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Asbestos Amendments
2026 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses provisions related to asbestos.

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Highlighted Provisions:

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This bill:

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▸ modifies asbestos testing requirements for a residential property; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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19-2-104, as last amended by Laws of Utah 2023, Chapter 139

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Be it enacted by the Legislature of the state of Utah:

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Section 1. Section **19-2-104** is amended to read:

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19-2-104 . Powers of board.

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(1) The board may make rules in accordance with Title 63G, Chapter 3, Utah

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Administrative Rulemaking Act:

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(a) regarding the control, abatement, and prevention of air pollution from all sources and

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the establishment of the maximum quantity of air pollutants that may be emitted by

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an air pollutant source;

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(b) establishing air quality standards;

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(c) requiring persons engaged in operations that result in air pollution to:

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(i) install, maintain, and use emission monitoring devices, as the board finds

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necessary;

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(ii) file periodic reports containing information relating to the rate, period of

- 31 emission, and composition of the air pollutant; and
- 32 (iii) provide access to records relating to emissions which cause or contribute to air
- 33 pollution;
- 34 (d)(i) implementing:
- 35 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency
- 36 Response, 15 U.S.C. 2601 et seq.;
- 37 (B) 40 C.F.R. Part 763, Asbestos; and
- 38 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,
- 39 Subpart M, National Emission Standard for Asbestos; and
- 40 (ii) reviewing and approving asbestos management plans submitted by local
- 41 education agencies under the Toxic Substances Control Act, Subchapter II,
- 42 Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq.;
- 43 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
- 44 program for diesel-powered motor vehicles;
- 45 (f) implementing an operating permit program as required by and in conformity with
- 46 Titles IV and V of the federal Clean Air Act Amendments of 1990;
- 47 (g) establishing requirements for county emissions inspection and maintenance
- 48 programs after obtaining agreement from the counties that would be affected by the
- 49 requirements;
- 50 (h) with the approval of the governor, implementing in air quality nonattainment areas
- 51 employer-based trip reduction programs applicable to businesses having more than
- 52 100 employees at a single location and applicable to federal, state, and local
- 53 governments to the extent necessary to attain and maintain ambient air quality
- 54 standards consistent with the state implementation plan and federal requirements
- 55 under the standards set forth in Subsection (2);
- 56 (i) implementing lead-based paint training, certification, and performance requirements
- 57 in accordance with 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter
- 58 IV -- Lead Exposure Reduction, ~~[Sections]~~ Secs. 402 and 406; and
- 59 (j) to implement the requirements of Section 19-2-107.5.
- 60 (2) ~~[When]~~ In implementing Subsection (1)(h), the board shall ~~[take into consideration]~~
- 61 consider:
- 62 (a) the impact of the business on overall air quality; and
- 63 (b) the need of the business to use automobiles in order to carry out~~[-its]~~ business
- 64 purposes.

- 65 (3)(a) The board may:
- 66 (i) hold a hearing that is not an adjudicative proceeding relating to any aspect of, or
67 matter in, the administration of this chapter;
- 68 (ii) recommend that the director:
- 69 (A) issue orders necessary to enforce the provisions of this chapter;
- 70 (B) enforce the orders by appropriate administrative and judicial proceedings;
- 71 (C) institute judicial proceedings to secure compliance with this chapter; or
- 72 (D) advise, consult, contract, and cooperate with other agencies of the state, local
73 governments, industries, other states, interstate or interlocal agencies, the
74 federal government, or interested persons or groups; and
- 75 (iii) establish certification requirements for asbestos project monitors, which shall
76 provide for experience-based certification of ~~[a person]~~ an individual who:
- 77 (A) receives relevant asbestos training, as defined by rule; and
- 78 (B) has acquired a minimum of 1,000 hours of asbestos project monitoring related
79 work experience.
- 80 (b) The board shall:
- 81 (i) to ensure compliance with applicable statutes and regulations:
- 82 (A) review a settlement negotiated by the director in accordance with Subsection
83 19-2-107(2)(b)(viii) that requires a civil penalty of \$25,000 or more; and
- 84 (B) approve or disapprove the settlement;
- 85 (ii) encourage voluntary cooperation by persons and affected groups to achieve the
86 purposes of this chapter;
- 87 (iii) meet the requirements of federal air pollution laws;
- 88 (iv) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
89 Rulemaking Act, establish work practice and certification requirements for
90 persons ~~[who]~~ that:
- 91 (A) contract for hire to conduct demolition, renovation, salvage, encapsulation
92 work involving friable asbestos-containing materials, or asbestos inspections if:
- 93 (I) the contract work is done on a site other than a residential property with
94 four or fewer units; or
- 95 (II) the contract work is done on a residential property with four or fewer units
96 where a tested sample contained greater than 1% of asbestos;
- 97 (B) conduct work described in Subsection (3)(b)(iv)(A) in areas to which the
98 general public has unrestrained access or in school buildings that are subject to

- 99 the federal Asbestos Hazard Emergency Response Act of 1986;
- 100 (C) conduct asbestos inspections in facilities subject to 15 U.S.C. 2601 et seq.,
 101 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency
 102 Response; or
- 103 (D) conduct lead-based paint inspections in facilities subject to 15 U.S.C. 2601 et
 104 seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure
 105 Reduction;
- 106 (v) establish certification requirements for a person required under 15 U.S.C. 2601 et
 107 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency
 108 Response, to be accredited as an inspector, management planner, abatement
 109 project designer, asbestos abatement contractor and supervisor, or an asbestos
 110 abatement worker;
- 111 (vi) establish certification requirements for a person required under 15 U.S.C. 2601 et
 112 seq., Toxic Control Act, Subchapter IV - Lead Exposure Reduction, to be
 113 accredited as an inspector, risk assessor, supervisor, project designer, abatement
 114 worker, renovator, or dust sampling technician; and
- 115 (vii) assist the State Board of Education in adopting school bus idling reduction
 116 standards and implementing an idling reduction program in accordance with
 117 Section 41-6a-1308.
- 118 (4) A rule adopted under this chapter shall be consistent with provisions of federal laws, if
 119 any, relating to control of motor vehicles or motor vehicle emissions.
- 120 (5) Nothing in this chapter authorizes the board to require installation of or payment for any
 121 monitoring equipment by the owner or operator of a source if the owner or operator has
 122 installed or is operating monitoring equipment that is equivalent to equipment which the
 123 board would require under this section.
- 124 (6)[(a)] The board may not require testing for asbestos or related materials on a
 125 residential property[~~-with four or fewer units,~~] unless:
- 126 [(+) (a)] the property's construction was completed before January 1, 1981; or
 127 (b)(i) the property's construction was completed between January 1, 1981, and
 128 January 1, 1991; and
- 129 (ii) the testing is for:
- 130 (A) a sprayed-on or painted on ceiling treatment that contained or may contain
 131 asbestos fiber;
- 132 (B) asbestos cement siding or roofing materials;

- 133 (C) resilient flooring products including vinyl asbestos tile, sheet vinyl products,
134 resilient flooring backing material, whether attached or unattached, and mastic;
135 (D) thermal-system insulation or tape on a duct or furnace; or
136 (E) vermiculite type insulation materials.

137 [~~(b)~~] (7) A residential property with four or fewer units is subject to an abatement rule made
138 under Subsection (1) or (3)(b)(iv) if:

- 139 [~~(i)~~] (a) a sample from the property is tested for asbestos; and
140 [~~(ii)~~] (b) the sample contains asbestos measuring greater than 1%.

141 [~~(7)~~] (8) The board may not issue, amend, renew, modify, revoke, or terminate any of the
142 following that are subject to the authority granted to the director under Section 19-2-107
143 or 19-2-108:

- 144 (a) a permit;
145 (b) a license;
146 (c) a registration;
147 (d) a certification; or
148 (e) another administrative authorization made by the director.

149 [~~(8)~~] (9) A board member may not speak or act for the board unless the board member is
150 authorized by a majority of a quorum of the board in a vote taken at a meeting of the
151 board.

152 [~~(9)~~] (10) Notwithstanding Subsection [~~(7)~~] (8), the board may exercise all authority granted
153 to the board by a federally enforceable state implementation plan.

154 Section 2. **Effective Date.**

155 This bill takes effect on May 6, 2026.