

ACT 157

H.B. NO. 872

A Bill for an Act Relating to Asbestos Control and Licensing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The Legislature finds that the improper performance of asbestos application, enclosure, removal, and encapsulation creates serious and unnecessary health and safety hazards to the citizens of this State. These hazards not only pose a clear threat to the health and safety of individual workers and their families, but also threaten the interests of the State as a whole through lost wages, and rising insurance costs, medical expenses, and disability compensation costs.

The Legislature therefore declares its intent to reduce asbestos-related hazards by ensuring that only properly trained contractors engage in asbestos-related activities, that clear standards for the performance of such activities are established, and that the health and safety of individual workers receive the highest priority.

SECTION 2. Chapter 444, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§444- Asbestos contractors. (a) The board shall provide for the licensure or permitted activities as a specialty contractor of any person who engages in any activity involving the application, enclosure, removal, encapsulation, renovation, repair, demolition, or other disturbances of friable asbestos or asbestos-containing material that may become friable during the activity; provided that this section shall not apply to activities such as maintenance, repair, or removal of asbestos pipe or sheets, vinyl asbestos floor materials or asbestos-bituminous or resinous material as well as other activities that the board may exempt which are incidental to the primary purpose for which the contractor holds a license and if they were performed in a manner that no health hazard is posed to the public, the contractor, or the contractor’s employees.

(b) No person shall be licensed as an asbestos contractor unless that person meets all requirements of subsection (c) in addition to the requirements in section 444-11.

(c) The licensing requirements and procedures, and the standards of conduct for individuals licensed as an asbestos contractor shall be as provided by rules and shall include, but shall not be limited to, provisions for the following:

- (1) Examination;
- (2) Registration of employees;
- (3) Training, experience, and any other certification standards for contractors and their employees;
- (4) Protective equipment standards;
- (5) Application, enclosure, removal, encapsulation, renovation, repair and demolition procedures;
- (6) Hazardous waste disposal;
- (7) Clean-up procedures;
- (8) Monitoring;
- (9) Health examinations;
- (10) Continuing education;
- (11) Administrative procedures; and
- (12) Fees.

The board shall consult with and shall initiate and maintain cooperative agreements with the departments of health, and labor and industrial relations, or any other state, federal, or county departments or agencies and the University of Hawaii or their community colleges in the development of these rules, and to develop procedures and methods for the enforcement of any asbestos activity.

(d) The board, the departments of commerce and consumer affairs, labor and industrial relations, and the department of health shall have the right of entry to any job site and access to any records of the licensee for purposes of inspection for health or safety hazards. Each agency shall be empowered to apply to a court of competent jurisdiction for an order restraining any activity at the job site which constitutes an imminent health or safety hazard.

(e) Any person who knowingly hinders or delays the board or the above departments in the performance of their duties, who knowingly fails to obtain the licenses or registrations required by this section, or otherwise knowingly violates this section shall be guilty of a misdemeanor.

(f) The board may, in addition to any other remedies provided by law, and after a hearing conducted pursuant to chapter 91, assess a fine not to exceed \$5,000 for each violation of this section. For purposes of this subsection, each day's violation shall constitute a separate violation."

SECTION 3. Any person who currently possesses a classified specialty license of C-68, for the removal of asbestos or a classified specialty license of C-24, for a building, moving and wrecking contractor, shall have one year from the effective date of this Act to obtain licensure under section 2 of this Act and after that date shall not engage in the application, enclosure, removal or encapsulation of asbestos or asbestos-containing material unless licensed under section 2 of this Act.

SECTION 4. The contractors license board shall adopt all rules required under section 2 of this Act within one year of the effective date of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 1987.

(Approved June 5, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.