RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

9/5/89
Date

02-519 (REV 8/78)

HB

5

COMMITTEE REPORT

HOUSE

(7)

FURTHER: FINANCE

2/4/85

Date: Feb. 11 1985

The Committee on LABOR & COMMERCE has had SSHB 5

"An Act establishing an asbestos health hazard abatement program; and providing for an effective date."

under consideration and recommends:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[✓] replace with CS for SSHB 5 (L&C) [ ] same title [✓] new title

and recommends ~~[illegible]~~ Sub to Z.O.

[ ] AND attaches a "Letter of Intent" [✓] New Fiscal Note

[✓] Zero Fiscal Note Attached

[X] reports it back without recommendation individual

[ ] referred to the _____ Committee

MEMBERS SIGNING DO PASS

[illegible]

BOUCHER [illegible]

[illegible] PEARCE

MEMBER. HAVING OTHER RECOMMENDATIONS:

[illegible]

[illegible]

[illegible]

Mike Hanna

CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: SS for HB 5
Title: "An act establishing an asbestos health hazard abatement"
Sponsor: Gruenberg
Requestor: House HESS
Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		122.6	84.7			
200 TRAVEL		23.5	5.4			
300 CONTRACTUAL		53.0	24.8			
400 SUPPLIES		6.0	1.6			
500 EQUIPMENT		18.3	-0-			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	223.4	116.5	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		223.4	116.5			
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	223.4	116.5	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	2	2	-0-	-0-	-0-
PART-TIME	-0-	1				
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: NB Robert J. Bacolas
Phone: 465-4870
Division: Labor Standards & Safety
Date: 1/22/85

Approved by Commissioner: NB SR Jim Robison
Date: 1/22/85
Agency: Department of Labor

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

7/1/84

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

According to the latest information available from the U.S. Environmental Protection Agency and the Department of Education, 33 of 53 school districts have completed asbestos surveys of their buildings in compliance with 40 C.F.R. Part 763. The 20 school districts that have not completed the survey contain an estimated 100 buidings.

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.

Three positions will be needed for the first year--two Industrial Hygienists and one Clerk Typist III. During the second year only one hygienist and a clerk typist will be required. To assure that the program is implemented without delay, we would need to hire one hygienist and a 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. The other industrial hygienist would be hired by September, 1985. It is estimated that by the end of the first year, we would survey and evaluate potential health hazards in approximately 70 of the 100 school buildings yet to be surveyed. In the first year of operation the one time special costs would include:

- One set of sampling pumps for the 2 Industrial Hygienists	$4,000.00
- Training Films	$4,000.00
- Protective clothing and respirators	$4,000.00
- Contract to analyze the bulk asbestos samples (5 per building)	$20,000.00

	Position Title			Range/Step	Barg. Unit	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
1	Industrial Hygienist I			19A	GGU				
	Type of Position	Staff Months	RP Number / PCN Number	BRU Priority	Location	Election District	LEG.		
2	PFT	12			Anch.				

3	CONTINUATION LEVEL		ADDITION
4	Type of Expenditure		Amount
	1	2	3
	PERSONAL SERVICES		
5	Salary	40.032	
6	Benefits	6.659	
7	Supplemental Benefits	2.454	
8	Fixed Benefits	2.732	
9	TOTAL PERSONAL SERVICES	01	51,887
10	Travel	02	12,000
11	Contractual	03	20,404
12	Commodities	04	2,500
13	Equipment	05	7,100
14	Other		
15	TOTAL COST		93,891

	RECEIPT CODE	FUNDING SOURCE		
16		Federal Receipts	1002	
17		G.F. Match	1003	
18		General Funds	1004	93,891
19		I-A Receipts	1005	
20		Program Receipts	1028	
21		Other		

For M&B Use Only
4A Key Number ___ - ___ - ___ - ___ - ___

JUSTIFICATION

As lead position of the Asbestos Health Hazard Abatement Program, this position will set up the scheduling system for surveying approximately 100 buildings and develop guidelines for the certification program. This position will survey approximately 40 buildings the 1st year and 30 buildings the 2nd year. In the second year this position would be maintained to monitor and evaluate the certification program; provide information and training to contractors, their workers, and other interested parties of the potential health hazards of asbestos.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

FY 86

Revised Date

LEG:F:31

	Position Title			Range/Step	Barg. Unit	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
1	Industrial Hygienist I			19A	GGU				
	Type of Position	Staff Months	RP Number / PCN Number	BRU Priority	Location	Election District	LEG.		
2	Seasonal	10			Anch.				

3	CONTINUATION LEVEL	ADDITION	
4	Type of Expenditure		Amount
	1	2	3
	PERSONAL SERVICES		
5	Salary	33.360	
6	Benefits	5.558	
7	Supplemental Benefits	2.045	
8	Fixed Benefits	2.277	
9	TOTAL PERSONAL SERVICES	01	43.240
10	Travel	02	11.500
11	Contractual	03	19.603
12	Commodities	04	2.500
13	Equipment	05	7.100
14	Other		
15	TOTAL COST		83.943

	RECEIPT CODE	FUNDING SOURCE		
16		Federal Receipts	1002	
17		G.F. Match	1003	
18		General Funds	1004	83,943
19		I-A Receipts	1005	
20		Program Receipts	1028	
21		Other		

For M&B Use Only
4A Key Number ___ - ___ - ___ - ___ - ___

JUSTIFICATION

This is a one year position responsible for surveying approximately 30 school buildings to determine if there are any asbestos materials present in the buildings and to take samples of such materials. This position will assure the integrity of the samples and will analyze the sample results. The industrial hygienist will prepare a report to the school district based on this analysis and recommend methods to control or remove the asbestos materials. This position will also provide information to contractors and school officials on the proper methods and safeguards that must be used to encapsulate or remove the asbestos material. Other duties include assisting the lead industrial hygienist monitor and evaluate the employer certification program.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

FY 86

Revised Date

LEG:F:32

	Position Title			Range/Step	Barg. Unit	Form 12 Page/Line	GOV.	APPROV.	DISAPP.
1	Clerk Typist III			8B	GGU				
	Type of Position	Staff Months	RP Number	BRU Priority	Location	Election District	LEG.		
2	PFT	12			Anch.				

3	CONTINUATION LEVEL	ADDITION	
4	Type of Expenditure		Amount
	1	2	3
	PERSONAL SERVICES		
5	Salary	20,136	
6	Benefits	3,355	
7	Supplemental Benefits	1,234	
8	Fixed Benefits	2,732	
9	TOTAL PERSONAL SERVICES	01	27,457
10	Travel	02	0
11	Contractual	03	13,016
12	Commodities	04	1,000
13	Equipment	05	4,100
14	Other		
15	TOTAL COST		45,573

	RECEIPT CODE	FUNDING SOURCE		
16		Federal Receipts	1002	
17		G.F. Match	1003	
18		General Funds	1004	45,573
19		I-A Receipts	1005	
20		Program Receipts	1028	
21		Other		

For M&B Use Only
4A Key Number ___ - ___ - ___ - ___ - ___

JUSTIFICATION

This position will keep track of the asbestos samples taken by the industrial hygienists and will assure that these samples are mailed to and returned from the contract laboratory. The clerk typist will take, type, and proces the reports and correspondence about the asbestos program to the school districts, contractors, and Department of Education personnel who are required to be informed of the program. This position will also provide the clerical support necessary for the monitoring and evaluation of employer and employee training certification programs.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

FY 86

Revised Date

LEG:F:34

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HB 5

Title: ...asbestos..abatement...

Sponsor: Rep. Gruenberg

Requestor: House HESS

Date of Request: 1/21/85

FISCAL DETAIL

Agency Affected: Department of Education

Program Category Affected: K-12 Support

BRU, Program or Subprogram(s) Affected: Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact.

Prepared By: James E. Tozer Phone: 465-2865

Division: Management, Law and Finance Date: 1/21/85

Approved by Commissioner: Harold Reynolds, Jr. Date: 1/21/85

Agency: Department of Education

Distribution (by Agency preparing fiscal note):

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

7/'/84

POSITION PAPER OF THE DEPARTMENT OF EDUCATION

FOURTEENTH ALASKA LEGISLATURE
House Bill 5
January 21, 1985

The Department supports the provisions contained in House Bill 5. The requirements imposed on the Department are consistent with procedures already established. It is believed that the Department can cooperate with the Department of Labor in implementing an asbestos abatement program in the public schools throughout the state. The above position reflects the Department's position pending State Board Action.

Harold Raynolds, Jr., Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: January 30, 1985

REQUEST

Bill/Resolution No.: SS for HB 5
Title: "An act establishing an asbestos health hazard abatement"
Sponsor: Gruenberg
Requestor: House HESS
Date of Request: 1-16-85

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		79.3	84.7			
200 TRAVEL		12.0	12.0			
300 CONTRACTUAL		171.9	24.8			
400 SUPPLIES		4.5	1.6			
500 EQUIPMENT		16.4	-0-			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	284.1	123.1	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		284.1	123.1			
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	284.1	123.1	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	2	2	-0-	-0-	-0-
PART-TIME	-0-					
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert J. Bacolas Phone: 465-4870
Division: Labor Standards & Safety Date: 1/30/85

Approved by Commissioner: Jim Robison Date: 1/30/85
Agency: Department of Labor

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

7/1/84

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

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

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV. / DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	20,136	
6.	Benefits	3,355	
7.	Supplemental Benefits	1,234	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES 01		27,457
10.	Travel 02		0
11.	Contractual 03		13,016
12.	Commodities 04		1,000
13.	Equipment 05		1,700
14.	Other		
15.	TOTAL COST		43,173

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	43,173
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER __ __ - __ __ - __ __ - __ __ - __ __

JUSTIFICATION

This position will keep track of the asbestos samples taken by the industrial hygienists and will assure that these samples are mailed to and returned from the contract laboratory. The clerk typist will take, type, and process the reports and correspondence about the asbestos program to the school districts, contractors, and Department of Education personnel who are required to be informed of the program. This position will also provide the clerical support necessary for the monitoring and evaluation of employer and employee training certification programs.

Contractual costs include rent of $3,600, indirect of $2,400, and other normal expenses, including word processing of $7,000.

Normal commodities of $1,000 and equipment of $1,700 are also included.

13. REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

Revised Date

FY 86

LEG:F:34

1.	POSITION TITLE Industrial Hygienist I			RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL		ADDITION
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	40,032	
6.	Benefits	6,669	
7.	Supplemental Benefits	2,454	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	51,887
10.	Travel	02	12,000
11.	Contractual	03	10,404
12.	Commodities	04	1,500
13.	Equipment	05	4,700
14.	Other		
15.	TOTAL COST		80,491

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	80,491
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&M USE ONLY
4A KEY NUMBER ___ - ___ - ___ - ___ - ___

JUSTIFICATION

As lead position of the Asbestos Health Hazard Abatement Program, this position will set up the scheduling system for surveying approximately 270 buildings and develop guidelines for the certification program. This position will survey approximately 50 buildings the 1st year and 50 buildings the 2nd year. In the second year this position would be maintained to monitor and evaluate the certification program; provide information and training to contractors, their workers, and other interested parties of the potential health hazards of asbestos.

Contractual costs include rent $3,600, indirect costs $4,800 and other normal costs of $2,000.

Commodities include protective clothing $1,000 and other costs $500.

Equipment costs include sampling pumps $2,000, air respirator $1,000, and other normal costs of $1,700.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

Revised Date

FY 86

LEG:F:31

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CS SS HB5 (L&C)
Title: "An act establishing an asbestos health hazard abatement"
Sponsor: Gruenberg
Requestor: House Labor & Commerce
Date of Request: 2-11-85

FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Public Protection
BRU, Program or Subprogram(s) Affected: Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		79.3	84.7	87.7	90.7	93.9
200 TRAVEL		12.0	12.0	12.7	13.5	14.3
300 CONTRACTUAL		171.9	24.8	26.3	27.9	29.5
400 SUPPLIES		4.5	1.6	1.7	1.8	1.9
500 EQUIPMENT		16.4	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	284.1	123.1	128.4	133.9	139.6
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		284.1	123.1	128.4	133.9	139.6
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	284.1	123.1	128.4	133.9	139.6

POSITIONS:

FULL-TIME	-0-	2	2	2	2	2
PART-TIME	-0-					
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See Attached)

Prepared By: Robert J. Bacolas Phone: 465-4870
Division: Labor Standards & Safety Date: 2/13/85

Approved by Commissioner: Jim Robison Date: 2/13/85
Agency: Department of Labor

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

7/1/84

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE
BILL/RESOLUTION NO: CS SS for HB 5 (House Labor and Commerce Committee)
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 CS SS HB 5 (L&C) 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. 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

During the second year only the hygienist and clerk would be maintained to monitor the completion of the program and to continue the certification program. These positions will also be retained in FY 88, 89, and 90 to certify, evaluate, and monitor the training programs of contractors who work with asbestos. It is assumed in FY's 88-90 that personal services costs will increase by 3.5% per year and non-personal services will increase by 6% per year.

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPROV. DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch	ELECTION DISTRICT	LEG.
3.	CONTINUATION LEVEL		ADDITION					

4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	20,136	
6.	Benefits	3,355	
7.	Supplemental Benefits	1,234	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	27,457
10.	Travel	02	0
11.	Contractual	03	13,016
12.	Commodities	04	1,000
13.	Equipment	05	1,700
14.	Other		
15.	TOTAL COST		43,173

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	43,173
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER ___ - ___ - ___ - ___ - ___

JUSTIFICATION

This position will keep track of the asbestos samples taken by the industrial hygienists and will assure that these samples are mailed to and returned from the contract laboratory. The clerk typist will take, type, and process the reports and correspondence about the asbestos program to the school districts, contractors, and Department of Education personnel who are required to be informed of the program. This position will also provide the clerical support necessary for the monitoring and evaluation of employer and employee training certification programs.

Contractual costs include rent of $9,600, indirect of $2,400, and other normal expenses, including word processing of $7,000.

Normal commodities of $1,000 and equipment of $1,700 are also included.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

Revised Date

FY 86

LEG:F:34

	POSITION TITLE	RANGE/STEP	BARG. UNIT	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
1.	Industrial Hygienist I	19A	GGU				
2.	TYPE OF POSITION: PFT / STAFF MONTHS: 12 / RP NUMBER / PCN NUMBER	BRU PRIORITY	LOCATION: Anch.	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL / ADDITION						

	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	40,032	
6.	Benefits	6,669	
7.	Supplemental Benefits	2,454	
8.	Fixed Benefits	2,732	
9.	TOTAL PERSONAL SERVICES	01	51,887
10.	Travel	02	12,000
11.	Contractual	03	10,404
12.	Commodities	04	1,500
13.	Equipment	05	4,700
14.	Other		
15.	TOTAL COST		80,491

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	80,491
19.		I-A Receipts	1005	
20.		Program Receipts	1028	
21.		Other		

FOR B&M USE ONLY
4A KEY NUMBER ___ - ___ - ___ - ___ - ___

JUSTIFICATION

As lead position of the Asbestos Health Hazard Abatement Program, this position will set up the scheduling system for surveying approximately 270 buildings and develop guidelines for the certification program. This position will survey approximately 50 buildings the 1st year and 50 buildings the 2nd year. In the second year this position would be maintained to monitor and evaluate the certification program; provide information and training to contractors, their workers, and other interested parties of the potential health hazards of asbestos.

Contractual costs include rent $3,600, indirect costs $4,800 and other normal costs of $2,000.

Commodities include protective clothing $1,000 and other costs $500.

Equipment costs include sampling pumps $2,000, air respirator $1,000, and other normal costs of $1,700.

13 REQUEST FOR NEW POSITION

AGENCY Labor

PROGRAM Public Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

Revised Date

FY 86

LEG:F:31

01-1133 (7/82) - 13

House Labor and Commerce
February 18, 1985

HB 5 SUPPLEMENTAL FILE

Material added for February 13, 1985

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 Hazardsd 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.

Material added for February 14 Meeting:

5) Updated Fiscal Note from Dept. of Labor dated 2-11-85 for CS SS HB 5 (L & C; with fiscal analysis

6) Two Fairbanks North Star Borough employees fired after testifying to HESS committee on HB 5 and HB 57 (Fairbanks News Miner 2/11/85)

Material added for February 18 Meeting:

7) Report of Asbestos Abatement Fact Finding Committee to the Dept. of Labor (requested by Rep. Hanley)

8) CS for SSHB 5 (L & C) proposed by sponsor Gruenberg (in response to Dept. of Labor Jan. 20, 85 Position Paper

Unmatte

Asbestos Abatement Fact Finding Committee

I Introduction

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

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

and a response by the purchasing officer to the members of the request for proposal evaluating committee to wit: That eight of the nine proposers offered training programs of varying scope and strength. "Not withstanding 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 (DOSH)

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 DOSH 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 protection, 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 1860.010-18.60.105

   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 trainined 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 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 has been completed and the work . 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 preceeding removal of the asbestos material. The material shall be sufficiently saturated to prevent emission of airborne fibers in excess of the exposure limits prescribed in the OSHA and State regulations referenced in these specifications.

2. The asbestos material shall be removed in small sections by two-man teams on staging platforms. Before beginning the next section, the material shall be packed while still wet into sealable plastic bags (6-mil minimum) and placed into fiber or metal drums or skips for transport. Bags, drums, and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications. The outside of all containers shall be clean before leaving the work area.

3. All plastic sheeting, tape, cleaning material, clothing and all other disposable material or items used in the work area shall be packed into sealable plastic bags (6-mil minimum) and placed into metal or fiber drums or skips for transport. The drums and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications.

4. The contractor shall transport the sealed drums or skips to the approved waste disposal site. The sealed plastic bags may be dumped from the drums into the burial site unless the bags have been broken or damaged. The damaged bags shall be left in the drum and the entire contaminated drum shall be buried. Uncontaminated drums may be recycled.

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

f. Decontamination of Work Area

1. The contractor shall completely decontaminate all tools before removal from work area. The contractor shall clean all surfaces with a HEPA filtered vacuum (HEPA - High Efficiency Particulate Absolute) and/or water. (HEPA vacuums fail when used on wet material.) After cleaning the work area, the contractor shall wait 24 hours to allow for settlement of dust and then wet-clean all surfaces in the work area. After completion of wet-cleaning and when all surfaces are completely, dry, the contractor shall take two air samples, minimum six hours duration each, within 48 hours and 24 hours apart. Such air samples shall be taken while activities normal to the use of the area are simulated i.e., sweeping floor, dusting counters, vacuuming with standard vacuum, air handling system functioning, or any other air disturbing activity that would normally take place in the area after takeover by owner/operator.

2. If the air samples results show that the work area has not been decontaminated, the contractor shall repeat the cleaning and air monitoring until the work area is in compliance.

3. After the work area is found to be in compliance, all entrances and exits are unsealed and the plastic sheeting, tape, and any other trash and debris is disposed of in sealable plastic bags (6-mil minimum) and buried in the approved waste disposal site.

g. Air Monitoring

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

2. Air monitoring will be conducted according to the method prescribed by OSHA/State DOSH regulations.

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

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

B. Contractor/Employer

1. Provide Asbestos Abatement Training Program

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

2. Provide Qualified Supervisors and Instructors

The Committee recommends the following minimum requirements:

a. Recognize distinction between legal vs. recommended practices.

b. Capable of reading analyses between bul[illegible] 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 Bittner II — Chairman

Ronald E. Cunningham — Co-Chairman

Daniel McLaughlin — Member

Joseph L. Churchill — Member

Leslie H. Lovinger — Member

Leonardo P. Fuentecilla — Member

Raymond L. Jorgensen — Member

Nancy E. Carrington — Member

Attachment 1

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

7. Warning Signs

   a. Sa-So
   b. National Marker Co.

8. Decontamination Trailers

   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. Showers

4. H.E.P.A. Vacuum

TOOLS REQUIRED

1. Saws

2. N..ppers (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

Attachment 3

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.

Attachment 4

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 haouling 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.

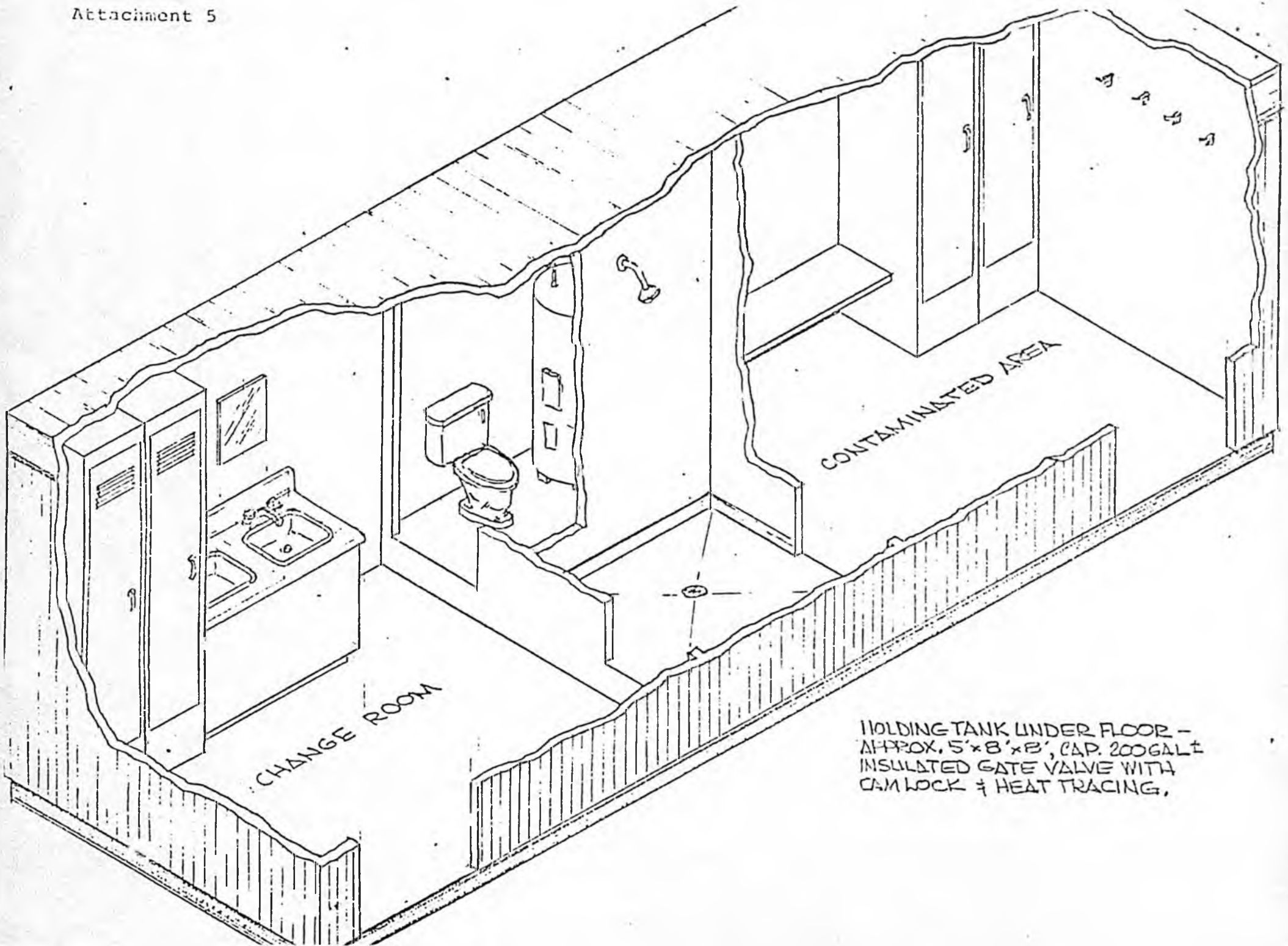
11. Monitoring records will also be retained for the required 20 years storage.

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)SHA standards shall be notified in writing within five (5) days.

13. The key to a successful operation is the keep the fiber count down. This means containment of the fibers either by water or encapsulation.

14. Check local EPA or State requirements.

Attachment 5



Attachment 6

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 Clothi Wet Methods, House Keeping.)
12:30 - 1:30	Air Monitoring
	(Instructional Film, Practical Applicatic
1:30 - 2:30	Work Area Preparation - Hazard Recognitic
	(Taping, Planning, Draw Schematic of Actu Work Site) Ask Students to Outline How T Proceed With This Particular Project.
2:30 - 3:30	Waste Disposal
	(EPA Regulations, Labeling, Double Baggin Land Fills)
3:30 - 4:30	Respirator Fit Testing
	(Other Half of Group Doing Fit Testing Wi Different Masks)

MINIMUM ASBESTOS ABATEMENT TRAINING

DAY 3

8:00 - 10:00	Working With Scaffolding (Setting Up, Tearing Down, Safety Regulation, Asbestos Abatement Applicati
10:00 - 12:00	Actual Work Area Preparation (Scaffold Setting, Taping, Setting Up Change Rooms)
12:30 - 2:30	Continuing Hands On Work Area Preparatio (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

To: Mike
From: Roger February 12, 1985

The general overview on this can be found in the Committee Memo I wrote for the February 11 Meeting on Monday. Also in your folder are some notes I wrote for Mike Davis on February 8, but most of that info is already in the Committee Memo. I provided an outline of materials for everything that has happened up to date on HB 5, and then on the HESS Committee's SS and CS, as well as our proposed CS. At the very front of your file is additional material on the bill that has come in since the Monday Feb. 11 meeting, mostly in response to committee requests.

I think the latest revised CS from L & C drafted by ED Hine will encorporate all the latest amendment suggestions. Mike Davis requested that Ed also draw up a Sectional Analsysis comparing the L & C CS with the HESS CS, which should be available from Ed by the hearings on Wednesday. He attended the hearings on Monday, and we will ask him to attend again on Wednesday.

Also included in the Supplemental file is a letter from Jackie Jones which Mike asked to have included in the record, and some materials from EPA, which includes response on the prioritization issues raised by several people including Boucher. Hopefully, by tomorrow, we will be able to get from EPA their Phase II prioritization plan outline, which is due in May and will have a formula established on how to distribute the $50 million in federal funds, so the state will have some idea at the DOL on how to do this for any state funds that become available. It was a big issue at the meeting on Monday--in fact, Red Boucher brought up an additional point. The prioritizations talked about deal with which schools are to be determined to be most in need and get the funds first--he said if we make it statewide and have it deal with buildings, it could get into additional levels of prioritization like whether schools should come before Pioneer Homes which maybe should come before state office buildings, which may come before the capitol, etc.

Alice Hanley asked if we needed to include specific language to deal with remodeling and restoration issues. For example, what if we wanted to add an annex onto a school building, and to do it, had to cut into asbestos walls. Shouldnt that be included as eligible for inclusion in this program? Niilo Koponen said he is planning to include this issue in with a separate bill he will be submitting. Hanely is a member of the Bartlett School Board, so she is smack in the middle of this issue and is raising lots of points from a knowledgeable point of view.

I think we are running dangerously close to having both of these bills go down the tubes. With 3 committee referrals in each house, it aint gonna make it thru unless we expedite the process; so you might want to consider moving it out of committee soon just to send it on its way. I think the critical issue is the funding, as I explained in my Committee Memo, and if we can get bucks to HB 5, then HB 57 can rise or fall as a separate issue (I think it will fall, so this would salvage HB 5 at least, and save us a lot of federal lawsuits down the road). You may want to just let Finance Committee handle this issue, as they may wish to deal with it as a line-item appropriation to DOL's budget.

MIKE: THESE ARE NOTES THAT I GAVE AS BACKGROUND TO MIKE DAVIS ON THE BILL BEFORE HE LEFT LAST FRIDAY: SINCE THEN, MOST OF THE INFORMATION IN IT HAS BEEN INCL'DED IN THE COMMITTEE MEMO I wWROTE TO THE MEMBERS IN THEIR HB 5 FILE FOR MONDAY"S MEETING.

To: Mike Davis
From: Roger Poppe February 8, 1985 Notes on HB 5, 57

I will be trying to get at least some of the following information to the Committee in their file folders by Monday; a lot keeps coming in, and its been made more complicated by the fact that Gruenberg and perhaps Koponen wanted all sorts of amendments to be added in with a Committee Substitute.

1) The proposed Committee Substitute has two separate aspects to it; the first is a change of wording in several places in the bill to reflect the concerns of Don Rouleau of the Alaska District Council of Laborers (see attached). This would change the asbestos certification program of the Department of Labor from being for just the schools to being a statewide program. Max G. liked them and thought they were appropriate. However, conversation with Ed Hine, the bill drafter, indicates that the original bill was drafted poorly and would need some further re-writing on this point to plug some possible loopholes that would otherwise leave the state open to lawsuits.

The second set of amendments, mostly technical, have been proposed by the U.S. EPA in a January 30, 1985 memo; Max Gruenberg looked them over and thought they were all okay. I will get a closer read-out on this from the bill drafter, Ed Hein, to see if there are any problems with them from a technical point of view.

(Subnote: I just found out that Mike Navarre and Niilo Koponen had met and Mike directed Niilo to write up a CS ; so Niilo is meeting now with Max to include the additional amendments mentioned above that Max wanted into the same CS rather than submitting a second CS from House Labor and Commerce through our office or Max's that would just confuse things further. Niilo's CS was essentially going to just include the info. from Ed Hine mentioned above, so now any additions Max makes to the CS will also go thru Niilo too.)

2) It seems to me that if it hasnt been discussed already, the majority caucus should be thinking about this whole issue of spending $27 million + for asbestos removal in HB 57; that's a lot of bucks, and its not gonna fly unless it gets broad-based support. This issue becomes critical for our hearings because there is a fiscal note of zero. Therefore if the appropriation bill HB 57 doesnt pass, the certification program in HB 5 won't be able to operate, unless we consider a) adding it in as a line-item to the DOL budget, or b) pulling out $300,000 for this program from the HB 57 appropriation and submitting instead HB 5 with a FN of $285,000.

The EPA is starting to apply financial sanctions against school districts who have not done asbestos testing; a lot of this would end up in the State's lap with the state paying the fines, if we are not careful (particularly REAA). So, the certification program is important to salvage in some manner with some strategy of attack regarding its funding, because it could end up not only costing the state a lot of money, but they would end up having to comply thru a court order and have to cough up the bucks for a certification program anyway.

Nationwide, the feds only appropriate $50 million for asbestos removeal, and those funds are earmarked primarily for dealing with the problem on schools located on federal land. In Alaska that just means Bartlett, which is already on tap for asbestos removal.

3) There is a problem that was raised by Hanley in HESS on inserting the word public before schools in the bill, because she was worried about the issue of separating church and state here. M[illegible] apparently included it because he wants her support for the bill, but the EPA regulations apply in any case to both public and private schools, so public schools in this bill could cause some problems by excluding private schools from at least having a certification program available to them in case they want it. The state isn't required to have its own asbestos program, so we don't have to put private schools in.

4) Hanley also put in an amendment that schools who do this get reimbursed if they did it after January 1, 1985; but 2 or 3 smaller schools already did their inspections, and so it seems they are being unfairly discriminated against.

5) The Department for $258,000 would be approving training programs as part of the use of those funds, but they would not be doing the training programs themselves. The Associated General Contractors feels this would cause a lot of expense by sending workers out of state to get training in Georgia; the reality is that there are unions right here in the state that run training programs dealing with issues like hazardous substances. The Laborer's union in Anchorage runs a 3 -day program dealing with asbestos, including the use of respirators, etc. Non-union contractors who got bids could do a special contract to have their employees trained thru one of these union workshops or some other workshop being run in-state.

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 Hazardsd 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.

Material added for February 14 Meeting:

5) Updated Fiscal Note from Dept. of Labor dated 2-11-85 for CS SS HB 5 (L & C; with fiscal analysis

6) Two Fairbanks North Star Borough employees fired after testifying to HESS committee on HB 5 and HB 57 (Fairbanks News Miner 2/11/85)

Hein
2/11/85

Original sponsors: Gruenberg, Goll,
Davis, et al

IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; and providing for an effective date."

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

* Section 1. AS 14.03.030 is amended to read:

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

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

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

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

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

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

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

CHAPTER 28. ASBESTOS.

ARTICLE 1. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

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 abate asbestos health hazards in schools in the state. The program applies to all work in public schools and the University of Alaska involving

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

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

Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to abate asbestos health hazards from public schools and from the University of Alaska 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, in conformity with Environmental Protection Agency asbestos regulations (40 C.F.R. Part 763), for abating asbestos health hazards, 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 abate asbestos health hazards;

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

(7) establish classifications of asbestos health hazards according to the severity of the hazard and determine on the basis of those classifications the order in which abatement projects should proceed;

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

(9) oversee an employee certification program;

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

(11) whenever the department is informed of scheduled work to abate an asbestos health hazard, inform the contractors and other concerned persons of the health hazards of asbestos;

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

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

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

(1) cooperate with the Department of Labor, school districts, and regional educational attendance areas to ensure inspection of public schools for asbestos health hazards and to ensure that

identified asbestos health hazards are abated;

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

(3) administer state money appropriated to finance renovation contracts under AS 18.28.040(5);

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

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

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

Sec. 18.28.040. 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 and under the supervision of 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 persons who renovate the school buildings.

Sec. 18.28.050. 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 the regional educational attendance area 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.

ARTICLE 2. CERTIFICATION OF ASBESTOS WORKERS.

Sec. 18.28.200. 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 work with asbestos 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, public and private vocational training programs, and others for persons who will be employed to work with asbestos;

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

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

(b) Before a contractor may undertake work involving asbestos, 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;

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

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

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

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

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

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

ARTICLE 3. MISCELLANEOUS PROVISIONS.

Sec. 18.28.500. DEFINITIONS. In this chapter

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

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

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

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

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

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

House Labor and Commerce
February 13, 1985

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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

M E M O R A N D U M February 13, 1985

SUBJECT: Comparative sectional analysis of CSSSHB 5(L&C)(2/11/85 draft) and CSSSHB 5 (HESS)

TO: Representative Mike Davis
Vice-Chairman, House Labor and Commerce Committee

FROM: Edward H. Hein
Legislative Counsel

The following is an explanation of the changes to CSSSHB 5 (HESS) that appear in draft CSSSHB 5 (L&C) (page and line references are to the HESS Committee Substitute, unless specified otherwise):

Page 1, lines 8-9: the bill title has been changed to reflect the broadening of the asbestos worker certification program.

Section 1 of both bills are identical.

Section 2

Page 2, line 2: the title of new Chapter 28 has been shortened and the chapter itself has been broken into three articles. Article 1 encompasses the asbestos health hazard abatement program; Article 2 covers the worker certification program; Article 3 is for definitions that apply to both programs. The certification program was separated from the abatement program to make clear that the certifications program's coverage is different from and broader than the abatement program.

Page 2, lines 6 and 15; page 3, line 3: the word "eliminate" has been changed to "abate".

Page 2, lines 25 - 26: new language has been inserted requiring that guidelines of DOL conform with federal EPA asbestos regulations.

Page 3, lines 7 - 10: a new paragraph has been inserted directing the Department of Labor to establish classifications of asbestos hazards and set priorities for abatement work; these priorities also serve as the basis for distribution of grants by the Department of Education at page 4, lines 6 - 9.

Page 5, lines 3 -4: new language has been inserted requiring that inspections of schools contracted by local school officials be supervised by DOL.

Page 5, line 21 - page 6, line 24: the certification program for asbestos workers has been expanded to include all asbestos work in the state, not just work done in schools under the abatement program.

Page 6, line 29 - page 7, line 2: the definition of "asbestos health hazard" has been changed.

Page 7, lines 5 - 6: the applicability of the Act has been rewritten to reflect the separation of the certification program from the abatement program.

EHH:ojb
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ANKS

/S - Miner

ndent Daily Newspaper

DAY, FEBRUARY 11, 1985 35¢ Per Copy 20 pages

ot·'·g for nothing but air, but he gives a good
e high jump this weekend at Skiland.
(Staff photo by Vince DeWitt)

Borough fires two after asbestos flap

By MARGARET NELSON
Staff Writer

Two members of the borough's risk management department have been fired as the result of testimony one of them gave last month to legislators regarding asbestos in borough schools.

Borough Chief Executive Director Greg Strong said today that Mike Oden, who held the position of safety coordinator/inspector, and his supervisor, Barney Mulligan, the director of the risk management department, were discharged last week. Their last day was Thursday.

The risk management office, which handles safety inspections of borough buildings, has been under fire recently for its position on the removal of asbestos in borough schools and facilities.

Neither Mulligan or Oden could be reached today for comment.

Oden, who had been with the borough since October, was fired because "he had destroyed the relationship he had with the school district," Strong said. "It wasn't a workable relationship."

Strong said Mulligan was fired because he was "not providing the direction necessary for the safety inspector (Oden)."

The action leaves the borough's risk management office without any inspectors. The office is responsible for insurance, health care benefits and safety throughout the borough, including the school district.

Strong said the borough has hired University of Alaska-Fairbanks Fire Chief Bill Shechter on a temporary basis to review nine reports of safety inspections of borough schools completed by the risk management office.

Oden's dismissal stemmed from testimony last month to the Legislative Health and Social Services Commission regarding asbestos in Fairbanks schools. He said asbestos was prevalent in Joy Elementary School. Later, he corrected his testimony to say he meant asbestos in the Main Building, not at Joy. He was testifying on House Bill 5, which would require any worker removing asbestos to have minimum formal training.

Local school district officials said Oden was wrong in his testimony regarding exposure to asbestos. They said the district has far exceeded federal requirements on protective measure for handling asbestos as well as in its intention to remove all asbestos from schools by the fall of 1986.

According to district officials, asbestos was removed at Joy School in December 1983, and all federal requirements for removal were followed.

Les Riedlinger, school facilities planner, said Main Building is one of 11 older buildings in the district where asbestos insulation has been "encapsulated" or encased until it can be removed. All 11 school district buildings are to be rid of asbestos by late 1986 at a cost of more than $3 million, in addition to the $1.26 million that has already been spent.

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were propped open. Smoke was cleared from the building by opening all the stairway doors and doors to the roof. Hotel guests waited outside in subzero temperatures as firefighters opened doors and brought in fans to clear the hallways of smoke.

Department said the blaze was reported at 5:22 a.m. Sunday, after a passerby spotted it and called Alaska State Troopers.

The fire began in the business's furnace room, according to Lundfelt. The state fire marshal's office is investi-

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

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

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

FINDINGS AND PURPOSES

Congress.
20 USC 4011.

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

(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 induced cancers;

(3) medical science has not established any minimum 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

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 Program.
20 USC 4014.

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—

(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 the 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— Loans. Grants. 20 USC 4016.

(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. Suits. 20 USC 4017.

(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.

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

20 USC 2854.

(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;

(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.

Kayley

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE

SEATTLE, WASHINGTON 98101

REPLY TO ATTN OF: M/S 524

NOV 2 6 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 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.

- 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.

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 AsbestosContaining 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 phyical 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 airsteam 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 applicabilty 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 asbesotos 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 asbsorb 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.

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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 workers 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 ~~for~~ many months.

~~It~~ that one worker had