

By: Senator(s) DeLano

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2250

1 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,
3 MISSISSIPPI CODE OF 1972, TO RECOGNIZE ADDITIONAL PROFESSIONAL
4 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.

8 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
15 Section 37-138-9(a) and except for abatement of
16 asbestos-containing resilient floor tile, sheet vinyl flooring and
17 associated adhesives, provided there is a two-working-day advance
18 notification to the commission of the abatement of
19 asbestos-containing floor tile, sheet vinyl flooring and
20 associated adhesives, unless sanding, grinding, burning or sawing



occurs or such abatement is otherwise considered a "response action" or would cause the material to become "friable" as both those terms are defined under 40 C.F.R. Section 763.83.

(* * *b) "Certificate" means a document authorizing a person to perform certain specific activities related to the identification, evaluation or abatement of ACM in school buildings, public buildings and commercial buildings as described in this chapter.

(* * *c) "Commercial building" means any privately owned building in which the public is invited or allowed access and any other privately owned building so located that the conduct of any asbestos abatement activities therein could reasonably expose any person or persons to ACM hazards, except that a commercial building shall not include any residence.

(* * *d) "Commission" means the Mississippi Commission on Environmental Quality.

* * *

(* * *e) "Director" means the Executive Director of the Mississippi Department of Environmental Quality.

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(* * *f) "Model plan" means the Model Accreditation Plan for states promulgated at Section I of Appendix C to Title 40, Part 763, Subpart E of the Code of Federal Regulations.

* * *



45 (* * *g) "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 * * *

53 (* * *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.

60 **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 * * *



(ii) have attained a Bachelor of Science degree in architecture or its equivalent from an accredited university and be licensed as an architect * * * or * * * (iii) have attained certification as a certified industrial hygienist or its equivalent in a related scientific field, or (iv) have satisfactorily completed, prior to April 1, 1990, an initial management planner training course approved by the United States Environmental Protection Agency and any applicable annual refresher training courses approved by the United States Environmental Protection Agency such that management planner training has been continuously current and is current as of April 1, 1990, for the purpose of satisfying this paragraph (a) only; however, this subparagraph (* * * iv) shall apply only to applicants applying for a certificate prior to November 1, 1991; and

(b) Satisfactorily complete a commission-approved training course for asbestos management planners, except that a management planner 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 fully with all applicable federal and state laws and regulations.



(3) Any certificate issued by the commission pursuant to this section and requirements (b) and (c) of subsection (2) of this section shall be renewed on an annual basis.

(4) Each applicant for a management planner certificate shall, on an annual basis, submit to the commission, on forms prepared by the commission, an application for issuance or renewal of the certificate, whichever is applicable, and a certificate that shows satisfactory completion of the training course(s) specified in subsection (2)(b) above and shall pay the applicable annual fee.

SECTION 3. Section 37-138-13, Mississippi Code of 1972, is amended as follows:

37-138-13. (1) It is unlawful for any person who does not possess a valid project designer certificate to specify engineering methods and work practices under an asbestos project to another person.

(2) To qualify for a project designer certificate, an applicant shall:

(a) (i) Have attained a Bachelor of Science degree in engineering or its equivalent from an accredited university and be licensed * * * as a registered professional engineer, or * * * (ii) have attained a Bachelor of Science degree in architecture or its equivalent from an accredited university and be licensed as an architect * * *, or * * * (iii) have attained certification as a certified industrial hygienist or its equivalent in a related



118 scientific field, or (iv) 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.



(4) Each applicant for a project designer certificate shall, on an annual basis, submit to the commission, on forms prepared by the commission, an application for issuance or renewal of the certificate, whichever is applicable, and a certificate that shows satisfactory completion of the training course(s) specified in subsection (2)(b) above and shall pay the applicable annual fee.

SECTION 4. Section 37-138-14, Mississippi Code of 1972, is amended as follows:

37-138-14. (1) After January 1, 1995, it is unlawful for any person who does not possess a valid air monitor certificate to collect air samples for analysis of asbestos fibers during an abatement project.

(2) To qualify for an air monitor certificate, an applicant shall:

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

(b) Satisfactorily complete a commission-approved training course for supervisors. A supervisor training course approved by, or an asbestos program authorized by, the United States Environmental Protection Agency completed satisfactorily shall be sufficient to meet this requirement;

(c) Satisfactorily complete a commission-approved training course for collecting and evaluating air samples; and



(d) Demonstrate to the satisfaction of the commission that the applicant is familiar with and capable of complying with all applicable federal and state laws and regulations.

(3) Any certificate issued by the commission pursuant to this section shall be renewed on an annual basis.

(4) Applicants for an air monitor certificate shall submit to the commission, on forms prepared by the commission, an application for issuance or renewal of this certificate, whichever is applicable, and a certificate that shows satisfactory completion of the training course(s) specified in paragraphs (2)(b) and (2)(c) of this section. The applicant shall pay the applicable annual fee upon submitting his application for the air monitor certificate to the commission.

SECTION 5. Section 37-138-15, Mississippi Code of 1972, is amended as follows:

37-138-15. (1) It is unlawful for any person who does not possess a valid contractor certificate to contract with another person for asbestos abatement.

(2) To qualify for a contractor certificate, an applicant shall:

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

(b) Satisfactorily complete a commission-approved training course for contractors, except that a contractor 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 and the applicant's employees, subcontractors
and agents are familiar with and are capable of complying with all
applicable federal and state laws and regulations.

(3) Any certificate issued by the commission pursuant to
this section and requirements (b) and (c) of subsection (2) of
this section shall be renewed on an annual basis.

(4) Applicants for a contractor certificate shall submit to
the commission, on forms prepared by the commission, an
application for issuance or renewal of the certificate, whichever
is applicable, and a certificate that shows satisfactory
completion of the training course(s) specified in subsection
(2)(b) above and shall pay the applicable annual fee.

SECTION 6. Section 37-138-17, Mississippi Code of 1972, is
amended as follows:

37-138-17. (1) It is unlawful for an individual who does
not possess a valid supervisor certificate to direct an asbestos
project.

(2) To qualify for an asbestos abatement supervisor
certificate, an applicant shall:

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



(b) Satisfactorily complete a commission-approved training course for supervisors, except that a supervisor 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 applicable federal and state laws and regulations.

(3) Any certificate issued by the commission pursuant to this section and requirement (b) and (c) of subsection (2) of this section shall be renewed on an annual basis.

(4) Applicants for a supervisor certificate shall submit to the commission, on forms prepared by the commission, an application for issuance or renewal of this certificate, whichever is applicable, and a certificate that shows satisfactory completion of the training course(s) specified in subsection (2)(b) above and shall pay the applicable annual fee.

SECTION 7. Section 37-138-19, Mississippi Code of 1972, is amended as follows:

37-138-19. (1) It is unlawful for an individual who does not possess a valid inspector certificate to work as an asbestos inspector.

(2) To qualify for an inspector certificate, an applicant shall:



(a) Have earned a high school diploma or its 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.

(3) Any certificate issued by the commission pursuant to this section and requirements (b) and (c) of subsection (2) of this section shall be renewed on an annual basis.

(4) Applicants for an inspector certificate shall submit to the commission, on forms prepared by the commission, an application for issuance or renewal of the certificate, whichever is applicable, and a certificate that shows satisfactory completion of the training course(s) specified in subsection (2)(b) above and shall pay the applicable annual fee.

SECTION 8. Section 37-138-21, Mississippi Code of 1972, is 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.



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

(3) To qualify for a worker certificate an individual shall:

(a) Satisfactorily complete a commission-approved training course for abatement workers, except that a worker 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;

(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.

(4) Any certificate issued by the commission pursuant to this section and requirements (a) and (b) of subsection (3) of this section shall be renewed on an annual basis.



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
293 and after July 1, 2025.

