

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3449

H LAB

HB 5

323

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

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

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

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

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

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

Sincerely,
Jackie Jones

HB 5 File Contents

CS, SS, Proposed CS

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

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

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

M E M O R A N D U M

TO: All Members, House Labor and Commerce Committee

FROM: Committee Staff

DATE: February 11, 1985 Monday

SUBJECT: Overview, HB 5 & HB 57

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCTION OF BILLS (House)(cont'd)

HB 4 (cont'd)

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

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

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

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

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

Asbestos
Health Hazards
(abatement
program)

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

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

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

INTRODUCTION OF BILLS (House)(cont'd)

SSHB 5 (cont'd)

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

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

Provides Act takes effect immediately.

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

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

Workers'
Compensation
(reporting
requirements)

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

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

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

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

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

Fish Records
(release of
confidential)

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

*Have Hein
retype as indicated
I get to me ASAP*

A M E N D M E N T

Offered in the HOUSE

By Hanley

TO: SSHB 5

Page 2, line 8:

After "renovation" delete:

OK "conducted in environments that contain asbestos"

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

Page 3, line 18:

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

Page 3, line 26:

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

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

Page 4, line 6:

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

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

Page 4, line 28:

OK Before "schools" insert "public"

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

Page 5, line 1:

done in CS
Delete "already"

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

A M E N D M E N T

Offered in the HOUSE

By Gruenberg

TO: SSB 5

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

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

Page 6 - Delete Section 3

Alaska State Legislature

Re Niilo Koponen
21, Democrat

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

Pouch V
Juneau, Alaska 99811
465-4992

MEMORANDUM

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

I would propose the following amendments to HB5:

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

I would propose the following amendments to HB57:

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





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

OFFICIAL BUSINESS

POUCH V
JUL 1 1985
JUL 1 1985
465-3759

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

DATE: JANUARY 28, 1985

RE: AMENDMENTS TO SSHB 5 FROM REP. ALICE HANLEY

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

Original sponsors: Gruenberg, Goll,
Davis, et al

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

11 * Section 1. AS 14.03.030 is amended to read:

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

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

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

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

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

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

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

1 CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

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

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

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

12 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to
13 eliminate asbestos health hazards from public schools and from the
14 University of Alaska the Department of Labor shall

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

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

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

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

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

1 hazards;

2 (6) cooperate with the Department of Education to adminis-
3 ter state money appropriated for the asbestos health hazard abatement
4 program;

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

8 (8) oversee an employee certification program;

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

11 (10) whenever the department is informed of scheduled work
12 to abate a health hazard that is asbestos related, inform the contrac-
13 tors and others concerned of the health hazards of asbestos;

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

16 (12) adopt regulations necessary to implement the provisions
17 of this chapter.

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

20 (1) establish guidelines for employee training certifica-
21 tion programs, including respiratory and competency tests to be com-
22 pleted successfully, to ensure that a person who is employed to abate
23 asbestos health hazards in a public school or the University of Alaska
24 is trained to do the work safely and is informed about the danger of
25 working with asbestos;

26 (2) review certification programs proposed by contractors,
27 labor organizations, public and private vocational training programs,
28 and others for persons who will be employed to abate asbestos health
29 hazards in a public school or the University of Alaska;

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

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

5 (b) Before a contractor may undertake to abate an asbestos-
6 related health hazard in a public school or the University of Alaska,
7 the contractor shall

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

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

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

15 (c) A person may not be employed to abate an asbestos health
16 hazard in a public school or the University of Alaska unless that
17 person has been certified in a program approved by the Department of
18 Labor under (a) of this section.

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

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

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

26 Sec. 18.28.040. DUTIES OF THE DEPARTMENT OF EDUCATION. To
27 assist in implementing the asbestos health hazard program, the Depart-
28 ment of Education shall

29 (1) cooperate with the Department of Labor, school

1 districts, and regional educational attendance areas to ensure in-
2 spection of schools in the state for asbestos health hazards and to
3 ensure that identified asbestos health hazards are abated;

4 (2) maintain records, files, and reports on asbestos health
5 hazards in city and borough schools and regional educational atten-
6 dance area schools;

7 (3) administer state money appropriated to finance reno-
8 vation contracts under AS 18.28.050(5);

9 (4) distribute available money as necessary to abate asbes-
10 tos health hazards in public schools and reimburse school districts
11 and regional educational attendance areas for asbestos hazard abate-
12 ment work undertaken on or after January 1, 1985, with other than
13 federal or state funds;

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

18 Sec. 18.28.050. DUTIES OF SCHOOL OFFICIALS. To assist in imple-
19 menting the asbestos health hazard abatement program, each city or
20 borough school district and each regional educational attendance area
21 shall

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

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

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

28 (4) either

29 (A) contract for the inspection of its school

1 buildings in compliance with Environmental Protection Agency
2 Asbestos Regulations (40 C.F.R. Part 763) and in accordance with
3 guidelines established by the Department of Labor; or

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

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

12 Sec. 18.28.060. REPAYMENT OF GRANT FUNDS. A school district or
13 regional educational attendance area that receives a state grant for
14 the abatement of asbestos health hazards in schools shall repay the
15 grant from any money the district or the Regional Educational Atten-
16 dance Area recovers from asbestos manufacturers or other parties in a
17 claim for damages arising from the use of asbestos in a school.
18 Repayment shall be made after deducting legal fees and other costs
19 associated with the claim for damages.

20 Sec. 18.28.090. DEFINITIONS. In this chapter

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

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

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

28 * Sec. 3. This Act does not apply to construction work underway on
29 October 1, 1985.

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

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

1 IN THE HOUSE

BY GRUENBERG, GOLL, DAVIS,
KOPONEN AND NAVARRE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an asbestos health hazard abate-
7 ment program; and providing for an effective date."

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

9 * Section 1. AS 14.03.030 is amended to read:

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

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

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

20 (3) a school board may adopt a school term of not less than
21 150 days for a school if the commissioner finds that

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

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

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

28 CHAPTER 28. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

29 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard

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

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

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

Sec. 18.26.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to eliminate asbestos health hazards from schools in the state, the Department of Labor shall

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

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

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

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

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

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

program;

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

(8) oversee an employee certification program;

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

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

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

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

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

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

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

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

(1) propose to the Department of Labor a plan for the certification of its employees as adequately trained to handle asbestos in a safe and knowledgeable way;

1 (2) receive approval from the department of that plan; and
2 (3) certify that each person who will work on the abatement
3 of an asbestos health hazard in this state is adequately trained to
4 handle asbestos in a safe and knowledgeable way.

5 (c) A person may not be employed to abate an asbestos health
6 hazard in this state unless that person has been certified in a pro-
7 gram approved by the Department of Labor under (a) of this section.

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

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

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

15 Sec. 18.28.040. DUTIES OF THE DEPARTMENT OF EDUCATION. To
16 assist in implementing the asbestos health hazard program, the Depart-
17 ment of Education shall

18 (1) cooperate with the Department of Labor, school dis-
19 tricts, and regional educational attendance areas to ensure inspection
20 of schools in the state for asbestos health hazards and to ensure that
21 identified asbestos health hazards are abated;

22 (2) maintain records, files, and reports on asbestos health
23 hazards in city and borough schools and regional educational atten-
24 dance area schools;

25 (3) administer state money appropriated to finance reno-
26 vation contracts under AS 18.28.050(5);

27 (4) distribute available money as necessary to abate asbes-
28 tos health hazards in schools in the state, including reimbursement of
29 school districts and regional educational attendance areas for

asbestos hazard abatement work already undertaken;

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

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

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

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

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

(4) either

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

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

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

Sec. 18.28.090. DEFINITIONS. In this chapter

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

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

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

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS SS HB5
 Title: "An act establishing an
 asbestos health hazard abatement"
 Sponsor: Gruenberg
 Requestor: House HESS
 Date of Request: 2-4-85

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						
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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 *R. Bacolas* Phone: 465-4870
 Division: Labor Standards & Safety Date: _____

Approved by Commissioner: Jim Robison *Jim Robison* Date: 4/8/85
 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

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 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 Industrial Hygienist I			RANGE/STEP 19A	BARC. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PET	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anch.	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
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 BSM USE ONLY									
4A KEY NUMBER									

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

Page 1 of 2
Revised Date

FY 86
LEG:F:31

1.	POSITION TITLE Clerk Typist III			RANGE/STEP RR	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	LOC.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE		AMOUNT			<p>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.</p> <p>Contractual costs include rent of \$3,600, indirect of \$2,400, and other normal expenses, including word processing of \$7,000.</p> <p>Normal commodities of \$1,000 and equipment of \$1,700 are also included.</p>			
	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 BSM USE ONLY									
4A KEY NUMBER - - - - -									

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Public Protection
BRU Occupational Safety & Health
COMPONENT Occupational Safety & Health

Page 2 of 2
Revised Date

FY 86

LEG:F:34

Bill No. Sponsor Substitute for House Bill 5

Date January 22, 1985

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

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

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

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

Under the provisions of Sponsor Substitute for House Bill 5, the Department of Labor would inspect school buildings to identify asbestos health hazards; make recommendations as to the need for removal or encapsulation of asbestos; certify employee training programs to assure that workers removing or encapsulating asbestos know how to do it safely.

In connection with the certification program, the Department of Labor would establish minimum requirements for asbestos abatement employee training programs, and review and approve specific training plans proposed by contractors, labor organizations, or others training persons who will be employed to abate asbestos health hazards. Contractors involved in asbestos health hazard abatement would then certify that each employee who will work on the project has been trained in accordance with the plan approved by the Department. Likewise, Sponsor Substitute for House Bill 5 prohibits a person from working on the abatement of asbestos health hazards unless the person has been certified in a program approved by the Department.


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

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

The Department also notes the sponsor substitute amendment to Sec. 18.28.020(1), which narrows the Department of Labor's inspection responsibilities to schools which have not complied with the Environmental Protection Agency's regulations. We agree that inspection effort should not be duplicated. However, it might be well to verify that competent surveys have been conducted. Our understanding is that the EPA regulations did not require that the surveys be conducted by a qualified person or firm.

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

Approved:


Jim Robison, Commissioner

POSITION F. PER/Department of Labor

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:

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- Protective Clothing (3)	\$3,000.00
- Contract for Two Health Specialists	\$110,000.00
- Contract to Analyze the Bulk Asbestos Samples (5 per buildings)	\$38,500.00

FISCAL NOTE
HB 5

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

SECTIONAL ANALYSIS - SSHB 5 "AN ACT ESTABLISHING AN ASBESTOS HEALTH HAZARD
ABATEMENT PROGRAM; EFD." by Gruenberg, Goll, Davis,
Koponen and Navarre

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

Section 2 Establishes the asbestos health hazard abatement program in the Department of Labor for the purposes of inspecting schools which have not complied with EPA regulations; coordinating state agencies; establishing guidelines for safe working conditions where asbestos is involved; oversight of employee certification programs and adoption of regulations.

CERTIFICATION PROGRAMS. The Department of Labor shall establish guidelines for employee training programs, review and approve those programs meeting the standards. Any contractor undertaking an asbestos related project must have an approved program and certify that each employee is trained. Violations of these requirements would make a contractor liable for civil penalties and guilty of a misdemeanor.

DEPARTMENT OF EDUCATION. Duties of the department includes cooperation with the Department of Labor and school districts; keeping records on asbestos abatement projects, administration and distribution of grants to schools from available funds.

SCHOOL OFFICIALS. Duties of school officials include compliance with EPA regulations for asbestos inspection through contracts or cooperation with the Department of Labor, notification of school personnel and parents of the results, maintaining records and contracting for renovations as needed.

Section 3 Immediate effective date.

NOTE: HB 57 is the companion appropriation bill which would provide \$300.0 to the Department of Labor to cover the cost of asbestos inspections and sampling (or contracts for those purposes), and \$26 million to the Department of Education for grants to schools for asbestos abatement projects.

RESOLUTION: 84-10

ASBESTOS ABATEMENT IN ALASKA SCHOOLS

The Alaska Public Health Association,

Believing that friable asbestos, similar to that which was discovered in schools in the Anchorage School District, exists in numerous other schools in school districts throughout the State; and

Knowing that an Asbestos Technical Panel, convened in Anchorage by the Anchorage School Board, reviewed thoroughly health hazards associated with asbestos in Anchorage schools; and, as a result, recommended that friable asbestos be removed from Anchorage schools as an unacceptable health hazard¹; and

Believing that many Alaskan school children in school districts other than Anchorage may be exposed to health hazards from asbestos that are preventable; therefore

Urges passage of Senate Bills 373 and 374; and

Urges the Governor to form a special task force with representatives of Department of Health and Social Services, Department of Labor, Department of Education, Department of Transportation & Public Facilities, Department of Environmental Conservation, parents of school children, and teachers to implement an asbestos abatement program in all Alaskan schools in accordance with recognized standards for asbestos abatement²; and

Urges implementation of an asbestos abatement program which will include the following tasks:

1. Implement and insure completion of a comprehensive survey to identify and categorize asbestos in all Alaskan schools.
2. Evaluate health hazards associated with any asbestos (friable asbestos and asbestos in other forms) discovered in the survey and make recommendations for appropriate medical surveillance of students, teachers and workers exposed to asbestos.
3. Insure notification of teachers, parents, and students of the presence of friable asbestos identified in Alaskan schools in accordance with guidelines established by the EPA.
4. Recommend a plan for removal of friable asbestos, where necessary, and develop appropriate bid specifications and guidelines so that school districts can be assured that asbestos will be removed according to established standards which protect workers, students, parents and teachers during the removal process as well as insure that asbestos is removed totally and is adequately disposed of in approved sites.
5. Increase awareness of the health hazards associated with asbestos and protect against future problems by making sure that asbestos containing materials are not used in new construction.

-
1. Asbestos Technical Advisory Panel Recommendations, ASD Memorandum #534(82-83), Anchorage School District, Anchorage, Alaska, May 23, 1983.
 2. Asbestos-Containing Materials in School Buildings: A Guidance Document, Part 1 and 2. U.S. EPA, Office of Toxic Substances, Washington, D.C., March 1979.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH Z
JUNEAU, ALASKA 99811
PHONE: (907) 465-3900

RECEIVED

MAY 30 1984

May 29, 1984

Josephson,

The Honorable Joe Josephson
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Josephson:

This is in response to your request for information concerning asbestos in public facilities and the Alaska Railroad. What we have learned about the risks associated with the use of asbestos is certainly disturbing.

Facilities

Prior to the known health hazards associated with asbestos (such as lung and intestinal cancer), many State public facilities were constructed utilizing asbestos for floor and ceiling tile, exterior siding, pipe and ceiling insulation, and other products which contained varying amounts of asbestos.

As you know, extensive remodeling efforts are underway at the Anchorage International Airport. As part of this effort, the ceiling above the main ticket lobby is being replaced following the removal of asbestos fireproofing material above the existing ceiling. Overall construction costs will total \$1.8 million; \$850,000 of that amount is being spent solely for asbestos removal.

An Inventory and Condition Survey of other State facilities will be necessary in order to identify the extent of any additional asbestos problems, and establish priorities for its removal prior to the Department of Transportation and Public Facilities being able to specifically address either the timeframe or the cost involved. We have estimated, however, that the survey, along with necessary laboratory testing, could cost in excess of \$5 million, and could take numerous years to complete. Currently we do not have funding to cover this, so I am initiating an in-house survey to try to determine the scope of the problem.

ALASKA RAILROAD

In 1982, it became apparent that the Alaska Railroad had an extensive amount of asbestos located around the railroad work areas. Asbestos had been traditionally used for pipe and boiler insulation, wall coverings, and ceiling and electrical insulation. It also became apparent that the substance would need to be removed from the perimeter of the work areas. It was determined that removal would require the most up-to-date methods in order to comply with Alaska Occupational Health and Environmental Control Standards, and ensure the health and safety of all employees during the removal period. Management and employees of the Alaska Railroad were notified of the hazard, and plans to remove the asbestos were prioritized and initiated. Safety classes were held in which 24 railroad engineering and mechanical personnel were trained in the proper techniques for personal protection and asbestos removal. The Alaska Railroad Manager of Safety was assisted in these classes by Environmental Protection Agency officials and an environmental engineer certified in asbestos identification and removal.

When the actual removal process began, a certified asbestos identification expert was retained for independent monitoring during the procedure. To date, the Railroad's diesel repair shop, the largest building in the yard in Anchorage, has been cleaned up. Asbestos removal costs for this building totaled about \$115,000; \$50,000 went into monitoring the air to ensure that no asbestos particles were present outside of the area during cleanup. Last year, after the Railroad's safety office had drawn up some rough plans for a decontamination area, a unit was built out of a troop transport rail car. It now contains an area where workers can change from the special suits worn in asbestos areas, and shower following their shift. This entire operation was inspected by at least two experts in asbestos removal, announcing that this was a model program, and that all necessary safeguards were in place to ensure employee protection. The total cost of the "decontamination car" was \$75,000.

Last year, the Department of Transportation and Public Facilities conducted its own Inventory and Condition Survey of the Alaska Railroad Facilities. Departmental facilities planning staff and a team of consultants, the architectural firm of Selberg Associates, Inc., performed a general inspection of all railroad facilities, and obtained samples from areas where asbestos was suspect. These field inspections revealed a number of health and safety code deficiencies, among them, the use of asbestos. The DOT&PF estimates that future asbestos removal costs from the Alaska Railroad in Anchorage alone will total \$500,000. Replacement of removed insulation materials from Fairbanks, Healy, Whittier, Seward and Portage will add to the total.

Senator Josephson


-3-

May 29, 1984

The Department of Transportation and Public Facilities remains committed to working cooperatively with the Departments of Labor and Environmental Conservation to ensure that future asbestos removal in public facilities, and the Alaska Railroad, is initiated in the safest, most timely, and cost-effective methods possible.

If we may be of further assistance, please contact this office.

Sincerely,



R. J. Knapp
Commissioner

SF/ajh

ALASKA STATE DISTRICT COUNCIL OF LABORERS
Laborers International Union of North America, AFL-CIO

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

January 28, 1985

HESS Committee--SS HB-5

Co-Chairman--Max Gruenberg
Niilo Koponen

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

TESTIMONY--Don Rouleau

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

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

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

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

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

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

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

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

OFFICE OF THE ATTORNEY GENERAL

January 25, 1985

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

Dear Representative Gruenberg:

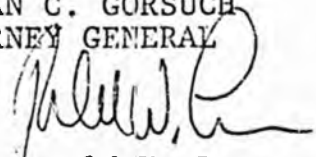
I am responding to your letter of January 23, 1985, inquiring whether inclusion of the proposed provisions of section 1 of SSHB 5 is necessary, in light of certain advice provided by this office to the Commissioner of Education last summer. A copy of that Memorandum of Advice is attached for your information.

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

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:


Ronald W. Lorensen
Deputy Attorney General

RWL:vrh

cc: Honorable Harold Raynolds
Commissioner
Department of Education

MEMORANDUM

State of Alaska

TO: The Honorable Harold Reynolds
Commissioner
Department of Education

DATE: August 29, 1984

FILE NO: 366-017-85

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Emergency school
closures under
AS 14.03.030(2)

By: Ronald W. Lorensen
Deputy Attorney General
Department of Law

This confirms our conversation on Thursday, August 23, 1984.

Upon further review and analysis, I believe some clarification of my May 28, 1984, */ letter to Senator Joe Josephson regarding the scope of the "emergency school closure" provision of AS 14.03.030(2) is in order. In that letter I indicated in fairly absolute terms that planned activities such as an asbestos abatement program could never qualify as adequate grounds for an "emergency school closure."

The May 28 letter does not adequately acknowledge the discretion which AS 14.03.030(2) vests in you, as Commissioner of Education, to determine what constitutes an "emergency" justifying deviation from the normal 180-day school term. Under the law, "emergency closure days" may only be substituted for days in session with your approval. Since the legislature did not define "emergency" under AS 14.03.030(2), it is left to you to apply the appropriate standard and conditions for granting an "emergency school closure" based on the general policy and purposes underlying the school laws. See, e.g., Kenai Peninsula Fishermen's Co-op Association v. State, 628 P.2d 897, 907 (Alaska 1981).

As I indicated in my May 28 letter, pre-planned construction or maintenance activities would not normally be considered to constitute a situation covered by AS 14.03.030(2). However, that general conclusion should not be taken as implying that you may never approve a closure for a pre-planned activity when, in the exercise of your discretion in reviewing a specific case, you conclude that an emergency situation exists.

RWL:vrh

cc: Honorable Joe Josephson
Alaska State Senator

*/ Redated for printing July 1, 1984: 1984 Inf. Op. Att'y Gen.
(July 1; 366-017-85).

SSHB 5 QUESTIONS

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

SSHE 5 QUESTIONS

Page Two

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

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

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

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

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

ASBESTOS TIME-LINE INFO FROM D.E.C.

DRAFT

1. EPA published rules 27 May, 1982 telling school districts (local education agencies) it is their responsibility to inspect, sample and have analyzed for asbestos, their school buildings; requiring that results be posted etc. by 27 May, 1983 (28 June, 1983?) Under TSCA this activity was required once.
2. EPA provided a 2-volume guidance document dated March 1979, to all schools in 1979 and again with the regulations in June 1982 to all school districts and private schools.
 - a) These documents are available in the DEC library, and are mailed on request by EPA (100 more copies on order)
3. EPA provided two films/videos on _____ and _____ . These are available in the Juneau and Anchorage State Libraries. The EPA film can be copied (at least 25 copies have been mailed from Juneau and _____ from Anchorage.)
4. EPA Region X has a staff of 3 and 1 asbestos co-ordinator, the Alaska Operations Office is also used as a resource for providing information etc.
 - a) Jim Tozier, Department of Education is working with EPA on this
 - b) ADEC does provide information - 2 weeks/year/office no technical knowledge via school sanitation or hazardous waste staff
 - c) ADEC issued "Asbestos in Alaska" information sheet April 1983
5. EPA regulations do not require report of findings be submitted, only kept on file and posted if asbestos is present. No reinspection/sampling is required.
 - a) EPA prepared inventory forms for use by the school and the district, and mailed them in August 1982 along with a reminder of the availability of the guidance documents -- sent to districts and private schools.
 - b) A number of school districts have "voluntarily" notified EPA of the results of their sampling program.
6. In September of 1982, EPA held workshops in Juneau, Anchorage and Fairbanks for school district representatives on the regulations.
7. In early June 1983, via Department of Education, EPA reminded school districts of the impending "deadline" and requested copies of the inspection/testing reports. (see 5b)
8. EPA plans to inspect (sample ?) representative schools in Juneau/Fairbanks/Anchorage (probably) for compliance.
9. Removal/Encapsulation/Elimination is not required nor was it funded - via EPA -- US Department of Education did issue rules related to a grant/loan program -- 34 CFR 230 in 1981.

DRAFT

Points to be made

1. a) DEC has limited staffing the 1-2 weeks/year/office is about all we can tolerate in the information available mode.

b) No staff is, or can afford to be, trained to provide technical advice about -

sampling
health risks
control] -- 1/2 year

c) No staff is available to do -

training
sampling] -- 1/2 year

Q/A
analyse] -- 1/2 year

regulate
establish guidelines] -- 1/2 year

2. a) EPA's program and regulations under TSCA can not be delegated to the state, so the part related to schools would result in a double program.

b) Perhaps Department of Labor and Department of Transportation/Public Facilities could regulate state/local buildings by reference to EPA's rules.

c) Seems inappropriate for DEC to get involved in what is really an OSHA "world."

3. a) It is important to determine how the \$17.0mm will be spent.

b) It is necessary to evaluate results of testing, recommended "elimination" technique(s) set up and follow priority-setting standards, approve cost-effective projects, before awarding monies. Thus statutes should set up a regulatory scheme; if DEC writes regulations for C&RA to follow in evaluating project, prioritizing it and awarding funds etc., it puts us in an awkward position.

DRAFT

Recommendations:

- a) Let EPA finish (and enforce) their inspection sampling of schools.
- b) Have Department of Education require and obtain results required by EPA.
- c) Instruct Department of Education to award (a single?) contract to evaluate and recommend appropriate "elimination" projects for each school (district) in which asbestos is found.
- d) Establish regulations for applying/awarding grants.
- e) Instruct DOT/PF (for state buildings) D of L (for local government buildings) to enforce EPA's regulations (inspect/sample) and prepare recommendations for correction.
- f) Have Department of Education contract for programs to use (on Learn Alaska) to
 1. instruct school principals and local governments in their responsibilities
 2. give teachers/students facts about asbestos and health hazards
- g) Have one agency responsible for evaluating all projects, awarding grants. Individual contract managers should be:
 1. School district supervisors
 2. DOT/PF
 3. Municipal official
 - i) Department of Labor would be most appropriate since the affected buildings are all "work places"
 - ii) DOT/PF might be appropriate since they are experienced in construction projects
 - iii) DEC might be appropriate since we already have a system for awarding grants to health-related projects (VSW & water/sewer)
- h) Provide personnel to operate the program
 - One - technical/health person
 - One - construction techniques person
 - One - grant auditor
 - One - public information/field investigator
- i) Make grant money "2-year." The program can not be started up and all these funds responsibly awarded in 12 months.
- j) Institute a continuous monitoring program for facilities which do not elect to remove asbestos -- posting warnings on "solid asbestos" so future maintenance/renovation does not create health hazards.

Office copy

Send in all school districts and private schools

NOTE: Under TAP, in 1979 all schools were given copies of this document
Document 102



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 1982

THE ADMINISTRATOR

Dear School Administrator:

On May 27, 1982, the Environmental Protection Agency (EPA) published a rule in the Federal Register (47 FR 23360-23389) requiring all public and private elementary and secondary schools in the United States to identify friable asbestos-containing materials, maintain records, and notify employees of the location of the friable materials which contain asbestos. When friable asbestos-containing materials are found, schools must provide the employees with instructions on reducing exposure to asbestos, and notify the school's parent-teacher association.

Since 1979, EPA has operated a Technical Assistance Program (TAP) to help schools identify and correct potential hazards due to asbestos in schools. However, many schools did not respond to EPA's effort under the TAP. EPA is now requiring all schools to identify friable asbestos-containing materials and notify employees and parent-teacher organizations of their presence. These actions must be completed by June 28, 1983.

To assist schools in complying with the rule, we are enclosing a copy of the rule along with copies of "Asbestos-Containing Materials in School Buildings: A Guidance Document, Parts 1 and 2." Should you need a copy of any forms for this rule or other general information, please contact the Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Streets, S.W., Washington, D.C. 20460. Phone: Toll free, 800-424-9065. In Washington, D.C., call 544-1404. Outside the Continental U.S., call Operator-202-554-1404. If you need technical assistance, please contact the appropriate Regional Asbestos Coordinator listed in the rule on page 23361.

RECEIVED

AUG 1 1982

COMPLIANCE BRANCH
EPA-REGION X

Sincerely,

Douglas G. Bannerman
Acting Director,
Industry Assistance Office

ROUTING AND TRANSMITTAL SLIP

Date

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Jim Smith		
2. Andy Christensen		
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Attached are schools in Alaska which were sent to the schools rule package. Also, attached is an address change.

RECEIVED
SEP 16 1982

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

FROM: (Name, org. symbol, Agency/Post) EPA Room No. 101 Bldg. X

Dave Mayer Phone No.

5041-102

Dave Mayer, EPA,

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA
FPMR (41 CFR) 101-11.206

U.S. GPO : 1982 O - 341-528 (5-20) WASH. D.C.

Acting Team leader for Asbestos

SUPERINTENDENT
ADAK REGION SCHOOLS
FPO SEATTLE AK 98791

SUPERINTENDENT
BRISTOL BAY BOROUGH SCH D
NANKAK AK 99633

SUPERINTENDENT
ALASKA GATEWAY SCH DIST
TOK AK 99720

SUPERINTENDENT
CRAIG CITY SCH DIST
CRAIG AK 99921

SUPERINTENDENT
DELTA GREELY SCH DIST
DELTA JUNCT AK 99737

SUPERINTENDENT
GATEWAY BOROUGH SCH DIST
KETCHIKAN AK 99901

SUPERINTENDENT
ANCHORAGE SCH DIST
ANCHORAGE AK 99502

SUPERINTENDENT
HAINES BOROUGH SCH DIST
HAINES AK 99627

SUPERINTENDENT
HOONAH CITY SCH DIST
HOONAH AK 99829

SUPERINTENDENT
KENAI PENINSULA BOROUGH S
SOLDOTNA AK 99669

SUPERINTENDENT
KING COVE CITY SCH DIST
KING COVE AK 99612

SUPERINTENDENT
LAKE AND PENINSULA SCH DI
NANKAK AK 99633

SUPERINTENDENT
LOWER KUSKOKWIM SCH DIST
BETHEL AK 99559

SUPERINTENDENT
EDITAROD PEA SCH DIST
MCGRATH AK 99627

SUPERINTENDENT
ANNETTE ISLAND SCH DIST
METLAKATLA AK 99526

SUPERINTENDENT
NORTH STAR BOROUGH SCH DI
FAIRBANKS AK 99701

SUPERINTENDENT
NORTH SLOPE BOROUGH SCH D
BARROW AK 99723

SUPERINTENDENT
PETERSBURG CITY SCH DIST
PETERSBURG AK 99833

SUPERINTENDENT
PRIBILOF ISLAND SCH DIST
ST PAUL AK 99560

SUPERINTENDENT
ALEUTIAN REGION SCH DIST
ANCHORAGE AK 99503

SUPERINTENDENT
BERING STRAIT SCH DIST
NOME AK 99752

SUPERINTENDENT
CORDOVA CITY SCH DIST
CORDOVA AK 99574

SUPERINTENDENT
CUPPER RIVER REAA SCH DIST
GLENNALLEN AK 99568

SUPERINTENDENT
DILLINGHAM CITY SCH DIST
DILLINGHAM AK 99576

SUPERINTENDENT
GALENA CITY SCH DIST
GALENA AK 99741

SUPERINTENDENT
JUNEAU BOROUGH SCHOOLS
DOUGLAS AK 99824

SUPERINTENDENT
SITKA BOROUGH SCH DIST
SITKA AK 99835

SUPERINTENDENT
HYDABURG CITY SCH DIST
HYDABURG AK 99922

SUPERINTENDENT
KAKE CITY SCH DIST
KAKE AK 99830

SUPERINTENDENT
KLAHOCK CITY SCH DIST
KLAHOCK AK 99925

SUPERINTENDENT
KODIAK ISLAND BOROUGH S
KODIAK AK 99615

SUPERINTENDENT
LOWER YUKON SCH DIST
MT VILLAGE AK 99632

SUPERINTENDENT
MATANUSKA-SUSITNA BOR S
PALMER AK 99645

SUPERINTENDENT
NENANA CITY SCH DIST
NENANA AK 99750

SUPERINTENDENT
NOME CITY SCH DIST
NOME AK 9975

SUPERINTENDENT
NORTHWEST ARCTIC SCH DIST
COTZEPUE AK 99752

SUPERINTENDENT
PELICAN CITY SCH DIST
PELICAN AK 9983

SUPERINTENDENT
SAINT MARYS CITY SCH DIST
ST MARYS AK 99658

SUPERINTENDENT
SAND POINT SCHOOLS
SAND POINT AK 99661

SUPERINTENDENT
SOUTHWEST REGION SCH DIST
DILLINGHAM AK 99576

SUPERINTENDENT
UNALASKA CITY SCH DIST
UNALASKA AK 99685

SUPERINTENDENT
RAIL BELT SCHOOL DISTRICT
CLEAR AK 99704

SUPERINTENDENT
YUKON FLATS SCH DIST
FORT YUKON AK 99740

SUPERINTENDENT
WRANGELL CITY SCH DIST
WRANGELL AK 99929

SUPERINTENDENT
YAKUTAT CITY SCH DIST
YAKUTAT AK 99689

SUPERINTENDENT
SKAGWAY CITY SCH DIST
SKAGWAY AK 99840

SUPERINTENDENT
SOUTHEAST ISLAND SC
KETCHIKAN AK
99901

SUPERINTENDENT
CHATHAM REGION SCHOOLS
ANGOON AK 99820

SUPERINTENDENT
KUSPUK SCHOOL DIST
ANIAK AK
99557

SUPERINTENDENT
VALDEZ CITY SCH DIST
VALDEZ AK 99686

SUPERINTENDENT
CHUGACH SCH DIST
WHITTIER AK
99507

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Private Schools
for requests

DATE: 2 August, 1982

SUBJECT: Identification and Notification requirements for Friable Asbestos-Containing Materials in Schools

FROM: A. B. Christensen, Asbestos Technical Advisor, Region X

Office copy
A. B. Christensen

TO:

Each public school district has been mailed a separate package containing copies of "Asbestos-Containing Materials in School Buildings: A Guidance Document", Parts I & II (the orange colored booklets) and the new Regulation dated Thursday May 27, 1982, "Friable Asbestos-Containing Materials in Schools: Identification and Notification" (which requires inspection of all public and private schools for the presence of friable asbestos-containing material).

The responsibility for compiling and maintaining records in each school district (Local Education Agency) is placed on the individual districts. This mailing is designed to assist you to fulfill the requirements. You may find much of the work was already accomplished under the "Voluntary Asbestos Survey Program".

To assure each district and school have in their file the required information, we have made up some "check-off" lists for your use. One blank copy for the district and blank copies for the individual schools in the district are attached. For those districts and schools that are not complicated by the presence of any friable materials it will be a simple matter to fill in the blanks which apply. Those districts and schools which have friable materials are, obviously, required to complete inspections and analysis and to comply with the additional requirements of the rule as outlined on the "check-off" list and spelled out in the regulation. Please retain a copy of the "check-off" list with your file.

The check lists are made out to try to cover every situation so please bear with the seeming duplication on the second page of each list.

Should you require copies of any of the following reference materials:

- (1) Guidance Documents, Parts I & II,
- (2) Mathematical formula referred to in Part I, Chapter 7, page 14 (The Algorithm),
- (3) Polarized Light Microscopy (PLM) laboratory listing,
- (4) Any other pertinent information, please call or write direct to:

Environmental Protection Agency
School Asbestos Program 4/S 524
1200 Sixth Avenue
Seattle, WN 98101 / (206) 442-1255
386-7619

3200 Hospital DR
Suite 101
Juneau, AK 99801

Your assistance to complete the identification of friable asbestos-containing materials in your school district is appreciated.

Recordkeeping required by Chapter 1 of Title 40, Code of Federal Regulations, Part 763 - ASBESTOS Subpart F - Friable Asbestos-Containing Materials in Schools; Identification and Notification

Cover Sheet

LOCAL EDUCATION AGENCY
INSPECTION FOR FRIABLE ASBESTOS-CONTAINING MATERIALS

Cover Sheet

Name and Address of the Agency (School District)

Local Education Agencies shall inspect each school building which they lease, own, or otherwise use as a school building, to locate all friable material. Inspection shall consist of looking for and touching all suspect material, including surfaces behind suspended ceilings or other non-permanent structures which may be entered during normal building maintenance or repairs.

Listing of All Schools Under Agency Authority	Inspected for Friable Materials		Contains Friable Materials	
	Yes	No	Yes	No
1.				
2.				
3.				
4.				
5.				
6.				

(Attach additional listing to include all schools in agency)

Record of Friable Materials in schools which were sampled and analyzed			
School	Sampled	Analysis Results	Total Area Analyzed Material
	Yes or No Analyzed		
1.			
2.			
3.			
4.			
5.			
6.			

(Attach additional listing to include all schools in Agency which contain Friable Asbestos-Containing Materials)

For each school which contains friable asbestos-containing materials, the total number of school employees who regularly work in that school

Administrative	Faculty	Custodial
----------------	---------	-----------

Warnings and Notifications

(a) Local Education Agencies shall post in the primary administrative and custodial offices and in the faculty common rooms of each school under their authority a completed copy of the Notice to School Employees unless no friable asbestos-containing material is present in the school. The Notice shall remain posted indefinitely in any school which has friable asbestos-containing material.

Date Posted _____ Copies Attached - Yes _____ No _____

(b) Local Education Agencies shall provide to all persons employed in school buildings under their authority which contain friable asbestos-containing materials a written Notice of the location, by room or building area, of all friable asbestos-containing materials in the school

Date Notice Provided _____ Copies Attached - Yes _____ No _____

(c) "A Guide for Reducing Asbestos Exposure", shall be provided to all custodial or maintenance employees.

Date Guide Provided _____

(d) Local Education Agencies shall provide notice of the results of inspections and analysis in each school in which friable asbestos materials are found to the appropriate parent-teacher association of that school. If there is no parent-teacher association for the school, the Local Education Agency shall notify directly the parents of the pupils.

Date Notice Provided to: PTA _____ Parents _____

(e) Each Local Education Agency shall complete and retain in the administrative office of the Local Education Agency the form "Inspections for Friable Asbestos-Containing Materials".

Copy Completed - Yes _____ No _____

CERTIFICATION:

I hereby certify that this Agency has complied with the EPA Regulation 40 CFR, 763.100 through 763.117, "Asbestos-Containing Materials in Schools; Identification and Notification", and that the information on this form is, to the best of my knowledge, true and complete.

Signature	Typed or Printed Name
Typed or Printed Title	Date

Please send copies of this form completed to:

- 1) State Department of Education, Pouch F, Juneau, AK 99811, ATTN: Facilities
- 2) EPA M/S 524 EPA-900
1200 6th Ave. 3200 Hospital Dr.
Seattle, WN 98101 Suite 101
Juneau, AK 99801

Recordkeeping required by Chapter 1 of Title 40, Code of Federal Regulations, Part, 763-ASBESTOS Subpart F - Friable Asbestos-Containing Materials in Schools; Identification and Notification

Cover
Sheet

INDIVIDUAL SCHOOL INSPECTION
FOR FRIABLE ASBESTOS-CONTAINING MATERIALS

Cover
Sheet

Name and Address of the School

Local Education Agencies shall inspect each school building which they lease, own, or otherwise use as a school building, to locate all friable material. Inspection shall consist of looking for and touching all suspect material, including surfaces behind suspended ceilings or other non-permanent structures which may be entered during normal building maintenance or repairs.

Listing of All Buildings Used by School	Inspected For Friable Materials	Friable Materials Present/ Not Present
1.		
2.		
3.		
5.		
6.		

(Attach additional listing to include all buildings - (5763.103 (h)))

FOR EACH SCHOOL BUILDING WHICH CONTAINS FRIABLE MATERIALS, THE FOLLOWING INFORMATION MUST BE MAINTAINED IN THAT SCHOOL'S ASBESTOS FILE:

1. A blueprint, diagram, or written description of the building which identifies clearly the location(s) and approximate area(s) in square feet of each sampling area of such material(s), the locations at which samples were taken, and the identification number of each sample, and which shows clearly whether each sampling area of friable material contains asbestos, including an estimate of its percent asbestos content as determined by calculating the average of the percent asbestos content of all samples taken in the area.
2. A copy of all laboratory reports and all correspondence with laboratories concerning the analysis of samples taken.

For each school, copies of the "Guide for Reducing Asbestos Exposure", and one copy of "Asbestos-Containing Materials in School Buildings: A Guidance Document, Parts 1 & 2.

Warnings and Notifications

(a) Local Education Agencies shall post in the primary administrative and custodial offices and in the faculty common rooms of each school under their authority a completed copy of the Notice to School Employees unless no friable asbestos-containing material is present in the school. The Notice shall remain posted indefinitely in any school which has friable asbestos-containing material.

Date Posted _____ Copies Attached - Yes _____ No _____

(b) Local Education Agencies shall provide to all persons employed in school buildings under their authority which contain friable asbestos-containing materials a written Notice of the location, by room or building area, of all friable asbestos-containing materials in the school.

Date Notice Provided _____ Copies Attached - Yes _____ No _____

(c) "A Guide for Reducing Asbestos Exposure", shall be provided to all custodial or maintenance employees.

Date "Guide" Provided _____

(d) Local Education Agencies shall provide notice of the results of inspections and analysis in each school in which friable asbestos-containing materials are found to the appropriate parent-teacher association of that school. If there is no parent-teacher association for the school, the Local Education Agency shall notify directly the parents of the pupils.

Date Notice Provided To: PTA _____ Parents _____

CERTIFICATION:

I hereby certify that this school has complied with the EPA Regulation 40 CFR 763.100 through 763.117, "Asbestos-Containing Materials in Schools; Identification and Notification", and that the information on this form is, to the best of my knowledge, true and complete.

Signature	Typed or Printed Name
Typed or Printed Title	Date

copy of the friable-asbestos results of any Alaska school that complies with the present regulation.

1) List of those schools represented at your presentation in Anchorage and Fairbanks.

Thank you for your time and effort.

September 17, 1982

Sincerely,

Chris Christensen, Asbestos Technical Advisor
EPA/Region X
1200 Sixth Avenue
Seattle, Washington 98101

Dear Chris:

A. Smith

The EPA-ADO, Juneau would like to express their appreciation for your presentation on the May 27, 1982 Regulation on Friable Asbestos-Containing Materials in Schools conducted in Juneau (9/13), Anchorage (9/14), and Fairbanks (9/15) for all Alaska school district representatives. I think this explanation, and clarification of the relatively new rule will help to promote Alaska schools to comply with the regulation.

As we discussed, you are planning to distribute a letter explaining the new friable-asbestos regulation to each Alaska school district and private school. Hopefully, this will clarify the regulation for those school representatives who were unable to attend your presentation and encourage each school to comply with the regulation in a timely manner. If we can be of any assistance to you in notifying Alaska schools of their responsibility in identifying friable-asbestos materials in their schools, please contact us.

In order to complete our records concerning this project would you please send us a copy of the following material:

- 1) The 1982 cover letter that accompanied the new regulation and Guidance Document distributed to all school districts and private schools.
- 2) The follow-up letter (yellow) and attachments you will be distributing to school districts and private schools.
- 3) Copy of the friable-asbestos results of all Alaska schools that complied with the volunteer program.

- 4) Copy of the friable-asbestos results of any Alaska school that complies with the present regulation.
- 5) List of those schools represented at your presentation in Anchorage and Fairbanks.

Thank you for your time and effort.

Sincerely,

Kathy Paxera
Environmental Scientist

cc: J. Halterman
A. Smith

- 1) If you are unable to provide the information requested, please send us a copy of the following:
 - a) The last school letter that discusses and discusses asbestos distributed to and collected samples
 - b) The following school (yellow) discusses asbestos distributed to and collected samples
 - c) Copy of the friable-asbestos test results that complies with the present regulation

ATTENDANCE TO CHRISTMAS 7
PRESENTATION IN ANCHORAGE 9/14/82

TOM O'BEAN Dist Manager Anchorage Schools Dist
BOB THORNTON MAINT DEPT. ANCHORAGE SCHOOL DIST
BOB ELLISON MAINT & OPERATIONS DIR. KODIAK SCHOOL DIST
DAN R. SHERK PLANT MANAGER NORTH SLOPE BOROUGH SCHOOL DIST
LUDWIG C. OSONISCH DEPUTY SUPERVISOR KENAI PENINSULA DIST
JAMES WM. ELLIOTT DOE (SEA) ANCHORAGE
PATRICK A. DAY DIR FACILITIES WALKER CITY SCHOOL DIST

JAMES C. HUNCIKER DIR OPERATIONS & MAINTENANCE MATSU SCHOOL DIST
JAN D. AFFINITO, ASS'T CONTRACT ADMINISTRATOR, MATANUSKA-SUSTINA BOROUGH
— STEVE ZERAKE AK Dept. of Env. Cons. Anchorage, AK
437 E ST, SUITE 200

ANCH., AK 99501

PLEASE SEND 10 COPIES OF MATERIAL LISTED ON
— 2 AUG. 1982 MEMORANDUM. THANK YOU.

Need copy of model specifications for
development of asbestos removal contracts.

ATTN: JAN AFFINITO

MATANUSKA-SUSITNA BOROUGH

P.O. Box B

PALMER, AK

99645

Please send set of spec ~~and~~ PCM Lab

Tom Bibean, Asst Manager

Anchorage Schenk Dist.

Phone 6-614

Anchorage, AK 99503

Attendance to Christensen's
presentation in Fairbanks 9/15/92

List

+ * Donna Higdon - S.D. Warehouse
1300 Munnie St
FBKS. { P.O. Box. 1250
FBKS. AK 99707

+ * Michael D. Piron FAIRBANK NSBSD
Dir. Maint + Ops.

+ Nancy P. Napoli
Dept. of Environmental Conservation
Pouch 1601
Fairbanks, AK 99707

+ Bid B. IRVIN
ALASKA LATENAY SCHOOL DISTRICT
PO Box 226 TOK ALASKA 99780

+ Ray L. Huntley
Delta / GREELY School DIST.
PO Box 527 Delta Jct, AK 99737

+ JIM ELLIOTT
DOE 650 W. INTNL AIRPT RD
ANCH 99502

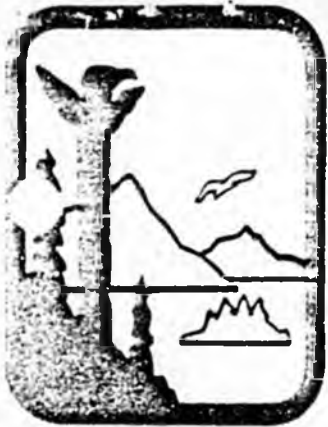
+ Harry Purdy
Delta School District

* James Howard

Mint Foreman,

FBKs 103-5th Borough School Dist.

PO Box 1250 - 29201



ADEC NEWS

PRESS RELEASE FROM THE PUBLIC INFORMATION OFFICE
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
JUNEAU, ALASKA 99811 (907) 465-2606

Bill Sheffield, Governor

Richard A. Nevé, Commissioner

Joe Ferguson, Information Officer

FOR IMMEDIATE RELEASE

April 20, 1983

ASBESTOS IN ALASKA

by Jana Baumann, Information Officer
Department of Environmental Conservation

JUNEAU--Twenty years ago the word "asbestos" meant progress, indestructibility; a nearly perfect component for building materials to insulate and to fireproof.

Today the mention of asbestos may bring a grim response and thoughts of cancer and lung diseases. What was once thought of as a miracle material is now known to be extremely harmful, especially when it is dispersed into the air and inhaled.

What is asbestos?

Asbestos is a naturally occurring mineral that can be separated into fibers. It is very lightweight and nearly indestructible. Before the early 1970s, asbestos was widely used as a component in thermal, electrical, and acoustical insulation, fireproofing, ceiling tiles, and decoration. These applications were most cost effective in large buildings like schools, factories and office buildings.

What are the harmful effects of asbestos?

The danger to human health from asbestos occurs when minute fibers are breathed and become lodged in the lungs. Asbestos containing materials are often friable which means the fibers can be readily separated from the material in which it is

-MORE-

used and become airborne. Fireproofing or insulation which is damaged and crumbling can release invisible asbestos fibers into the air.

Cancers of the chest and lungs and other organs have been positively associated with asbestos exposure. There is no known "safe" exposure. Even brief contact could result in irreversible damage that may not be detected until many years after exposure.

When the health effects of asbestos exposure were documented, many corrective programs were initiated for workers who handle it and for the public who may be unknowingly exposed at their school or workplace. In Alaska, several state and federal agencies regulate asbestos exposure, handling and disposal. Following is a brief summary of agency responsibilities.

Schools and Public Buildings

The U.S. Environmental Protection Agency regulates inspection of schools for identifying asbestos containing materials. The superintendent of each school district in Alaska has been instructed to inspect all school buildings in the district for friable asbestos by June 23, 1983. Each type of friable material located in the school buildings must be tested for asbestos content. Samples must be tested using Polarized Light Microscopy.

School districts are required to keep a record of all the inspections and results from each school building. If asbestos containing material is found in a school, additional information on the location and quantity of this material must be kept on file at the administrative office of the school and at the school district office. The school district must notify employees and the parent-teacher association about the presence of asbestos containing materials.

Instruction is available on how to inspect public buildings and schools which may contain friable asbestos. Booklets and video tapes may be borrowed from the Alaska Operations Office of the U.S. Environmental Protection Agency in Juneau or from the Alaska State Library.

Asbestos emissions to the air inside the work place

The Alaska Department of Labor, Division of Occupational Safety and Health, regulates exposure of workers to airborne asbestos fibers inside the work place. The regulations also govern asbestos exposure during demolition and renovation work.

The regulations set standards for exposure levels of asbestos fibers in the air, and specify work practices such as ventilation and clothing and engineering controls for most workers in the state. Exposure criteria for federal employees and workers on offshore oil rigs or seafood processors are regulated by the U.S. Department of Labor, Occupational Safety and Health.

Questions regarding asbestos exposure or work practices in the work place should be directed to Alaska Department of Labor, Division of Occupation Safety and Health. Sampling of our materials in the work place is also done by this agency.

Asbestos emissions to the outside air

The U.S. EPA has established standards to limit emissions of asbestos to the outside air. These rules govern manufacturing plants which produce cement, fireproofing materials, insulation, and other materials which include asbestos as a component. The rules also govern materials used in roadway surfacing and emissions from asbestos milling operations. These regulations also limit release of asbestos to the air during renovation and demolition activity and fabricating operations that utilize commercial asbestos.

ADD 3-3-3-3

Asbestos Disposal

The U.S. EPA has regulations which regulate handling and disposal of asbestos. Materials containing friable asbestos must be specially contained and wetted. Landfills or disposal sites must meet certain specifications in order to accept the material. Operators of the disposal site must cover it and post warning signs.

Following is a list of agencies which regulate some aspect of asbestos in Alaska, the situations for which they are responsible, and the person to contact.

-MORE-

<u>Responsible Agency</u>	<u>Asbestos Situation</u>
U.S. Environmental Protection Agency Alaska Operatoins Office 3200 Hospital Drive, Suite 101 Juneau, Alaska 99801 Phone: 586-7519 Contact: Kathy Pazera or Steve Torok	Emission to the outside air Disposal of materials containing friable asbestos Rules for landfill or disposal site handling Exposure in public buildings and schools
U.S. Department of Labor Occupational Safety and Health Administration Federal Building and U.S. Courthouse 701 C Street Box 29 Anchorage, Alaska 99513 Phone: 271-5125 Contact: Leonardo Limitiaco	Federal employees Offshore oil rig or floating seafood processor employees
Alaska Department of Labor Division of Occupational Health and Safety 3301 Eagle Street, Suite 303 Pouch 7-022 Anchorage, Alaska 99510 Phone: 264-2597 Contact: Stan Godsoe	Asbestos in the air at the work place Work practices for handling asbestos

PRIVATE LABORATORIES WHO TEST SAMPLES FOR FRIABLE ASBESTOS

NHS Incorporated
Environmental Health Sciences Lab
805 Goethals Avenue
Richland, Washington 99352
Phone: (509) 376-6980

Chemical & Geological Labs of Alaska
5633 B Street
Anchorage, Alaska 99502
Phone: (509) 562-2343

Microlab Northwest
.7609 140th Place, N.E.
Redmond, Washington 98502
Phone: (206) 885-9419

#

ADD 3-3-3-3

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The U.S. EPA has regulations which regulate handling and disposal of asbestos. Materials containing friable asbestos must be specially contained and wetted. Landfills or disposal sites must meet certain specifications in order to accept the material. Operators of the disposal site must cover it and post warning signs.

Following is a list of agencies which regulate some aspect of asbestos in Alaska, the situations for which they are responsible, and the person to contact.

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ALASKA CHAPTER
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

POSITION STATEMENT
ON LEGISLATION ESTABLISHING
AN ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM (HB 5)

January 18, 1985



POSITION PAPER ON HB 5

The Alaska Chapter, Associated General Contractors of America, Inc. (A.G.C.) represents more than 900 companies, including most of the general contracting companies engaged in Alaska's commercial construction.

The A.G.C. agrees with the intention of this bill - the abatement of asbestos health hazards. Many A.G.C. contractors are or have been involved in this very important safety effort. There is, however, a section of the bill that unnecessarily duplicates existing safety regulations and should, therefore, be deleted.

Specifically, we draw your attention to Section 18.28.030, Certification Programs. In this section, the Department of Labor is given authority to certify contractors and employees who intend to conduct asbestos abatement.

What the bill essentially requires is a State license to do asbestos work. But is there a need for such a license? We think not.

There are literally thousands of potentially hazardous substances that are handled safely in today's workplace. Asbestos should not be treated any differently than these substances.

Another serious concern that needs to be addressed is that of liability. Asbestos work is plagued with lawsuits. Through the proposed Department of Labor certification program, the State may become party to these suits by certifying that contractors, employees and labor organizations are competent to undertake this work, the State may have

liability if an employer or employee is certified improperly. We suggest an opinion from the attorney general's office be obtained prior to passage of this bill from committee.

Finally, in examining the fiscal requirements of this proposed licensing program, it appears that millions of dollars would be needed, rather than the proposed \$300,000. It is virtually impossible to competently administer the proposals contained in HB 5 for \$300,000. We suggest that an inadequately administered program is worse than no program at all. A realistic fiscal note must be developed so that lawmakers may assess the true costs of proposed legislation.

We believe once the true cost of this program is known, the question will arise: What does a certification program provide that is not already enforceable under the existing DOSH safety code regulations? The answer is "nothing." Sufficient asbestos health standards already exist, including requirements for employer training and proper respirator usage. (See attached).

In conclusion, we request this committee to thoroughly determine the fiscal costs of the proposed legislation, including potential State liability and to balance that cost against the benefits received. A.G.C. contends that for the certification program, the dollar cost will be high and there is no benefit because sufficient asbestos health standards presently exist.

We strongly urge deletion of the licensing section of SSB 5.

04.0102 Asbestos. (a) Definitions, for the purpose of 04.0102.

(1) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(2) "Asbestos fibers" means asbestos fibers longer than five micrometers.

(b) Permissible exposure to airborne concentrations of asbestos fibers.

(1) Standard effective July 7, 1972. The 8-hour time weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in 04.0102(a).

(2) Standard effective July 1, 1976. The 8-hour time weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in 04.0102(a).

(3) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in 04.0102(a).

(c) Methods of compliance.

(1) Engineering methods.

(A) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in 04.0102(b).

(B) Local exhaust ventilation

(i) Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(ii) See 1910.8 of the Federal Occupational Safety and Health Act concerning the availability of ANSI Z9.2-1971, and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in 04.0109.

(C) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in 04.0102(b), such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with 04.0102(c)(1)(B).

(2) Work practices.

(A) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in 04.0102, unless the usefulness of the product would be diminished thereby.

(B) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or encased, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in 04.0102.

(C) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with 04.0102(d)(2)(C) and with special clothing in accordance with 04.0102(d)(3).

(d) Personal protective equipment.

(1) Compliance with the exposure limits prescribed by 04.0102(b) may not be achieved by the use of respirators or shift rotation of employees, except:

(A) During the time period necessary to install the engineering controls and to institute the work practices required by 04.0102(c);

(B) In work situations in which the methods prescribed in 04.0102(c) are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by 04.0102(b); or

(C) In emergencies.

(D) Where both respirators and personnel rotation are allowed by 04.0102(d)(1)(A), (B) or (C), and both are practicable, personnel rotation shall be preferred and used.

(2) Where a respirator is permitted by 04.0102(d)(1), it shall be selected from among those approved by the Bureau of Mines, Department of the Interior, or the National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare, under the provisions of 30 CFR Part 11 [37 F.R. 8244, Mar. 25, 1972], and shall be used in accordance with 04.0102(d)(2)(A), (B), (C) and (D).

(A) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in 04.0102(d)(2)(B) or (C), shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in 04.0102(b), when the ceiling or the 8-hour time weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(B) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in 04.0102(d)(2)(C), shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in 04.0102(b), when the ceiling or the 8-hour time weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(C) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in 04.0102(b), when the ceiling or the 8-hour time weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(D) Establishment of a respirator program.

(i) The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2-1969, which is incorporated by reference herein.

(ii) See 1910.6 of the Federal Occupational Safety and Health Act concerning the availability of ANSI Z88.2-1969 and the maintenance of a historic file in connection therewith. The address of the American National Standards Institute is given in 04.0100.

(iii) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, the examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(3) Special clothing. The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in 04.0102(b).

(4) Change rooms.

(A) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in 04.0102(b), the employer shall provide change rooms for employees working regularly at the place.

(B) Clothes lockers. The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(C) Laundering.

(i) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in 04.0102(b).

(ii) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in 04.0102(d)(4)(C)(i) to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in 04.0102(b).

(iii) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with 04.0102(g).

(e) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(f) Monitoring.

(1) Initial determinations. Within six months of the publication of 04.0102 every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in 04.0102(b). If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with 04.0102(c).

(2) Personal monitoring.

(A) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(B) Sampling frequency and patterns. After the initial determinations required by 04.0102(f)(1), samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than six months for employees whose exposures to asbestos may reasonably be foreseen to exceed the limits prescribed by 04.0102(b).

(3) Environmental monitoring.

(A) Samples shall be collected from areas of a work environment which are representative of the airborne concentration of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(B) Sampling frequency and patterns. After the initial determinations required by 04.0102(f)(1), samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than six months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in 04.0102(b).

(4) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by 04.0102 and shall have access to the records thereof.

(g) Caution signs and labels.

(1) Caution signs.

(A) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in 04.0102(b). Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing excessive concentrations of airborne asbestos fibers.

(B) Sign specifications. The warning signs required by 04.0102(g)(1)(A) shall conform to the requirements of 20 inches by 14 inches vertical format signs specified in 02.0105 and to 04.0102(g)(1)(B). The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in 04.0102(g)(1)(B).

<u>Legend</u>	<u>Notation</u>
Asbestos	1 in. Sans Serif, Gothic or Block
Dust hazard	½ in. Sans Serif, Gothic or Block
Avoid breathing dust	¾ in. Gothic
Wear assigned protective equipment	¾ in. Gothic
Do not remain in area unless your work requires it.	¾ in. Gothic
Breathing asbestos dust may be hazardous to your health	14 point Gothic

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(2) Caution labels.

(A) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in 04.0102(b) will be released.

(B) Label specifications. The caution labels required by 04.0102(g)(2)(A) shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

(h) Housekeeping.

(1) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers if, with their dispersion, there would be an excessive concentration.

(2) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, considered for disposal, which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation, airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in 04.0102(b), shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(i) Recordkeeping.

(1) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by 04.0102. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of the National Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) Employee access. Every employee and former employee shall have reasonable access to any record required to be maintained by 04.0102(i)(1) which indicates the employee's own exposure to asbestos fibers.

(3) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in 04.0102(b) shall be notified in writing of the exposure as soon as practicable but not later than five days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) Medical examinations.

(1) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by 04.0102(j).

(2) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(3) Annual examinations. On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(4) Termination of employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with 04.0102(j) within the past one-year period.

(k) Medical records.

(A) Maintenance. Employers of employees examined pursuant to 04.0102(j) shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(B) Access. The contents of the records of the medical examinations required by 04.0102(j) shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by 04.0102(j) shall furnish to the employer of the examined employee all the information specifically required by 04.0102(j) and any other medical information related to occupational exposure to asbestos fibers.

04.0103 Ventilation. (a) Abrasive blasting.

(1) Definitions applicable to 04.0103.

(A) Abrasive. A solid substance used in an abrasive blasting operation.

(B) Abrasive-blasting respirator. A continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(C) Blast cleaning barrel. A complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts of the action of an automatic blast spray.

(D) Blast cleaning room. A complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(E) Blasting cabinet. An enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(F) Clean air. Air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(G) Dust collector. A device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(H) Exhaust ventilation system. A system for removing contaminated air from a space, comprising two or more of the following elements: (a) enclosure or hood, (b) duct work, (c) dust collecting equipment, (d) exhauster, and (e) discharge stack.

(I) Particulate-filter respirator. An air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(J) Respirable dust. Airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(K) Rotary blast cleaning table. An enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(L) Abrasive blasting. The forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) Dust hazards from abrasive blasting.

(A) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(B) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in 04.0101.

SUBCHAPTER 1 - GENERAL SAFETY CODE

ARTICLE 4 - PERSONAL PROTECTIVE EQUIPMENT

01.0401 General requirements. (a) Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(1) Other personal safety equipment or clothing, such as rubber gloves, rubber boots, leggings, aprons, hand pads, safety belts, life lines, buoyant vests, shall be furnished to the employees who are exposed to hazards where such device may be expected to prevent injury.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(d) Sterilization. Goggles, rubber gloves, respirators and other protectors shall not be interchanged among employees unless they have been sterilized.

01.0402 Eye and face protection. (a) General.