
SENATE BILL 6313

State of Washington 53rd Legislature 1994 Regular Session

By Senator Prentice; by request of Department of Labor & Industries

Read first time 01/19/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to asbestos certification appeals; and amending RCW
2 49.26.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 49.26.110 and 1989 c 154 s 5 are each amended to read
5 as follows:

6 (1) No employee or other individual is eligible to do work governed
7 by this chapter unless issued a certificate by the department except,
8 in the case of an asbestos project undertaken by any partnership, firm,
9 corporation or sole proprietorship which has not lost this exemption
10 under RCW 49.26.016(3), and conducted in its own facility and by its
11 own employees. In cases excepted under this section:

12 (a) Direct, on-site supervision by a certified asbestos supervisor
13 shall be required for asbestos projects performed at one project
14 location by workers who are not certified.

15 (b) If a project is conducted using only certified workers or if a
16 certified worker functions as a foreman or lead person, supervision can
17 be performed in the regular course of a supervisor's duties and need
18 not be direct and on-site.

1 (c) The partnership, firm, corporation or sole proprietorship shall
2 submit a written description to the department of the kinds of
3 asbestos projects expected to be undertaken and the procedures to be
4 used in undertaking asbestos projects, which description shall
5 demonstrate competence in performing the work in compliance with the
6 requirements of this chapter, rules adopted under this chapter, and any
7 other requirements of law for the safe demolition, removal,
8 encapsulation, salvage, and disposal of asbestos.

9 (2) To qualify for a certificate: (a) Certified asbestos workers
10 and supervisors must have successfully completed a training course of
11 at least thirty hours, provided or approved by the department, on the
12 health and safety aspects of the removal and encapsulation of asbestos
13 including but not limited to the federal and state standards regarding
14 protective clothing, respirator use, disposal, air monitoring,
15 cleaning, and decontamination, and shall meet such additional
16 qualifications as may be established by the department by rule for the
17 type of certification sought; and (b) all applicants for certification
18 as asbestos workers or supervisors must pass an examination in the type
19 of certification sought which shall be provided or approved by the
20 department. These requirements are intended to represent the minimum
21 requirements for certification and shall not preclude contractors or
22 employers from providing additional education or training. The
23 department may require the successful completion of annual refresher
24 courses provided or approved by the department for continued
25 certification as an asbestos worker or supervisor.

26 (3) The department shall provide for the reciprocal certification
27 of any individual trained to engage in asbestos projects in another
28 state when the prior training is shown to be substantially similar to
29 the training required by the department. Nothing shall prevent the
30 department from requiring such individuals to take an examination or
31 refresher course before certification.

32 (4) The department may deny, suspend, or revoke a certificate, as
33 provided under RCW 49.26.140, for failure of the holder to comply with
34 any requirement of this chapter or chapter 49.17 RCW, or any rule
35 adopted under those chapters, or applicable health and safety standards
36 and regulations. In addition to any penalty imposed under RCW
37 49.26.016, the department may suspend or revoke any certificate issued
38 under this chapter for a period of not less than six months upon the
39 following grounds:

- 1 (a) The certificate was obtained through error or fraud; or
2 (b) The holder thereof is judged to be incompetent to carry out the
3 work for which the certificate was issued.

4 Before any certificate may be denied, suspended, or revoked, the
5 holder thereof shall be given written notice of the department's
6 intention to do so, mailed by registered mail, return receipt
7 requested, to the holder's last known address. The notice shall
8 enumerate the allegations against such holder, and shall give him or
9 her the opportunity to request a hearing before the department. At
10 such hearing, the department and the holder shall have opportunity to
11 produce witnesses and give testimony.

12 (5) A denial, suspension, or revocation order may be appealed (~~to~~
13 ~~the board of industrial insurance appeals~~) within fifteen working days
14 after the denial, suspension, or revocation order is entered. The
15 notice of appeal may be filed with the department or the board of
16 industrial insurance appeals. The board of industrial insurance
17 appeals shall hold the hearing in accordance with procedures
18 established in RCW 49.17.140. Any party aggrieved by an order of the
19 board of industrial insurance appeals may obtain superior court review
20 in the manner provided in RCW 49.17.150. A notice of appeal filed
21 under this section does not stay the effectiveness of any denial,
22 suspension, or revocation order pending review.

23 (6) Each person certified under this chapter shall display, upon
24 the request of an authorized representative of the department, valid
25 identification issued by the department.

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