

**CHAPTER 1062**  
**REMOVAL AND ENCAPSULATION OF ASBESTOS**  
*H.F. 2183*

**AN ACT** relating to the regulation of business entities and workers engaging in the removal or encapsulation of asbestos and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 88B.1 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. "Asbestos project" means an activity involving the removal or encapsulation of asbestos.
2. "Bureau" means the bureau of labor.
3. "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.
4. "Certificate" means an authorization issued by the bureau permitting an individual person to work on an asbestos project.
5. "Commissioner" means the labor commissioner or the commissioner's designee.
6. "License" means an authorization issued by the bureau permitting a business entity to remove or encapsulate asbestos.

Sec. 2. **NEW SECTION. 88B.2 LICENSE REQUIRED.** Except as otherwise provided in this chapter, a business entity shall not engage in the removal or encapsulation of asbestos unless the entity holds a license for that purpose. This chapter does not apply to a business entity which uses its own employees in removing or encapsulating asbestos for the purpose of renovating, maintaining or repairing its own facilities, except that a business entity exempted from this chapter who assigns an employee to remove or encapsulate asbestos shall provide training on the health and safety aspects of the removal or encapsulation including the federal and state standards applicable to the asbestos project. The training program shall be available for review and approval upon inspection by the bureau.

Sec. 3. **NEW SECTION. 88B.3 ADMINISTRATION – RULES – INSPECTIONS.**

1. The bureau of labor shall administer this chapter.
2. The commissioner shall adopt, in accordance with chapter 17A, rules necessary to carry out the provisions of this chapter.
3. The commissioner shall prescribe fees for the issuance and renewal of licenses and certificates. The fees shall be based on the costs of licensing, certification and other costs of administering this chapter.
4. At least once a year, during an actual asbestos project, the bureau shall conduct an on-site inspection of each licensee's procedures for removing and encapsulating asbestos.

Sec. 4. **NEW SECTION. 88B.4 QUALIFICATIONS FOR LICENSE.** To qualify for a license, a business entity shall:

1. Ensure that each employee or agent of the business entity who will come into contact with asbestos or who will be responsible for an asbestos project is certified to work on an asbestos project.

2. Demonstrate to the satisfaction of the commissioner that the business entity is capable of complying with all applicable requirements, procedures and standards of the United States environmental protection agency, the United States occupational safety and health administration and the state bureau of labor under chapter 88.

3. Have access to at least one approved asbestos disposal site for deposit of all asbestos waste that the business entity will generate during the term of the license.

4. Meet other standards established by the commissioner under this chapter.

**Sec. 5. NEW SECTION. 88B.5 APPLICATION FOR LICENSE.**

1. To apply for a license, a business entity shall submit an application to the bureau in the form required by the bureau and shall pay the fee prescribed by the bureau.

2. The application shall include:

a. The name and address of the business entity.

b. A description of the protective clothing and respirators that the business entity will use.

c. The name and address of each asbestos disposal site that the business entity will use.

d. A description of the site decontamination procedures that the business entity will use.

e. A description of the removal and encapsulation methods that the business entity will use.

f. A description of the procedures that the business entity will use for handling waste containing asbestos.

g. A description of the air monitoring procedures that the business entity will use.

h. A description of the procedures that the business entity will use in cleaning up after completion of the project.

i. The signature of the chief executive officer of the business entity or the chief executive officer's designee.

j. Other information required by the bureau.

**Sec. 6. NEW SECTION. 88B.6 TERM AND RENEWAL.**

1. A license expires on the first anniversary of its effective date, unless it is renewed for a one-year term as provided in this section.

2. At least one month before the license expires, the bureau shall send to the licensee, at the last known address of the licensee, a renewal notice that states:

a. The date on which the current license expires.

b. The date by which the renewal application must be received by the bureau for the renewal to be issued and mailed before the license expires.

c. The amount of the renewal fee.

3. Before the license expires, the licensee periodically may renew it for an additional one-year term, if the business entity:

a. Otherwise is entitled to be licensed.

b. Submits a renewal application to the bureau in the form required by the bureau.

c. Pays the renewal fee prescribed by the bureau.

**Sec. 7. NEW SECTION. 88B.7 REQUIRED RECORDS.** The licensee shall keep a record of each asbestos project it performs and shall make the record available to the bureau at any reasonable time. Records required by this section shall be kept for at least six years. The record must include:

1. The name, address and certificate number of the individual who supervised the asbestos project and of each employee or agent who worked on the project.

2. The location of and a description of the project and the amount of asbestos material that was removed.

3. The starting and completion dates of each instance of removal or encapsulation.

4. A summary of the procedures that were used to comply with all applicable standards.

5. The name and address of each asbestos disposal site where the waste containing asbestos was deposited.

6. Other information required by the bureau.

Sec. 8. NEW SECTION. 88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS. The bureau may reprimand a licensee or suspend or revoke a license, in accordance with chapter 17A, if the licensee:

1. Fraudulently or deceptively obtains or attempts to obtain a license.
2. Fails at any time to meet the qualifications for a license or to comply with a rule adopted by the commissioner under this chapter.
3. Fails to meet any applicable federal or state standard for removal or encapsulation of asbestos.

4. Employs or permits an uncertified person to work on an asbestos project.

Sec. 9. NEW SECTION. 88B.9 EXCEPTIONS.

1. In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the commissioner may waive the requirement for a license.

2. The commissioner may, on a case-by-case basis, approve an alternative to a specific worker protection requirement for an asbestos project if the business entity submits a written description of the alternative procedure and demonstrates to the commissioner's satisfaction that the proposed alternative procedure provides equivalent worker protection.

3. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the commissioner may waive the requirement for a license if worker protection requirements are met or an alternative procedure is approved pursuant to subsection 2.

Sec. 10. NEW SECTION. 88B.10 CERTIFICATION OF WORKERS.

1. An individual person is not eligible to work on an asbestos project unless the person holds a certificate issued by the bureau.

2. To qualify for a certificate, a person must have successfully completed a basic course, approved by the commissioner, on the health and safety aspects of the removal and encapsulation of asbestos including the federal and state standards applicable to asbestos projects, and must have been examined by a physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator. The duration of a certificate is one year. To qualify for a renewal, a person must have successfully completed an annual review course approved by the commissioner and have been reexamined and approved by a physician for renewal of the certificate. The duration of each renewal is one year.

3. Applications for certificates and renewals shall be submitted to the bureau on forms prescribed by the bureau and shall be accompanied by the prescribed fee.

4. The bureau may suspend or revoke a certificate, in accordance with chapter 17A, for failure of the holder to comply with applicable health and safety standards and regulations.

Sec. 11. NEW SECTION. 88B.11 BIDS FOR GOVERNMENTAL PROJECTS. A state agency or political subdivision shall not accept a bid in connection with any asbestos project from a business entity which does not hold a license from the bureau at the time the bid is submitted.

Sec. 12. NEW SECTION. 88B.12 PENALTIES.

1. A person or business entity who willfully violates a provision of this chapter or a rule adopted pursuant to this chapter shall be assessed a civil penalty of not more than five thousand dollars for each violation.

2. A person or business entity who previously has been assessed a civil penalty under this section, and who willfully violates a provision of this chapter or a rule adopted pursuant to this chapter:

a. For a first offense, is guilty of a simple misdemeanor and shall be fined not to exceed twenty thousand dollars.

b. For a second or subsequent offense, is guilty of an aggravated misdemeanor and shall be fined not to exceed twenty-five thousand dollars or imprisoned for not to exceed two years, or both.

Approved May 17, 1984

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### CHAPTER 1063

#### DEFENDANT INFORMED OF MANDATORY MINIMUM SENTENCE

*H.F. 2412*

**AN ACT** relating to informing defendants of an applicable mandatory minimum sentence.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 901.5, Code 1983, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. The court shall inform the defendant of the mandatory minimum sentence, if one is applicable.

Approved April 11, 1984