

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 13, 2022

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB22-1232 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 3, after line 2 insert:

2 "SECTION 3. In Colorado Revised Statutes, 25-7-501, **amend**
3 (1) as follows:

4 **25-7-501. Legislative declaration.** (1) The general assembly
5 hereby declares that it is in the interest of the general public to control the
6 exposure of the general public to friable asbestos. It is the intent of the
7 general assembly to ensure the health, safety, and welfare of the public by
8 regulating the practice of asbestos abatement in locations to which the
9 general public has access for the purpose of ensuring that such abatement
10 is performed in a manner ~~which~~ THAT will minimize the risk of release of
11 asbestos. However, it is not the intent of the general assembly to regulate
12 occupational health practices ~~which~~ THAT are regulated pursuant to
13 federal laws. ~~or to grant any authority to the department of public health~~
14 ~~and environment to enter and regulate work areas where general public~~
15 ~~access is limited.~~ It is the intent of the general assembly that the
16 commission may adopt regulations to permit the enforcement of the
17 national emission standards for hazardous air pollutants as set forth in 42
18 U.S.C. sec. 7412.

19 **SECTION 4.** In Colorado Revised Statutes, 25-7-502, **amend**
20 (1)(a) and (1)(c); and **add** (3)(b)(IV) and (5.5) as follows:

21 **25-7-502. Definitions.** As used in this part 5, unless the context
22 otherwise requires:

23 (1) (a) "Area of public access" means any building, facility, or
24 property, or ~~only that~~ A portion thereof, that any member of the general
25 public can enter ~~without limitation or restriction by the owner or lessee~~
26 ~~under normal business conditions; except that~~ OR BE EXPOSED TO
27 ASBESTOS FROM THE AREA. "Area of public access" includes a

1 single-family residential dwelling and any facility that charges the general
2 public a fee for admission, such as any theater or arena. For purposes of
3 this subsection (1), "general public" does not include employees of the
4 entity that owns, leases, or operates such building, facility, or property, or
5 such portion thereof, or any service personnel or vendors connected
6 therewith.

7 (c) Notwithstanding the provisions of ~~paragraph (a) of this~~
8 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, a single family
9 residential dwelling shall not be considered an area of public access for
10 purposes of ~~this part 5~~ CONDUCTING ASBESTOS ABATEMENT if the
11 homeowner who resides in the single family dwelling that is the
12 homeowner's primary residence requests, on a form provided by the
13 division, that the single family dwelling not be considered an area of
14 public access.

15 (3) "Asbestos abatement" means any of the following:

16 (b) The following practices intended to prevent the escape of
17 asbestos fibers into the atmosphere:

18 (IV) CONDUCTING A MAJOR SPILL RESPONSE.

19 (5.5) "FACILITY" MEANS ANY INSTITUTIONAL, COMMERCIAL,
20 PUBLIC, INDUSTRIAL, SCHOOL, OR RESIDENTIAL STRUCTURE; ANY
21 INSTALLATION; ANY BUILDING, INCLUDING ANY STRUCTURE,
22 INSTALLATION, OR BUILDING CONTAINING CONDOMINIUMS OR INDIVIDUAL
23 DWELLING UNITS OPERATED AS A RESIDENTIAL COOPERATIVE; ANY SHIP;
24 ANY RAILCAR; AND ANY ACTIVE OR INACTIVE WASTE DISPOSAL SITE."

25 Renumber succeeding sections accordingly.

26 Page 3, strike line 4 and substitute "(1)(a) introductory portion, (1)(a)(I),
27 (1)(a)(IV), (1)(a)(VI), (1)(a)(IX), (1)(b)(II), and (1)(b)(III)(B); and **repeal**
28 (1)(a)(VII), (1)(a)(VIII), and (2) as follows:".

29 Page 3, strike line 10 and substitute "this part 5: ~~only for areas of public~~
30 ~~access:~~".

31 Page 3, after line 12 insert:

32 "(IV) Requirements for air pollution permits. Permits shall be
33 required for asbestos abatement projects in any building, facility, ~~or~~
34 ~~structure~~ OR PROPERTY, or any portion thereof, having public access;
35 except that the requirements of this ~~subparagraph (IV)~~ SUBSECTION
36 (1)(a)(IV) shall not apply to asbestos abatement projects performed by an
37 individual on a single-family residential dwelling THAT IS THE
38 INDIVIDUAL'S PRIMARY RESIDENCE.

1 (VI) Fees for certification as: A trained supervisor, WORKER,
2 PROJECT DESIGNER, INSPECTOR, MANAGEMENT PLANNER, AND AIR
3 MONITORING SPECIALIST; AND A GENERAL ABATEMENT CONTRACTOR;

4 ~~(VII) Fees for certification which is required under federal law to~~
5 ~~engage in the inspection of schools, the preparation of asbestos~~
6 ~~management plans for schools, and the performance of asbestos~~
7 ~~abatement services for schools;~~

8 ~~(VIII) Fees for a certificate to perform asbestos abatement;~~

9 (IX) Assessment procedures ~~which~~ THAT determine the need for
10 response actions for friable asbestos-containing materials. Such
11 procedures shall include, but not be limited to, AN INITIAL INSPECTION TO
12 DETERMINE IF ASBESTOS-CONTAINING MATERIALS ARE PRESENT, visual
13 inspection, and air monitoring ~~which~~ THAT shows an airborne
14 concentration of asbestos during normal occupancy conditions in excess
15 of the maximum allowable level established by the commission in
16 state-owned or state-leased buildings. Nothing in this ~~subparagraph (IX)~~
17 SUBSECTION (1)(a)(IX) shall be construed to require that such assessments
18 be made in state-owned or state-leased buildings; however, such
19 procedures shall be followed in the event any such assessment is made.

20 (b) To promulgate rules pursuant to section 24-4-103, C.R.S.,
21 regarding the following, as are necessary to implement the provisions of
22 this part 5, as required by the federal "Clean Air Act", 42 U.S.C. sec.
23 7412 et seq., as amended:

24 (II) Requirements of notification, as consistent with the federal
25 act, to demolish, renovate, or perform asbestos abatement in any building,
26 ~~structure, facility, or installation~~ OR PROPERTY, or any portion thereof,
27 ~~which~~ THAT contains asbestos, except within such minimum scope of
28 asbestos abatement or when otherwise exempt;

29 (III) (B) The division shall provide information to local
30 governments to be used in connection with the issuance of a building
31 permit regarding the need for an inspection for the presence of
32 asbestos-containing materials prior to renovation or demolition of any
33 building, ~~structure, facility, or installation~~ OR PROPERTY that may contain
34 asbestos."

35 Page 3, after line 22 insert:

36 "SECTION 6. In Colorado Revised Statutes, 25-7-504, **amend**
37 (1) and (2)(a) as follows:

38 **25-7-504. Asbestos abatement project requirements -**
39 **certificate to perform asbestos abatement - certified trained persons.**
40 (1) (a) ~~Any person who inspects schools for the presence of friable~~
41 ~~asbestos, prepares asbestos management plans for schools, or conducts~~

1 ~~asbestos abatement services in schools shall obtain certification pursuant~~
2 ~~to section 25-7-507.~~

3 (b) Any person OTHER THAN THE GENERAL ABATEMENT
4 CONTRACTOR who inspects ~~public or commercial buildings~~ ANY
5 BUILDING, FACILITY, OR PROPERTY for the presence of asbestos, prepares
6 management plans for public and commercial buildings, designs
7 abatement actions in ~~public and commercial buildings~~ ANY BUILDING,
8 FACILITY, OR PROPERTY, or conducts abatement actions in ~~public and~~
9 ~~commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY shall obtain
10 certification pursuant to section 25-7-507.

11 (2) (a) ~~Any person~~ A GENERAL ABATEMENT CONTRACTOR who
12 conducts asbestos abatement in any building, ~~other than a school,~~
13 FACILITY, OR PROPERTY shall obtain a certificate to perform asbestos
14 abatement pursuant to section 25-7-505 unless such abatement project is
15 exempt from the requirement for certification pursuant to rules ~~and~~
16 ~~regulations~~ promulgated by the commission.

17 **SECTION 7.** In Colorado Revised Statutes, **amend** 25-7-507 as
18 follows:

19 **25-7-507. Certification required under federal law for asbestos**
20 **projects in facilities.** Pursuant to the federal "Asbestos Hazard
21 Emergency Response Act of 1986", Public Law 99-519, CODIFIED AT 15
22 U.S.C. SEC. 2641 ET SEQ., AS AMENDED and the federal "Asbestos School
23 Hazard Abatement Reauthorization Act of 1990", Public Law 101-637,
24 AS AMENDED, the division shall certify, in the manner required under the
25 federal law, all persons engaged in the inspection of ~~schools or public or~~
26 ~~commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY, the
27 preparation of management plans for ~~schools or public or commercial~~
28 ~~buildings~~ ANY BUILDING, FACILITY, OR PROPERTY, the design of abatement
29 actions in ~~schools or public or commercial buildings~~ ANY BUILDING,
30 FACILITY, OR PROPERTY, or the conduct of abatement actions in ~~schools~~
31 ~~or public or commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY.

32 **SECTION 8.** In Colorado Revised Statutes, 25-7-507.5, **amend**
33 (5)(c)(I) as follows:

34 **25-7-507.5. Renewal of certificates - rules - recertification.**

35 (5) (c) (I) The commission shall promulgate rules governing refresher
36 training programs for persons in ~~both school and nonschool~~ WHO
37 CONDUCT asbestos abatement ACTIVITIES. Such programs shall not exceed
38 the requirements of refresher training mandated under the federal
39 "Asbestos Hazard Emergency Response Act of 1986", Public Law
40 99-519, CODIFIED AT 15 U.S.C. SEC. 2641 ET SEQ., AS AMENDED, and any
41 rules promulgated pursuant to such federal law."

42 Renumber succeeding sections accordingly.

1 Page 4, strike lines 2 through 5.

2 Page 4, strike lines 11 through 14 and substitute:

3 "□ IT WAS DETERMINED THAT AN ASBESTOS
4 INSPECTION IS NOT REQUIRED UNDER STATE LAW."

5 Page 4, after line 21 insert:

6 "SECTION 10. In Colorado Revised Statutes, **amend** 25-7-511.6
7 as follows:

8 **25-7-511.6. Refresher training - authorization.** The commission
9 shall promulgate rules ~~and regulations~~ governing refresher training
10 programs for persons ~~in both school and nonschool~~ WHO CONDUCT
11 asbestos abatement ACTIVITIES. Such programs shall not exceed the
12 requirements of refresher training mandated under the federal "Asbestos
13 Hazard Emergency Response Act of 1986", Public Law 99-519, CODIFIED
14 AT 15 U.S.C. SEC. 2641 ET SEQ., as amended, and any rules ~~and regulations~~
15 promulgated under such federal law. In adopting such rules, ~~and~~
16 ~~regulations~~, the commission shall ensure that refresher training
17 requirements are related to ensuring continuing competency in asbestos
18 abatement procedures. The division shall implement a system of testing
19 to measure the knowledge obtained by certified persons attending such
20 programs."

21 Renumber succeeding section accordingly.

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