

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 516

Short Title: Asbestos Control Program.

(Public)

Sponsors: Representative Cromer.

Referred to: Human Resources.

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

9 **"§ 130A-444. Definitions.**

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

- 11 (1) 'Asbestos' means asbestiform varieties of chrysotile (serpentine),
12 crocidolite (riebeckite), amosite (cummingtonite-grunerite),
13 anthophyllite, tremolite and actinolite.
14 (2) 'Asbestos containing material' means material which contains more
15 than one percent (1%) asbestos by area, including friable asbestos
16 containing material and nonfriable asbestos containing material.
17 (3) 'Abatement' means work performed to repair, maintain, remove,
18 isolate, or encapsulate friable asbestos containing material or
19 nonfriable asbestos containing material that will become friable during
20 abatement. The term does not include inspections, preparation of
21 management plans, abatement project design, taking of samples, or
22 project overview.
23 (4) 'Friable' means any material that when dry may be broken, crumbled,
24 pulverized, or reduced to powder by hand pressure, and includes

1 previously nonfriable material after this previously nonfriable material
2 becomes damaged to the extent that when dry it may be crumbled,
3 pulverized, or reduced to powder by hand pressure.

4 (5) 'Management' means all activities related to asbestos containing
5 material, including inspections, preparation of management plans,
6 abatement project design, abatement, project overview, and taking of
7 samples.

8 (6) 'Public area' means an area in any building, excluding residences, that
9 is open to persons not protected by the Occupational Safety and Health
10 Act, as amended.

11 (7) 'Removal' means stripping, chipping, sanding, sawing, drilling,
12 scraping, sucking, and other methods of separating material from its
13 installed location in a building.

14 (8) 'Residence' means any single family dwelling or any multi-family
15 dwelling of fewer than 10 units.

16 **"§ 130A-445. Management of asbestos containing material in schools.**

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

24 **"§ 130A-446. Asbestos exposure standard for public areas.**

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

28 **"§ 130A-447. Accreditation of persons performing asbestos management.**

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

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

40 (1) The owner or operator of a building, excluding schools covered by the
41 Asbestos Hazard Emergency Act, as amended, and his permanent
42 employees performing asbestos containing material management
43 activities only in nonpublic areas of the building;

- 1 (2) A person performing asbestos containing material management
2 activities only in his personal residence;
3 (3) Governmental regulatory personnel performing asbestos containing
4 material management services under authority of federal, State, or
5 local regulations; and
6 (4) Licensed general contractors, heating and plumbing contractors,
7 electrical contractors, and refrigeration contractors performing
8 activities associated with their license who disturb less than three cubic
9 feet, 160 square feet, or 260 linear feet of asbestos containing material
10 per job, or who disturb more than this amount only under the
11 supervision of an accredited supervisor.

12 **"§ 130A-448. Asbestos management accreditation fees.**

13 The Department shall establish and collect asbestos containing material management
14 accreditation and annual renewal fees. The fees shall not exceed one hundred dollars
15 (\$100.00) per accreditation category, except that the fee for the abatement worker
16 category shall not exceed twenty-five dollars (\$25.00). A person who is accredited in
17 more than one category shall pay a fee for each category.

18 **"§ 130A-449. Asbestos containing material removal permits.**

19 No person shall remove more than three cubic feet, 160 square feet, or 260 linear
20 feet per job of friable asbestos containing material or nonfriable asbestos containing
21 material that will become friable during removal without an asbestos containing
22 material removal permit issued by the Department. The Commission shall adopt rules
23 governing the issuance of the permit. The rules shall include application processing,
24 content and form of application, removal, transportation and disposal standards, record
25 keeping, and issuance, suspension, and revocation of the permit.

26 **"§ 130A-450. Asbestos containing material removal permit fees.**

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

30 **"§ 130A-451. Commission to adopt rules.**

31 The Commission is authorized to adopt rules to implement this Article and P.L. 99-
32 519, the Asbestos Hazard Emergency Response Act, as amended."

33 Sec. 2. Accreditation fees and permit fees collected pursuant to this Article
34 shall be used for implementation of this Article.

35 Sec. 3. Accreditations and reaccreditations issued by the Department under
36 the Asbestos Hazard Emergency Response Act prior to the effective date of this act
37 shall remain valid until they expire or are suspended or revoked.

38 Sec. 4. This act is effective upon ratification except that, (i) persons not
39 required to be accredited under the Asbestos Hazard Emergency Response Act shall
40 have until 90 days after ratification to become accredited under this act, and (ii) the
41 requirement for asbestos containing material removal permits shall become effective 90
42 days after ratification and shall apply to removal jobs commenced on or after that date.
43 Upon ratification of this act, the Commission for Health Services shall adopt rules
44 pursuant to G.S. 150B-13 to implement this act.