

ASBESTOS REMOVAL AND ENCAPSULATION

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. *"Business entity"* means a partnership, firm, association, corporation, sole proprietorship, or other business concern.
3. *"Commissioner"* means the labor commissioner or the commissioner's designee.
4. *"Division"* means the division of labor services of the department of workforce development created under section 84A.1.
5. *"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. *"Permit"* means an authorization issued by the division permitting a business entity to remove or encapsulate asbestos.
7. *"Public or commercial building"* means a building that is not a residential apartment building of fewer than ten units or a school building.

84 Acts, ch 1062, § 1; 86 Acts, ch 1245, § 916; 89 Acts, ch 38, §1; 96 Acts, ch 1074, § 1; 96 Acts, ch 1186, § 23

88B.2 Permit required exceptions. Transferred to § 88B.3A.

88B.3 Administration rules fees inspections.

1. The commissioner 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 permits. The fees shall be based on the costs of licensing, permitting, and administering this chapter, including time spent by personnel of the division in performing duties and any travel expenses incurred. All fees provided for in this chapter shall be collected by the commissioner and remitted to the treasurer of state for deposit in the general fund of the state.
4. At least once a year, during an actual asbestos project, the division shall conduct an on-site inspection of each permittee's procedures for removing and encapsulating asbestos.

84 Acts, ch 1062, § 3; 86 Acts, ch 1245, § 917; 92 Acts, ch 1163, § 20; 94 Acts, ch 1057, §1; 96 Acts, ch 1074, § 3

88B.3A Permit required application, qualifications, and exceptions.

1. To qualify for a permit, a business entity shall submit an application to the division in the form required by

the division and pay the prescribed fee.

2. A business entity engaging in the removal or encapsulation of asbestos shall hold a permit for that purpose unless the business entity is removing or encapsulating asbestos at its own facilities.

84 Acts, ch 1062, § 2

C85, § 88B.2

89 Acts, ch 38, § 2; 90 Acts, ch 1136, § 3; 96 Acts, ch 1074, § 2, 9

C97, § 88B.3A

88B.4 Permit term, renewal, and records required.

1. A permit 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 permit expires, the division shall send to the permittee, at the last known address of the permittee, a renewal notice that states all of the following:

a. The date on which the current permit expires.

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

c. The amount of the renewal fee.

3. Before the permit expires, the permittee may renew it for an additional one-year term, if the business entity meets the following conditions:

a. Is otherwise entitled to a permit.

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

c. Pays the renewal fee prescribed by the division.

4. The permittee shall keep a record of each asbestos project it performs and shall make the record available to the division at any reasonable time. Records shall contain information and be kept for a time prescribed in rules adopted by the division.

84 Acts, ch 1062, § 4; 89 Acts, ch 38, § 3; 96 Acts, ch 1074, § 4; 96 Acts, ch 1219, § 19

88B.5 Waivers and alternative procedures.

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 permit.

2. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the commissioner may waive the requirement for a permit if worker protection requirements are met.

3. The division shall not approve any waivers on work conducted at a school, public, or commercial building unless the request is accompanied by a recommendation from an asbestos project designer.

84 Acts, ch 1062, § 5; 89 Acts, ch 38, § 4; 94 Acts, ch 1057, §2; 96 Acts, ch 1074, § 5

88B.6 Licensing of asbestos workers.

1. Application.

a. To apply for a license, an individual shall submit an application to the division in the form required by the division and shall pay the prescribed fee.

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

c. A license is valid for one year from the completion date of the required training and may be renewed by providing information as required in subsection 2, paragraphs "b" and "c".

2. Qualifications.

a. An individual is not eligible to be or do any of the following unless the person obtains a license from the division:

(1) A contractor or supervisor, or to work on an asbestos project.

(2) An inspector for asbestos-containing building material in a school or a public or commercial building.

(3) An asbestos management planner for a school building.

(4) An asbestos project designer for a school or a public or commercial building.

b. To qualify for a license, the applicant must have successfully completed training as established by the United States environmental protection agency, paid a fee, and met other requirements as specified by the division by rule.

c. 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.

3. *Exception.* A license is not required of an employee employed by an employer exempted from the permit requirement of section 88B.3A, subsection 2, if the employee is trained on appropriate removal or encapsulation procedures, safety, and health issues regarding asbestos removal or encapsulation, and federal and state standards applicable to the asbestos project.

84 Acts, ch 1062, § 6; 89 Acts, ch 38, § 5; 96 Acts, ch 1074, § 6; 97 Acts, ch 40, § 3

88B.7 Records required. Repealed by 96 Acts, ch 1074, § 8. See § 88B.4.

88B.8 Denials, suspensions, and revocations.

The division may deny, suspend, or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee does any of the following:

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

2. 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. Fails to meet any applicable federal or state standard for removal or encapsulation of asbestos.
4. Employs or permits an unlicensed or untrained person to work on an asbestos project.

84 Acts, ch 1062, § 8; 89 Acts, ch 38, § 7; 96 Acts, ch 1074, § 7

88B.9 Waivers and alternative procedures. Repealed by 96 Acts, ch 1074, § 8. See § 88B.5.

88B.10 Licensing of asbestos workers. Repealed by 96 Acts, ch 1074, § 8. See § 88B.6.

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 that does not hold a permit from the division at the time the bid is submitted.

84 Acts, ch 1062, § 11; 94 Acts, ch 1057, § 4

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.

84 Acts, ch 1062, § 12

88B.13 Approval of training courses. Repealed by 96 Acts, ch 1074, § 8.