

ASBESTOS ABATEMENT CONTRACTORS LICENSING ACT (EXCERPT)

Act 135 of 1986

CHAPTER I

338.3101 Short title.

Sec. 101. This act shall be known and may be cited as the "asbestos abatement contractors licensing act".

History: 1986, Act 135, Eff. July 2, 1986.

Compiler's note: For transfer of powers and duties of the division of occupational health in the bureau of environmental and occupational health, with the exception of dry cleaning unit, from the department of public health to the director of the department of labor, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

338.3103 Definitions.

Sec. 103. As used in this act:

- (a) "Administrative procedures act of 1969" means 1969 PA 306, MCL 24.201 to 24.328.
- (b) "Asbestos" means a group of naturally occurring minerals that separate into fibers, including chrysotile, amosite, crocidolite, anthophyllite, tremolite, and actinolite.
- (c) "Asbestos abatement contractor" means a business entity that is licensed under this act and that carries on the business of asbestos abatement on the premises of another business entity and not on the asbestos abatement contractor's premises.
- (d) "Asbestos abatement project" means any activity involving persons working directly with the demolition, renovation, or encapsulation of friable asbestos materials.
- (e) "Board" means the asbestos abatement contractors licensing board created in section 201.
- (f) "Business entity" means a person, partnership, firm, association, corporation, sole proprietorship, public or private agency, or other legal entity.
- (g) "Construction contractor" means a business entity that, pursuant to a contract with the owner or lessee of real property, provides an improvement to that property.
- (h) "Construction subcontractor" means a business entity that, pursuant to a contract with a person other than the owner or lessee of the real property, performs any part of a construction contractor's contract for an improvement to that property.
- (i) "Demolition" means the razing or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos materials.
- (j) "Department" means the department of consumer and industry services.
- (k) "Encapsulate" means the sealing of friable asbestos materials by means of the spraying of liquid sealant or any other suitable sealing method.
- (l) "Friable asbestos material" means any material that contains more than 1% asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.
- (m) "License" means an authorization issued by the department upon recommendation by the board for demolition, renovation, encapsulation, or removal of asbestos.
- (n) "Neutral party" means a business entity that is not part of the asbestos abatement contractor's primary or secondary family and is not legally associated to any business operated by the asbestos abatement contractor.
- (o) "Removal" means the taking out or stripping of asbestos from an existing structure.
- (p) "Renovation" means the removal or stripping of friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member. Renovation does not include any of the following:
 - (i) An operation necessitated by a nonroutine failure of equipment.
 - (ii) An unplanned operation resulting from a sudden unexpected event.
 - (iii) An operation in which load-supporting structural members are wrecked or taken out.
- (q) "Structural member" means any load-supporting member, including, but not limited to, beams and load-supporting walls, or any nonsupporting member, including, but not limited to, ceilings and nonload-supporting walls.
- (r) "Working day" means any day other than a Saturday, Sunday, or state legal holiday.

History: 1986, Act 135, Eff. July 2, 1986;—Am. 1993, Act 55, Imd. Eff. June 8, 1993;—Am. 1998, Act 132, Imd. Eff. June 24, 1998