

Act No. 133
Public Acts of 1998
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Shugars

ENROLLED SENATE BILL No. 895

AN ACT to amend 1988 PA 440, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools, school buildings, and public and commercial buildings; to prescribe powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," 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:

Sec. 2. As used in this act:

- (a) "ACBM" means asbestos-containing building material.
- (b) "Asbestos" means a group of naturally occurring minerals that separate into fibers, including chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos.
- (c) "Asbestos model accreditation plan" means the asbestos model accreditation plan issued by the environmental protection agency, appendix C to subpart E of part 763 of title 40 of the code of federal regulations.
- (d) "Asbestos-related work" means an activity or task performed by a person working with asbestos in buildings, including, but not limited to, inspection, management plan development, the design or conduct of response actions, and remedial work.
- (e) "Certificate of accreditation" or "certificate of reaccreditation" means a numbered document issued by the director as provided in section 13 to a person who possesses the necessary qualifications and who successfully completes the initial training and examination or refresher training required by this act.
- (f) "Day of training" means the equivalent of 8 hours, including breaks and lunch that do not exceed 1 hour.
- (g) "Department" means the department of consumer and industry services.
- (h) "Director" means the director of consumer and industry services or his or her authorized representative.
- (i) "Inspection" means an activity undertaken in a school building or public and commercial building to determine the presence or location or to assess the condition of friable or nonfriable ACBM or suspected ACBM, whether by visual or physical examination or by collecting samples of material. Inspection includes reinspection of known or assumed ACBM that has been previously identified. Inspection does not include any of the following:
 - (i) Periodic surveillance of the type described in 40 C.F.R. 763.92(b) conducted solely for the purpose of recording or reporting a change in the condition of known or assumed ACBM.

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

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

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

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

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

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

(i) Industrial and office buildings.

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

(iii) Government-owned buildings.

(iv) Colleges and universities.

(v) Museums.

(vi) Airports.

(vii) Hospitals.

(viii) Churches.

(ix) Preschools.

(x) Stores.

(xi) Warehouses.

(xii) Factories.

(m) "School" means a private or public elementary or secondary institution of learning including grades kindergarten through 12.

(n) "School building" means 1 or more of the following at a school:

(i) A structure suitable for use as a classroom, including a school laboratory, library, eating facility, or food preparation facility.

(ii) A gymnasium or other facility that is specially designed for athletic or recreational activities or for an academic course in physical education.

(iii) A facility used for the instruction or housing of students for the purpose of administration of educational or research programs.

(iv) A maintenance, storage, or utility facility, including a hallway essential to the operation of a facility or structure identified in subparagraph (i), (ii), or (iii).

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

(vi) An exterior portion of a mechanical system.

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

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

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

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

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

(c) The course curriculum.

(d) A letter from the training course sponsor clearly indicating compliance of the course with the requirements of this act for all of the following:

- (i) The length of training in days.
- (ii) The amount and type of hands-on training.
- (iii) The length, format, and passing score of the examination.
- (iv) The topics covered in the course.

(e) A copy of all course materials, including student manuals, instructor notebooks, handouts, and all other materials that the department may request.

(f) A detailed statement about the development of the examination used in the course.

(g) The names and qualifications of course instructors.

(h) A description and example of the certificate of successful course completion issued to students who attend the course and pass the examination that satisfies the requirements of the asbestos model accreditation plan.

(i) An initial application fee of \$400.00 and, after the initial year, an annual renewal fee of \$200.00. If the application is for renewal, the application and annual fee shall be submitted not earlier than 90 days before the course expires but not later than 30 days before the course expires. An application for renewal that is submitted later than the time period specified in this subdivision shall be treated by the director as an initial application for course renewal, and shall require payment of the initial application fee, rather than the renewal fee.

(3) An applicant desiring to sponsor a refresher training course in a discipline required to be accredited under this act shall supply all of the following information to the department:

- (a) The length of training.
- (b) The topics covered in the course.
- (c) A copy of all course materials.
- (d) The names and qualifications of course instructors.

(e) A description and an example of the certificate of successful completion of the training course that satisfies the requirements of the asbestos model accreditation plan.

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

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

Sec. 13. (1) The training course sponsor shall issue a numbered certificate of successful initial or refresher course completion to a student who meets the requirements of this act and who successfully completes the training and passes the training course's examination required under this act. The numbered certificate of successful course completion shall include the name of the student, the social security number of the student, the course completed, the dates of the course and the examination, a statement certifying that the student passed the examination, an expiration date that is 1 year after the date on which the person successfully completed the course and examination, and the name, address, and telephone number of the training course sponsor that issued the certificate.

(2) Upon the department's receipt of the fee required under section 14 and a copy of a certificate of successful course completion under subsection (1) or of a copy of a certificate of successful refresher course completion, the director shall issue a numbered certificate of accreditation or certificate of reaccreditation to the student. The numbered certificate of accreditation or certificate of reaccreditation shall include the name of the student, the course completed, and the annual expiration date for accreditation or reaccreditation.

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

Sec. 14. (1) A person desiring accreditation or reaccreditation from the director under section 13 shall submit to the department an application for accreditation or reaccreditation on forms provided by the department. The applicant shall include, with the application, payment of the annual fee designated in subsection (3).

(2) If the application is for reaccreditation, the application and annual fee shall be submitted not earlier than 90 days before the accreditation expires but not later than 30 days before the accreditation expires. An application for reaccreditation that is submitted later than the time period specified in this subsection shall be treated by the director as an initial application for accreditation, and shall require payment of the accreditation fee, rather than the reaccreditation fee.

(3) The fee schedule for accreditation or reaccreditation is as follows:

	Accreditation	Reaccreditation
(a) Asbestos inspectors	\$150.00	\$75.00
(b) Asbestos management planners	\$150.00	\$75.00
(c) Asbestos abatement project designers	\$150.00	\$75.00
(d) Asbestos abatement contractors and supervisors	\$ 50.00	\$25.00
(e) Asbestos abatement workers	\$ 50.00	\$25.00

(4) Failure to submit the annual fee as part of the application for accreditation constitutes just cause for the director to deny issuance to a person of a certificate of accreditation or reaccreditation under section 13.

(5) All fees collected by the department under subsection (1) shall be deposited in the asbestos abatement fund created in section 220 of the asbestos abatement contractors licensing act, 1986 PA 135, MCL 338.3220.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary B. Bello

Clerk of the House of Representatives.

Approved _____

Governor.