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BILL ANALYSIS



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Senate Bill 454

Sponsor: Senator Dale L. Shugars

Committee: Health Policy and Senior Citizens

Date Completed: 5-2-95

SUMMARY OF SENATE BILL 454 as introduced 4-19-95:

The bill would amend the Asbestos Workers Accreditation Act to make the Act's provisions comply with recent Environmental Protection Agency (EPA) requirements regarding the accreditation of persons who perform asbestos-related work, which includes the application of training and accreditation requirements to public and commercial buildings.

Currently, the Act provides for the accreditation of persons who perform asbestos-related work in schools and school buildings, and contains various accreditation standards, requirements, and fees. The bill would change several of the Act's provisions involving accreditation, and apply those provisions not only to schools but also to "public and commercial buildings". Under the bill, "public and commercial building" would mean the interior space (an enclosed portion of a public and commercial building, including an exterior hallway, connecting structure, portico, or mechanical system used to condition an enclosed space) of a building that was not a school building, a residential apartment building of fewer than 10 units, or a detached single family home. Public and commercial buildings would include, but not be limited to, all of the following: industrial and office buildings; residential apartment buildings and condominiums of 10 or more dwelling units; government owned buildings; colleges and universities; museums; airports; hospitals; churches; preschools; stores; warehouses; and factories.

Currently, the Act prohibits a person from performing certain asbestos-related work listed in the Act in a school unless the person obtains a certificate of accreditation and maintains annual reaccreditation. The bill would expand this prohibition to apply to asbestos-related work in public and commercial buildings, and provide further than a person not accredited could not perform the following:

- Conduct a response action beyond the scope of small-scale, short-duration operations maintenance and repair activity or an activity that involved a major fiber release episode, as those terms are defined in the Federal Asbestos Model Accreditation Plan (MAP). (This provision would not apply to Class II asbestos work involving only the removal or disturbance of one generic category of building material, Class III asbestos work, or Class IV asbestos work that is not performed in a regulated area, as those classes are defined in the Federal Occupational Safety and Health Administrations's Standards, as provided in the bill.)
- Design a response action beyond the scope of a small-scale, short-duration operation maintenance and repair activity, or a response action to a major fiber release episode, as those terms are defined in the MAP.

The bill would allow a person who is certified by the American Board of Industrial Hygiene as a certified industrial hygienist to inspect for asbestos containing materials in a school building, or a public and commercial building without having to receive a certificate of accreditation under the Act.

The bill would define “inspection” as an activity undertaken in a school building or public and commercial building to determine the presence or location, or to assess the condition of friable or nonfriable asbestos-containing building material (ACBM) or suspected ACBM, whether by visual or physical examination, or by collecting samples of material. Inspection would include reinspections of known or assumed ACBM that has been previously identified. Inspection would not include periodic surveillance solely for the purpose of recording or reporting a change in the condition of known or assumed ACBM; inspections performed by employees or agents of Federal, State, or local government solely for the purpose of determining compliance with applicable statutes or regulations; visual inspections solely for the purpose of determining completion of response actions; or limited scope inspections associated with a remodeling, renovation, operation, or maintenance activity in a public and commercial building that involved not more than two homogeneous areas, and not more than six bulk samples collected randomly.

Currently, a person who meets the Act’s requirements and who completes training and examination requirements may receive a certificate of accreditation or reaccreditation, which authorizes the person to perform asbestos-related work in schools for one year. The bill would extend these provisions to apply to asbestos-related work in public and commercial buildings. Further, the bill would allow the Department of Public Health (DPH) to deny, withdraw, or suspend approval of a person seeking approval, or a person approved, for one or more of the following reasons:

- Misrepresentation of the extent of DPH approval of a training course.
- Failure to submit required information or notifications in a timely manner.
- Failure to maintain records required by law.
- Falsification of accreditation records, instructor qualifications, or other accreditation information.
- Failure to adhere to the training standards and requirements of the Act or of the MAP.

Currently, the Act lists actions for which the DPH may suspend, deny, or revoke a certificate of accreditation or reaccreditation. The bill would add to the list 1) permitting the duplication or use of one’s own accreditation certificate by another and 2) obtaining accreditation from a training provider who did not have approval to offer training for that particular discipline from either the EPA or a State that has an approval program that was as stringent as the Act.

The Act requires an applicant who wishes to sponsor a training course to submit a \$400 fee. The bill would require an applicant who wished to sponsor a course to pay a \$400 initial application fee and an annual renewal fee of \$200. Further, an applicant desiring to sponsor either a training course or a refresher training course would have to provide a description and example of a certificate of successful completion of the course that satisfied the requirements of the MAP in addition to the other information required by the Act. The bill would raise from \$25 to \$50 the current fee for accreditation or reaccreditation of asbestos abatement contractors, supervisors, and workers.

The bill would require a training course sponsor to submit to the DPH a notice of scheduled courses at least seven calendar days before the start of those courses, indicating starting and ending dates and times, location, and instructors. A training course sponsor would have to advise the DPH of cancellation of a course at least one day before the indicated start date of that course.

A training course sponsor would have to satisfy the record-keeping requirements for a training provider described in the MAP.

The bill provides that the numbered certificate of successful course completion issued to a student who met the requirements of the Act would have to include an expiration date that was one year after the date on which the person successfully completed the course and examination, and the name, address, and telephone number of the training course sponsor that issued the certificate. Upon the Department's receipt of the fee required under the Act and a copy of a certificate of successful course completion, the director of the DPH would have to issue a numbered certificate of accreditation to the student. The numbered certificate of accreditation would have to include the name of the student, the course completed, and an expiration date for accreditation that was one year after the date on which the certificate of accreditation was issued. Upon the Department's receipt of the required fee and a copy of a certificate verifying a student's successful completion of a refresher training course, the Director would have to issue a numbered certificate of annual reaccreditation to the student.

MCL 338.3402 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would result in an indeterminate increase in State restricted fee revenues. The amount of the increase would depend on the number of renewals of training course sponsorship and the number of individuals seeking initial accreditation as an asbestos abatement contractor, supervisor, or worker. Based on current Asbestos Abatement Program experience, the increase in fee revenue would be approximately \$70,000.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.