

# HOUSE BILL REPORT

## ESB 5397

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**As Reported By House Committee On:**  
Commerce & Labor  
Appropriations

**Title:** An act relating to asbestos certification.

**Brief Description:** Revising provisions regulating asbestos certification.

**Sponsors:** Senators Franklin and Pelz; by request of Department of Labor & Industries.

**Brief History:**

**Committee Activity:**

Commerce & Labor: 3/29/95 [DP];

Appropriations: 4/3/95 [DPA].

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 10 members: Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

**Staff:** Chris Cordes (786-7117).

**Background:** In 1985, Washington adopted a state program for training and certifying persons who are employed on asbestos projects. In subsequent years, this program has been amended to maintain the Washington certification program at a level that is at least as stringent as the requirements of the federal Asbestos Hazard Emergency Response Act of 1986, related federal acts, and Environmental Protection Agency rules. If the standards are not maintained by a state, the state loses its status as an EPA-approved state for accreditation purposes. Without the state program, contractors performing asbestos projects on schools or public or commercial buildings will be required to also be accredited under the federal accreditation or another state's accreditation program.

The certification program is administered by the Department of Labor and Industries under the Washington Industrial Safety and Health Act. Under the program, work on an asbestos project may not be performed except under the supervision of a certified asbestos supervisor. Contractors must also have an asbestos contractor's certificate to

work on asbestos projects. Training of at least 30 hours and successful passage of an examination are required to certify workers and supervisors.

Certification is not required for employees working on an asbestos project for the employer on its own site using its own employees.

Any owner who authorizes a project that has a reasonable possibility of releasing asbestos into the air must perform a good faith inspection to determine whether the proposed project will release any asbestos. A written inspection report or a statement of the asbestos condition must be available to the department, the contractors, and employees, and be included in the required asbestos project notice. Contractors are responsible for requesting a copy.

An "asbestos project" is any work on a public or private building that releases or is likely to release asbestos fibers into the air.

### **Summary of Bill:**

#### **Requirements for certified asbestos supervisors and workers**

"Asbestos abatement project" is defined as an asbestos project involving three square feet or three linear feet, or more, of asbestos-containing material. Asbestos projects involving less than three square feet or three linear feet of asbestos-containing material are not required to have certified asbestos supervisors.

The requirement for contractors to have an asbestos contractor's certificate and employ at least one certified asbestos supervisor before working on asbestos projects is modified to apply only to asbestos abatement projects.

The length of training for certified asbestos workers is changed from 30 hours to a four-day training course. Certified asbestos supervisors must complete a five-day training course.

The exemption is deleted that permitted uncertified workers to be employed on asbestos projects at their employer's own facility. When an employer conducts asbestos abatement projects in its own facility using its own employees, supervision may be performed in the regular course of a certified asbestos supervisor's duties. The asbestos workers must have access to the certified supervisor throughout the duration of the project.

#### **Asbestos inspections by owners**

The good faith inspection required of owners who are renovating or remodeling where there is a reasonable possibility of releasing asbestos must be conducted by inspectors meeting the accreditation requirements of the federal Toxic Substances Control Act.

The owner's report of the inspection must be provided to contractors before they bid on work. Language is removed that made it the responsibility of the contractor to request a copy of the report.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is the result of a compromise between all parties. Under this bill, the state's policy will not vary from federal requirements. These changes are necessary to retain the state's accreditation status. Without state accreditation, asbestos contractors would essentially be out of business until they become certified under the federal program or another state's program. The closest federal training center is in Utah.

**Testimony Against:** None.

**Testified:** Senator Franklin, prime sponsor; Mark Brown and John Geppert, Department of Labor and Industries; and Jim King, Asbestos Abatement Industry Coalition.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

**Staff:** Susan Nakagawa (786-7145).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Commerce & Labor:** Language is added limiting the rule-making authority of the director of the Department of Labor and Industries. Rules adopted must be specifically required and only to the extent

required for certification standards to be as stringent as federal law requirements for asbestos projects.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.