



**House  
Legislative  
Analysis  
Section**

Washington Square Building, Suite 1025  
Lansing, Michigan 48909  
Phone: 517/373-6466

# CREATE ASBESTOS WORK ACCREDITATION ACT

## House Bill 5722

Sponsor: Rep. Bob Emerson

Committee: State Affairs

**RECEIVED**

SEP 12 1988

Complete to 8-9-88

Mich. State Law Library

### **A SUMMARY OF HOUSE BILL 5722 AS INTRODUCED 6-2-88**

The bill would create the Asbestos Workers Accreditation Act which would provide for the accreditation, licensure, and regulation of persons who perform asbestos-related work on elementary and secondary public or private school buildings. The bill would designate the director of the Department of Public Health, or his or her designee, as the state official in charge of regulating those covered under the bill. The bill would provide fees for those applying for licensure under the bill, and would prescribe fines and penalties for those found in violation of the requirements in the bill.

**Accreditation requirements.** Under the bill, a person could not perform certain asbestos-related work in school buildings unless that person received a certificate of accreditation and maintained annual reaccreditation through training, examination, and continuing education. The work that could not be performed without certification would include inspecting for asbestos-containing materials in school buildings, preparing asbestos management plans for school buildings, and designing or conducting response actions with respect to asbestos or asbestos-containing materials in school buildings.

A person who sought accreditation to perform asbestos-related work in school buildings would be required to receive initial training in asbestos-containing materials inspection, management plan development, and response action technology. The length of initial training courses required for accreditation would vary according to the discipline as follows:

- asbestos inspectors would have to complete a three-day training course and successfully pass an examination;
- asbestos management planners would have to complete the inspector training course plus an additional two days of training devoted to management planning and successfully pass an examination on each course of training;
- asbestos abatement project designers would have to have at least three days of training and successfully pass an examination, or fulfill the requirements prescribed for asbestos abatement contractors and supervisors;
- asbestos abatement contractors and supervisors would have to complete a four-day training course and successfully pass an examination; and
- asbestos abatement workers would have to complete a three-day training course and successfully pass an examination.

A person who met the requirements of the bill and who completed the initial training and passed the required examination would receive a certificate of accreditation, which would authorize the person to perform asbestos-related work in school buildings for a period of one year. To receive reaccreditation, a person would have to complete a 1-day annual refresher course (1/2 day for asbestos inspectors).

The initial training courses, examinations, and refresher training courses would be conducted by the department or a person approved by the department in accordance with the initial training, the examinations, and the refresher training course components of the federal Environmental Protection Agency (EPA) model contractor accreditation plan for states.

All persons that sought accreditation as asbestos inspectors, management planners, or project designers would be required to have the following minimum experience:

- asbestos inspectors would have to have at least one year of experience in asbestos-related work;
- asbestos management planners and asbestos abatement project designers would have to possess at least two years of experience in asbestos-related work.

**Departmental Powers, Responsibilities.** The Department of Public Health would receive or initiate complaints of alleged violations of the bill and take appropriate action. At its own discretion, or upon the written complaint of an aggrieved party or of a state agency or political subdivision, the department could investigate the acts of a person accredited under the bill. The department could deny, suspend, or revoke a certificate of accreditation or reaccreditation under this bill as specified in the Administrative Procedures Act, if a person violated the requirements of the bill or any state or federal laws.

Further, the department could deny, suspend, or revoke a certificate of accreditation or reaccreditation for any of the following reasons:

- willful or negligent actions in violation of the bill or other state or federal laws pertaining to the public health and safety aspects of asbestos-related work in school buildings;
- falsification of records;
- failure to obtain or renew a certificate of accreditation;
- deliberate misrepresentation in applying for accreditation or reaccreditation; or
- permitting any person who had not received the proper education, experience, or training, and accreditation under the bill to be responsible for asbestos-related work in school buildings.

The department would have to try to obtain written reciprocal agreements with other states which had accreditation and reaccreditation requirements at least equal to the bill's requirements. After a written reciprocal agreement with another state had been executed, the department could not require a person who had been properly accredited by that state to become accredited in Michigan in order to perform asbestos-related work in school buildings in this state. Such a person, however, would still be required to submit a certificate of successful completion of training from the other state and the required

H.B. 5722 (8-9-88)

fee. Reaccreditation could only be obtained by submitting a copy of the certificate of successful completion of a refresher training course from another state and the fee required under the bill.

Training Course Sponsorships. A person who desired to sponsor training courses for those disciplines required to be accredited under the bill could apply for departmental approval. For a training course to receive approval from the department, it would have to meet the requirements for training courses, examinations, and refresher training courses. An applicant who wished to sponsor a training course would have to submit a fee of \$400 and would have to supply all the following information to the department:

- the course sponsor's name, address, and telephone number;
- a list of any states that had currently approved the training course, including information as to whether the training course had been approved by the EPA;
- the course curriculum;
- a letter from the training course sponsor that clearly indicated how the course had met the requirements found in the bill for a) the length of training days, b) the amount and type of "hands-on" training, c) the length, format, and passing score of the examination, and d) the topics covered in the course;
- a copy of all course materials, including student manuals, instructor notebooks, handouts, and any other materials requested by the department;
- a detailed statement concerning the development of the examination used in the course;
- the names and qualifications of course instructors, who would have to have academic credentials or field experience, or both, in asbestos abatement; and
- a description and example of the certificate of successful completion issued to students who attended the course and passed the examination.

A person who wished to sponsor refresher training courses would have to submit information on a) the length of training, b) the topics covered in the course, c) a copy of all course materials, d) the names and qualifications of course instructors, and e) a description and an example of the certificate of successful completion of the training course that would be issued to students who had completed the refresher training course.

Within 60 days following receipt of the appropriate fee and a complete application from a prospective training course sponsor, the department would have to either approve or deny the application, and the applicant would have to be notified of the department's determination in writing. The department could revoke or suspend approval of a training course if field site inspections indicated a training course was not providing training that met training course requirements. Training course sponsors would have to allow department representatives to attend, evaluate, and monitor any training course without charge to the department and without advance notification.

Departmental Certification Records. The director would have to issue a numbered certificate of accreditation to a student who met the requirements in the bill and who successfully completed the training and passed the training course's required examination. The certificate would have to include an expiration date for accreditation (one year after completion of the course).

A training course administrator who offered refresher training courses would have to provide students with certificates of successful completion of the refresher training course. Upon receipt of a copy of the certificate of successful completion of the refresher course and the

required fee from a student, the director would have to issue a numbered certificate of annual reaccreditation to the student.

The administrator of an approved training course would have to supply the department with a list of those persons who had successfully completed each training course, passed the respective examination, and been issued certificates of successful completion of the training course and examination. The list would have to be maintained by the department and would have to include each person's name, social security number, and address, the discipline for which the certificate had been issued and the date of the certificate.

Fees, Penalties. A person who desired accreditation or reaccreditation from the director would have to submit the appropriate annual fee as part of his or her application to the department for accreditation or reaccreditation. The fees would be as follows:

- for asbestos inspectors, management planners, or abatement project designers, \$150;
- for asbestos abatement contractors, supervisors, or workers, \$25.

All fees that were collected by the department would have to be deposited in the asbestos abatement fund created under the Asbestos Abatement Contractors Licensing Act.

A person who violated provisions in the bill would be subject to civil penalties for each violation or each day that a violation continued in accordance with the following schedule:

- for a first violation, \$2,000;
- for a second violation, \$5,000; and
- for a third or subsequent violation, \$10,000.

The legislature would have to annually appropriate to the department an amount sufficient to administer and enforce provisions in the bill.

Other Provisions. A person who was accredited to perform asbestos-related work in school buildings would have to have his or her initial and current certificate of accreditation or reaccreditation at the work location. Failure to display a certificate of accreditation or reaccreditation at the job site could result in the suspension or revocation of a certificate of accreditation.

The department could approve a person for accreditation on an interim basis if the person had attended a previous department, or EPA-approved asbestos training course, passed an examination, and submitted the required fee. However, only those persons who had taken training courses since January 1, 1985 could be considered for interim accreditation, and interim accreditation would only be valid until July 1, 1990.

The bill is tie-barred to a bill that has not yet been introduced.