



**House  
Legislative  
Analysis  
Section**

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### ***THE APPARENT PROBLEM:***

In response to concerns that workers engaged in asbestos abatement projects were neither adequately protected nor properly trained, and that members of the general public were being exposed to asbestos-related health risks, Public Act 135 of 1986 created the Asbestos Abatement Contractors Licensing Act (AACA), under which asbestos abatement contracts were to be licensed by the Department of Public Health (DPH). At the same time, Public Act 147 amended the Michigan Occupational Safety and Health Act (MIOSHA) to require DPH approval and oversight of worker training programs in the health and safety aspects of handling asbestos. One result of the AACA has been that dual licensing regulations — including strict asbestos training requirements — have been imposed on electricians, plumbers, mechanical contractors and builders who must also be licensed in their own fields. Many feel that this imposes unnecessary costs in situations where the work involving asbestos removal is incidental to the licensee's primary licensed trade, and House Bill 4222 has been introduced to exempt a licensed electrician, mechanical contractor, plumber or building contractor from asbestos abatement licensing requirements when engaged in an incidental project involving a residential structure of not more than 160 square feet or 260 linear feet of friable asbestos materials. Asbestos abatement contractors, however, feel that these incidental contractors should still be required to follow certain standards, and that the exemption provisions of House Bill 4222 should be tied to legislation that would authorize the boards that regulate each occupation to review licensees for compliance with the AACA or the asbestos abatement provisions of MIOSHA.

### ***THE CONTENT OF THE BILLS:***

The bills would amend various acts that regulate construction-related skilled professionals to prescribe penalties for those who violated the Asbestos Abatement Contractors Licensing Act (AACA) or portions of the Michigan Occupational Safety and Health Act (MIOSHA) pertaining to asbestos abatement.

House Bills 4223-4226 would amend Public Act 266 of 1929 (MCL 338.911b), the Electrical Administrative Act (MCL 338.888d), the Forbes Mechanical Contractors Act (MCL 338.981) and the Occupational Code (MCL 339.2411) which regulate plumbers, electricians, mechanical contractors, residential builders, and residential alteration contractors, respectively, to require the board regulating each occupation to review licensees for compliance with the AACA or the asbestos abatement provisions of MIOSHA. Upon notice by the Department of Public Health (DPH) that a licensee had violated provisions in either act pertaining to asbestos abatement, the appropriate licensing board could suspend or revoke that person's license.

### ***FISCAL IMPLICATIONS:***

According to the Department of Public Health, the bills would have an undetermined impact on the state. (11-20-89)

## **PENALIZE ASBESTOS ABATEMENT VIOLATORS**

House Bills 4223-4226 as introduced  
First Analysis (11-27-89)

Sponsor: Rep. Thomas Hickner  
Committee: Labor

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### ***ARGUMENTS:***

#### ***For:***

By requiring the licensing boards of the various construction-related professions with the authority to review complaints and suspend licenses for violations of the acts that govern asbestos removal, the bills would provide protection for the public from employees who are not bound by the guidelines that asbestos abatement contractors are required to follow, and who might be tempted to take fewer safety precautions.

#### ***Against:***

Asbestos is a potent cancer causing agent and the cause of asbestosis, a noncancerous lung disease which can be fatal. If asbestos abatement workers are not properly trained and adequately protected while working, they are exposed to unnecessary health hazards.

**Response:** Employees in construction-related professions who come in contact with asbestos during their work will still be required to have asbestos removal training sufficient for incidental asbestos related work that will protect them from exposure.

### ***POSITIONS:***

The Department of Public Health supports the bills. (11-17-89)

The Metro Detroit Plumbing and Mechanical Contractors Association supports the bills. (11-17-89)

The Detroit Area Sheet Metal Contractors Association supports the bills. (11-17-89)

The Michigan State AFL-CIO supports the bills. (11-17-89)

The Michigan Chapter of Air Conditioning Contractors of America supports the bills. (11-17-89)

Contractors Legislative Services supports the bills. (11-17-89)

The Michigan Heating and Air Conditioning Contractors Association supports the bills. (11-20-89)

The Department of Labor has no position on the bills. (11-17-89)

The Michigan Consumers Council has no position on the bills. (11-17-89)

The Michigan State Chamber of Commerce has no position on the bills. (11-17-89)

The Michigan Manufacturers Association has no position on the bills. (11-17-89)

The Michigan Association of Home Builders has no position on the bills. (11-17-89)

H.B. 4223-4226 (11-27-89)