

HOUSE BILL NO. 43  
INTRODUCED BY J. COHENOUR  
BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT ASBESTOS CONTROL PERMIT FEES FOR EACH ANNUAL PERMIT REFLECT ACTUAL COSTS FOR THAT PERMIT; PROVIDING THAT FEES MUST BE COMMENSURATE WITH COSTS OF PERMIT ISSUANCE AND ADMINISTRATION; AMENDING SECTIONS 75-2-503 AND 75-2-504, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 75-2-503, MCA, is amended to read:

**"75-2-503. Rulemaking authority -- issuance of permits.** (1) The department shall, subject to the provisions of 75-2-207, adopt rules establishing standards and procedures for accreditation of asbestos-related occupations and control of the work performed by persons in asbestos-related occupations. The rules must be consistent with federal law and include but are not limited to:

(a) standards for training course review and approval;

(b) standards for accreditation of applicants for asbestos-related occupations;

(c) examination requirements for accreditation of applicants for asbestos-related occupations;

(d) requirements for renewal of accreditation, including periodic refresher courses;

(e) revocation of accreditation;

(f) inspection requirements for asbestos projects and asbestos-related occupations credentials;

(g) criteria to determine whether and what type of control measures are necessary for an asbestos project and whether a project is completed in a manner sufficient to protect public health, including criteria setting allowable limits on indoor airborne asbestos. A determination of whether asbestos abatement of a structure is necessary may not be based solely upon the results of airborne asbestos testing.

(h) requirements for issuance of asbestos project permits and conditions that permit holders shall meet;

(i) standards for seeking injunctions, criminal and civil penalties, or emergency actions;

(j) advance notification procedures and issuance of permits for asbestos projects; and

(k) fees, which must be commensurate with costs, for:

(i) review and approval of training courses;

(ii) application for and renewal of accreditation by a person seeking to pursue an asbestos-related occupation;

(iii) issuance and administration of asbestos project permits, including annual asbestos project permits for facilities; and

(iv) requested inspections of asbestos projects.

(2) For asbestos projects having a cost of \$3,000 or less, the department shall issue asbestos project permits within 7 calendar days following the receipt of a properly completed permit application and the appropriate fee."

**Section 2.** Section 75-2-504, MCA, is amended to read:

**"75-2-504. Facility permits--fee.** (1) The department shall provide by rule a procedure for the issuance of an annual asbestos project permit to any facility that has an asbestos health and safety program meeting department criteria and that continuously employs accredited asbestos workers. This permit allows a facility to conduct asbestos projects within the confines of the facility's controlled area during the period for which the permit is in force. The provisions of this permit may not preclude state and federal requirements for asbestos project notification.

~~(2) The fee for a facility permit must reflect the actual cost of the department's application review, permit issuance, and facility inspections."~~

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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