

SENATE BILL NO. 895

February 18, 1998, Introduced by Senator SHUGARS and referred to the Committee on Human Resources, Labor and Veterans Affairs.

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "ACBM" means asbestos-containing building material.
- 3 (b) "Asbestos" means a group of naturally occurring minerals
- 4 that separate into fibers, including chrysotile, amosite, crocid-
- 5 olite, anthophyllite asbestos, tremolite asbestos, and actinolite
- 6 asbestos.
- 7 (c) "Asbestos model accreditation plan" means the asbestos
- 8 model accreditation plan issued by the environmental protection
- 9 agency, appendix C to subpart E of part 763 of title 40 of the
- 10 code of federal regulations.

1 (d) "Asbestos-related work" means an activity or task
2 performed by a person working with asbestos in buildings, includ-
3 ing, but not limited to, inspection, management plan development,
4 the design or conduct of response actions, and remedial work.

5 (e) "Certificate of accreditation" or "certificate of
6 reaccreditation" means a numbered document issued by the director
7 as provided in section 13 to a person who possesses the necessary
8 qualifications and who successfully completes the initial train-
9 ing and examination or refresher training required by this act.

10 (f) "Day of training" means the equivalent of 8 hours,
11 including breaks and lunch that do not exceed 1 hour.

12 (g) "Department" means the department of ~~public health~~
13 CONSUMER AND INDUSTRY SERVICES.

14 (h) "Director" means the director of ~~public health~~
15 CONSUMER AND INDUSTRY SERVICES or his or her authorized
16 representative.

17 (i) "Inspection" means an activity undertaken in a school
18 building or public and commercial building to determine the pres-
19 ence or location or to assess the condition of friable or nonfri-
20 able ACBM or suspected ACBM, whether by visual or physical exami-
21 nation or by collecting samples of material. Inspection includes
22 reinspection of known or assumed ACBM that has been previously
23 identified. Inspection does not include ANY OF the following:

24 (i) Periodic surveillance of the type described in 40
25 C.F.R. 763.92(b) conducted solely for the purpose of recording or
26 reporting a change in the condition of known or assumed ACBM.

1 (ii) An inspection performed by employees or agents of
2 federal, state, or local government solely for the purpose of
3 determining compliance with applicable statutes or regulations.

4 (iii) A visual inspection of the type described in 40
5 C.F.R. 763.90(i) performed solely for the purpose of determining
6 completion of response actions.

7 (iv) A limited scope inspection associated with a remodel-
8 ing, renovation, operation, or maintenance activity in a public
9 and commercial building that involves not more than 2 homogeneous
10 areas as defined in 40 C.F.R. 763.83 and not more than 6 bulk
11 samples collected in a randomly distributed manner.

12 (j) "Interior space" means an enclosed portion of a public
13 and commercial building, including, but not limited to, an exte-
14 rior hallway, connecting structure, portico, or mechanical system
15 used to condition an enclosed space.

16 (k) "Person" means an individual, partnership, association,
17 corporation, public or private agency, or other legal entity.
18 Person does not include a homeowner performing asbestos-related
19 work within his or her own home.

20 (l) "Public and commercial building" means the interior
21 space of a building that is not a school building, a residential
22 apartment building of fewer than 10 units, or a detached single
23 family home. Public and commercial building includes, but is not
24 limited to, all of the following:

25 (i) Industrial and office buildings.

26 (ii) Residential apartment buildings and condominiums of 10
27 or more dwelling units.

- 1 (iii) Government-owned buildings.
- 2 (iv) Colleges and universities.
- 3 (v) Museums.
- 4 (vi) Airports.
- 5 (vii) Hospitals.
- 6 (viii) Churches.
- 7 (ix) Preschools.
- 8 (x) Stores.
- 9 (xi) Warehouses.
- 10 (xii) Factories.
- 11 (m) "School" means a private or public elementary or second-
- 12 ary institution of learning including grades kindergarten through
- 13 ~~grade~~ 12.
- 14 (n) "School building" means 1 or more of the following at a
- 15 school:
- 16 (i) A structure suitable for use as a classroom, including a
- 17 school laboratory, library, eating facility, or food preparation
- 18 facility.
- 19 (ii) A gymnasium or other facility that is specially
- 20 designed for athletic or recreational activities or for an aca-
- 21 demic course in physical education.
- 22 (iii) A facility used for the instruction or housing of stu-
- 23 dents for the purpose of administration of educational or
- 24 research programs.
- 25 (iv) A maintenance, storage, or utility facility, including
- 26 a hallway essential to the operation of a facility or structure
- 27 identified in subparagraph (i), (ii), or (iii).

1 (v) A portico or covered exterior hallway or walkway.

2 (vi) An exterior portion of a mechanical system.

3 (o) "Year of experience in asbestos-related work" means a
4 year of work in which at least 25% of the individual's working
5 time was spent on asbestos-related work, or an equivalent amount
6 of work over more than 1 year's time if it was conducted after
7 January 1, 1983.

8 Sec. 11. (1) A person desiring to sponsor a training course
9 or refresher training course for those disciplines required to be
10 accredited under this act may apply for department approval on
11 forms supplied by the department. The department shall approve a
12 training course or a refresher training course that meets the
13 requirements for the course as prescribed by section 6.

14 (2) An applicant desiring to sponsor a training course shall
15 submit for each course all of the following information and fees
16 to the department:

17 (a) The course sponsor's name, address, and telephone
18 number.

19 (b) A list of any states that currently approve the training
20 course, including information as to whether the training course
21 has been approved by the United States environmental protection
22 agency.

23 (c) The course curriculum.

24 (d) A letter from the training course sponsor clearly indi-
25 cating compliance of the course with the requirements of this act
26 for all of the following:

- 1 (i) The length of training in days.
- 2 (ii) The amount and type of hands-on training.
- 3 (iii) The length, format, and passing score of the
4 examination.
- 5 (iv) The topics covered in the course.
- 6 (e) A copy of all course materials, including student manu-
7 als, instructor notebooks, handouts, and all other materials that
8 the department may request.
- 9 (f) A detailed statement about the development of the exami-
10 nation used in the course.
- 11 (g) The names and qualifications of course instructors.
- 12 (h) A description and example of the certificate of success-
13 ful course completion issued to students who attend the course
14 and pass the examination that satisfies the requirements of the
15 asbestos model accreditation plan.
- 16 (i) An initial application fee of \$400.00 and, after the
17 initial year, an annual renewal fee of \$200.00.
- 18 (3) An applicant desiring to sponsor a refresher training
19 course in a discipline required to be accredited under this act
20 shall supply all of the following information to the department:
21 (a) The length of training.
22 (b) The topics covered in the course.
23 (c) A copy of all course materials.
24 (d) The names and qualifications of course instructors.
25 (e) A description and an example of the certificate of suc-
26 cessful completion of the training course that satisfies the
27 requirements of the asbestos model accreditation plan.

1 (4) Within 60 CALENDAR days after receipt of the appropriate
2 fee and a complete application from a person desiring to sponsor
3 training courses as specified in this section, the department
4 shall make a determination as to the approval or denial of the
5 application and shall notify the applicant in writing of its
6 determination.

7 (5) The instructor of a course offered under this section
8 shall have academic credentials or field experience, or both, in
9 asbestos abatement.

10 Sec. 13. (1) The training course sponsor shall issue a num-
11 bered certificate of successful initial or refresher course com-
12 pletion to a student who meets the requirements of this act and
13 who successfully completes the training and passes the training
14 course's examination required under this act. The numbered cer-
15 tificate of successful course completion shall include the name
16 of the student, ~~and~~ THE SOCIAL SECURITY NUMBER OF THE STUDENT,
17 the course completed, the dates of the course and the examina-
18 tion, a statement certifying that the student passed the examina-
19 tion, an expiration date that is 1 year after the date on which
20 the person successfully completed the course and examination, and
21 the name, address, and telephone number of the training course
22 sponsor that issued the certificate.

23 (2) Upon the department's receipt of the fee required under
24 section 14 and a copy of a certificate of successful course com-
25 pletion under subsection (1) or of a copy of a certificate of
26 successful refresher course completion, the director shall issue
27 a numbered certificate of accreditation or certificate of

1 reaccreditation to the student. The numbered certificate of
2 accreditation or certificate of reaccreditation shall include the
3 name of the student, the course completed, and the annual expira-
4 tion date for accreditation or reaccreditation.

5 (3) Within 10 calendar days after issuing certificates of
6 successful course completion, the sponsor of an approved training
7 course shall supply the department with a list of those persons
8 to whom the certificates of successful completion were issued.
9 The list shall be maintained by the department and shall include
10 each person's name, social security number, and home address, the
11 discipline for which the certificate was issued, and the date of
12 the certificate.

13 Sec. 14. (1) A person desiring accreditation or reaccredit-
14 ation from the director under section 13 shall submit to the
15 department ~~the appropriate annual fee as part of his or her~~ AN
16 application ~~to the department~~ for accreditation or reaccredit-
17 ation ~~according to the following fee schedule:~~ ON FORMS PRO-
18 VIDED BY THE DEPARTMENT. THE APPLICANT SHALL INCLUDE, WITH THE
19 APPLICATION, PAYMENT OF THE ANNUAL FEE DESIGNATED IN
20 SUBSECTION (3).

21 (2) IF THE APPLICATION IS FOR REACCREDITATION, THE APPLICA-
22 TION AND ANNUAL FEE SHALL BE SUBMITTED NOT EARLIER THAN 90 DAYS
23 BEFORE THE ACCREDITATION EXPIRES BUT NOT LATER THAN 30 DAYS
24 BEFORE THE ACCREDITATION EXPIRES. AN APPLICATION FOR REACCREDIT-
25 ATION THAT IS SUBMITTED LATER THAN THE TIME PERIOD SPECIFIED IN
26 THIS SUBSECTION SHALL BE TREATED BY THE DIRECTOR AS AN INITIAL

1 APPLICATION FOR ACCREDITATION, AND SHALL REQUIRE PAYMENT OF THE
2 ACCREDITATION FEE, RATHER THAN THE REACCREDITATION FEE.

3 (3) THE FEE SCHEDULE FOR ACCREDITATION OR REACCREDITATION IS
4 AS FOLLOWS:

5

6

Accreditation Reaccreditation

7 (a) Asbestos inspectors \$150.00 \$75.00

8 (b) Asbestos management
9 planners \$150.00 \$75.00

10 (c) Asbestos abatement
11 project designers \$150.00 \$75.00

12 (d) Asbestos abatement con-
13 tractors and supervisors \$50.00 \$25.00

14 (e) Asbestos abatement
15 workers \$50.00 \$25.00

16 (4) ~~(2)~~ Failure to submit the annual fee ~~as prescribed by~~
17 ~~subsection (1)~~ as part of the application for accreditation con-
18 stitutes just cause for the director to deny issuance to a person
19 of a certificate of accreditation or reaccreditation under sec-
20 tion 13.

21 (5) ~~(3)~~ All fees collected by the department under subsec-
22 tion (1) shall be deposited in the asbestos abatement fund cre-
23 ated in section 220 of the asbestos abatement contractors licens-
24 ing act, ~~Act No. 135 of the Public Acts of 1986, being section~~
25 ~~338.3220 of the Michigan Compiled Laws~~ 1986 PA 135, MCL
26 338.3220.