

FILED MAR 14 1989

SENATE FILE 435

Substituted for HF-640
PASSED IN HOUSE AYES 94, NAYS 0, 4-7-89 (P. 1308-9)
BY COMMITTEE ON STATE GOVERNMENT
(SUCCESSOR TO SSB 310)

Passed Senate, Date 4-3-89 (P. 1127) Passed House, Date 4/7/89 (p. 1308)
Vote: Ayes 42 Nays 0 Vote: Ayes 94 Nays 0
Approved 4-8-89 (P. 1584)

A BILL FOR

1 An Act relating to state licensing of asbestos professionals who
3-7-82 perform work in schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 435

S-3490

- 1 Amend Senate File 435 as follows:
- 2 1. Page 4, by inserting after line 33 the
- 3 following:
- 4 "Sec. ____ . Section 118.8, unnumbered paragraph 2,
- 5 Code 1989, is amended to read as follows:
- 6 The board shall adopt rules governing practical
- 7 training and education and may adopt as its rules
- 8 criteria published by a national certification body
- 9 recognized by the board, subject to exceptions as
- 10 otherwise required by this section. The board may
- 11 accept the accreditation decisions of a national
- 12 accreditation body recognized by the board.
- 13 The board may waive the professional education
- 14 requirements for eligibility to take the examination
- 15 if the applicant demonstrates a specific and
- 16 substantial hardship.
- 17 The board shall waive the professional education
- 18 requirements for eligibility to take the examination
- 19 if the applicant has been a continuous participant in
- 20 a practical training program under the direction of a
- 21 registered architect since January 1, 1970."
- 22 2. Title page, line 2, by inserting after the
- 23 word "schools" the following: "and of architects".
- 24 3. By numbering and renumbering as necessary.

By PAUL D. PATE

S-3490 FILED MARCH 30, 1989

Withdrawn 4-3-89 (P. 1127)

1 Section 1. Section 88B.1, subsections 4 and 6, Code 1989,
2 are amended to read as follows:

3 4. "Certificate License" means an authorization issued by
4 the division permitting an individual person, including a
5 supervisor or contractor, to work on an asbestos project, to
6 inspect buildings for asbestos-containing building materials,
7 to develop management plans, and to act as an asbestos project
8 designer.

9 6. "License Permit" means an authorization issued by the
10 division permitting a business entity to remove or encapsulate
11 asbestos.

12 Sec. 2. Section 88B.2, Code 1989, is amended to read as
13 follows:

14 88B.2 LICENSE PERMIT REQUIRED -- EXCEPTIONS.

15 Except as otherwise provided in this chapter, a business
16 entity shall not engage in the removal or encapsulation of
17 asbestos unless the entity holds a license permit for that
18 purpose. This chapter does not apply to a business entity,
19 other than a school, which uses its own employees in removing
20 or encapsulating asbestos for the purpose of renovating,
21 maintaining or repairing its own facilities, except that a
22 business entity exempted from this chapter which assigns an
23 employee to remove or encapsulate asbestos shall provide
24 training on the health and safety aspects of the removal or
25 encapsulation including the federal and state standards
26 applicable to the asbestos project. The training program
27 shall be available for review and approval upon inspection by
28 the division.

29 Sec. 3. Section 88B.4, Code 1989, is amended by striking
30 the section and inserting in lieu thereof the following:

31 88B.4 QUALIFICATION FOR PERMIT.

32 To qualify for a permit, a business entity shall submit an
33 application to the division in the form required by the
34 division and shall pay the fee prescribed by the division.

35 Sec. 4. Section 88B.5, subsection 2, Code 1989, is amended

1 by striking the subsection and inserting in lieu thereof the
2 following:

3 2. The application shall include information prescribed by
4 rules adopted by the commissioner.

5 Sec. 5. Section 88B.6, Code 1989, is amended to read as
6 follows:

7 88B.6 TERM AND RENEWAL.

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

11 2. At least one month before the license permit expires,
12 the division shall send to the licensee permittee, at the last
13 known address of the licensee permittee, a renewal notice that
14 states:

15 a. The date on which the current license permit expires.

16 b. The date by which the renewal application must be
17 received by the division for the renewal to be issued and
18 mailed before the license permit expires.

19 c. The amount of the renewal fee.

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

23 a. Otherwise is entitled to be ~~licensed~~ a permit.

24 b. Submits a renewal application to the division in the
25 form required by the division.

26 c. Pays the renewal fee prescribed by the division.

27 Sec. 6. Section 88B.7, Code 1989, is amended by striking
28 the section and inserting in lieu thereof the following:

29 88B.7 RECORDS REQUIRED.

30 The permittee shall keep a record of each asbestos project
31 it performs and shall make the record available to the
32 division or department of education at any reasonable time.
33 Records shall contain information and be kept for a time
34 prescribed by the division in rules adopted by the division.

35 Sec. 7. Section 88B.8, Code 1989, is amended to read as

1 follows:

2 88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

3 1. The division may reprimand a permittee or licensee or
4 suspend or revoke a permit or license, in accordance with
5 chapter 17A, if the permittee or licensee:

6 1 a. Fraudulently or deceptively obtains or attempts to
7 obtain a permit or license.

8 2 b. Fails at any time to meet the qualifications for a
9 permit or license or to comply with a rule adopted by the
10 commissioner under this chapter.

11 3 c. Fails to meet any applicable federal or state
12 standard for removal or encapsulation of asbestos.

13 4 d. Employs or permits an uncertified unlicensed person
14 to work on an asbestos project.

15 2. The department of education may reprimand a training
16 institution or suspend or revoke a training institution
17 authorization in accordance with chapter 17A, if the training
18 institution:

19 a. Fraudulently or deceptively obtains or attempts to
20 obtain a training authorization.

21 b. Fails at any time to meet the qualifications for
22 authorization or to comply with a rule adopted by the director
23 of the department of education under this chapter.

24 c. Fails to meet any applicable federal or state standard
25 for training.

26 Sec. 8. Section 88B.9, Code 1989, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. The division shall not approve any
29 waivers on work conducted at a school unless the request is
30 accompanied by a recommendation from an asbestos project
31 designer.

32 Sec. 9. Section 88B.10, Code 1989, is amended by striking
33 the section and inserting in lieu thereof the following:

34 88B.10 LICENSING OF ASBESTOS WORKERS.

35 1. An individual person is not eligible to be a contractor

1 or supervisor, or to work on an asbestos project unless the
2 person holds a license issued by the division.

3 2. An individual person is not eligible to be an inspector
4 for asbestos-containing building material in a school unless
5 the person holds a license issued by the division.

6 3. An individual person is not eligible to be an asbestos
7 management planner for a school unless the person holds a
8 license issued by the division.

9 4. An individual person is not eligible to be an asbestos
10 project designer for a school unless the person holds a
11 license issued by the division.

12 5. To qualify for a license, the applicant must have
13 successfully completed training as established by the
14 department of education, paid a fee, and met other
15 requirements as specified by the division by rule.

16 6. To qualify for a license as an asbestos abatement
17 worker, supervisor, or contractor, the applicant must have
18 been examined by a physician within the preceding year and
19 declared by the physician to be physically capable of working
20 while wearing a respirator.

21 7. A license is valid for one year and may be renewed by
22 providing information as required in subsections 5 and 6.

23 8. The division may suspend or revoke a license, in
24 accordance with chapter 17A, for failure of the licensee to
25 comply with applicable rules.

26 Sec. 10. NEW SECTION. 88B.13 APPROVAL OF TRAINING
27 COURSES.

28 The department of education shall approve training courses
29 and shall adopt rules pursuant to chapter 17A on the
30 qualifications for training courses, fees to be charged for
31 approval of training courses by the department of education,
32 and testing of applicants to verify successful completion of
33 training courses.

34 EXPLANATION

35 This bill provides for the differentiation between

1 "license," which means authorization for a person to work on
2 an asbestos project, and "permit," which means authorization
3 for a business entity to remove or encapsulate asbestos. The
4 bill further provides for the adoption of rules which asbestos
5 professional licensees or permittees must follow.

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Running, Ch.
Coleman
Sookholtz

SSB 310
STATE GOVERNMENT

SENATE FILE 425
BY (PROPOSED DEPARTMENT OF
EMPLOYMENT SERVICES/LABOR
SERVICES DIVISION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state licensing of asbestos professionals who
2 perform work in schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 88B.1, subsections 4 and 6, Code 1989,
2 are amended to read as follows:

3 4. "Certificate License" means an authorization issued by
4 the division permitting an individual person, including a
5 supervisor or contractor, to work on an asbestos project, to
6 inspect buildings for asbestos-containing building materials,
7 to develop management plans, and to act as an asbestos project
8 designer.

9 6. "License Permit" means an authorization issued by the
10 division permitting a business entity to remove or encapsulate
11 asbestos.

12 Sec. 2. Section 88B.2, Code 1989, is amended to read as
13 follows:

14 88B.2 LICENSE PERMIT REQUIRED -- EXCEPTIONS.

15 Except as otherwise provided in this chapter, a business
16 entity shall not engage in the removal or encapsulation of
17 asbestos unless the entity holds a license permit for that
18 purpose. This chapter does not apply to a business entity,
19 other than a school, which uses its own employees in removing
20 or encapsulating asbestos for the purpose of renovating,
21 maintaining or repairing its own facilities, except that a
22 business entity exempted from this chapter which assigns an
23 employee to remove or encapsulate asbestos shall provide
24 training on the health and safety aspects of the removal or
25 encapsulation including the federal and state standards
26 applicable to the asbestos project. The training program
27 shall be available for review and approval upon inspection by
28 the division.

29 Sec. 3. Section 88B.4, Code 1989, is amended by striking
30 the section and inserting in lieu thereof the following:

31 88B.4 QUALIFICATION FOR PERMIT.

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33 application to the division in the form required by the
34 division and shall pay the fee prescribed by the division.

35 Sec. 4. Section 88B.5, subsection 2, Code 1989, is amended

1 by striking the subsection and inserting in lieu thereof the
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3 2. The application shall include information prescribed by
4 rules adopted by the commissioner.

5 Sec. 5. Section 88B.6, Code 1989, is amended to read as
6 follows:

7 88B.6 TERM AND RENEWAL.

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

11 2. At least one month before the ~~license~~ permit expires,
12 the division shall send to the ~~licensee~~ permittee, at the last
13 known address of the ~~licensee~~ permittee, a renewal notice that
14 states:

15 a. The date on which the current ~~license~~ permit expires.

16 b. The date by which the renewal application must be
17 received by the division for the renewal to be issued and
18 mailed before the ~~license~~ permit expires.

19 c. The amount of the renewal fee.

20 3. Before the ~~license~~ permit expires, the ~~licensee~~
21 permittee periodically may renew it for an additional one-year
22 term, if the business entity:

23 a. Otherwise is entitled to be ~~licensed~~ a permit.

24 b. Submits a renewal application to the division in the
25 form required by the division.

26 c. Pays the renewal fee prescribed by the division.

27 Sec. 6. Section 88B.7, Code 1989, is amended by striking
28 the section and inserting in lieu thereof the following:

29 88B.7 RECORDS REQUIRED.

30 The permittee shall keep a record of each asbestos project
31 it performs and shall make the record available to the
32 division or department of education at any reasonable time.
33 Records shall contain information and be kept for a time
34 prescribed by the division in rules adopted by the division.

35 Sec. 7. Section 88B.8, Code 1989, is amended to read as

1 follows:

2 88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

3 1. The division may reprimand a permittee or licensee or
4 suspend or revoke a permit or license, in accordance with
5 chapter 17A, if the permittee or licensee:

6 1 a. Fraudulently or deceptively obtains or attempts to
7 obtain a permit or license.

8 2 b. Fails at any time to meet the qualifications for a
9 permit or license or to comply with a rule adopted by the
10 commissioner under this chapter.

11 3 c. Fails to meet any applicable federal or state
12 standard for removal or encapsulation of asbestos.

13 4 d. Employs or permits an uncertified unlicensed person
14 to work on an asbestos project.

15 2. The department of education may reprimand a training
16 institution or suspend or revoke a training institution
17 authorization in accordance with chapter 17A, if the training
18 institution:

19 a. Fraudulently or deceptively obtains or attempts to
20 obtain a training authorization.

21 b. Fails at any time to meet the qualifications for
22 authorization or to comply with a rule adopted by the director
23 of the department of education under this chapter.

24 c. Fails to meet any applicable federal or state standard
25 for training.

26 Sec. 8. Section 88B.9, Code 1989, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. The division shall not approve any
29 waivers on work conducted at a school unless the request is
30 accompanied by a recommendation from an asbestos project
31 designer.

32 Sec. 9. Section 88B.10, Code 1989, is amended by striking
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1 or supervisor, or to work on an asbestos project unless the
2 person holds a license issued by the division.

3 2. An individual person is not eligible to be an inspector
4 for asbestos-containing building material in a school unless
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7 management planner for a school unless the person holds a
8 license issued by the division.

9 4. An individual person is not eligible to be an asbestos
10 project designer for a school unless the person holds a
11 license issued by the division.

12 5. To qualify for a license, the applicant must have
13 successfully completed training as established by the
14 department of education, paid a fee, and met other
15 requirements as specified by the division by rule.

16 6. To qualify for a license as an asbestos abatement
17 worker, supervisor, or contractor, the applicant must have
18 been examined by a physician within the preceding year and
19 declared by the physician to be physically capable of working
20 while wearing a respirator.

21 7. A license is valid for one year and may be renewed by
22 providing information as required in subsections 5 and 6.

23 8. The division may suspend or revoke a license, in
24 accordance with chapter 17A, for failure of the licensee to
25 comply with applicable rules.

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35 This bill provides for the differentiation between

1 "license," which means authorization for a person to work on
2 an asbestos project, and "permit," which means authorization
3 for a business entity to remove or encapsulate asbestos. The
4 bill further provides for the adoption of rules which asbestos
5 professional licensees or permittees must follow.

6 BACKGROUND STATEMENT

7 SUBMITTED BY THE AGENCY

8 The Asbestos Hazard Emergency Response Act of 1986 (P.L.
9 99-519) commonly known as AHERA mandates state accreditation
10 of asbestos professionals who perform work in elementary or
11 secondary schools.

12 Iowa, like many other states, has an accreditation program
13 for contractors and workers, however, the statute needs
14 certain adjustments in order to conform with the AHERA. This
15 legislation requires the state to license all asbestos
16 occupations specified in the federal EPA model, assures
17 administrative coordination of accreditation between the
18 Department of Employment Services/Labor Services Division and
19 the Department of Education, and establishes credible
20 enforcement and penalty provisions.

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SENATE FILE 435

AN ACT

RELATING TO STATE LICENSING OF ASBESTOS PROFESSIONALS WHO PERFORM WORK IN SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 88B.1, subsections 4 and 6, Code 1989, are amended to read as follows:

4. "Certificate License" means an authorization issued by the division permitting an individual person, including a supervisor or contractor, to work on an asbestos project, to inspect buildings for asbestos-containing building materials, to develop management plans, and to act as an asbestos project designer.

6. "License Permit" means an authorization issued by the division permitting a business entity to remove or encapsulate asbestos.

Sec. 2. Section 88B.2, Code 1989, is amended to read as follows:

88B.2 LICENSE PERMIT REQUIRED -- EXCEPTIONS.

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 permit for that purpose. This chapter does not apply to a business entity, other than a school, 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 which 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 division.

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2. The application shall include information prescribed by rules adopted by the commissioner.

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

- a. The date on which the current license permit expires.
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- c. The amount of the renewal fee.
3. Before the license permit expires, the licensee permittee periodically may renew it for an additional one-year term, if the business entity:
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88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

1. The division may reprimand a permittee or licensee or suspend or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee:

1 a. Fraudulently or deceptively obtains or attempts to obtain a permit or license.

2 b. Fails at any time to meet the qualifications for a permit or license or to comply with a rule adopted by the commissioner under this chapter.

3 c. Fails to meet any applicable federal or state standard for removal or encapsulation of asbestos.

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

2. The department of education may reprimand a training institution or suspend or revoke a training institution authorization in accordance with chapter 17A, if the training institution:

a. Fraudulently or deceptively obtains or attempts to obtain a training authorization.

b. Fails at any time to meet the qualifications for authorization or to comply with a rule adopted by the director of the department of education under this chapter.

c. Fails to meet any applicable federal or state standard for training.

Sec. 8. Section 88B.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The division shall not approve any waivers on work conducted at a school unless the request is accompanied by a recommendation from an asbestos project designer.

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1. An individual person is not eligible to be a contractor or supervisor, or to work on an asbestos project unless the person holds a license issued by the division.

2. An individual person is not eligible to be an inspector for asbestos-containing building material in a school unless the person holds a license issued by the division.

3. An individual person is not eligible to be an asbestos management planner for a school unless the person holds a license issued by the division.

4. An individual person is not eligible to be an asbestos project designer for a school unless the person holds a license issued by the division.

5. To qualify for a license, the applicant must have successfully completed training as established by the department of education, paid a fee, and met other requirements as specified by the division by rule.

6. To qualify for a license as an asbestos abatement worker, supervisor, or contractor, the applicant 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.

7. A license is valid for one year and may be renewed by providing information as required in subsections 5 and 6.

8. The division may suspend or revoke a license, in accordance with chapter 17A, for failure of the licensee to comply with applicable rules.

Sec. 10. NEW SECTION. 88B.13 APPROVAL OF TRAINING COURSES.

The department of education shall approve training courses and shall adopt rules pursuant to chapter 17A on the qualifications for training courses, fees to be charged for approval of training courses by the department of education, and testing of applicants to verify successful completion of training courses.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 435, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/20, 1989

TERRY E. BRANSTAD
Governor

SF 435