

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB22-1232 be amended as follows:

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

34 (c) Notwithstanding the provisions of ~~paragraph (a) of this~~
35 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, a single family
36 residential dwelling shall not be considered an area of public access for
37 purposes of ~~this part 5~~ CONDUCTING ASBESTOS ABATEMENT if the
38 homeowner who resides in the single family dwelling that is the
39 homeowner's primary residence requests, on a form provided by the

1 division, that the single family dwelling not be considered an area of
2 public access.

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

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

6 (IV) CONDUCTING A MAJOR SPILL RESPONSE.

7 (5.5) "FACILITY" MEANS ANY INSTITUTIONAL, COMMERCIAL,
8 PUBLIC, INDUSTRIAL, SCHOOL, OR RESIDENTIAL STRUCTURE; ANY
9 INSTALLATION; ANY BUILDING, INCLUDING ANY STRUCTURE,
10 INSTALLATION, OR BUILDING CONTAINING CONDOMINIUMS OR INDIVIDUAL
11 DWELLING UNITS OPERATED AS A RESIDENTIAL COOPERATIVE; ANY SHIP;
12 ANY RAILCAR; AND ANY ACTIVE OR INACTIVE WASTE DISPOSAL SITE."

13 Renumber succeeding sections accordingly.

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

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

19 Page 3, after line 12 insert:

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

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

30 (VII) ~~Fees for certification which is required under federal law to~~
31 ~~engage in the inspection of schools, the preparation of asbestos~~
32 ~~management plans for schools, and the performance of asbestos~~
33 ~~abatement services for schools;~~

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

35 (IX) Assessment procedures ~~which~~ THAT determine the need for
36 response actions for friable asbestos-containing materials. Such
37 procedures shall include, but not be limited to, AN INITIAL INSPECTION TO
38 DETERMINE IF ASBESTOS-CONTAINING MATERIALS ARE PRESENT, visual

1 inspection, and air monitoring ~~which~~ THAT shows an airborne
2 concentration of asbestos during normal occupancy conditions in excess
3 of the maximum allowable level established by the commission in
4 state-owned or state-leased buildings. Nothing in this ~~subparagraph (IX)~~
5 SUBSECTION (1)(a)(IX) shall be construed to require that such assessments
6 be made in state-owned or state-leased buildings; however, such
7 procedures shall be followed in the event any such assessment is made.

8 (b) 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, as required by the federal "Clean Air Act", 42 U.S.C. sec.
11 7412 et seq., as amended:

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

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

23 Page 3, after line 22 insert:

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

26 **25-7-504. Asbestos abatement project requirements -**
27 **certificate to perform asbestos abatement - certified trained persons.**

28 (1) (a) ~~Any person who inspects schools for the presence of friable~~
29 ~~asbestos, prepares asbestos management plans for schools, or conducts~~
30 ~~asbestos abatement services in schools shall obtain certification pursuant~~
31 ~~to section 25-7-507.~~

32 (b) Any person OTHER THAN THE GENERAL ABATEMENT
33 CONTRACTOR who inspects ~~public or commercial buildings~~ ANY
34 BUILDING, FACILITY, OR PROPERTY for the presence of asbestos, prepares
35 management plans for public and commercial buildings, designs
36 abatement actions in ~~public and commercial buildings~~ ANY BUILDING,
37 FACILITY, OR PROPERTY, or conducts abatement actions in ~~public and~~
38 ~~commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY shall obtain
39 certification pursuant to section 25-7-507.

40 (2) (a) ~~Any person~~ A GENERAL ABATEMENT CONTRACTOR who
41 conducts asbestos abatement in any building, ~~other than a school,~~

1 FACILITY, OR PROPERTY shall obtain a certificate to perform asbestos
2 abatement pursuant to section 25-7-505 unless such abatement project is
3 exempt from the requirement for certification pursuant to rules ~~and~~
4 ~~regulations~~ promulgated by the commission.

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

7 **25-7-507. Certification required under federal law for asbestos**
8 **projects in facilities.** Pursuant to the federal "Asbestos Hazard
9 Emergency Response Act of 1986", Public Law 99-519, CODIFIED AT 15
10 U.S.C. SEC. 2641 ET SEQ., AS AMENDED and the federal "Asbestos School
11 Hazard Abatement Reauthorization Act of 1990", Public Law 101-637,
12 AS AMENDED, the division shall certify, in the manner required under the
13 federal law, all persons engaged in the inspection of ~~schools or public or~~
14 ~~commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY, the
15 preparation of management plans for ~~schools or public or commercial~~
16 ~~buildings~~ ANY BUILDING, FACILITY, OR PROPERTY, the design of abatement
17 actions in ~~schools or public or commercial buildings~~ ANY BUILDING,
18 FACILITY, OR PROPERTY, or the conduct of abatement actions in ~~schools~~
19 ~~or public or commercial buildings~~ ANY BUILDING, FACILITY, OR PROPERTY.

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

22 **25-7-507.5. Renewal of certificates - rules - recertification.**
23 (5) (c) (I) The commission shall promulgate rules governing refresher
24 training programs for persons ~~in both school and nonschool~~ WHO
25 CONDUCT asbestos abatement ACTIVITIES. Such programs shall not exceed
26 the requirements of refresher training mandated under the federal
27 "Asbestos Hazard Emergency Response Act of 1986", Public Law
28 99-519, CODIFIED AT 15 U.S.C. SEC. 2641 ET SEQ., AS AMENDED, and any
29 rules promulgated pursuant to such federal law."

30 Renumber succeeding sections accordingly.

31 Page 4, after line 21 insert:

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

34 **25-7-511.6. Refresher training - authorization.** The commission
35 shall promulgate rules ~~and regulations~~ governing refresher training
36 programs for persons ~~in both school and nonschool~~ WHO CONDUCT
37 asbestos abatement ACTIVITIES. Such programs shall not exceed the
38 requirements of refresher training mandated under the federal "Asbestos
39 Hazard Emergency Response Act of 1986", Public Law 99-519, CODIFIED
40 AT 15 U.S.C. SEC. 2641 ET SEQ., as amended, and any rules ~~and regulations~~

1 promulgated under such federal law. In adopting such rules, ~~and~~
2 ~~regulations~~, the commission shall ensure that refresher training
3 requirements are related to ensuring continuing competency in asbestos
4 abatement procedures. The division shall implement a system of testing
5 to measure the knowledge obtained by certified persons attending such
6 programs.".

7 Renumber succeeding sections accordingly.

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