

SENATE BILL NO. 339

March 25, 2021, Introduced by Senators CHANG, WOJNO and VANDERWALL and referred to the Committee on Environmental Quality.

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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Sec. 1. This act shall be known and may be cited as the

1 "public entity asbestos removal verification act".

2 Sec. 3. As used in this act:

3 (a) "Asbestos" means a group of naturally occurring minerals
4 that separate into fibers, including chrysotile, amosite,
5 crocidolite, anthophyllite, tremolite, and actinolite.

6 (b) "Asbestos abatement contractor" means a business entity
7 that is licensed under the asbestos abatement contractors licensing
8 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the
9 business of asbestos abatement on the premises of another business
10 entity and not on the asbestos abatement contractor's premises.
11 Asbestos abatement contractor includes an individual or person with
12 an ownership interest in a business entity described in this
13 subdivision.

14 (c) "Asbestos abatement project" means any activity involving
15 persons working directly with the demolition, renovation, or
16 encapsulation of friable asbestos materials.

17 (d) "Public entity" means this state or an agency or authority
18 of this state, school district, community college district,
19 intermediate school district, city, village, township, county, land
20 bank, public authority, or public airport authority.

21 Sec. 5. (1) A public entity shall not enter into an asbestos
22 abatement project with an asbestos abatement contractor, or a
23 general contractor that contracts with an asbestos abatement
24 contractor, for the abatement of asbestos unless the public entity
25 conducts a background investigation, as determined by the public
26 entity and subject to subsection (2), of the asbestos abatement
27 contractor seeking to bid on the asbestos abatement project.

28 (2) At a minimum, the background investigation required under
29 subsection (1) must consist of the public entity consulting the

1 department of environment, Great Lakes, and energy's webpage to
2 determine if the asbestos abatement contractor or a general
3 contractor that contracts with the asbestos abatement contractor
4 has received notices of violation of environmental regulations, or
5 has been subject to an administrative consent order or a consent
6 judgment involving environmental regulations, and the United States
7 Department of Labor, Occupational Safety and Health
8 Administration's webpage to determine if the asbestos abatement
9 contractor or a general contractor that contracts with the asbestos
10 abatement contractor has received notices of violation of asbestos
11 regulations.

12 (3) If the asbestos abatement contractor has been issued 5 or
13 more notices of violation of environmental regulations, or has been
14 subject to an administrative consent order or a consent judgment
15 involving environmental regulations, within the immediately
16 preceding 5 years, the public entity may not enter into a contract
17 with that asbestos abatement contractor unless the public entity
18 investigates each of the violation notices, or the administrative
19 consent order or consent judgment, and determines that the asbestos
20 abatement contractor is able to adhere to the proposed contract
21 based on the public entity's observations of improvements in
22 performance, improvements in operations to ensure compliance with
23 environmental regulations, or other demonstrated ability to comply
24 with environmental regulations. The public entity shall make the
25 determination described in this subsection in writing and shall
26 make that determination publicly available.

27 (4) If an asbestos abatement contractor enters into a contract
28 with a public entity for an asbestos abatement project, the
29 asbestos abatement contractor shall not enter into a contract with

1 another asbestos abatement contractor unless the public entity has
2 conducted a background investigation of that asbestos abatement
3 contractor in the same manner as utilized by the public entity
4 under subsection (1).

5 (5) Before entering into a contract for an asbestos abatement
6 project with an asbestos abatement contractor, or a general
7 contractor that contracts with an asbestos abatement contractor,
8 that has been issued 5 or more notices of violation of
9 environmental regulations, or has been subject to an administrative
10 consent order or a consent judgment involving environmental
11 regulations, within the immediately preceding 5 years, as
12 determined by the background investigation required under
13 subsection (1), the public entity shall conduct with not less than
14 30 days' notice a public hearing for public input.