

Senate File 290 - Introduced

SENATE FILE 290
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 1037)

A BILL FOR

1 An Act relating to asbestos regulations administered by the
2 division of labor services of the department of workforce
3 development.

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

1 Section 1. Section 88B.1, subsection 5, Code 2011, is
2 amended to read as follows:

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

9 Sec. 2. Section 88B.3A, Code 2011, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **88B.3A Permit required — application, qualifications, surety**
12 **bond, and exceptions.**

13 A business entity engaging in the removal or encapsulation
14 of asbestos shall hold a permit for that purpose unless the
15 business entity is removing or encapsulating asbestos only at
16 its own facilities. To qualify for a permit, a business entity
17 must submit to the division all of the following:

- 18 1. An application in the form required by the division.
- 19 2. The prescribed fee.
- 20 3. A surety bond in the amount of twenty-five thousand
21 dollars as set forth in section 88B.14.

22 Sec. 3. Section 88B.6, subsection 2, Code 2011, is amended
23 to read as follows:

24 2. *Qualifications.*

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

- 28 (1) A contractor or supervisor, or to work on an asbestos
29 project.
- 30 (2) An inspector for asbestos-containing building material
31 in a school or a public or commercial building.
- 32 (3) An asbestos management planner for a school building.
- 33 (4) An asbestos project designer for a school or a public
34 or commercial building.
- 35 (5) An individual who performs air sampling that is not

1 mandated by the federal Occupational Safety and Health Act of
2 1970, 29 U.S.C. § 651-678.

3 b. To qualify for a license pursuant to paragraph "a",
4 subparagraphs (1) through (4), the applicant must have
5 successfully completed training as established by the United
6 States environmental protection agency, paid a fee, and met
7 other requirements as specified by the division by rule.

8 c. To qualify for a license pursuant to paragraph "a",
9 subparagraph (5), the applicant must satisfy at least one of
10 the following:

11 (1) Successful completion of relevant course work with the
12 national institute of occupational safety and health.

13 (2) Certification as an industrial hygienist.

14 (3) Successful completion of a bachelor's degree in the life
15 environmental or physical sciences or in engineering, and at
16 least five hundred twenty hours of experience in air sampling.

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

22 **Sec. 4. NEW SECTION. 88B.14 Surety bond required.**

23 1. A surety bond required by section 88B.3A shall be
24 executed by a surety company authorized to do business in this
25 state.

26 2. Release of the bond shall be conditioned upon the payment
27 of all taxes, including contributions under the unemployment
28 compensation insurance system, penalties, interest, and related
29 fees that may accrue to the state of Iowa. Upon request for
30 release of a bond, the commissioner shall notify air quality
31 officials within the department of natural resources, the
32 department of revenue, and unemployment insurance officials
33 within the department of workforce development. If the
34 permittee is not indebted to the commissioner, and no other
35 agency has notified the commissioner of a debt within thirty

1 days of notice, the commissioner may release the bond.

2 3. The commissioner shall adopt rules governing forfeiture
3 of the bond including notice to the surety and the permittee
4 and an opportunity for a hearing in accordance with chapter
5 17A.

6 4. The surety shall provide to the permittee and to the
7 commissioner written notice of intent to cancel the bond at
8 least thirty days in advance of cancellation. The surety
9 company shall not be liable under the bond for acts occurring
10 after cancellation of the bond, but shall remain liable for
11 acts occurring prior to cancellation.

12 EXPLANATION

13 This bill requires the execution of a \$25,000 surety bond by
14 business entities engaging in the removal or encapsulation of
15 asbestos. The bill provides for procedures for processing the
16 surety bonds.

17 The bill also provides for the licensing of air samplers
18 for asbestos projects. The bill sets out qualification
19 requirements for obtaining a license to conduct air sampling
20 for asbestos projects.