

Thomas W. Peterson proposes the following substitute bill:

**Asbestos Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Thomas W. Peterson**

Senate Sponsor: Calvin R. Musselman

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**LONG TITLE**

**General Description:**

This bill addresses provisions related to asbestos.

**Highlighted Provisions:**

This bill:

- modifies asbestos testing requirements for a residential property with four or fewer units;
- and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**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:*

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

**19-2-104 . Powers of board.**

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

- (a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source;
- (b) establishing air quality standards;
- (c) requiring persons engaged in operations that result in air pollution to:
  - (i) install, maintain, and use emission monitoring devices, as the board finds

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

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

- 98 (B) conduct work described in Subsection (3)(b)(iv)(A) in areas to which the  
 99 general public has unrestrained access or in school buildings that are subject to  
 100 the federal Asbestos Hazard Emergency Response Act of 1986;
- 101 (C) conduct asbestos inspections in facilities subject to 15 U.S.C. 2601 et seq.,  
 102 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency  
 103 Response; or
- 104 (D) conduct lead-based paint inspections in facilities subject to 15 U.S.C. 2601 et  
 105 seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure  
 106 Reduction;
- 107 (v) establish certification requirements for a person required under 15 U.S.C. 2601 et  
 108 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency  
 109 Response, to be accredited as an inspector, management planner, abatement  
 110 project designer, asbestos abatement contractor and supervisor, or an asbestos  
 111 abatement worker;
- 112 (vi) establish certification requirements for a person required under 15 U.S.C. 2601 et  
 113 seq., Toxic Control Act, Subchapter IV - Lead Exposure Reduction, to be  
 114 accredited as an inspector, risk assessor, supervisor, project designer, abatement  
 115 worker, renovator, or dust sampling technician; and
- 116 (vii) assist the State Board of Education in adopting school bus idling reduction  
 117 standards and implementing an idling reduction program in accordance with  
 118 Section 41-6a-1308.
- 119 (4) A rule adopted under this chapter shall be consistent with provisions of federal laws, if  
 120 any, relating to control of motor vehicles or motor vehicle emissions.
- 121 (5) Nothing in this chapter authorizes the board to require installation of or payment for any  
 122 monitoring equipment by the owner or operator of a source if the owner or operator has  
 123 installed or is operating monitoring equipment that is equivalent to equipment which the  
 124 board would require under this section.
- 125 ~~(6)(a) The board may not require testing for asbestos or related materials on a~~  
 126 ~~residential property with four or fewer units, unless:]~~
- 127 ~~[(i) the property's construction was completed before January 1, 1981; or]~~  
 128 ~~[(ii) the testing is for:]~~
- 129 ~~[(A) a sprayed-on or painted-on ceiling treatment that contained or may contain~~  
 130 ~~asbestos fiber;]~~
- 131 ~~[(B) asbestos cement siding or roofing materials;]~~

132                   ~~[(C) resilient flooring products including vinyl asbestos tile, sheet vinyl products,~~  
 133                   ~~resilient flooring backing material, whether attached or unattached, and mastic;]~~

134                   ~~[(D) thermal-system insulation or tape on a duct or furnace; or]~~

135                   ~~[(E) vermiculite type insulation materials.]~~

136           (a) The board may not make rules to require an inspection and sample analysis for  
 137           asbestos or related materials on a residential property with four or fewer units if the  
 138           property's construction was completed on or after January 1, 1992.

139           (b) The board may make rules to require an inspection and sample analysis for asbestos  
 140           or related materials on a renovation, demolition, or disposal project impacting  
 141           asbestos or related materials on a residential property with four or fewer units if the  
 142           property's construction was completed:

143           (i) before January 1, 1981; or

144           (ii) on or after January 1, 1981, and before January 1, 1992, and the inspection or  
 145           sample analysis is used to determine the presence of asbestos before renovation,  
 146           demolition, or disposal of:

147           (A) a sprayed-on textured ceiling treatment;

148           (B) asbestos cement siding or roofing materials;

149           (C) resilient flooring products including vinyl asbestos tile, sheet vinyl products,  
 150           resilient flooring backing material, whether attached or unattached, and mastic;

151           (D) thermal-system insulation or tape on a duct or furnace; or

152           (E) vermiculite type insulation materials.

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

155           (i) a sample from the property is [tested] analyzed for asbestos; and

156           (ii) the sample contains asbestos measuring greater than 1%.

157           (7) The board may not issue, amend, renew, modify, revoke, or terminate any of the  
 158           following that are subject to the authority granted to the director under Section 19-2-107  
 159           or 19-2-108:

160           (a) a permit;

161           (b) a license;

162           (c) a registration;

163           (d) a certification; or

164           (e) another administrative authorization made by the director.

165           (8) A board member may not speak or act for the board unless the board member is

166 authorized by a majority of a quorum of the board in a vote taken at a meeting of the  
167 board.

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

170 Section 2. **Effective Date.**

171 This bill takes effect on May 6, 2026.