By: Senator(s) DeLano

To: Environment Prot, Cons and Water Res

SENATE BILL NO. 2250

AN ACT TO AMEND SECTIONS 37-138-5, 37-138-11, 37-138-13,

2 37-138-14, 37-138-15, 37-138-17, 37-138-19 AND 37-138-21, MISSISSIPPI CODE OF 1972, TO RECOGNIZE ADDITIONAL PROFESSIONAL QUALIFICATIONS AND TRAINING FOR THE CERTIFICATION OF ASBESTOS 5 ABATEMENT PERSONNEL, REMOVE CERTAIN RESTRICTIONS TO CERTIFICATION, 6 AND ALIGN DEFINITIONS AND REQUIREMENTS WITH FEDERAL ASBESTOS 7 ABATEMENT CERTIFICATION REQUIREMENTS; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: 9 **SECTION 1.** Section 37-138-5, Mississippi Code of 1972, is 10 amended as follows: 11 37-138-5. * * * (* * *a) "Asbestos project" means a 12 project for the abatement of asbestos-containing material (ACM) in 13 school buildings, public buildings and commercial buildings except 14 for exclusions adopted by the commission in accordance with Section 37-138-9(a) and except for abatement of 15 16 asbestos-containing resilient floor tile, sheet vinyl flooring and 17 associated adhesives, provided there is a two-working-day advance notification to the commission of the abatement of 18 asbestos-containing floor tile, sheet vinyl flooring and 19

associated adhesives, unless sanding, grinding, burning or sawing

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- 21 occurs or such abatement is otherwise considered a "response
- 22 action" or would cause the material to become "friable" as both
- 23 those terms are defined under 40 C.F.R. Section 763.83.
- 24 (* * *b) "Certificate" means a document authorizing a
- 25 person to perform certain specific activities related to the
- 26 identification, evaluation or abatement of ACM in school
- 27 buildings, public buildings and commercial buildings as described
- 28 in this chapter.
- 29 (***c) "Commercial building" means any privately owned
- 30 building in which the public is invited or allowed access and any
- 31 other privately owned building so located that the conduct of any
- 32 asbestos abatement activities therein could reasonably expose any
- 33 person or persons to ACM hazards, except that a commercial
- 34 building shall not include any residence.
- 35 (* * *d) "Commission" means the Mississippi Commission on
- 36 Environmental Quality.
- **37** * * *
- 38 (* * *e) "Director" means the Executive Director of the
- 39 Mississippi Department of Environmental Quality.
- 40 * * *
- 41 (* * *f) "Model plan" means the Model Accreditation Plan
- 42 for states promulgated at Section I of Appendix C to Title 40,
- 43 Part 763, Subpart E of the Code of Federal Regulations.
- 44 * * *

- 45 (***q) "Person" means the state or other agency or
- 46 institution thereof, any municipality, political subdivision,
- 47 public or private corporation, individual, partnership,
- 48 association or other entity, and includes any officer or governing
- 49 or managing body of any municipality, political subdivision, or
- 50 public or private corporation, or the United States or any officer
- 51 or employee thereof.
- 52 * * *
- (* * *h) "Public building" means any building owned by the
- 54 state, counties, municipalities, institutions of higher learning,
- 55 community colleges or any political subdivision.
- 56 * * *
- 57 (* * *i) The commission is authorized to adopt by
- 58 promulgated regulation any or all additional definitions necessary
- 59 to carry out the intent of this chapter.
- SECTION 2. Section 37-138-11, Mississippi Code of 1972, is
- 61 amended as follows:
- 62 37-138-11. (1) It is unlawful for an individual who does
- 63 not possess a valid management planner certificate to develop a
- 64 management plan.
- 65 (2) To qualify for an asbestos management planner
- 66 certificate, an applicant shall:
- 67 (a) (i) Have attained a Bachelor of Science degree in
- 68 engineering or its equivalent from an accredited university and be
- 69 licensed * * * as a registered professional engineer, or * * *

- 70 (ii) have attained a Bachelor of Science degree in architecture or
- 71 its equivalent from an accredited university and be licensed as an
- 72 architect * * * or * * * (iii) have attained certification as a
- 73 certified industrial hygienist or its equivalent in a related
- 74 scientific field, or (iv) have satisfactorily completed, prior to
- 75 April 1, 1990, an initial management planner training course
- 76 approved by the United States Environmental Protection Agency and
- 77 any applicable annual refresher training courses approved by the
- 78 United States Environmental Protection Agency such that management
- 79 planner training has been continuously current and is current as
- 80 of April 1, 1990, for the purpose of satisfying this paragraph (a)
- 81 only; however, this subparagraph (* * *iv) shall apply only to
- 82 applicants applying for a certificate prior to November 1, 1991;
- 83 and
- 84 (b) Satisfactorily complete a commission-approved
- 85 training course for asbestos management planners, except that a
- 86 management planner training course approved by, or an asbestos
- 87 program authorized by, the United States Environmental Protection
- 88 Agency satisfactorily completed shall be sufficient to meet this
- 89 requirement; and
- 90 (c) Demonstrate to the satisfaction of the commission
- 91 that the applicant is familiar with and capable of complying fully
- 92 with all applicable federal and state laws and regulations.

93 (3) Any	certificate	issued by	the	commission	pursuant	to
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- 94 this section and requirements (b) and (c) of subsection (2) of
- 95 this section shall be renewed on an annual basis.
- 96 (4) Each applicant for a management planner certificate
- 97 shall, on an annual basis, submit to the commission, on forms
- 98 prepared by the commission, an application for issuance or renewal
- 99 of the certificate, whichever is applicable, and a certificate
- 100 that shows satisfactory completion of the training course(s)
- 101 specified in subsection (2)(b) above and shall pay the applicable
- 102 annual fee.
- 103 **SECTION 3.** Section 37-138-13, Mississippi Code of 1972, is
- 104 amended as follows:
- 105 37-138-13. (1) It is unlawful for any person who does not
- 106 possess a valid project designer certificate to specify
- 107 engineering methods and work practices under an asbestos project
- 108 to another person.
- 109 (2) To qualify for a project designer certificate, an
- 110 applicant shall:
- 111 (a) (i) Have attained a Bachelor of Science degree in
- 112 engineering or its equivalent from an accredited university and be
- 113 licensed * * * as a registered professional engineer, or * * *
- 114 (ii) have attained a Bachelor of Science degree in architecture or
- its equivalent from an accredited university and be licensed as an
- 116 architect \star \star \star , or \star \star (iii) have attained certification as a
- 117 certified industrial hygienist or its equivalent in a related

- 118 <u>scientific field, or (iv)</u> have satisfactorily completed prior to
- 119 April 1, 1990, either a project designer training course or an
- 120 asbestos abatement contractor training course and a supervisor's
- 121 training course, each approved by the United States Environmental
- 122 Protection Agency, and any applicable annual refresher training
- 123 courses approved by the United States Environmental Protection
- 124 Agency such that applicable training has been continuously current
- 125 and is current as of April 1, 1990, for the purpose of satisfying
- 126 this paragraph (a) only; however, this subparagraph (* * *iv)
- 127 shall apply only to applicants applying for a certificate prior to
- 128 November 1, 1991;
- 129 (b) Satisfactorily complete a commission-approved
- 130 training course for project designers, except that a project
- 131 designer training course approved by, or an asbestos program
- 132 authorized by, the United States Environmental Protection Agency
- 133 satisfactorily completed shall be sufficient to meet this
- 134 requirement; and
- 135 (c) Demonstrate to the satisfaction of the commission
- 136 that the applicant and applicant's employees and agents are
- 137 familiar with and capable of complying with all applicable federal
- 138 and state laws and regulations.
- 139 (3) Any certificate issued by the commission pursuant to
- 140 this section and requirements (b) and (c) of subsection (2) of
- 141 this section shall be renewed on an annual basis.

142 (4) Each applicant for a project (designer	certificate	snall,
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- 143 on an annual basis, submit to the commission, on forms prepared by
- 144 the commission, an application for issuance or renewal of the
- 145 certificate, whichever is applicable, and a certificate that shows
- 146 satisfactory completion of the training course(s) specified in
- 147 subsection (2)(b) above and shall pay the applicable annual fee.
- 148 **SECTION 4.** Section 37-138-14, Mississippi Code of 1972, is
- 149 amended as follows:
- 150 37-138-14. (1) After January 1, 1995, it is unlawful for
- 151 any person who does not possess a valid air monitor certificate to
- 152 collect air samples for analysis of asbestos fibers during an
- 153 abatement project.
- 154 (2) To qualify for an air monitor certificate, an applicant
- 155 shall:
- 156 (a) Have earned a high school diploma or its
- 157 equivalent;
- 158 (b) Satisfactorily complete a commission-approved
- 159 training course for supervisors. A supervisor training course
- 160 approved by, or an asbestos program authorized by, the United
- 161 States Environmental Protection Agency completed satisfactorily
- 162 shall be sufficient to meet this requirement;
- 163 (c) Satisfactorily complete a commission-approved
- 164 training course for collecting and evaluating air samples; and

165 (d) Demonstrate to the satisfaction of the commission

- 166 that the applicant is familiar with and capable of complying with
- 167 all applicable federal and state laws and regulations.
- 168 (3) Any certificate issued by the commission pursuant to
- 169 this section shall be renewed on an annual basis.
- 170 (4) Applicants for an air monitor certificate shall submit
- 171 to the commission, on forms prepared by the commission, an
- 172 application for issuance or renewal of this certificate, whichever
- 173 is applicable, and a certificate that shows satisfactory
- 174 completion of the training course(s) specified in paragraphs
- 175 (2)(b) and (2)(c) of this section. The applicant shall pay the
- 176 applicable annual fee upon submitting his application for the air
- 177 monitor certificate to the commission.
- 178 **SECTION 5.** Section 37-138-15, Mississippi Code of 1972, is
- 179 amended as follows:
- 180 37-138-15. (1) It is unlawful for any person who does not
- 181 possess a valid contractor certificate to contract with another
- 182 person for asbestos abatement.
- 183 (2) To qualify for a contractor certificate, an applicant
- 184 shall:
- 185 (a) Have earned a high school diploma or its
- 186 equivalent;
- 187 (b) Satisfactorily complete a commission-approved
- 188 training course for contractors, except that a contractor training
- 189 course approved by, or an asbestos program authorized by, the

190	United	States	Environmental	Protection	Agency	, satisfactoril

- 191 completed shall be sufficient to meet this requirement; and
- 192 (c) Demonstrate to the satisfaction of the commission
- 193 that the applicant and the applicant's employees, subcontractors
- 194 and agents are familiar with and are capable of complying with all
- 195 applicable federal and state laws and regulations.
- 196 (3) Any certificate issued by the commission pursuant to
- 197 this section and requirements (b) and (c) of subsection (2) of
- 198 this section shall be renewed on an annual basis.
- 199 (4) Applicants for a contractor certificate shall submit to
- 200 the commission, on forms prepared by the commission, an
- 201 application for issuance or renewal of the certificate, whichever
- 202 is applicable, and a certificate that shows satisfactory
- 203 completion of the training course(s) specified in subsection
- 204 (2) (b) above and shall pay the applicable annual fee.
- 205 **SECTION 6.** Section 37-138-17, Mississippi Code of 1972, is
- 206 amended as follows:
- 37-138-17. (1) It is unlawful for an individual who does
- 208 not possess a valid supervisor certificate to direct an asbestos
- 209 project.
- 210 (2) To qualify for an asbestos abatement supervisor
- 211 certificate, an applicant shall:
- 212 (a) Have earned a high school diploma or its
- 213 equivalent;

214 (b) Satisfactorily complete a commission-	zed
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- 215 training course for supervisors, except that a supervisor training
- 216 course approved by, or an asbestos program authorized by, the
- 217 United States Environmental Protection Agency satisfactorily
- 218 completed shall be sufficient to meet this requirement; and
- (c) Demonstrate to the satisfaction of the commission
- 220 that the applicant is familiar with and capable of complying with
- 221 all applicable federal and state laws and regulations.
- 222 (3) Any certificate issued by the commission pursuant to
- 223 this section and requirement (b) and (c) of subsection (2) of this
- 224 section shall be renewed on an annual basis.
- 225 (4) Applicants for a supervisor certificate shall submit to
- 226 the commission, on forms prepared by the commission, an
- 227 application for issuance or renewal of this certificate, whichever
- 228 is applicable, and a certificate that shows satisfactory
- 229 completion of the training course(s) specified in subsection
- 230 (2)(b) above and shall pay the applicable annual fee.
- 231 **SECTION 7.** Section 37-138-19, Mississippi Code of 1972, is
- 232 amended as follows:
- 37-138-19. (1) It is unlawful for an individual who does
- 234 not possess a valid inspector certificate to work as an asbestos
- 235 inspector.
- 236 (2) To qualify for an inspector certificate, an applicant
- 237 shall:



238	(a)	Have	earned	a	high	school	diploma	or	its
239	equivalent;								

- (b) Satisfactorily complete a commission-approved
 training course for inspectors, except that an inspector training
 course approved by, or an asbestos program authorized by, the
 United States Environmental Protection Agency satisfactorily
 completed shall be sufficient to meet this requirement; and
- (c) Demonstrate to the satisfaction of the commission that the applicant is familiar with and capable of complying with all federal and state laws and regulations.
- 248 (3) Any certificate issued by the commission pursuant to 249 this section and requirements (b) and (c) of subsection (2) of 250 this section shall be renewed on an annual basis.
- 251 (4) Applicants for an inspector certificate shall submit to
 252 the commission, on forms prepared by the commission, an
 253 application for issuance or renewal of the certificate, whichever
 254 is applicable, and a certificate that shows satisfactory
 255 completion of the training course(s) specified in subsection
 256 (2) (b) above and shall pay the applicable annual fee.
- 257 **SECTION 8.** Section 37-138-21, Mississippi Code of 1972, is 258 amended as follows:
- 37-138-21. (1) It shall be unlawful for an individual who
 does not possess a valid worker certificate to work as a worker on
 an asbestos project.

262	(2) It shall be unlawful for a contractor to employ a person
263	as a worker on an asbestos project who does not possess a valid
264	worker certificate in accordance with this section.

- (3) To qualify for a worker certificate an individual shall:
- 266 (a) Satisfactorily complete a commission-approved
 267 training course for abatement workers, except that a worker
 268 training course approved by, or an asbestos program authorized by,
 269 the United States Environmental Protection Agency satisfactorily
 270 completed shall be sufficient to meet this requirement;
- (b) Demonstrate to the satisfaction of the commission
 that the applicant is familiar with and is capable of complying
 fully with all applicable federal and state laws and regulations;
 and
 - (c) Provide written proof satisfactory to the commission, on forms prepared by the commission, of a physical examination by a physician licensed by the State Board of Medical Licensure or by a physician licensed to practice medicine in any other state approving the applicant to work on an asbestos project. Requirement (c) of subsection (3) shall be renewed every three (3) years. A chest X-ray is not required for either the initial or any renewal application.
- 283 (4) Any certificate issued by the commission pursuant to 284 this section and requirements (a) and (b) of subsection (3) of 285 this section shall be renewed on an annual basis.

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286	(5) Applicants for a worker certificate shall submit to the
287	commission, on forms prepared by the commission, an application
288	for issuance or renewal of the certificate, whichever is
289	applicable, and a certificate that shows satisfactory completion
290	of training course(s) specified in subsection (3)(a) above and
291	shall pay the applicable annual fee.
292	SECTION 9. This act shall take effect and be in force from

and after July 1, 2025.

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