

ASBESTOS WORKERS ACCREDITATION ACT (EXCERPT)
Act 440 of 1988

338.3402 Definitions.

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.

History: 1988, Act 440, Imd. Eff. Dec. 27, 1988;—Am. 1995, Act 127, Imd. Eff. June 30, 1995;—Am. 1998, Act 133, Imd. Eff. June 24, 1998.