

SECOND REGULAR SESSION

SENATE BILL NO. 898

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6089S.011

AN ACT

To repeal section 643.225, RSMo, and to enact in lieu thereof one new section relating to asbestos abatement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 643.225, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 643.225, to read as follows:

643.225. 1. The provisions of sections 643.225 to 643.250 shall apply to
2 all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR
3 10-6.080. The commission shall promulgate rules and regulations it deems
4 necessary to implement and administer the provisions of sections 643.225 to
5 643.250, including requirements, procedures and standards relating to asbestos
6 projects, as well as the authority to require corrective measures to be taken in
7 asbestos abatement, renovation, or demolition projects as are deemed necessary
8 to protect public health and the environment. The director shall establish any
9 examinations for certification required by this section and shall hold such
10 examinations at times and places as determined by the director.

11 2. Except as otherwise provided in sections 643.225 to 643.250, no
12 individual shall engage in an asbestos abatement project, inspection, management
13 plan, abatement project design or asbestos air sampling unless the person has
14 been issued a certificate by the director, or by the commission after appeal, for
15 that purpose.

16 3. In any application made to the director to obtain such certification as
17 an inspector, management planner, abatement project designer, supervisor,
18 contractor or worker from the department, the applicant shall include his diploma
19 providing proof of successful completion of either a state accredited or United
20 States Environmental Protection Agency (EPA) accredited training course as

21 described in section 643.228. In addition, an applicant for certification as a
22 management planner shall first be certified as an inspector. All applicants for
23 certification as an inspector, management planner, abatement project designer,
24 supervisor, contractor or worker shall successfully pass a state examination on
25 Missouri state asbestos statutes and rules relating to asbestos. Certification
26 issued hereunder shall expire one year from its effective date. Individuals
27 applying for state certification as an asbestos air sampling professional shall have
28 the following credentials:

29 (1) A bachelor of science degree in industrial hygiene plus one year of
30 experience in the field; or

31 (2) A master of science degree in industrial hygiene; or

32 (3) Certification as an industrial hygienist as designated by the American
33 Board of Industrial Hygiene; or

34 (4) Three years of practical experience in the field of industrial hygiene,
35 including significant asbestos air monitoring experience and the completion of a
36 forty-hour asbestos course which includes air monitoring instruction (National
37 Institute of Occupational Safety and Health 582 course on air sampling or
38 equivalent). In addition to these qualifications, the individual must also pass the
39 state of Missouri asbestos examination. All asbestos air sampling technicians
40 shall be trained and overseen by an asbestos air sampling professional and shall
41 meet the requirements of training found in OSHA's 29 CFR
42 1926.1101. Certification under this section as an abatement project designer does
43 not qualify an individual as an architect, engineer or land surveyor, as defined
44 in chapter 327.

45 4. An application fee of seventy-five dollars shall be assessed for each
46 category, except asbestos abatement worker, to cover administrative costs
47 incurred. An application fee of twenty-five dollars shall be assessed for each
48 asbestos abatement worker to cover administrative costs incurred. A fee of
49 twenty-five dollars shall be assessed per state examination.

50 5. In order to qualify for renewal of a certificate, an individual shall have
51 successfully completed an annual refresher course from a state of Missouri
52 accredited training program. For each discipline, the refresher course shall
53 review and discuss current federal and state statute and rule developments,
54 state-of-the-art procedures and key aspects of the initial training course, as
55 determined by the state of Missouri. For all categories except inspectors,
56 individuals shall complete a one-day annual refresher training course for

57 recertification. Refresher courses for inspectors shall be at least a half-day in
58 length. Management planners shall attend the inspector refresher course, plus
59 an additional half-day on management planning. All refresher courses shall
60 require an individual to successfully pass an examination upon completion of the
61 course. In the case of significant changes in Missouri state asbestos statutes or
62 rules, an individual shall also be required to take and successfully pass an
63 updated Missouri state asbestos examination. An individual who has failed the
64 Missouri state asbestos examination may retake it on the next scheduled
65 examination date. If an individual has not successfully completed the annual
66 refresher course within twelve months of the expiration of his or her certification,
67 the individual shall be required to retake the course in his or her specialty area
68 as described in this section. Failure to comply with the requirements for renewal
69 of certification in this section will result in decertification. In no event shall
70 certification or recertification constitute permission to violate sections 643.225 to
71 643.250 or any standard or rule promulgated under sections 643.225 to 643.250.

72 6. A fee of five dollars shall be paid to the state for renewal of certificates
73 to cover administrative costs.

74 **7. The provisions of subsections 2 to 6 of this section, section**
75 **643.228, subdivision (4) of subsection 1 of section 643.230, sections**
76 **643.232 and 643.235, subdivisions (1) to (3) of subsection 1 of section**
77 **643.237, and subsection 2 of section 643.237 shall not apply to a person**
78 **that is subject to requirements and applicable standards of the United**
79 **States Environmental Protection Agency (EPA) and the United States**
80 **Occupational Safety and Health Administration's (OSHA) 29 Code of**
81 **Federal Regulations 1926.58 and which engages in asbestos abatement**
82 **projects as part of normal operations in the facility solely at its own**
83 **place or places of business. A person shall receive an exemption upon**
84 **submitting to the director, on a form provided by the department,**
85 **documentation of the training provided to its employees to meet the**
86 **requirements of applicable OSHA and EPA rules and regulations and**
87 **the type of asbestos abatement projects which constitute normal**
88 **operations performed by the applicant. If the application does not**
89 **meet the requirements of this subsection and the rules and regulations**
90 **promulgated by the department, the applicant shall be notified, within**
91 **one hundred eighty days of the receipt of the application, that the**
92 **exemption has been denied. An applicant may appeal the denial of an**

93 exemption to the commission within thirty days of the notice of
94 denial. This exemption shall not apply to asbestos abatement
95 contractors, to those persons who the commission by rule determines
96 provide a service to the public in its place or places of business as the
97 economic foundation of the facility, or to those persons subject to the
98 requirements of the federal Asbestos Hazard Emergency Response Act
99 of 1986 (P.L. 99-519). A representative of the department shall be
100 permitted to attend, monitor, and evaluate any training program
101 provided by the exempted person. Such evaluations may be conducted
102 without prior notice. Refusal to allow such an evaluation is sufficient
103 grounds for loss of exemption status.

104 8. A fee of two hundred fifty dollars shall be submitted with the
105 application for exemption under subsection 7 of this section. This shall
106 be a one-time fee. An exempted person shall submit to the director
107 changes in curricula or other significant revisions to its training
108 program under this section as they occur.

109 9. All applications for exemption under this section that are
110 received and approved by the department prior to August 28, 2012,
111 shall be considered valid. An exempted person under this subsection
112 shall not be subject to the fee under subsection 8 of this section but
113 shall submit to the director changes in curricula or other significant
114 revisions to its training program as they occur.

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