



# SENATE BILL No. 458

February 25, 1993, Introduced by Senators SCHWARZ, DEGROW, GAST, ARTHURHULTZ, BERRYMAN, STABENOW and BOUCHARD and referred to the Committee on Education.

A bill 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:

1      Sec. 1. As used in this act:

2      (a) "Asbestos" means a group of naturally occurring minerals  
3 that separate into fibers, including chrysotile, amosite, crocid-  
4 olite, asbestiform anthophyllite, asbestiform tremolite, and  
5 asbestiform actinolite.

6      (b) "Asbestos-containing material" means any material or  
7 product containing more than 1% asbestos.

8      (c) "Cost" means the discounted present value of all antici-  
9 pated future expenditures associated with a course of action in  
10 an area where asbestos removal is being considered.

1 (d) "Demolition" means the razing or taking out of any  
2 load-supporting structural member accompanied by the removal of  
3 asbestos-containing material.

4 (e) "Educational facility" means a building owned, leased,  
5 or under the control of a public or nonpublic K-6, K-8, or K-12  
6 school system.

7 (f) "Encapsulate" means the sealing of asbestos or  
8 asbestos-containing material by means of the spraying of liquid  
9 sealant or any other suitable sealing method.

10 (g) "Enclosure" means an airtight, impermeable permanent  
11 barrier around asbestos-containing material designed to prevent  
12 the release of friable fibers of asbestos-containing material  
13 into the air.

14 (h) "Friable", when referring to asbestos-containing materi-  
15 al, means material that can, by hand pressure, be crumbled, pul-  
16 verized, or reduced to powder when dry.

17 (i) "Operations and maintenance plan" means a program of  
18 work practices to maintain asbestos or friable asbestos-contain-  
19 ing material in good condition, to ensure the cleanup of asbestos  
20 or friable asbestos-containing material previously released, and  
21 to prevent the further release of asbestos or asbestos-containing  
22 material by minimizing and controlling the damage or disturbance  
23 of asbestos or asbestos-containing material.

24 (j) "Removal" means the taking out or stripping of asbestos  
25 or asbestos-containing material from an existing structure.

26 (k) "Renovation" means altering a facility or 1 or more  
27 facility components in any way, including the stripping or

1 removal of asbestos-containing material from a facility  
2 component.

3       Sec. 3. (1) The measurement of asbestos levels shall be  
4 made by either or both of the following methods:

5       (a) Optical phase contrast microscopy in the manner  
6 described in the measurement protocol provided by the United  
7 States occupational safety and health administration in 29  
8 C.F.R. part 1910.

9       (b) Transmission electron microscopy in the manner described  
10 in the measurement protocol provided by the United States envi-  
11 ronmental protection agency in 40 C.F.R. part 763.

12       (2) If both methods are used and a question arises as to the  
13 presence of fibers that may not be asbestos, a measurement made  
14 by transmission electron microscopy shall be considered  
15 controlling.

16       Sec. 5. Educational facilities shall comply with the stan-  
17 dards contained in title II of the toxic substances control act,  
18 Public Law 94-469, 15 U.S.C. 2641 to 2656, regarding the imple-  
19 mentation of operations and maintenance plans for educational  
20 facilities found to contain asbestos or asbestos-containing  
21 material.

22       Sec. 7. Asbestos or asbestos-containing material shall not  
23 be removed from an educational facility unless 1 or more of the  
24 following circumstances exist:

25       (a) The removal is required under the clean air act, chapter  
26 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to  
27 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545,

1 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to  
2 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642,  
3 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q.

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

6 (c) The exposure level of asbestos fibers that are .5  
7 microns or longer in length in an educational facility exceeds  
8 .01 fibers per cubic centimeter of air calculated as an 8-hour  
9 weighted average during periods of normal building occupancy as  
10 determined by the testing methods described in section 3.

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

15 (e) Removal of the material is incidental to normal mainte-  
16 nance or repair.