

1 HOUSE BILL NO. 434

2 INTRODUCED BY E. LIESER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ASBESTOS CONTROL ACT; REQUIRING A 5-DAY
5 REVIEW PERIOD FOR SMALL ASBESTOS PROJECTS; ESTABLISHING AN ASBESTOS ADVISORY GROUP
6 TO ADVISE THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AMENDING SECTION 75-2-502, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND A TERMINATION DATE~~."

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9 WHEREAS, in 1989 the Legislature created the "Asbestos Control Act" and allowed for rulemaking with
10 the intent to establish standards and procedures consistent with federal law for accreditation of asbestos-related
11 occupations and control of the work performed by persons in any asbestos-related occupation; and

12 WHEREAS, people exposed to airborne asbestos fibers suffer significantly increased rates of lung
13 cancer, mesothelioma, and other diseases; and

14 WHEREAS, to prevent unnecessary public exposure to asbestos fibers it is necessary to regulate and
15 establish criteria for asbestos abatement practices and to require statewide standards for training and
16 accreditation of asbestos workers; and

17 WHEREAS, most portions of the Asbestos Control Act have not been updated in two decades, and the
18 regulations and the program are in need of evaluation.

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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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22 NEW SECTION. **Section 1. Asbestos advisory group -- members -- duties.** (1) The department of
23 environmental quality shall convene an asbestos advisory group that represents a broad variety of people with
24 interests in asbestos regulation.

25 (2) The asbestos advisory group shall advise the department on:

26 (a) regulatory thresholds for permits and whether a tiered permitting system is appropriate;

27 (b) the appropriate types of projects and the size of structures subject to permitting;

28 (c) the appropriate timeframe for asbestos project notification and issuance of permits;

29 (d) whether a registration program is appropriate for small scale projects;

30 (e) the scope of the department's enforcement and cleanup authority;

- 1 (f) appropriate funding options;
- 2 (g) the relationship between federal and state authority over various issues related to asbestos control
- 3 and methods to clarify conflicts;
- 4 (h) options to streamline the permitting process while still protecting public health and safety;
- 5 (i) any other issues related to asbestos regulation considered appropriate by the advisory group.
- 6 (3) The asbestos advisory group shall complete its work, including issuing recommendations to the
- 7 department, by December 31, 2016.

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9 **NEW SECTION. Section 2. Small project review requirement.** The department shall review a permit

10 application within 5 working days of receipt of a complete application and an appropriate fee for an asbestos

11 project that:

- 12 (1) involves more than ~~3~~ 10 square feet but less than 160 square feet in surface area;
- 13 (2) involves more than 3 linear feet but less than 260 linear feet of pipe; or
- 14 (3) involves more than 3 cubic feet but less than 35 cubic feet of volume.

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16 **SECTION 3. SECTION 75-2-502, MCA, IS AMENDED TO READ:**

17 **"75-2-502. Definitions.** As used in this part, unless the context requires otherwise, the following

18 definitions apply:

- 19 (1) "Accreditation" means a certificate issued by the department that permits a person to work in an
- 20 asbestos-related occupation.
- 21 (2) "Asbestos" means asbestiform varieties of chrysotile, amosite, crocidolite, anthophyllite, tremolite,
- 22 or actinolite.
- 23 (3) "Asbestos project" means the encapsulation, enclosure, removal, repair, renovation, placement in
- 24 new construction, demolition of asbestos in a building or other structure, or the transportation or disposal of
- 25 asbestos-containing waste. The term does not include a project that involves less than ~~3~~ 10 square feet in surface
- 26 area or 3 linear feet of pipe.
- 27 (4) "Asbestos-related occupation" means an inspector, management planner, project designer,
- 28 contractor, supervisor, or worker for an asbestos project.
- 29 (5) "Department" means the department of environmental quality provided for in 2-15-3501.
- 30 (6) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise,

1 association, state or municipal agency, political subdivision of the state, or any other entity."

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3 NEW SECTION. Section 4. Codification instruction. ~~[Sections 1 and 2] are [SECTION 2]~~ IS intended
4 to be codified as an integral part of Title 75, chapter 2, part 5, and the provisions of Title 75, chapter 2, part 5,
5 apply to ~~[sections 1 and 2]~~ [SECTION 2].

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7 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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9 ~~NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2016.~~

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