

Act No. 51
Public Acts of 1993
Approved by the Governor
May 30, 1993
Filed with the Secretary of State
June 01, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators Schwarz, DeGrow, Gast, Arthurhultz and Bouchard

ENROLLED SENATE BILL No. 458

AN ACT to regulate levels of asbestos and asbestos-containing material in educational facilities; and to designate conditions under which response actions may be conducted.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

- (a) "Asbestos" means a group of naturally occurring minerals that separate into fibers, including chrysotile, amosite, crocidolite, asbestiform anthophyllite, asbestiform tremolite, and asbestiform actinolite.
- (b) "Asbestos-containing material" means any material or product containing more than 1% asbestos.
- (c) "Cost" means the discounted present value of all anticipated future expenditures associated with a course of action in an area where asbestos removal is being considered.
- (d) "Educational facility" means a building owned, leased, or under the control of a public or nonpublic school or school system containing any of grades K-12.
- (e) "Friable", when referring to asbestos-containing material, means material that can, by hand pressure, be crumbled, pulverized, or reduced to powder when dry.
- (f) "Operations and maintenance plan" means a program of work practices designed to maintain asbestos or friable asbestos-containing material in good condition to ensure the cleanup of asbestos or friable asbestos-containing material previously released and to prevent the further release of asbestos or asbestos-containing material by minimizing and controlling the damage or disturbance of asbestos or asbestos-containing material.
- (g) "Removal" means the taking out or stripping of asbestos or asbestos-containing material from an existing structure.

Sec. 2. (1) The measurement of asbestos levels shall be made by either or both of the following methods:

- (a) Optical phase contrast microscopy in the manner described in the measurement protocol provided by the United States occupational safety and health administration in 29 C.F.R. part 1910.
 - (b) Transmission electron microscopy (TEM) in the manner described in the nonmandatory TEM protocol in appendix A to subpart E of part 763 of title 40 of the Code of Federal Regulations, counting only fibers longer than 5 microns.
- (2) If the results of a laboratory analysis of air samples obtained using optical phase contrast microscopy as described in subsection (1)(a) indicate that asbestos levels exceed .01 fibers per cubic centimeter, air samples shall be recollected and analyzed using an electron microscope pursuant to subsection (1)(b), and the results of the laboratory analysis of air samples obtained using transmission electron microscopy control.

(3) If both methods are used and a question arises as to the presence of fibers that may not be asbestos, a measurement made by transmission electron microscopy controls.

Sec. 3. Educational facilities shall comply with the standards contained in title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656, regarding the implementation of operations and maintenance plans for educational facilities found to contain asbestos or asbestos-containing material.

Sec. 4. Asbestos or asbestos-containing material shall not be removed from an educational facility unless 1 or more of the following circumstances exist:

(a) The removal is required under section 112 of part A of title I of the clean air act, chapter 360, 84 Stat. 1685, 42 U.S.C. 7412.

(b) The removal is required under title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656.

(c) The exposure level of asbestos fibers in an educational facility exceeds .01 fibers longer than 5 microns per cubic centimeter of air calculated as an 8-hour time weighted average during periods of normal building occupancy as determined by the testing methods described in section 2.

(d) The cost of an operations and maintenance plan exceeds the cost of removal, and removal complies with standards as mandated under title II of the toxic substances control act, Public Law 94-469, 15 U.S.C. 2641 to 2656.

(e) Removal of the material is incidental to normal maintenance or repair.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.