

Labor and Industrial Relations: Parker, Chair; Branstad and Poncey.

Revised 5242 2/23 (A. 551)

JAN 30 1984

HOUSE FILE 2183

BY ROSENBERG

LABOR & INDUSTRIAL RELATIONS

Passed House, Date 3-7-84 (A. 175) Passed Senate, Date 3-27-84 (P. 1080)

Vote: Ayes 86 Nays 14 Vote: Ayes 46 Nays 2

Approved May 17, 1984

A BILL FOR

1 An Act relating to the licensing of business entities engaging
2 in the removal or encapsulation of asbestos and providing
3 penalties.

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

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HF 2183

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

3 1. "Asbestos project" means an activity involving the
4 removal or encapsulation of asbestos.

5 2. "Bureau" means the bureau of labor.

6 3. "Business entity" means a partnership, firm,
7 association, corporation, sole proprietorship, or other
8 business concern.

9 4. "Commissioner" means the labor commissioner or the
10 commissioner's designee.

11 5. "License" means an authorization issued by the bureau
12 to remove or encapsulate asbestos.

13 Sec. 2. NEW SECTION. 88B.2 LICENSE REQUIRED. Except
14 as otherwise provided in this chapter, a business entity shall
15 not engage in the removal or encapsulation of asbestos unless
16 the entity holds a license for that purpose.

17 Sec. 3. NEW SECTION. 88B.3 ADMINISTRATION--RULES--INSPEC-
18 TIONS.

19 1. The bureau of labor shall administer this chapter.

20 2. The commissioner shall adopt, in accordance with chapter
21 17A, rules necessary to carry out the provisions of this
22 chapter.

23 3. At least once a year, during an actual asbestos project,
24 the bureau shall conduct an on-site inspection of each
25 licensee's procedures for removing and encapsulating asbestos.

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

28 1. Ensure that each employee or agent of the business
29 entity who will come into contact with asbestos or who will
30 be responsible for an asbestos project is familiar with federal
31 and state standards for asbestos removal and encapsulation
32 and has completed a course of instruction on asbestos removal
33 and encapsulation approved by the commissioner.

34 2. Demonstrate to the satisfaction of the commissioner
35 that the business entity is capable of complying with all

1 applicable requirements, procedures and standards of the
2 United States environmental protection agency, the United
3 States occupational safety and health administration and the
4 state bureau of labor under chapter 88.

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

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

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

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

14 2. The application shall include:

15 a. The name and address of the business entity.

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

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

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

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

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

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

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

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

32 j. Other information required by the bureau.

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

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

1 provided in this section.

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

5 a. The date on which the current license expires.

6 b. The date by which the renewal application must be re-
7 ceived by the bureau for the renewal to be issued and mailed
8 before the license expires.

9 c. The amount of the renewal fee.

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

13 a. Otherwise is entitled to be licensed.

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

16 c. Pays the renewal fee prescribed by the bureau.

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

22 1. The name and address of the individual who supervised
23 the asbestos project.

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

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

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

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

32 6. Other information required by the bureau.

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

1 licensee:

2 1. Fraudulently or deceptively obtains or attempts to
3 obtain a license.

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

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

9 Sec. 9. NEW SECTION. 88B.9 WAIVER. In an emergency
10 that results from a sudden, unexpected event that is not a
11 planned renovation or demolition, the commissioner may waive
12 the requirement for a license.

13 Sec. 10. NEW SECTION. 88B.10 PENALTIES.

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

18 2. A person or business entity who previously has been
19 assessed a civil penalty under this section, and who will-
20 fully violates a provision of this chapter or a rule adopted
21 pursuant to this chapter:

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

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

28 EXPLANATION

29 This bill provides that business entities engaging in the
30 removal of encapsulation of asbestos must be licensed. The
31 licensing provisions would be administered by the bureau of
32 labor. Penalties would be imposed for willful violation of
33 licensing requirements.

34 The bill creates a new chapter 88B. It takes effect July
35 1 following its enactment.

LSB 3516H 70

jlw/jw/s

HOUSE FILE 2183
FISCAL NOTE
REQUESTED BY REPRESENTATIVE ROSENBERG

In compliance with a written request received February 1, 1984, there is hereby submitted a Fiscal Note for House File 2183 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the General Assembly upon request.

House File 2183 provides that business entities engaging in the removal or encapsulation of asbestos must be licensed. The licensing provisions would be administered by the bureau of labor. Penalties would be imposed for willful violations of licensing requirements.

Based upon licensing thirty contractors annually, the costs of administering this bill are estimated to be as follows:

	<u>FY 1985</u>	<u>FY 1986</u>
2 Industrial Hygienist	\$39,520	\$39,520
1 Secretary	11,482	11,482
Fringes	8,670	8,670
Travel	840	840
Lodging	750	750
Vehicle	7,400	800
Equipment and Supplies	14,000	3,200
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Total	\$82,662	\$65,262

The bill provides for the charging of fees set by the bureau of labor; how much would be generated is currently unknown. Also, there may be federal OSHA or EPA funding available, but this is not certain.

Source: Iowa Bureau of Labor

(3616H,84-115B,JMN)

FILED FEB. 28, 1984

BY DENNIS PROUTY, FISCAL DIRECTOR

H-5242

1 Amend House File 2183 as follows:

2 1. Page 1, by inserting after line 8 the following:

3 "4. "Certificate" means an authorization issued
4 by the bureau permitting an individual person to work
5 on an asbestos project."

6 2. Page 1, line 11, by inserting after the word
7 "bureau" the words "permitting a business entity".

8 3. Page 1, by inserting after line 22 the
9 following:

10 "3. The commissioner shall prescribe fees for
11 the issuance and renewal of licenses and certificates.
12 The fees shall be based on the costs of licensing,
13 certification and other costs of administering this
14 chapter."

15 4. Page 1, by striking lines 30 through 33 and
16 inserting in lieu thereof the following: "be
17 responsible for an asbestos project is certified to
18 work on an asbestos project."

19 5. Page 3, line 22, by striking the words "and
20 address" and inserting in lieu thereof the words "
21 address and certificate number".

22 6. Page 3, line 23, after the word "project" by
inserting in lieu thereof the following: "and of
each employee or agent who worked on the project".

25 7. Page 4, by inserting after line 8 the following:

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

28 8. Page 4, by inserting after line 12, the
29 following:

30 "Sec. 10. NEW SECTION. 88B.10 CERTIFICATION
31 OF WORKERS.

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

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

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

1 by the bureau and shall be accompanied by the
2 prescribed fee.

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

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

13 9. Title page, line 1, by striking the words
14 "licensing of business entities" and inserting in
15 lieu thereof the words "regulation of business entities
16 and workers".

17 10. By renumbering as necessary.

BY COMMITTEE ON LABOR
AND INDUSTRIAL RELATIONS

H-5242 FILED FEB. 23, 1984
Adopted 3/7 (p. 784)

HOUSE FILE 2183

H-5438

1 Amend House File 2183 as follows:

2 1. Page 4, by striking line 9 and inserting in
3 lieu thereof the following:

4 "Sec. 9. NEW SECTION. 88B.9 EXCEPTIONS.
5 1. In an emergency".

6 2. Page 4, by inserting after line 12 the
7 following:

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

5444>

BY PARKER of Jasper
ROSENBERG of Story
BRANSTAD of Winnebago

H-5438 FILED MARCH 6, 1984
*Adopted as amended by 5444
3/7 (p. 785)*

HOUSE FILE 2183

H-5444

1 Amend the Parker amendment, H-5438, to House File
2 2183 as follows:

3 1. Page 1, line 14, by striking the word
4 "protection." and inserting in lieu thereof the
5 following: "protection."

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

BY PARKER of Jasper
ROSENBERG of Story
BRANSTAD of Winnebago

H-5444 FILED MARCH 7, 1984
ADOPTED (p. 785)

See Labor 3/12 Amend for 5497 & L. Pass 363
(p. 1000)

HOUSE FILE 2183

Labor & Industrial Relations
Gettings, Chair
Colton
Halse

HOUSE FILE 2183

BY ROSENBERG

(As Amended and Passed by the House)

Passed House, Date 4-4-84 (p. 1649) Passed Senate, Date 3-27-84 (p. 1070)

Vote: Ayes 92 Nays 7 Vote: Ayes 46 Nays 2

Approved May 17, 1984

Motion to Reconsider (p. 1670) w/d 3/12 Passed Senate 4-17-84 (p. 1593)
35-4

A BILL FOR

- 1 An Act relating to the regulation of business entities and
- 2 workers engaging in the removal or encapsulation of
- 3 asbestos and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2183

S-5497

1 Amend House File 2183 as amended, passed, and
 2 reprinted by the House as follows:
 3 1. Page 1, line 19, by inserting after the word
 4 "purpose," the words "This chapter does not apply
 5 to a business entity which uses its own employees
 6 in removing or encapsulating asbestos for the purpose
 7 of renovating, maintaining or repairing its own
 8 facilities."

S-5497 FILED
MARCH 23, 1984
Adopted 3/27 (p. 1080)

BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS
TED ANDERSON, CHAIR

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1 Section 1. NEW SECTION. 88B.1 DEFINITIONS. As used
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4 removal or encapsulation of asbestos.

5 2. "Bureau" means the bureau of labor.

6 3. "Business entity" means a partnership, firm,
7 association, corporation, sole proprietorship, or other
8 business concern.

9 4. "Certificate" means an authorization issued by the
10 bureau permitting an individual person to work on an asbestos
11 project.

12 5. "Commissioner" means the labor commissioner or the
13 commissioner's designee.

14 6. "License" means an authorization issued by the bureau
15 permitting a business entity to remove or encapsulate asbestos.

16 Sec. 2. NEW SECTION. 88B.2 LICENSE REQUIRED. Except
17 as otherwise provided in this chapter, a business entity shall
18 not engage in the removal or encapsulation of asbestos unless
19 ⁵⁴⁹⁷ the entity holds a license for that purpose.

20 Sec. 3. NEW SECTION. 88B.3 ADMINISTRATION--RULES--INSPEC-
21 TIONS.

22 1. The bureau of labor shall administer this chapter.

23 2. The commissioner shall adopt, in accordance with chapter
24 17A, rules necessary to carry out the provisions of this
25 chapter.

26 3. The commissioner shall prescribe fees for the issuance
27 and renewal of licenses and certificates. The fees shall
28 be based on the costs of licensing, certification and other
29 costs of administering this chapter.

30 4. At least once a year, during an actual asbestos project,
31 the bureau shall conduct an on-site inspection of each
32 licensee's procedures for removing and encapsulating asbestos.

33 Sec. 4. NEW SECTION. 88B.4 QUALIFICATIONS FOR LICENSE.

34 To qualify for a license, a business entity shall:

35 1. Ensure that each employee or agent of the business

1 entity who will come into contact with asbestos or who will
2 be responsible for an asbestos project is certified to work
3 on an asbestos project.

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

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

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

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

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

19 2. The application shall include:

20 a. The name and address of the business entity.

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

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

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

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

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

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

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

35 i. The signature of the chief executive officer of the

1 business entity or the chief executive officer's designee.

2 j. Other information required by the bureau.

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

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

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

10 a. The date on which the current license expires.

11 b. The date by which the renewal application must be re-
12 ceived by the bureau for the renewal to be issued and mailed
13 before the license expires.

14 c. The amount of the renewal fee.

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

18 a. Otherwise is entitled to be licensed.

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

21 c. Pays the renewal fee prescribed by the bureau.

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

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

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

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

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

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

3 6. Other information required by the bureau.

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

8 1. Fraudulently or deceptively obtains or attempts to
9 obtain a license.

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

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

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

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

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

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

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

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

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

1 by the bureau.

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

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

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

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

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

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

32 2. A person or business entity who previously has been
33 assessed a civil penalty under this section, and who will-
34 fully violates a provision of this chapter or a rule adopted
35 pursuant to this chapter:

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

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

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SENATE AMENDMENT TO HOUSE FILE 2183

H-5964

1 Amend House File 2183 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 19, by inserting after the word
4 "purpose." the words "This chapter does not apply
5 to a business entity which uses its own employees
6 in removing or encapsulating asbestos for the purpose
7 of renovating, maintaining or repairing its own
8 facilities."

H-5964 FILED MARCH 29, 1984

RECEIVED FROM THE SENATE

House amended (6070), concurred 4/4 (p. 1648)

HOUSE FILE 2183

H-6070

1 Amend Senate amendment H-5964 to House File 2183
2 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 1, by striking line 8 and inserting in
5 lieu thereof the following: "facilities, except that
6 a business entity exempted from this chapter who
7 assigns an employee to remove or encapsulate asbestos
8 shall provide training on the health and safety aspects
9 of the removal or encapsulation including the federal
10 and state standards applicable to the asbestos project.
11 The training program shall be available for review
12 and approval upon inspection by the bureau."

H-6070 FILED APRIL 3, 1984

BY PARKER of Jasper

Adopted 4/4 (p. 1648)

HOUSE FILE 2183

H-6288

1 Amend Senate amendment H-5964 to House File 2183
2 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 1, by adding the following after line 8:
5 "2. Page 2, line 27 by striking the word "and"
6 and inserting in lieu thereof the word "or"."

H-6288 FILED APRIL 13, 1984 BY VAN CAMP of Scott

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2183

S-5928

1 Amend Senate amendment H-5964 to House File 2183
2 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 1, by striking line 8 and inserting in
5 lieu thereof the following: "facilities, except that
6 a business entity exempted from this chapter who
7 assigns an employee to remove or encapsulate asbestos
8 shall provide training on the health and safety aspects
9 of the removal or encapsulation including the federal
10 and state standards applicable to the asbestos project.
11 The training program shall be available for review
12 and approval upon inspection by the bureau."

S-5928 FILED
APRIL 16, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/17 (p. 1543)

HOUSE FILE 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--INSPEC-
TIONS.

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

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aggravated misdemeanor and shall be fined not to exceed twenty-five thousand dollars or imprisoned for not to exceed two years, or both.

DONALD D. AVENSON
Speaker of the House

CHARLES P. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2183, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 17, 1984

TERRY E. BRANSTAD
Governor