

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0317.01 Yelana Love x2295

HOUSE BILL 22-1232

HOUSE SPONSORSHIP

Valdez A. and Titone, Bernett, Cutter, Froelich

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF PERSONS IN
102 CONNECTION WITH THE CONTROL OF ASBESTOS, AND, IN
103 CONNECTION THEREWITH, IMPLEMENTING THE
104 RECOMMENDATIONS OF THE DEPARTMENT OF REGULATORY
105 AGENCIES CONTAINED IN THE 2021 SUNSET REPORT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Energy and Environment Committee.
The bill implements the recommendations of the department of regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

agencies, as contained in the department's sunset review of the regulation of persons in connection with the control of asbestos, as follows:

- Continues the regulation for 5 years, until September 1, 2027;
- Removes limits on the ability of the air quality control commission to promulgate rules more stringent than the standards set forth in the federal "Occupational Safety and Health Act" (OSHA) and federal regulations promulgated pursuant to OSHA; and
- Requires a local government to add language regarding asbestos inspections on each application to renovate or demolish property.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (23)(a)(III); and **add** (28)(a)(VII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2022:

8 ~~(III) The certification of persons in connection with the control of~~
9 ~~asbestos in accordance with part 5 of article 7 of title 25, C.R.S.;~~

10 (28) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2027:

12 (VII) THE CERTIFICATION OF PERSONS IN CONNECTION WITH THE
13 CONTROL OF ASBESTOS IN ACCORDANCE WITH PART 5 OF ARTICLE 7 OF
14 TITLE 25.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-7-512 as
16 follows:

17 **25-7-512. Repeal of part.** This part 5 is repealed, effective
18 ~~September 1, 2022~~ SEPTEMBER 1, 2027. Before the repeal, ~~the department~~
19 ~~of regulatory agencies shall review~~ the functions of the division under this

1 part 5 ~~as provided for in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE
2 WITH section 24-34-104, ~~C.R.S.~~

3 **SECTION 3.** In Colorado Revised Statutes, 25-7-503, **amend**
4 (1)(a) introductory portion and (1)(a)(I); and **repeal** (2) as follows:

5 **25-7-503. Powers and duties of commission - rules - delegation**
6 **of authority to division.** (1) The commission has the following powers
7 and duties:

8 (a) To promulgate rules pursuant to section 24-4-103, ~~C.R.S.~~,
9 regarding the following, as are necessary to implement the provisions of
10 this part 5 only for areas of public access:

11 (I) Performance standards and practices for asbestos abatement;
12 ~~which are not more stringent than 29 CFR 1910.1001 and 1926.1101;~~

13 (2) ~~Notwithstanding any other provisions of this section to the~~
14 ~~contrary, neither the commission nor the division shall have the authority~~
15 ~~to enforce standards more restrictive than the federal standards set forth~~
16 ~~in the "Occupational Safety and Health Act", on asbestos abatement~~
17 ~~projects which are subject to such federal standards; except that, nothing~~
18 ~~in this subsection (2) shall be construed to prevent the application and~~
19 ~~enforcement of the maximum allowable asbestos level prescribed in~~
20 ~~subparagraph (H) of paragraph (a) of subsection (1) of this section as a~~
21 ~~clearance level and a condition of reentry by the general public upon~~
22 ~~completion of the project.~~

23 **SECTION 4.** In Colorado Revised Statutes, 25-7-509.5, **amend**
24 (2)(b) as follows:

25 **25-7-509.5. Building permits.** (2) (b) When updating the
26 application form for a permit to renovate property or a permit to demolish
27 property, the local government entity shall include on the application

1 form substantially the following information:

2 I DO NOT KNOW IF AN ASBESTOS
3 INSPECTION HAS BEEN CONDUCTED ON THE
4 BUILDING MATERIALS THAT WILL BE
5 DISTURBED BY THIS PROJECT.

6 AN ASBESTOS INSPECTION ~~HAS BEEN~~
7 WAS CONDUCTED ON THE BUILDING
8 MATERIALS THAT WILL BE DISTURBED BY
9 THIS PROJECT ON OR ABOUT: _____

10 (DATE)

11 AN ASBESTOS INSPECTION HAS NOT
12 BEEN CONDUCTED ON THE BUILDING
13 MATERIALS THAT WILL BE DISTURBED BY
14 THIS PROJECT.

15 IF YOU HAVE QUESTIONS REGARDING WHETHER AN
16 ASBESTOS INSPECTION IS REQUIRED UNDER STATE LAW
17 FOR YOUR PERMITTED PROJECT, PLEASE CONTACT THE
18 INDOOR ENVIRONMENT PROGRAM WITHIN THE
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR
20 ADDITIONAL DETAILS BEFORE BEGINNING ANY
21 DEMOLITION OR RENOVATION.

22 **SECTION 5. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.