

1989

Session Law 89-329

Florida Senate & House of Representatives

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**H 1113 GENERAL BILL/CS/1ST ENG by Governmental Operations;
Dantzler and others (Similar CS/S 1215)**
**Asbestos/Roofing Products; excludes certain roofing products from definition of
"asbestos"; exempts such products from certain asbestos abatement projects; pro-
vides for on-site supervision of removal of such products by specified persons.
Amends 255.551, 455.301, 302. Effective Date: 07/05/89.**

03/21/89 HOUSE Prefiled
03/24/89 HOUSE Referred to Governmental Operations; Appropriations
04/04/89 HOUSE Introduced, referred to Governmental Operations; Approp-
riations -HJ 105; On Committee agenda—Governmental
Operations, 04/06/89, 3:30 pm, 314-HOB—For ratification
of referral to subcommittee
04/13/89 HOUSE On subcommittee agenda—Governmental Operations,
04/17/89, 10:40 am, 317-HOB
04/17/89 HOUSE Subcommittee Recommendation: Favorable with 2 amend-
ments; On Committee agenda, pending subcommittee
action—Governmental Operations, 04/18/89, 8:30 am,
314-HOB
04/18/89 HOUSE Preliminary Committee Action by Governmental Opera-
tions: Favorable as a CS
04/24/89 HOUSE Comm. Report: CS by Governmental Operations -HJ 258;
CS read first time -HJ 255; Now in Appropriations
-HJ 258
05/09/89 HOUSE Withdrawn from Appropriations -HJ 432; Placed on Cal-
endar
05/11/89 HOUSE Placed on Special Order Calendar; Read second time
-HJ 472
05/18/89 HOUSE Read third time; Amendments adopted; CS passed as
amended; YEAS 115 NAYS 0 -HJ 529
05/19/89 SENATE In Messages
05/25/89 SENATE Received, referred to Health Care; Economic, Professional
and Utility Regulation -SJ 459
06/01/89 SENATE Withdrawn from Health Care; Economic, Professional and
Utility Regulation; Substituted for CS/SB 1215; CS passed;
YEAS 37 NAYS 0 -SJ 785
06/01/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-329

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h1113-f.go

DATE: July 6, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1113

RELATING TO: Asbestos Abatement

SPONSOR(S): Committee on Governmental Operations and Representative
Dantzler

EFFECTIVE DATE: Upon becoming law

DATE BECAME LAW: July 5, 1989

CHAPTER #: 89-329, Laws of Florida

COMPANION BILL(S): CS/SB 1215 (similar)

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. SHORT SUMMARY:

This bill respectively excludes bituminous resinous roofing systems and bituminous resinous roofing products from the definitions of abatement and asbestos found in ss. 255.551(1) and (2), and 455.301(1) and (2), Florida Statutes, 1988 Supplement. This bill provides that roofs constructed of asbestos-containing bituminous resinous roofing materials would not be subject to the asbestos abatement procedures set out in chapters 255 and 455, Florida Statutes. This bill also amends s. 455.302(3)(c), Florida Statutes, 1988 Supplement, to require that abatement work involving bituminous resinous roofing products must be performed by a certified roofing contractor under the direction of an on-site supervisor trained in the removal of asbestos roofing. This bill would thus provide for the cost-effective removal of roofing products that contain little asbestos and that have been impregnated with tar so that asbestos particles are not likely to become airborne during the removal process.

B. PRESENT SITUATION:

The 1987 Legislature enacted s. 255.52, Florida Statutes, establishing a state-wide asbestos management program to be administered by the Department of Labor and Employment Security (LES). The program was designed to provide for the oversight of asbestos abatement projects in public buildings. It was established in reaction to a growing concern about the effects of asbestos on those exposed to it.

Asbestos is a naturally occurring mineral rock which, when crushed, divides into microscopic fibers. It was widely used as a fire retardant in the construction of public buildings and homes during the post World War II construction boom. Since that time its use has been limited because of the serious health risks associated with it. The primary diseases associated with asbestos are caused by the inhalation of asbestos fibers. They include asbestosis, a non-malignant, irreversible lung disease; lung cancer, an uncontrolled growth of abnormal cells in the lung; and mesothelioma, a rare cancer which develops in the lining of the chest cavity.

Sections 255.52-.565, Florida Statutes, which relate to asbestos abatement, provide for the appointment of asbestos program managers, survey and assessment of the presence of asbestos in buildings that are the responsibility of the state; initiation of asbestos abatement plans involving asbestos consultants and contractors; and the establishment of an Asbestos Oversight Program Team to include members appointed by the Secretaries of the Departments of Labor and Employment Security, Health and Rehabilitative Services, Environmental Regulation, Professional Regulation, the Chancellor of the University System, and the executive director of the Department of General Services. Section 255.51, Florida Statutes, contains the definition of terms essential to the administration of the asbestos management

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 255.551(1) and (2), Florida Statutes, 1988 Supplement, defining "abatement" and "asbestos", respectively. It likewise amends s. 455.301(1) and (2), Florida Statutes, 1988 Supplement, defining "abatement" and "asbestos." In both cases, abatement is defined as "the removal, encapsulation, or enclosure of asbestos." Asbestos is defined in both cases as "the asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite." The bill amends the definition of abatement so that it does not include the removal of bituminous resinous roofing systems. It similarly amends the definition of asbestos so that it does not include bituminous resinous roofing products.

This bill also amends s. 455.302(3)(c), Florida Statutes, 1988 Supplement, to require that the abatement of bituminous resinous roofing products must be performed by a certified roofing contractor who is supervised by an individual trained in the removal of asbestos roofing.

The redefining of the terms abatement and asbestos is supported by the Roof, Sheet Metal, and Air Conditioning Contractors Association (association) and is consistent with an interim policy adopted by the Asbestos Oversight Program Team, which relates to the removal of asbestos-containing bituminous resinous roofing materials. As explained by the association, this bill would allow for the cost-effective removal of roofing products which contain little asbestos and which have been impregnated

with tar so that they are not likely to release asbestos particles into the air.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends s. 255.551(1) and (2), Florida Statutes, 1988 Supplement, to exclude the removal of bituminous resinous roofing systems and bituminous resinous roofing products from the respective definitions of abatement and asbestos.

Section 2 -- Amends s. 455.301(1) and (2), Florida Statutes, 1988 Supplement, to exclude the removal of bituminous resinous roofing systems and bituminous resinous roofing products from the respective definitions of abatement and asbestos.

Section 3 -- Amends s. 455.302(3)(c), Florida Statutes, 1988 Supplement, to require that abatement work involving bituminous resinous roofing materials must be performed by a certified roofing contractor who is supervised by an individual who must have attended an asbestos roofing course that has been approved by the Asbestos Oversight Team.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Not applicable.

2. Recurring or Annualized Continuation Effects:

State agencies would have to spend fewer dollars on the removal of asbestos-containing bituminous resinous roofing systems because these systems would not be subject to the stringent abatement procedures which govern the removal of friable asbestos.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

4. Appropriations Consequences:

See II.A.2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Not applicable.

2. Recurring or Annualized Continuation Effects:

Not applicable.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not applicable.

2. Direct Private Sector Benefits:

Not applicable.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Not applicable.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill relates to the following portion(s) of the State Comprehensive Plan:

(11) AIR QUALITY.--

(a) Goal.--Florida shall comply with all national air quality standards by 1987, and by 1992 meet standards which are more stringent than 1985 state standards.

(b) Policies.--

1. Improve air quality and maintain the improved level to safeguard human health and prevent damage to the natural environment.

IV. COMMENTS:

The Departments of Labor and Employment Security and Environmental Regulation support this bill. However, DER indicated that it would like to see the language of the bill amended so that asbestos-containing bituminous resinous roofing products may be subject to less stringent abatement procedures only if an asbestos contractor has first determined that they are nonfriable--not easily crumbled.

The subject of this bill is not addressed by the Governmental Operations Committee's Mission Statement or by the Issues Conference Policy Statement.

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DATE: July 6, 1989

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V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Diane Carr
Diane Carr

Staff Director:

Barry Kling
Barry Kling

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 1215

DATE: May 19, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Williams</u>	<u>Wilson</u>	1. <u>HC</u>	<u>FAV/CS</u>
2. <u>Masterton</u>	<u>Krasovsk</u>	2. <u>EPUR</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Asbestos/Roofing Products

BILL NO. AND SPONSOR: CS/SB 1215 by Committee on Health Care and Senator Gardner

I. SUMMARY:

A. Present Situation:

The Federal government enacted the Asbestos Hazard Emergency Response Act of 1986 (AHERA) as P.L. 99-519. In order to conform to the provisions of this federal act, the Florida Legislature established via chapter 87-394, Laws of Florida, asbestos related provisions in chapters 255, 455, and 553, relating to the asbestos abatement program, licensing of asbestos professionals, and building construction, respectively. Specifically, section 255.52, Florida Statutes, established a statewide asbestos management program to be administered by the Department of Labor and Employment Security. The program was designed to provide for the oversight of asbestos abatement projects in public buildings. Section 255.565, Florida Statutes, created the Asbestos Oversight Program Team, consisting of representatives of several state agencies, with responsibility for asbestos policy development, regulatory review, asbestos training course approval, and coordination with regional asbestos project managers and building contact persons on policy and procedures.

Subsequent federal rules, including the Environmental Protection Agency Model Plan, which prescribes the minimum standards for state accreditation programs, were not adopted until October 1987. These same sections of Florida Statutes were amended by chapter 88-378, Laws of Florida, to reflect these additional federal guidelines.

Chapter 455 contains general provisions relating to the regulation of professions and occupations. Specifically, sections 455.301-455.309, Florida Statutes, relate to asbestos-related licensing requirements. Section 455.302, Florida Statutes, 1988 Supplement, governs those asbestos activities for which certain licensing requirements must be met. Included is authorization for employees of state or local governmental agencies, public or private schools or private entities to perform maintenance-related abatement work for their employer as long as such employees or their supervisors have specified training. Maintenance activities are defined by use of the term "small-scale short duration."

Federal laws and regulations and state statutes and rules have, to date, addressed the issue of friable asbestos, that is, asbestos likely to be released in the interior of buildings. Survey, review, and abatement requirements only relate to interior, friable asbestos.

Due to recurring questions surrounding the requirements for removing asbestos-containing bituminous resinous roofing systems, the Asbestos Oversight Program Team (AOPT), on an interim basis, has recommended that certified roofers who have

at least one day of asbestos training approved by the AOPT be allowed to continue removal of those systems until the licensing issue is resolved. All applicable Environmental Protection Agency and Occupational Safety and Health Administration requirements must be adhered to throughout this work.

B. Effect of Proposed Changes:

Committee Substitute for Senate Bill 1215 amends definitions of "abatement" and "asbestos" as contained in sections 255.551 and 455.301, Florida Statutes (1988 Supplement), to indicate that abatement and asbestos do not include bituminous resinous roofing products. The purpose of this bill is to expand the capability of the roofing industry in the replacement of roofing systems.

The bill also amends subsection (3) of section 455.302, Florida Statutes (1988 Supplement), to authorize certified roofers who have at least one day of asbestos training approved by the Asbestos Oversight Program Team to remove asbestos-containing bituminous resinous roofing systems or materials.

The bill's effective date is upon becoming law.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

This bill has indirect public benefit in that the cost of removal of asbestos-containing bituminous resinous roofing systems will decrease because these systems will no longer be subject to the stringent abatement procedures which govern the removal of friable asbestos.

B. Government:

State agencies will have to spend fewer dollars on the removal of asbestos-containing bituminous resinous roofing systems because these systems would not be subject to the stringent abatement procedures which govern the removal of friable asbestos.

III. COMMENTS:

The redefining of the terms abatement and asbestos is supported by the Roof, Sheet Metal, and Air Conditioning Contractors Association and is consistent with an interim policy adopted by the Asbestos Oversight Program Team, which relates to the removal of asbestos-containing bituminous resinous roofing materials. As explained by the association, this bill allows for the cost-effective removal of roofing products which contain little asbestos and which have been impregnated with tar so that they are not likely to release asbestos particles into the air.

IV. AMENDMENTS:

None.