



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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February 14, 2012

Madam Speaker:

The Political Subdivisions Committee reports a favorable recommendation on **H.B. 189**, ASBESTOS REQUIREMENTS, by Representative L. Wiley, with the following amendments and recommends it be placed on the Consent Calendar.

1. *Page 2, Lines 33 through 56:*

- 33 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah  
34 Administrative Rulemaking Act:
- 35 (a) regarding the control, abatement, and prevention of air pollution from all sources  
36 and the establishment of the maximum quantity of air contaminants that may be emitted by  
37 any  
38 air contaminant source;
- 38 (b) establishing air quality standards;
- 39 (c) requiring persons engaged in operations which result in air pollution to:
- 40 (i) install, maintain, and use emission monitoring devices, as the board finds  
41 necessary;
- 41 (ii) file periodic reports containing information relating to the rate, period of  
42 emission,  
43 and composition of the air contaminant; and
- 43 (iii) provide access to records relating to emissions which cause or contribute to air  
44 pollution;
- 45 (d) (i) implementing [15 U.S.C.A. 2601 et seq. Toxic Substances Control Act,  
46 Subchapter H - Asbestos Hazard Emergency Response, and reviewing and approving];  
47 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency  
48 Response, 15 U.S.C. 2601 et seq.;  
49 (B) 40 C.F.R. Part 763, Asbestos; and  
50 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,  
51 Subpart M, National Emission Standard for Asbestos; and  
52 (ii) ~~{governing}~~ **reviewing and approving** asbestos management plans  
submitted by local education agencies under

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- 53 ~~[that act]~~ the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency  
54 Response, 15 U.S.C. 2601 et seq.;  
55 (e) establishing a requirement for a diesel emission opacity inspection and  
maintenance  
56 program for diesel-powered motor vehicles;

2. *Page 5, Lines 130 through 145:*

- 130 (q) meet the requirements of federal air pollution laws;  
131 (r) **by rule,** establish work practice, certification, and clearance air sampling  
requirements for  
132 persons who:  
133 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work  
134 involving friable asbestos-containing materials, or asbestos inspections[?]; if:  
135 (A) the contract work is done on a site other than a residential property with four or  
136 fewer units; or  
137 (B) the contract work is done on a residential property with four or fewer units where  
a  
138 tested sample contained greater than 1% of asbestos;  
139 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general  
public  
140 has unrestrained access or in school buildings that are subject to the federal Asbestos  
Hazard  
141 Emergency Response Act of 1986;  
142 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,  
143 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or  
144 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,  
145 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

3. *Page 6, Line 171 through Page 7, Line 183:*

- 171 (6) (a) The board may not require testing for asbestos or related materials on a  
172 residential property with four or fewer units[-], unless:  
173 (i) the property's construction was completed before January 1, 1981; or  
174 (ii) the testing is for:

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- 175        (A) a sprayed acoustical ceiling;  
176        (B) transite siding;  
177        (C) {~~vinyl-asbestos~~} vinyl floor tile;  
178        (D) thermal-system insulation or tape on a duct or furnace; or  
179        (E) vermiculite {~~insulated-type~~} type insulation materials.  
180        (b) A residential property with four or fewer units is subject to an abatement rule  
            made  
181        under Subsection (1) or (3)(r) if:  
182            (i) a sample from the property is tested for asbestos; and  
183            (ii) the sample contains asbestos measuring greater than 1%.

Respectfully,

R. Curt Webb  
Committee Chair

Voting: 11-0-1

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