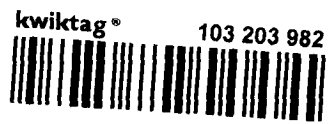


ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Asbestos Licensing and Control Act of 1990

Bill #8-131

Act #

Date Transmitted to LSD:

RECEIVED
'90 FEB 16 P3:05

Received by LSD:

LEGISLATIVE COUNSEL
YMS

cc: Councilmember Ray

(with attachment)

cc: Codification Counsel

(with attachment)

Please notify me of any error/comment within 24 hours.

II. CLEARANCE OF ENROLLED LEGISLATION

Stephanie M. Jones
Legislative Counsel

2-16-90
Date

Richard Gladstein
Codification Counsel

2-16-90
Date

Roseann Innes
Office of the Secretary

2-20-90
Date

III. CLEARANCE OF CORRESPONDENCE BY LSU

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date

COUNCIL OF THE DISTRICT OF COLUMBIA

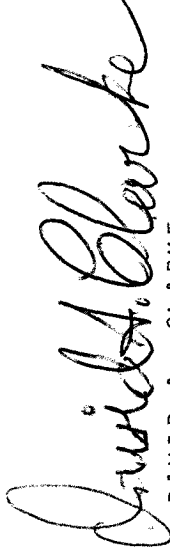
NOTICE

D.C. LAW 8-116

"Asbestos Licensing and Control Act
of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-131 on first and second readings, January 30, 1990, and February 13, 1990, respectively. Following the signature of the Mayor on February 28, 1990, this legislation was assigned Act No. 8-170, published in the March 9, 1990, edition of the D.C. Register, (Vol. 37 page 1641) and transmitted to Congress on March 8, 1990 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-116, effective May 1, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

March 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

April 2, 3, 4, 5, 18, 19, 20, 23, 24, 25, 26, 27, 30

MAY 01 1990

Codification,
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEB 28 1990

To require a person who handles asbestos or any material that contains asbestos in the District of Columbia to be licensed and to require the Mayor to promulgate rules for asbestos abatement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Asbestos Licensing and Control Act of 1990".

Sec. 2. Definitions.

For purposes of this act, the term:

(1) "Asbestos" means any material that contains more than 1% by weight of an asbestiform variety of serpentinite or chrysotile, riebeckite or crocidolite, cummingtonite, grunerite, anthophyllite, or tremolite.

(2) "Asbestos abatement" means the removal, encapsulation, enclosure, disposal, or transportation of asbestos or material that contains asbestos.

(3) "Business entity" means a partnership, firm, association, corporation, or sole proprietorship that is engaged in asbestos abatement.

(4) "Asbestos worker" means a person who is engaged in asbestos abatement.

(5) "Demolition" means to wreck or remove a load-supporting structural member of a facility or handling operations.

(6) "Encapsulate" means to coat, bind, or resurface a wall, ceiling, pipe, or other structure to prevent friable asbestos or material that contains asbestos from becoming airborne.

(7) "Friable asbestos material" means any material that can be crumbled, pulverized, reduced to powder by hand pressure, or that emits or can be expected to emit fibers into the air under normal use or maintenance.

(8) "Mayor" means the Mayor of the District of Columbia.

New,
Section
6-981

(9) "Person" means an individual or non-business entity, including a District of Columbia ("District") government employee.

(10) "Structural member" means a load-supporting member, including a beam or load-supporting wall, or any non-supporting member, including a ceiling or non-load supporting wall.

Sec. 3. Asbestos worker license.

(a) To obtain a license as an asbestos worker, a person shall:

(1) Successfully complete a course of instruction on asbestos abatement that has been approved by the Mayor;

(2) Meet any other standard required by the Mayor or by the federal government; and

(3) Submit a completed application form with the required application fee to the Mayor.

(b) An asbestos worker license shall expire 2 years from the date of issuance. A license may be renewed for additional 2 year periods if the asbestos worker submits a renewal application with the renewal fee to the Mayor.

New,
Section
6-982

Sec. 4. Business entity license and permit.

(a) To obtain or renew a license to engage in asbestos abatement, a business entity shall:

(1) Train employees and agents to comply with federal standards for asbestos abatement;

(2) Certify that employees and agents have completed a course of instruction on asbestos abatement that has been approved by the Mayor;

(3) Provide certification to the Mayor that the business entity is able to comply with all applicable federal standards for asbestos abatement and all applicable District environmental, safety, and health laws or rules;

(4) Provide certification to the Mayor that the business entity has access to an approved asbestos disposal site to deposit any asbestos waste that the business entity generates during the term of the license;

(5) Utilize only licensed asbestos workers;

(6) Provide certification to the Mayor that the business entity will use appropriate equipment and materials;

(7) Provide the Mayor with a copy of the respiratory protection program of the business entity;

(8) Provide evidence of a license to haul asbestos or material that contains asbestos or of an agreement with a commercial hauler who is licensed to transport asbestos or material that contains asbestos;

(9) Provide disclosure to the Mayor of any violation of applicable federal or District environmental,

New,
Section
6-983

safety, health, licensing, or construction code law, rule, or regulation relating to asbestos abatement for which the business entity has been cited, and provide certification to the Mayor that any penalty or fee assessed to the business entity by a federal or District agency has been paid in full; and

(10) Meet any other standards that the Mayor deems necessary.

(b) A license for a business entity to engage in asbestos abatement shall expire 2 years from the date of issuance. A license may be renewed for 2 year periods if the business entity submits a renewal application with the renewal fee to the Mayor.

(c) A business entity shall apply for a permit prior to the commencement of each asbestos abatement project. Before a permit may be issued, the business entity must demonstrate that the business entity will perform the work in compliance with the Construction Code, this act, and rules issued pursuant to this act.

Sec. 5. Prohibitions.

(a) Except as provided in subsection (b) of this section, no business entity shall engage in the abatement of asbestos or material that contains asbestos without a permit and license that is issued by the Mayor. No person shall undertake or be employed on an asbestos abatement project unless the person is licensed as an asbestos worker by the Mayor.

(b) The Mayor, by rule, may waive the requirements for a license or permit in the case of an emergency that involves asbestos or material that contains asbestos if the emergency poses a threat to the public health or safety of the District.

Sec. 6. Inspection and investigation.

The Mayor is authorized to conduct an on-site inspection of any asbestos abatement project to determine compliance with all federal and District laws or rules applicable to asbestos abatement. The Mayor is authorized to investigate any report of noncompliance with the federal and District laws or rules applicable to asbestos abatement.

Sec. 7. Reprimands; suspensions; revocations.

The Mayor may reprimand an asbestos worker or business entity or suspend or revoke the license or permit of an asbestos worker or business entity, pursuant to section 1509 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509), if the asbestos worker or business entity:

New,
Section
6-984

New,
Section
6-985

New,
Section
6-986

(1) Attempts to remove or encapsulate asbestos or material that contains asbestos without a license or permit required under this act;

(2) Fraudulently or deceptively obtains or attempts to obtain a license or permit;

(3) Violates any provision of this act or any rule promulgated pursuant to this act; or

(4) Fails to meet any applicable federal or District standard for asbestos abatement.

Sec. 8. Summary action.

(a) If the Mayor determines that the conduct of an asbestos worker or business entity presents an imminent danger to the public health or safety of the residents of the District, the Mayor may suspend or restrict the license or permit of the asbestos worker or business entity prior to a hearing.

(b) At the time of the suspension or restriction of a license or permit, the Mayor shall provide the asbestos worker or business entity with written notice that states the action that is being taken, the basis for the action, and the right of the asbestos worker or business entity to request a hearing.

(c) An asbestos worker or business entity shall have the right to request a hearing within 3 days of service of notice of the suspension or restriction of the license or permit. The Mayor shall hold a hearing within 3 days of receipt of a timely request and shall issue a decision within 3 days of the hearing.

(d) The Mayor shall inform the asbestos worker or business entity of the decision in writing and provide findings of fact and conclusions of law. The findings shall be supported by reliable, probative, and substantial evidence. The Mayor shall provide a copy of the decision to each party to a case or to the party's attorney of record.

(e) Any person aggrieved by a decision pursuant to this section may file an appeal with the Mayor within 10 days of the decision.

New,
Section
6-987

Sec. 9. Cease and desist order.

If the Mayor determines that a hazardous condition exists that may endanger the public health or safety of the District of Columbia due to noncompliance with federal or District laws or rules on asbestos abatement, the Mayor may issue a cease and desist order to require a violator to cease asbestos abatement operations immediately, remove asbestos workers from the asbestos abatement project area, evacuate appropriate areas of the asbestos abatement project site, or take emergency measures necessary to contain the hazardous condition. Any business entity subject to a cease

New,
Section
6-988

and desist order may appeal the order within 15 days, but is required to comply with the order pending appeal.

Sec. 10. Criminal action.

A person who willfully violates section 5 is guilty of a misdemeanor, and upon conviction, shall be fined not more than \$5,000 for the 1st offense or \$10,000 for the 2nd or subsequent offense, imprisoned for not more than 1 year, or both. Each day that a violation continues is a separate violation under this act.

New,
Section
6-989

Sec. 11. Civil infractions.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules authorized by this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 6-2701 et seq.).

New,
Section
6-990

Sec. 12. Records to be kept by a business entity.

(a) A business entity that is engaged in asbestos abatement shall keep a record of each asbestos abatement project and make the record available to the Mayor.

New,
Section
6-991

(b) The records shall include:

(1) The name and address of the person who supervised the asbestos abatement project;

(2) The location of and a description of the asbestos abatement project;

(3) The amount of asbestos or material that contains asbestos that was involved in the asbestos abatement project;

(4) The commencement and completion date of the asbestos abatement project;

(5) A summary of the procedures that were used to comply with all applicable District and federal standards for asbestos abatement;

(6) The name and address of each asbestos disposal site that was used in the asbestos abatement project;

(7) The location, date, and description of any fiber release episodes;

(8) A report of any air sampling, including the location, date, method used, results, and the name and address of any worker who performed the air sampling;

(9) Information that relates to asbestos worker training and licensing;

(10) The name and address of a certified laboratory that is independent of the business entity and that will conduct analysis of bulk, dust, or air samples during an asbestos abatement project, and the name and

address of the owner of the building in which the asbestos abatement project is being conducted; and

(11) Any other information that the Mayor deems necessary.

(c) The business entity or any successor or assignee shall maintain the records required by this section for not less than 30 years.

Sec. 13. Mayor's responsibilities.

(a) The Mayor shall make available application forms for asbestos abatement licenses to business entities. The application form shall:

(1) Request the name and address of the business entity;

(2) Request a description of the protective clothing and respirators to be used by the business entity and the procedure for use of the protective clothing and respirators;

(3) Request the name and address of each asbestos disposal site to be used;

(4) Request a description of the site decontamination procedures to be used;

(5) Request a description of the asbestos abatement methods to be used by the business entity;

(6) Request a description of the procedure to be used to handle waste that contains asbestos;

(7) Request a description of the procedure to be used to monitor the air;

(8) Request a description of the final clean-up procedure to be used;

(9) Request the signature of the chief executive officer of the business entity or his or her agent;

(10) Request evidence that any person to be utilized on an asbestos abatement project is a licensed asbestos worker;

(11) Outline procedures for the business entity to follow to certify that the business entity is able to comply with applicable federal standards for asbestos abatement and District environmental, safety, or health laws or rules;

(12) Outline procedures for the business entity to follow to certify that the business entity will use appropriate equipment and materials;

(13) Outline procedures for the business entity to follow to certify that the business entity has access to an approved asbestos disposal site; and

(14) Request any other information that the Mayor deems necessary.

(b) Prior to expiration of a license for an asbestos worker or for asbestos abatement by a business entity, the

New,
Section
6-992

Mayor shall send to an asbestos worker or business entity a renewal notice that states:

- (1) The expiration date of the current license;
- (2) The date that the renewal application must be received by the Mayor for the renewal license to be issued and mailed to the asbestos worker or business entity before the current license expires; and
- (3) The amount of the renewal fee.

Sec. 14. Rules.

(a) Within 180 days of the effective date of this act, the Mayor shall submit proposed rules on the control of asbestos and materials that contain asbestos to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed effective. The Mayor shall submit any amendment to the proposed rules to the Council for a 45-day period of review pursuant to this section.

New,
Section
6-993

(b) The proposed rules shall include, but not be limited to, the following:

- (1) Criteria for the display of caution signs at an asbestos abatement project site;
- (2) Requirements for wetting asbestos material;
- (3) Requirements for the disposal of asbestos or material that contains asbestos;
- (4) Requirements to clean and monitor an asbestos abatement project site where abatement has occurred;
- (5) Requirements to enclose and seal materials used in an asbestos abatement project;
- (6) Asbestos control procedures for demolition and renovation projects;
- (7) Appropriate exemption standards and alternative procedures for removal;
- (8) A schedule of license and permit fees;
- (9) Criteria for asbestos health and safety training courses;
- (10) Continuing education requirements for asbestos workers, supervisory asbestos workers, or contractors that are engaged in asbestos abatement;
- (11) Reciprocity and endorsement provisions;
- (12) Procedures to notify the public that an asbestos abatement project is about to commence;
- (13) Requirements for asbestos worker protection, including provisions that require a business entity to:
 - (A) Submit to the Mayor a copy of the federally required respiratory protection program;

(B) Ensure that workers complete a training course on asbestos abatement that includes, but is not limited to, recognition of asbestos health hazards to the public, and federal and District asbestos requirements;

(C) Certify to the Mayor that the business entity provides workers with protective clothing and equipment; and

(14) Requirements that provide protection of occupants of a building affected by an asbestos abatement project, including but not limited to, provisions that require:

(A) Certification that the level of asbestos fibers in affected units after an asbestos project is not more than .01 fibers per cubic centimeter;

(B) Certification by the business entity and District inspectors that the techniques used during the asbestos abatement project are safe and that an affected unit is safe for rehabilitation; and

(C) Procedures for the notification and education of occupants not less than 30 days prior to the commencement an asbestos abatement project of the health or safety reasons that necessitate the asbestos abatement project and the procedures, including alternate accommodations and protection of belongings that will be used to protect the health and safety of occupants of affected units.

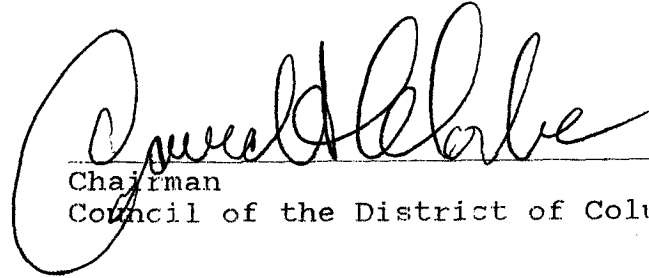
Sec. 15. Remedies cumulative.

The remedies provided for in this act are cumulative of remedies already provided in law.

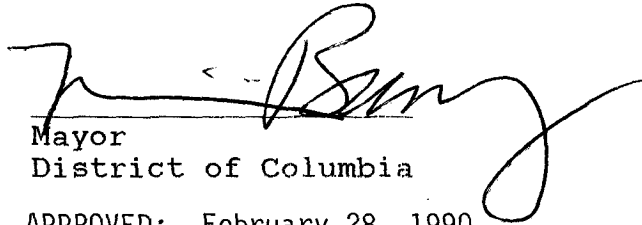
New,
Section
6-994

Sec. 16. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal
Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: February 28, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-131

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 1-30-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot and Thomas

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Suits 2-20-90
 Secretary to the Council Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 2-13-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Suits 2-20-90
 Secretary to the Council Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council Date