

SECOND REGULAR SESSION

HOUSE BILL NO. 1908

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUZICKA.

6170L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 643.225, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 643.225, to read as follows: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 all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR 10-6.080. The commission shall promulgate rules and regulations it deems necessary to implement and administer the provisions of sections 643.225 to 643.250, including requirements, procedures and standards relating to asbestos projects, as well as the authority to require corrective measures to be taken in asbestos abatement, renovation, or demolition projects as are deemed necessary to protect public health and the environment. The director shall establish any examinations for certification required by this section and shall hold such examinations at times and places as determined by the director.

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

3. In any application made to the director to obtain such certification as an inspector, management planner, abatement project designer, supervisor, contractor or worker from the department, the applicant shall include his diploma providing proof of successful completion of either a state accredited or United States Environmental Protection Agency (EPA) accredited training course as described in section 643.228. In addition, an applicant for certification as a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 management planner shall first be certified as an inspector. All applicants for certification as an
19 inspector, management planner, abatement project designer, supervisor, contractor or worker
20 shall successfully pass a state examination on Missouri state asbestos statutes and rules relating
21 to asbestos. Certification issued hereunder shall expire one year from its effective date.
22 Individuals applying for state certification as an asbestos air sampling professional shall have the
23 following credentials:

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

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

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

29 (4) Three years of practical experience in the field of industrial hygiene, including
30 significant asbestos air monitoring experience and the completion of a forty-hour asbestos course
31 which includes air monitoring instruction (National Institute of Occupational Safety and Health
32 582 course on air sampling or equivalent). In addition to these qualifications, the individual
33 must also pass the state of Missouri asbestos examination. All asbestos air sampling technicians
34 shall be trained and overseen by an asbestos air sampling professional and shall meet the
35 requirements of training found in OSHA's 29 CFR 1926.1101. Certification under this section
36 as an abatement project designer does not qualify an individual as an architect, engineer or land
37 surveyor, as defined in chapter 327.

38 4. An application fee of seventy-five dollars shall be assessed for each category, except
39 asbestos abatement worker, to cover administrative costs incurred. An application fee of
40 twenty-five dollars shall be assessed for each asbestos abatement worker to cover administrative
41 costs incurred. A fee of twenty-five dollars shall be assessed per state examination.

42 5. In order to qualify for renewal of a certificate, an individual shall have successfully
43 completed an annual refresher course from a state of Missouri accredited training program. For
44 each discipline, the refresher course shall review and discuss current federal and state statute and
45 rule developments, state-of-the-art procedures and key aspects of the initial training course, as
46 determined by the state of Missouri. For all categories except inspectors, individuals shall
47 complete a one-day annual refresher training course for recertification. Refresher courses for
48 inspectors shall be at least a half-day in length. Management planners shall attend the inspector
49 refresher course, plus an additional half-day on management planning. All refresher courses
50 shall require an individual to successfully pass an examination upon completion of the course.
51 In the case of significant changes in Missouri state asbestos statutes or rules, an individual shall
52 also be required to take and successfully pass an updated Missouri state asbestos examination.
53 An individual who has failed the Missouri state asbestos examination may retake it on the next

54 scheduled examination date. If an individual has not successfully completed the annual refresher
55 course within twelve months of the expiration of his or her certification, the individual shall be
56 required to retake the course in his or her specialty area as described in this section. Failure to
57 comply with the requirements for renewal of certification in this section will result in
58 decertification. In no event shall certification or recertification constitute permission to violate
59 sections 643.225 to 643.250 or any standard or rule promulgated under sections 643.225 to
60 643.250.

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

63 **7. The provisions of subsections 2 to 6 of this section, section 643.228, subdivision**
64 **(4) of subsection 1 of section 643.230, sections 643.232 and 643.235, subdivisions (1) to (3)**
65 **of subsection 1 of section 643.237, and subsection 2 of section 643.237 shall not apply to a**
66 **person that is subject to requirements and applicable standards of the United States**
67 **Environmental Protection Agency (EPA) and the United States Occupational Safety and**
68 **Health Administration's (OSHA) 29 Code of Federal Regulations 1926.58 and which**
69 **engages in asbestos abatement projects as part of normal operations in the facility solely**
70 **at its own place or places of business. A person shall receive an exemption upon submitting**
71 **to the director, on a form provided by the department, documentation of the training**
72 **provided to its employees to meet the requirements of applicable OSHA and EPA rules and**
73 **regulations and the type of asbestos abatement projects which constitute normal operations**
74 **performed by the applicant. If the application does not meet the requirements of this**
75 **subsection and the rules and regulations promulgated by the department, the applicant**
76 **shall be notified, within one hundred eighty days of the receipt of the application, that the**
77 **exemption has been denied. An applicant may appeal the denial of an exemption to the**
78 **commission within thirty days of the notice of denial. This exemption shall not apply to**
79 **asbestos abatement contractors, to those persons who the commission by rule determines**
80 **provide a service to the public in its place or places of business as the economic foundation**
81 **of the facility, or to those persons subject to the requirements of the federal Asbestos**
82 **Hazard Emergency Response Act of 1986 (P.L. 99-519). A representative of the**
83 **department shall be permitted to attend, monitor, and evaluate any training program**
84 **provided by the exempted person. Such evaluations may be conducted without prior**
85 **notice. Refusal to allow such an evaluation is sufficient grounds for loss of exemption**
86 **status.**

87 **8. A fee of two hundred fifty dollars shall be submitted with the application for**
88 **exemption under subsection 7 of this section. This shall be a one-time fee. An exempted**

89 **person shall submit to the director changes in curricula or other significant revisions to its**
90 **training program under this section as they occur.**

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

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