

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 516
Committee Substitute Favorable 4/27/89
Committee Substitute #2 Favorable 5/15/89

Short Title: Asbestos Control Program.

(Public)

Sponsors:

Referred to:

March 9, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN ASBESTOS CONTROL PROGRAM.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 130A of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 19.**
7 **"ASBESTOS.**

8 **"§ 130A-444. Definitions.**

9 As used in this Article, unless the context clearly requires otherwise:

- 10 (1) 'Asbestos' means asbestiform varieties of chrysotile (serpentine),
11 crocidolite (riebeckite), amosite (cummingtonite-grunerite),
12 anthophyllite, tremolite and actinolite.
13 (2) 'Asbestos containing material' means material which contains more
14 than one percent (1%) asbestos by area, including friable asbestos
15 containing material and nonfriable asbestos containing material.
16 (3) 'Abatement' means work performed to repair, maintain, remove,
17 isolate, or encapsulate friable asbestos containing material or
18 nonfriable asbestos containing material that will become friable during
19 abatement. The term does not include inspections, preparation of

- 1 management plans, abatement project design, taking of samples, or
2 project overview.
- 3 (4) 'Friable' means any material that when dry may be broken, crumbled,
4 pulverized, or reduced to powder by hand pressure, and includes
5 previously nonfriable material after this previously nonfriable material
6 becomes damaged to the extent that when dry it may be crumbled,
7 pulverized, or reduced to powder by hand pressure.
- 8 (5) 'Management' means all activities related to asbestos containing
9 material, including inspections, preparation of management plans,
10 abatement project design, abatement, project overview, and taking of
11 samples.
- 12 (6) 'Public area' means an area in any building, excluding residences, that
13 is open to persons not protected by the Occupational Safety and Health
14 Act, as amended.
- 15 (7) 'Removal' means stripping, chipping, sanding, sawing, drilling,
16 scraping, sucking, and other methods of separating material from its
17 installed location in a building.
- 18 (8) 'Residence' means any single family dwelling or any multi-family
19 dwelling of fewer than 10 units.

20 **"§ 130A-445. Management of asbestos containing material in schools.**

21 All schools covered by P.L. 99-519, the Asbestos Hazard Emergency Response Act
22 as amended, shall have inspections conducted in all school buildings for asbestos
23 containing materials and shall prepare and submit management plans to the Department.
24 For the protection of public health, the Commission shall adopt rules governing school
25 management plans. These rules shall include contents and format of plans, plan review
26 and approval process, corrections to plans, schedules and methods for implementation
27 of approved plans, and periodic inspections.

28 **"§ 130A-446. Asbestos exposure standard for public areas.**

29 For the protection of the public health, the Commission shall adopt rules to establish
30 a maximum airborne asbestos exposure level for public areas. The rules shall also
31 address sampling and analysis procedures.

32 **"§ 130A-447. Accreditation of persons performing asbestos management.**

33 (a) No person shall commence or continue to perform asbestos management
34 activities unless he has been accredited by the Department. The Commission shall
35 adopt rules governing the accreditation of these persons. The rules shall include
36 categories of accreditation, education, experience, training, application processing,
37 reciprocity, record keeping, and issuance, renewal, suspension and revocation of
38 accreditation. The rules shall establish categories of accreditation for inspectors,
39 management planners, abatement designers, supervisors, workers, air monitors, and
40 management consultants. These rules shall be at least as stringent as the accreditation
41 plan mandated by P.L. 99-519 and the Model Accreditation Plan of the Environmental
42 Protection Agency.

43 (b) The following are exempt from the accreditation requirements:

- 1 (1) The owner or operator of a building, excluding schools covered by the
2 Asbestos Hazard Emergency Act, as amended, and his permanent
3 employees performing asbestos containing material management
4 activities only in nonpublic areas of the building;
- 5 (2) A person performing asbestos containing material management
6 activities only in his personal residence;
- 7 (3) Governmental regulatory personnel performing asbestos containing
8 material management services under authority of federal, State, or
9 local regulations;
- 10 (4) Licensed general contractors, heating and plumbing contractors,
11 electrical contractors, and refrigeration contractors performing
12 activities associated with their license who disturb less than 35 cubic
13 feet, 160 square feet, or 260 linear feet of asbestos containing material
14 per job, or who disturb more than this amount only under the
15 supervision of an accredited supervisor; and
- 16 (5) A person who has applied for accreditation in the worker category
17 shall be exempt from accreditation requirements for 90 days after
18 submission of the application. However, the exemption shall be
19 terminated if the application is rejected.

20 **"§ 130A-448. Asbestos management accreditation fees.**

21 The Department shall establish and collect asbestos containing material management
22 accreditation and annual renewal fees. The fees shall not exceed one hundred dollars
23 (\$100.00) per accreditation category, except that the fee for the abatement worker
24 category shall not exceed twenty-five dollars (\$25.00). A person who is accredited in
25 more than one category shall pay a fee for each category.

26 **"§ 130A-449. Asbestos containing material removal permits.**

27 No person shall remove more than 35 cubic feet, 160 square feet, or 260 linear feet
28 per job of friable asbestos containing material or nonfriable asbestos containing material
29 that will become friable during removal without an asbestos containing material
30 removal permit issued by the Department. The Commission shall adopt rules governing
31 the issuance of the permit. The rules shall include application processing, content and
32 form of application, removal, transportation and disposal standards, record keeping, and
33 issuance, suspension, and revocation of the permit.

34 **"§ 130A-450. Asbestos containing material removal permit fees.**

35 The Department shall establish and collect an application fee for asbestos containing
36 material removal permits. The fee shall not exceed one percent (1%) of the contracted
37 price or twenty cents (\$.20) per square foot or linear foot of asbestos containing material
38 to be removed, whichever is greater.

39 **"§ 130A-451. Commission to adopt rules.**

40 The Commission is authorized to adopt rules to implement this Article and P.L. 99-
41 519, the Asbestos Hazard Emergency Response Act, as amended."

42 Sec. 2. Until the Commission establishes the rules required by this Article,
43 the maximum airborne asbestos exposure level for public areas shall be 0.01 fibers

1 greater than five microns in length per cubic centimeter of air, to be measured in public
2 areas during normal occupancy.

3 Sec. 3. Accreditation fees and permit fees collected pursuant to this Article
4 shall be used for implementation of this Article.

5 Sec. 4. Accreditations and reaccreditations issued by the Department under
6 the Asbestos Hazard Emergency Response Act prior to the effective date of this act
7 shall remain valid until they expire or are suspended or revoked.

8 Sec. 5. This act is effective upon ratification except that, (i) persons not
9 required to be accredited under the Asbestos Hazard Emergency Response Act shall
10 have until 90 days after ratification to become accredited under this act, and (ii) the
11 requirement for asbestos containing material removal permits shall become effective 90
12 days after ratification and shall apply to removal jobs commenced on or after that date.
13 Upon ratification of this act, the Commission for Health Services shall adopt rules
14 pursuant to G.S. 150B-13 to implement this act.