

HOUSE BILL NO. 5050

October 08, 2019, Introduced by Reps. Howell, Sowerby, Sneller, Garrett, VanSingel, Sabo, Pohutsky, Rabhi, LaGrand, Guerra, Hoadley and Yaroach and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "public entity asbestos removal verification act".



RJH



H02078'19

1 Sec. 3. As used in this act:

2 (a) "Asbestos" means a group of naturally occurring minerals
3 that separate into fibers, including chrysotile, amosite,
4 crocidolite, anthophyllite, tremolite, and actinolite.

5 (b) "Asbestos abatement contractor" means a business entity
6 that is licensed under the asbestos abatement contractors licensing
7 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the
8 business of asbestos abatement on the premises of another business
9 entity and not on the asbestos abatement contractor's premises.

10 Asbestos abatement contractor includes an individual or person with
11 an ownership interest in a business entity described in this
12 subdivision.

13 (c) "Asbestos abatement project" means any activity involving
14 persons working directly with the demolition, renovation, or
15 encapsulation of friable asbestos materials.

16 (d) "Public entity" means this state or an agency or authority
17 of this state, school district, community college district,
18 intermediate school district, city, village, township, county, land
19 bank, public authority, or public airport authority.

20 Sec. 5. (1) A public entity shall not enter into an asbestos
21 abatement project with an asbestos abatement contractor, or a
22 general contractor that contracts with an asbestos abatement
23 contractor, for the abatement of asbestos unless the public entity
24 conducts a background investigation, as determined by the public
25 entity, of the asbestos abatement contractor seeking to bid on the
26 asbestos abatement project. If the asbestos abatement contractor
27 has a criminal conviction related to compliance with environmental
28 regulations as determined by the public entity, the public entity
29 shall not enter into a contract for an asbestos abatement project



1 with that asbestos abatement contractor. If the asbestos abatement
2 contractor does not have any criminal convictions related to
3 compliance with environmental regulations as determined by the
4 public entity but has been issued 5 or more notices of violation of
5 environmental regulations, or has been subject to an administrative
6 consent order or a consent judgment involving environmental
7 regulations, within the immediately preceding 5 years, the public
8 entity may not enter into a contract with that asbestos abatement
9 contractor unless the public entity investigates each of the
10 violation notices, or the administrative consent order or consent
11 judgment, and determines that the asbestos abatement contractor is
12 able to adhere to the proposed contract based on the public
13 entity's observations of improvements in performance, improvements
14 in operations to ensure compliance with environmental regulations,
15 or other demonstrated ability to comply with environmental
16 regulations. The public entity shall make the determination
17 described in this subsection in writing and shall make that
18 determination publicly available.

19 (2) If an asbestos abatement contractor enters into a contract
20 with a public entity for an asbestos abatement project, the
21 asbestos abatement contractor shall not enter into a contract with
22 another asbestos abatement contractor unless the public entity has
23 conducted a background investigation of that asbestos abatement
24 contractor in the same manner as provided in subsection (1).

25 (3) Before entering into a contract for an asbestos abatement
26 project with an asbestos abatement contractor, or a general
27 contractor that contracts with an asbestos abatement contractor,
28 that has been issued 5 or more notices of violation of
29 environmental regulations, or has been subject to an administrative



1 consent order or a consent judgment involving environmental
2 regulations, within the immediately preceding 5 years, as
3 determined under subsection (1), the public entity shall conduct
4 with not less than 30 days' notice a public hearing for public
5 input.

