

# House Study Bill 571

## Conference Committee Text

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1 1 Section 1. Section [88B.1](#), Code 1995, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7. "Public or commercial building" means  
1 4 a building that is not a residential apartment building of  
1 5 fewer than ten units or a school building.

1 6 Sec. 2. Section [88B.2](#), Code 1995, is amended to read as  
1 7 follows:

1 8 88B.2 PERMIT REQUIRED &ndash; APPLICATION, QUALIFICATIONS, AND  
1 9 EXCEPTIONS.

1 10 1. To qualify for a permit, a business entity shall submit  
1 11 an application to the division in the form required by the  
1 12 division and pay the prescribed fee.

1 13 2.

~~1 14 Except as otherwise provided in this chapter, a~~

~~1 15 A~~

~~1 16 business entity shall not engage in the removal or  
1 17 encapsulation of asbestos unless the entity holds a permit for  
1 18 that purpose~~

~~1 19 This chapter does not apply to a~~

~~1 20 or unless the~~

~~1 21 business entity~~

~~1 22 which~~

~~1 23 uses its own employees in removing or~~

~~1 24 encapsulating asbestos for the purpose of renovating,  
1 25 maintaining, or repairing its own facilities~~

~~1 26 , except that a~~

~~1 27~~

~~1 28~~

~~1 29 business entity exempted from this chapter which assigns an~~

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~~1 31~~

~~1 32 employee to remove or encapsulate asbestos shall provide~~

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~~1 34~~

~~1 35 training on the health and safety aspects of the removal or~~

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~~1 37~~

~~1 38 encapsulation including the federal and state standards~~

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~~1 40~~

~~1 41 applicable to the asbestos project~~

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~~1 43~~

~~1 44 The training program~~

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~~shall be available for review and approval upon inspection by~~

1 26

~~the division.~~

1 27 Sec. 3. Section [88B.3](#), subsection 3, Code 1995, is amended  
1 28 to read as follows:

1 29 3. The commissioner shall prescribe fees for the issuance  
1 30 and renewal of licenses and permits. The fees shall be based  
1 31 on the costs of licensing,

~~and~~

~~permitting, and~~

~~other costs of~~

1 32 administering this chapter, including time spent by personnel  
1 33 of the division in performing duties and any travel expenses  
1 34 incurred. All fees provided for in this chapter shall be  
1 35 collected by the commissioner and remitted to the treasurer of  
2 1 state for deposit in the general fund of the state.

2 2 Sec. 4. Section [88B.4](#), Code 1995, is amended by striking  
2 3 the section and inserting in lieu thereof the following:

2 4 88B.4 PERMIT &ndash; TERM, RENEWAL, AND RECORDS REQUIRED.  
2 5 1. A permit expires on the first anniversary of its  
2 6 effective date, unless it is renewed for a one-year term as  
2 7 provided in this section.

2 8 2. At least one month before the permit expires, the  
2 9 division shall send to the permittee, at the last known  
2 10 address of the permittee, a renewal notice that states all of  
2 11 the following:

2 12 a. The date on which the current permit expires.

2 13 b. The date by which the renewal application must be  
2 14 received by the division for the renewal to be issued and  
2 15 mailed before the permit expires.

2 16 c. The amount of the renewal fee.

2 17 3. Before the permit expires, the permittee may renew it  
2 18 for an additional one-year term, if the business entity meets  
2 19 the following conditions:

2 20 a. Is otherwise entitled to a permit.

2 21 b. Submits a renewal application to the division in the  
2 22 form required by the division.

2 23 c. Pays the renewal fee prescribed by the division.

2 24 4. The permittee shall keep a record containing  
2 25 information of each asbestos project it performs and shall  
2 26 make the record available to the division at any reasonable  
2 27 time. Records shall contain information and be kept for a  
2 28 time prescribed in rules adopted by the division.

2 29 Sec. 5. Section [88B.5](#), Code 1995, is amended by striking  
2 30 the section and inserting in lieu thereof the following:

2 31 88B.5 WAIVERS AND ALTERNATIVE PROCEDURES.

2 32 1. In an emergency that results from a sudden, unexpected  
2 33 event that is not a planned renovation or demolition, the  
2 34 commissioner may waive the requirement for a permit.

2 35 2. If the business entity is not primarily engaged in the  
3 1 removal or encapsulation of asbestos, the commissioner may  
3 2 waive the requirement for a permit if worker protection  
3 3 requirements are met.

3 4 3. The division shall not approve any waivers on work  
3 5 conducted at a school, public, or commercial building unless  
3 6 the request is accompanied by a recommendation from an  
3 7 asbestos project designer.

3 8 Sec. 6. Section [88B.6](#), Code 1995, is amended by striking  
3 9 the section and inserting in lieu thereof the following:

3 10 88B.6 LICENSING OF ASBESTOS WORKERS.

3 11 1. APPLICATION.

3 12 a. To apply for a license, an individual shall submit an  
3 13 application to the division in the form required by the  
3 14 division and shall pay the prescribed fee.  
3 15 b. The application shall include information prescribed by  
3 16 rules adopted by the commissioner.  
3 17 c. A license is valid for one year from the completion  
3 18 date of the required training and may be renewed by providing  
3 19 information as required in subsection 2, paragraphs "e" and  
3 20 "f".

3 21 2. QUALIFICATIONS.

3 22 a. An individual is not eligible to be or do any of the  
3 23 following unless the person obtains a license from the  
3 24 division:

- 3 25 (1) A contractor or supervisor, or to work on an asbestos  
3 26 project.  
3 27 (2) An inspector for asbestos-containing building material  
3 28 in a school or a public or commercial building.  
3 29 (3) An asbestos management planner for a school or a  
3 30 public or commercial building.  
3 31 (4) An asbestos project designer for a school or a public  
3 32 or commercial building.

3 33 b. To qualify for a license, the applicant must have  
3 34 successfully completed training as established by the  
3 35 department of education, paid a fee, and met other  
4 1 requirements as specified by the division by rule.

4 2 c. To qualify for a license as an asbestos abatement  
4 3 worker, supervisor, or contractor, the applicant must have  
4 4 been examined by a physician within the preceding year and  
4 5 declared by the physician to be physically capable of working  
4 6 while wearing a respirator.

4 7 3. EXCEPTION. A license is not required of an employee  
4 8 employed by an employer exempted from the permit requirement  
4 9 of section 88B.2, subsection 2, if the employee is trained on  
4 10 appropriate removal or encapsulation procedures, safety, and  
4 11 health issues regarding asbestos removal or encapsulation, and  
4 12 federal and state standards applicable to the asbestos  
4 13 project.

4 14 Sec. 7. Section [88B.7](#), Code 1995, is amended by striking  
4 15 the section and inserting in lieu thereof the following:

4 16 88B.7 ACCREDITATION OF TRAINING COURSES.

4 17 The department of education shall adopt rules pursuant to  
4 18 chapter 17A for the accreditation of training courses,  
4 19 including the qualifications for courses, fees to be charged  
4 20 for the accreditation and renewal, and testing of attendees.

4 21 Sec. 8. Section [88B.8](#), Code 1995, is amended to read as  
4 22 follows:

4 23 88B.8 REPRIMANDS, SUSPENSIONS, DENIALS, AND REVOCATIONS.

4 24 1. The division may

~~reprimand a permittee or licensee or~~

4 25 deny, suspend, or revoke a permit or license, in accordance  
4 26 with chapter 17A, if the permittee or licensee does any of the  
4 27 following:

- 4 28 a. Fraudulently or deceptively obtains or attempts to  
4 29 obtain a permit or license.  
4 30 b. Fails at any time to meet the qualifications for a  
4 31 permit or license or to comply with a rule adopted by the  
4 32 commissioner under this chapter.  
4 33 c. Fails to meet any applicable federal or state standard  
4 34 for removal or encapsulation of asbestos.  
4 35 d. Employs or permits an unlicensed or untrained person to  
5 1 work on an asbestos project.

5 2 2. The department of education may reprimand a training  
5 3 institution or deny, suspend, or revoke a training institution

5 4

~~authorization~~

- accreditation in accordance with chapter 17A, if
  - 5 5 the training institution does any of the following:
  - 5 6 a. Fraudulently or deceptively obtains or attempts to
  - 5 7 obtain a training

~~authorization~~

- accreditation.
  - 5 8 b. Fails at any time to meet the qualifications for
  - 5 9

~~authorization~~

- accreditation or to comply with a rule adopted
  - 5 10 by the director of the department of education under this
  - 5 11 chapter.
  - 5 12 c. Fails to meet any applicable federal or state standard
  - 5 13 for training.
  - 5 14 Sec. 9. REPEAL. Sections 88B.9, 88B.10, and 88B.13, Code
  - 5 15 1995, are repealed.
  - 5 16 Sec. 10. CODE EDITING. The Code editor shall reverse the
  - 5 17 order of sections 88B.2 and 88B.3.

5 18 EXPLANATION

5 19 This bill reorders chapter 88B of the Iowa Code, the  
5 20 asbestos removal and encapsulation chapter, permits the  
5 21 division of labor services of the department of employment  
5 22 services to deny a permit or license to an individual or  
5 23 business entity, or, in the case of a training institution,  
5 24 the department of education may deny accreditation, for  
5 25 circumstances for which the departments may currently suspend  
5 26 or revoke a permit, license, or training authorization. To  
5 27 meet federal requirements, the bill also expands the training  
5 28 requirements and applies licensing provisions beyond those  
5 29 asbestos abatement workers working in schools to those working  
5 30 in public and commercial buildings.

5 31 Under current law, the labor commissioner is permitted to  
5 32 base fees for the issuance and renewal of licenses and permits  
5 33 for asbestos removal and encapsulation on the costs of  
5 34 administering the chapter. The bill stipulates that the costs  
5 35 of administering the chapter include the time spent by  
6 1 personnel of the division in performing duties and travel  
6 2 expenses incurred.

6 3 Much of the language in the bill is current law, but the  
6 4 language has been repositioned without significantly altering  
6 5 the language. However, current law places the responsibility  
6 6 of approving training courses on the department of education.  
6 7 Under the bill, the department of education is responsible for  
6 8 accrediting training courses.

6 9 BACKGROUND STATEMENT

6 10 SUBMITTED BY THE AGENCY

6 11 Congress reauthorized the Asbestos School Hazard Abatement  
6 12 Reauthorization Act of 1990 in 1994, and extended the law that  
6 13 previously only covered school buildings to include public and  
6 14 commercial buildings. It also requires states to upgrade the  
6 15 training requirements that individuals must receive to work in  
6 16 asbestos abatement.

6 17 Currently, asbestos licenses are available to individuals  
6 18 and permits to businesses, but the license and permit  
6 19 requirements are mixed within chapter 88B. The department of  
6 20 education approves the training program for asbestos abatement  
6 21 workers in the school systems. No one accredits training  
6 22 programs for public and commercial buildings.

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