 15, 1985.
 - f. U. S. Environmental Protection Agency
 - 8) Testimony of Senator Josephson SSHB 5
 - 9) Asbestos Licensing and Control Regulations: State of Maryland
-

HE 5

- 1) Overview -- HESS Committee Staff -- HB 5 (provides good background history of problem in Alaska and break down of School District Needs)
- 2) Overview articles (excellent background) -- State Government News, March 1984 beginning with "Asbestos: Still A Danger in Schools."
- 3) Medical Aspects of Asbestos Exposure --By Holstein from the 1984 Asbestos Symposium in Atlanta, Georgia
- 4) Asbestos Health Project Materials -- Excerpts from Asbestos: Its Hazards and How to Fight Them.

- 5) Miscellaneous additional articles on Asbestos
- 6) Newspaper article on Carpenter in Fairbanks refusing to work at the Fairbanks Center
- 7) Asbestos Time-Line Info (Draft) from the Department of Environmental Conservation regarding E.P.A. guidelines
- 8) Position Statements on HB 5:
 - a. Associated General Contractors
 - b. Alaska Federation of Natives, INC.
 - c. Alaska Public Health Association
 - d. Ombudsman -- Jack Chenoweth (abatement in prisons)
 - e. NEA - Alaska
 - f. University of Alaska-Fairbanks --George Riley
- 9) Anchorage School District Legislative Requests Summary Sheet on Asbestos removal
- 10) Minutes from House HESS meeting, May 24, 1984

INTRODUCTION OF BILLS (House)(cont'd)

HB 4 (cont'd)

state's credit record. The report would also show which long-term debt is supported by taxes and which is supported from project revenues; all long-term capital lease obligations of the state; the volume of short-term debt issued and retired during the year; specific identification of each issue for which the state has pledged support; future bonding and debt capacity implications of legislation enacted during the previous legislative session; and the recommended debt issuance capacity of the state for the next two years.

The Bond Committee is also required to develop written policies and informational guidelines listing recommended level of debt, outlining debt management, bidding procedures and bid awards and compensation for financial service. Municipalities and state agencies would be required to submit a calendar of bonds to be issued each year, followed by monthly reports showing any changes to that calendar.

Provides for appointment of an executive director, and places employees of the Committee in the partially exempt service under the State Personnel Act (AS 39.25). Provides Act takes effect immediately.

On January 18 Rep. Gruenberg was added as a co-sponsor.

Introduced January 14 and referred to the House Special Committee on State Loans, then to Finance.

Asbestos
Health Hazards
(abatement
program)

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5, by Rep. Gruenberg. Establishes an asbestos health hazard abatement program in the Dept. of Labor to coordinate efforts of state departments and agencies to eliminate asbestos health hazards in schools in the state. Directs the Department to inspect school buildings in a school district or regional educational attendance area that has not complied with the Environmental Protection Agency (EPA) asbestos regulations, to determine the presence of asbestos, take samples, answer inquiries, ensure quality control of asbestos sampling, or enter into contracts for these purposes.

The Department of Labor is also responsible for establishing guidelines for employee training certification programs, to ensure that a person who is employed in the abatement program is trained to do the work safely and is informed about the danger of working with asbestos. Before a contractor can work on the asbestos program he must propose a plan to the Department for the certification of employees and receive approval. Prohibits a person from working in the abatement program unless certified in an approved program. Outlines penalties for violations.

Requires the Department of Education to assist in the program by cooperating with the Dept. of Labor, maintaining records and files, administering money appropriated to finance renovation contracts, and to distribute money to the schools. School officials are required to maintain records, and to notify personnel and parents

INTRODUCTION OF BILLS (House)(cont'd)

SSHB 5 (cont'd)

of students of the location of asbestos. School officials are also responsible for contracting for inspection of the building to comply with EPA asbestos regulations, and for contracting for removal of asbestos.

School boards may adopt a shorter school term of not less than 150 days if it is necessary for removal of asbestos and the board has submitted an acceptable plan under which students will receive the approximate educational equivalent of a 180-day term.

Provides Act takes effect immediately.

On January 14 Representatives Goll, Davis, Koponen and Navarre added their names as co-sponsors.

Introduced January 14 and referred to Health, Education & Social Services, Labor & Commerce, then Finance.

Workers' Compensation
(reporting requirements)

HOUSE BILL NO. 6, by Rep. Collins. Changes wording of law which requires employers to report certain information regarding payment of workers' compensation to the Workers' Compensation Board. Employers are given 28 days to notify the Board and employee that payment of compensation has begun or has been increased, decreased, suspended, terminated, resumed, or changed in type. The law (AS 23.30.155(c)) presently states that an employer who is tardy with reports "shall pay" a civil penalty of \$100 for the first day plus \$10 for each day thereafter, up to a maximum of \$1,000.

Would be amended to make the penalty provision less restrictive and to give the employer recourse to petition the Board: "If the employer fails to notify the board and the employee within the 28 days ..., unless the board finds that the failure was due to conditions over which the employer had no control, the board may require that the employer [SHALL] pay a civil penalty" (Underlined material added, bracketed material deleted.)

Sec. 1 establishes the intent of the Legislature that "the Workers' Compensation Board review the civil penalties imposed under AS 23.30.155(c) since July 11, 1981, to determine if, under AS 23.30.155(c) as amended by this Act, those penalties should not be imposed, and to determine if any refund of the penalties is due."

Employers and insurers have complained about fines assessed by the Workers' Compensation Division under circumstances where the report was filed on time, but due to minor irregularities or errors in how it was filled out was not processed immediately, then later counted as late by the WC Division.

Introduced January 14 and referred to Labor & Commerce and Finance.

Fish Records
(release of confidential)

HOUSE BILL NO. 7, by Rep. Herrmann. Allows the Department of Fish and Game to release confidential records of fish landings and annual statistical reports of buyers and processors to

Have Hein retype as indicated & get to me ASAP

A M E N D M E N T

Offered in the HOUSE

By Hanley

TO: SSHB 5

Page 2, line 8:

After "renovation" delete:

OK "conducted in environments that contain asbestos"

Insert: "that will cause asbestos fibers to become airborne"

Page 3, line 18:

OK After "hazards" insert "in a public school"

Page 3, line 26:

OK After "hazard" insert "in a public school"

OK Delete "this" and insert in its place "the"

Page 4, line 6:

OK After "hazard" insert "in a public school"

NO Delete "this" and insert in its place "the"

Page 4, line 28:

OK Before "schools" insert "public"

OK Delete ", including reimbursement of" and insert in its place "and reimburse"

Page 5, line 1:

done in CS
Delete "already"

January 1, 1985 add u
After "undertaken" insert "in calendar year 1985 with other than federal or state funds"

A M E N D M E N T

Offered in the HOUSE

By Gruenberg

TO: SSB 5

1115#1

Page 5, after line 28 insert a new section to read:

"Sec. 18.28.060. REPAYMENT OF GRANT FUNDS. A school district or regional educational attendance area that receives a state grant for the abatement of asbestos health hazards in schools shall repay the grant from any money the district or REAA recovers from asbestos manufacturers or other parties in a claim for damages arising from the use of asbestos in a school. Repayment shall be made after deducting legal fees and other costs associated with the claim for damages."

Page 6 Delete Section 3

Alaska State Legislature

Re Niilo Koponen
1, Democrat

S.R. 10059
Fairbanks, Alaska 997
479-6782

Pouch V
Juneau, Alaska 99811
465-4992

MEMORANDUM

TO: Rep. Gruenberg
FROM: Rep. Koponen
RE: Amendments to HB5 and HB57
DATE: 25 January, 1985

I would propose the following amendments to HB5:

1. DELETE page 1, lines 9-26. *DOE - Amendment*
2. Page 2, line 10, after "from schools in the state" ADD "and from the University of Alaska system".
3. Page 3, line 10, after "health hazards of asbestos" ADD a new section to read:
"(11) assist the University of Alaska system in its efforts to abate asbestos health hazards within the University of Alaska system;"
Re-number existing (11) to (12).
4. *ALB* Page 4, line 29, after "school districts" DELETE "and"; after "regional educational attendance areas" ADD "and the University of Alaska".
CF. Alaska Amendment 56

I would propose the following amendments to HB57:

1. Page 1, line 13: change \$26,000,000 to \$24,000,000
2. Page 2, line 16, after "regional educational attendance areas" add a new section to read:
"* Sec. 4. The sum of \$2,000,000 is appropriated from the general fund to the University of Alaska for an asbestos survey and abatement program within the University of Alaska system."
24
Re-number subsequent sections accordingly.
fund





Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

DATE: JANUARY 28, 1985

RE: AMENDMENTS TO SSHB 5 FROM REP. ALICE HANLEY

1. Add "public schools" to the title of the bill.
2. Page 2, line 4, amend to read "...all work in public schools..."
3. Page 2, line 5, add "repair" to subsection (1).
4. Page 3, line 18, add "public school facilities" following asbestos health hazards.
5. Page 3, line 21, after labor organizations, add "public and private vocational training programs".
6. Page 4, lines 28-29 and page 5, line 1, delete all language after "schools in the state" and substitute a period for the comma.
7. Separate effective date for certification program, 30 to 60 days after the bill.
8. Page 3, line 24, add a new subsection under the certification program duties of the Department of Labor to read:
(4) assist those whose certification program proposals have not been found acceptable in meeting the certification guidelines.

ALASKA STATE DISTRICT COUNCIL OF LABORERS

Laborers International Union of North America, AFL-CIO

P. O. Box 899 • 2501 Commercial Drive
Anchorage, Alaska 99510 • 907/276-1640
Telex 26-540

January 28, 1985

HESS Committee--SS HB-5

Co-Chairman--Max Gruenberg
Niilo Koponen

Committee Members--Katie Hurley, Alyce Hanley, David Thompson, Robin Taylor
Fritz Pettyjohn

TESTIMONY--Don Rouleau

Business Agent
Alaska State District Council of Laborers
369 South Franklin Street, Suite 204
Juneau, Alaska 99801
Telephone: 586-3707

During testimony on SS HB-5, Friday, January 25, 1985, HESS Committee Hearing the question was raised of whether the Laborers' Training School would be willing to train non-union workers in the removal of asbestos. It is unfortunate that some perceive this as a union vs non-union issue and fail to see what it really is, an issue of safety of their workers, their families and the safety of the people who frequent the buildings where asbestos removal has or is taking place.

Safety training for the workers is a responsibility, albeit a cost item, of all contractors. Responsible contractors have a safety program for their work force and to incorporate an asbestos removal course into their existing program should be a priority and necessity if they are concerned about the health and welfare of their workers, families and those who frequent those buildings which involve asbestos abatement or removal.

Through the Alaska Laborers' Construction Industry Training Fund the participating Employers are signatory to a Trust Agreement establishing this fund between the Union and the Alaska Chapter, Associated General Contractors (AGC). It is a cost item for the union members and the participating contractors. When asbestos removal was found to be an extremely hazardous material the asbestos removal training course was implemented within the Training School.

Federal law mandates that the funds be directed only to the participating members.

It is my understanding that Les Lauinger of the Alaska Laborers' Training School will submit testimony regarding the availability of the guidelines, used in the Laborers' Asbestos Removal course, to all interested parties who wish to set up their own training program.

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE
BILL/RESOLUTION NO: SS for HB 5
TITLE: "An Act relating to establishing asbestos health hazard abatement"
AGENCY AFFECTED: Department of Labor

There are approximately 550 school buildings in Alaska. Of these buildings we know that 140 buildings have been surveyed for asbestos. This is based on information from the U.S. Environmental Protection Agency (EPA), that they have made on-site inspections for compliance with their regulations in the Juneau, Anchorage, Fairbanks, Ketchikan, Sitka and Kodiak school districts. These school districts contain approximately 140 buildings. We are estimating that of the approximately 410 other school buildings, that a third have been properly surveyed or a school district will use a private consultant to survey their buildings. We estimate therefore, that the department will be required to make physical inspections of approximately 270 buildings that have either not been surveyed or have been improperly surveyed.

It is important that these school districts survey their buildings within two years to allow them time to budget and plan for the work necessary to abate the asbestos health hazards in their school districts.

It is assumed that the responsibility for training and certification outlined in AS 18.38.030 of SS HB 5 will mainly be with the employer and that the department will only be responsible for establishing training guidelines and certifying training programs.

A lead industrial hygienist, a clerk typist and monies to enter into a contract for surveying and abatement evaluation will be needed for the first year. To assure that the program is implemented without delay, we would need to hire the industrial hygienist and clerk on July 1, 1985. We estimate that it will take two months to set up the schedule for surveying schools and three months to develop the regulations and guidelines for the certification program. An industrial hygienist is required to perform this task as the work requires a person who has an educational background and experience in industrial health evaluation. Because of difficulties we anticipate in hiring a full-time position for only 10 months, we would enter into a contract by September with two other health specialists to perform the majority of the surveys. It is estimated that by the end of the first year, we would survey and evaluate potential health hazards in approximately 220 of the 270 school buildings yet to be surveyed. In the first year of operation the one time special costs would include:

- Sampling Pumps (3)	\$6,000.00
- Training Films/Slides	\$4,000.00
- Air Supplied Respirators (3)	\$3,000.00
- Protective Clothing (3)	\$3,000.00
- Contract for Two Health Specialists	\$110,000.00
- Contract to Analyze the Bulk Asbestos Samples (5 per buildings)	\$38,500.00

FISCAL NOTE
HB 5

During the second year only the hygienist and clerk would be maintained to monitor the completion of the program.

Bill No. Sponsor Substitute for House Bill 5

Date January 22, 1985

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

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

Sponsor Substitute for House Bill 5 is designed to abate asbestos health hazards in Alaska's schools so that school children and workers will not be endangered.

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 Sponsor Substitute for House Bill 5, the Department of Labor would inspect school buildings to identify asbestos health hazards; make recommendations as to the need for removal or encapsulation of asbestos; 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 others 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, Sponsor Substitute for House Bill 5 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 as a result of removal or encapsulation work.

Inasmuch as the guidelines for the certification program would need to be established by regulation, the Department would not be able to implement the certification provisions immediately as provided in this bill. We, therefore, would suggest that the provisions in Sec. 18.28.030 take effect 90 days after the bill becomes law.

The Department also notes the sponsor substitute amendment to Sec. 18.29.020(1), which narrows the Department of Labor's inspection responsibilities to schools which have not complied with the Environmental Protection Agency's regulations. We agree that inspection effort should not be duplicated. However, it might be well to verify that competent surveys have been conducted. Our understanding is that the EPA regulations did not require that the surveys be conducted by a qualified person or firm.

The Department supports Sponsor Substitute for House Bill 5, provided adequate funding will be provided to carry out its provisions. The Department's fiscal note is attached.

Approved:


Jim Robison, Commissioner

POSITION PAPER/Department of Labor

DEPARTMENT OF LAW

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

OFFICE OF THE ATTORNEY GENERAL

January 25, 1985

Honorable Max F. Gruenberg, Jr.
Co-Chair
House Committee on Health, Education
and Social Services
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Gruenberg:

I am responding to your letter of January 23, 1985, inquiring whether inclusion of the proposed provisions of section 1 of SSHB 5 is necessary, in light of certain advice provided by this office to the Commissioner of Education last summer. A copy of that Memorandum of Advice is attached for your information.

While probably not necessary to deal with the most egregious asbestos situations, I suspect there still could be a variety of situations arising which, although not qualifying as a "emergency" under the general provisions of AS 14.03.030(2), would nonetheless fall within the scope of the proposed language in section 1 of SSHB 5. Consequently, I believe it would be advisable to include that language in the bill, both to assure that these lower-level asbestos problems are encompassed within the "emergency closure" provisions and to clarify the Commissioner of Education's authority in this regard.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 

Ronald W. Lorensen
Deputy Attorney General

RWL:vrh

cc: Honorable Harold Raynolds
Commissioner
Department of Education