



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

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

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

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

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

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

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

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

- (a) regulatory thresholds for permits and whether a tiered permitting system is appropriate;
- (b) the appropriate types of projects and the size of structures subject to permitting;
- (c) the appropriate timeframe for asbestos project notification and issuance of permits;
- (d) whether a registration program is appropriate for small scale projects;

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

Section 2. Small project review requirement. The department shall review a permit application within 5 working days of receipt of a complete application and an appropriate fee for an asbestos project that:

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

Section 3. Section 75-2-502, MCA, is amended to read:

"75-2-502. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Accreditation" means a certificate issued by the department that permits a person to work in an asbestos-related occupation.
- (2) "Asbestos" means asbestiform varieties of chrysotile, amosite, crocidolite, anthophyllite, tremolite, or actinolite.
- (3) "Asbestos project" means the encapsulation, enclosure, removal, repair, renovation, placement in new construction, demolition of asbestos in a building or other structure, or the transportation or disposal of asbestos-containing waste. The term does not include a project that involves less than 3 10 square feet in surface area or 3 linear feet of pipe.
- (4) "Asbestos-related occupation" means an inspector, management planner, project designer, contractor, supervisor, or worker for an asbestos project.
- (5) "Department" means the department of environmental quality provided for in 2-15-3501.

(6) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise, association, state or municipal agency, political subdivision of the state, or any other entity."

Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 75, chapter 2, part 5, and the provisions of Title 75, chapter 2, part 5, apply to [section 2].

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

- END -

I hereby certify that the within bill,
HB 0434, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 434

INTRODUCED BY E. LIESER

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