

SENATE BILL NO. 583

October 15, 2019, Introduced by Senators VANDERWALL and CHANG and referred to the Committee on Environmental Quality.

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the

1 "public entity asbestos removal verification act".

2 Sec. 3. As used in this act:

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

6 (b) "Asbestos abatement contractor" means a business entity
7 that is licensed under the asbestos abatement contractors licensing
8 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the
9 business of asbestos abatement on the premises of another business
10 entity and not on the asbestos abatement contractor's premises.
11 Asbestos abatement contractor includes an individual or person with
12 an ownership interest in a business entity described in this
13 subdivision.

14 (c) "Asbestos abatement project" means any activity involving
15 persons working directly with the demolition, renovation, or
16 encapsulation of friable asbestos materials.

17 (d) "Public entity" means this state or an agency or authority
18 of this state, school district, community college district,
19 intermediate school district, city, village, township, county, land
20 bank, public authority, or public airport authority.

21 Sec. 5. (1) A public entity shall not enter into an asbestos
22 abatement project with an asbestos abatement contractor, or a
23 general contractor that contracts with an asbestos abatement
24 contractor, for the abatement of asbestos unless the public entity
25 conducts a background investigation, as determined by the public
26 entity, of the asbestos abatement contractor seeking to bid on the
27 asbestos abatement project. If the asbestos abatement contractor
28 has a criminal conviction related to compliance with environmental
29 regulations as determined by the public entity, the public entity

1 shall not enter into a contract for an asbestos abatement project
2 with that asbestos abatement contractor. If the asbestos abatement
3 contractor does not have any criminal convictions related to
4 compliance with environmental regulations as determined by the
5 public entity but has been issued 5 or more notices of violation of
6 environmental regulations, or has been subject to an administrative
7 consent order or a consent judgment involving environmental
8 regulations, within the immediately preceding 5 years, the public
9 entity may not enter into a contract with that asbestos abatement
10 contractor unless the public entity investigates each of the
11 violation notices, or the administrative consent order or consent
12 judgment, and determines that the asbestos abatement contractor is
13 able to adhere to the proposed contract based on the public
14 entity's observations of improvements in performance, improvements
15 in operations to ensure compliance with environmental regulations,
16 or other demonstrated ability to comply with environmental
17 regulations. The public entity shall make the determination
18 described in this subsection in writing and shall make that
19 determination publicly available.

20 (2) If an asbestos abatement contractor enters into a contract
21 with a public entity for an asbestos abatement project, the
22 asbestos abatement contractor shall not enter into a contract with
23 another asbestos abatement contractor unless the public entity has
24 conducted a background investigation of that asbestos abatement
25 contractor in the same manner as provided in subsection (1).

26 (3) Before entering into a contract for an asbestos abatement
27 project with an asbestos abatement contractor, or a general
28 contractor that contracts with an asbestos abatement contractor,
29 that has been issued 5 or more notices of violation of

1 environmental regulations, or has been subject to an administrative
2 consent order or a consent judgment involving environmental
3 regulations, within the immediately preceding 5 years, as
4 determined under subsection (1), the public entity shall conduct
5 with not less than 30 days' notice a public hearing for public
6 input.