

Reprinted

FILED MAR 8 1995

SENATE FILE 285
BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS

(SUCCESSOR TO SSB 196)

Passed Senate, Date ^(p.726) 3/20/95 Passed House, Date _____
Vote: Ayes 36 Nays 14 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to asbestos removal by providing for
2 accreditation of training programs and requiring training for
3 certain asbestos abatement workers.

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

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SENATE FILE 285

S-3125

- 1 Amend Senate File 285 as follows:
- 2 1. Page 5, by striking lines 22 through 32.
- 3 2. By renumbering as necessary.

By TOM VILSACK

^(p.726) *Adopted 3/20/95*
S-3125 FILED MARCH 14, 1995

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S.F. 285

1 Section 1. Section 88B.1, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. "Public and commercial building" means
4 a building which is not a school building, except that the
5 term does not include a residential apartment building of
6 fewer than ten units.

7 Sec. 2. Section 88B.2, Code 1995, is amended to read as
8 follows:

9 88B.2 PERMIT REQUIRED -- APPLICATION, QUALIFICATIONS, AND
10 EXCEPTIONS.

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

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

28 Sec. 3. Section 88B.3, subsection 3, Code 1995, is amended
29 to read as follows:

30 3. The commissioner shall prescribe fees for the issuance
31 and renewal of licenses, and permits, and training course
32 approval or accreditation. The fees shall be based on the
33 costs of licensing, and permitting and other-costs-of
34 administering this chapter, and shall give due regard to the
35 time spent by personnel of the division in performing duties

1 and to any travel expenses incurred. All fees provided for in
2 this chapter shall be collected by the commissioner and
3 remitted to the treasurer of state for deposit in the general
4 fund of the state.

5 Sec. 4. Section 88B.4, Code 1995, is amended by striking
6 the section and inserting in lieu thereof the following:

7 88B.4 PERMIT -- TERM, RENEWAL, AND RECORDS REQUIRED.

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

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

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

19 c. The amount of the renewal fee.

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

22 a. Otherwise is entitled to a permit.

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

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

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

31 Sec. 5. Section 88B.5, Code 1995, is amended by striking
32 the section and inserting in lieu thereof the following:

33 88B.5 WAIVERS AND ALTERNATIVE PROCEDURES.

34 1. In an emergency that results from a sudden, unexpected
35 event that is not a planned renovation or demolition, the

1 commissioner may waive the requirement for a permit.

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

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

10 Sec. 6. Section 88B.6, Code 1995, is amended by striking
11 the section and inserting in lieu thereof the following:

12 88B.6 LICENSING OF ASBESTOS WORKERS.

13 1. APPLICATION.

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

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

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

23 2. QUALIFICATIONS.

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

27 b. An individual person is not eligible to be an inspector
28 for asbestos-containing building material in a school or a
29 public or commercial building unless the person holds a
30 license issued by the division.

31 c. An individual person is not eligible to be an asbestos
32 management planner for a school or a public or commercial
33 building unless the person holds a license issued by the
34 division.

35 d. An individual person is not eligible to be an asbestos

1 project designer for a school or a public or commercial
2 building unless the person holds a license issued by the
3 division.

4 e. To qualify for a license, the applicant must have
5 successfully completed training as established by the
6 division, paid a fee, and met other requirements as specified
7 by the division by rule.

8 f. To qualify for a license as an asbestos abatement
9 worker, supervisor, or contractor, the applicant must have
10 been examined by a physician within the preceding year and
11 declared by the physician to be physically capable of working
12 while wearing a respirator.

13 3. EXCEPTION. A license is not required of an employee
14 employed by an employer exempted under section 88B.2,
15 subsection 2, provided the employee is trained on appropriate
16 removal or encapsulation procedures, safety and health issues
17 regarding asbestos removal or encapsulation, and federal and
18 state standards applicable to the asbestos project. The
19 training program shall be available for review and approval
20 upon inspection by the division.

21 Sec. 7. Section 88B.7, Code 1995, is amended by striking
22 the section and inserting in lieu thereof the following:

23 88B.7 ACCREDITATION OF TRAINING COURSES.

24 The division shall adopt rules for the accreditation of
25 training courses including the qualifications for courses,
26 fees to be charged for accreditation and renewal, and testing
27 of attendees.

28 Sec. 8. Section 88B.8, Code 1995, is amended to read as
29 follows:

30 88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

31 1. The division may ~~reprimand-a-permittee-or-licensee-or~~
32 suspend, or revoke, or deny a permit or license, in accordance
33 with chapter 17A, if the permittee or licensee does any of the
34 following:

35 a. Fraudulently or deceptively obtains or attempts to

1 obtain a permit or license.

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

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

7 d. Employs or permits an unlicensed person to work on an
8 asbestos project.

9 2. The ~~department-of-education~~ division may reprimand-a
10 ~~training-institution-or~~ suspend, or revoke, or deny a training
11 institution ~~authorization~~ accreditation in accordance with
12 chapter 17A, if the training institution does any of the
13 following:

14 a. Fraudulently or deceptively obtains or attempts to
15 obtain a training ~~authorization~~ accreditation.

16 b. Fails at any time to meet the qualifications for
17 ~~authorization~~ accreditation or to comply with a rule adopted
18 by the ~~director-of-the-department-of-education~~ commissioner
19 under this chapter.

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

22 Sec. 9. Section 428A.8, unnumbered paragraph 1, Code 1995,
23 is amended to read as follows:

24 On or before the tenth day of each month the county
25 recorder shall determine and pay to the treasurer of state
26 eighty-two and three-fourths percent of the receipts from the
27 real estate transfer tax collected during the preceding month
28 and the treasurer of state shall deposit ~~ninety-five-percent~~
29 ~~of the receipts in the general fund of the state and-transfer~~
30 ~~five-percent-of-the-receipts-to-the-Iowa-finance-authority-for~~
31 ~~deposit-in-the-housing-improvement-fund-created-in-section~~
32 ~~16-100~~.

33 Sec. 10. Sections 88B.9, 88B.10, and 88B.13, Code 1995,
34 are repealed.

35 Sec. 11. The Code editor shall reverse the order of

1 sections 88B.2 and 88B.3 and shall renumber other sections of
2 chapter 88B as appropriate.

3 EXPLANATION

4 This bill shifts the responsibility of the federal Asbestos
5 Hazard Abatement Reauthorization Act (AHARA) training program
6 accreditation from the department of education to the
7 department of employment services, labor division. It also
8 expands the training requirements at all levels of asbestos
9 abatement workers to those working in public and commercial
10 buildings to meet the requirements of the reauthorized AHARA.

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SENATE FILE 285
BY COMMITTEE ON BUSINESS AND
LABOR RELATIONS

(SUCCESSOR TO SSB.196)

(AS AMENDED AND PASSED BY THE SENATE MARCH 20, 1995)

* - Language Stricken by the Senate

Passed Senate, Date ^(P.1478) 4/23/96 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

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13 division and pay the prescribed fee.

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

28 Sec. 3. Section 88B.3, subsection 3, Code 1995, is amended
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10 provided in this section.

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12 division shall send to the permittee, at the last known
13 address of the permittee, a renewal notice that states all of
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17 received by the division for the renewal to be issued and
18 mailed before the permit expires.

19 c. The amount of the renewal fee.

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2 2. If the business entity is not primarily engaged in the
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6 3. The division shall not approve any waivers on work
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9 asbestos project designer.

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33 building unless the person holds a license issued by the
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2 b. Fails at any time to meet the qualifications for a
3 permit or license or to comply with a rule adopted by the
4 commissioner under this chapter.

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6 for removal or encapsulation of asbestos.

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12 chapter 17A, if the training institution does any of the
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15 obtain a training authorization accreditation.

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Connolly
Hammond
Freeman

SSB-196

Business & Labor

Succeeded By

SENATE FILE SF/HE 285

BY (PROPOSED COMMITTEE ON
BUSINESS AND LABOR
RELATIONS BILL BY CHAIR-
PERSON DEARDEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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34 are repealed.

35 Sec. 11. The Code editor shall reverse the order of

1 sections 88B.2 and 88B.3 and shall renumber other sections of
2 chapter 88B as appropriate.

3 EXPLANATION

4 This bill shifts the responsibility of the federal Asbestos
5 Hazard Abatement Reauthorization Act (AHARA) training program
6 accreditation from the department of education to the
7 department of employment services, labor division. It also
8 expands the training requirements at all levels of asbestos
9 abatement workers to those working in public and commercial
10 buildings to meet the requirements of the reauthorized AHARA.

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