

HOUSE BILL 793

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3lr2620
CF SB 762

By: **Delegate Hucker**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – Asbestos Occupation – Training Program and Examination**

3 FOR the purpose of authorizing a business entity to provide an asbestos training
4 program; prohibiting a business entity that provides an asbestos training
5 program from administering an asbestos occupation exam; altering the
6 definition of “independent testing organization”; and generally relating to
7 asbestos training and examinations.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 6–417
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Environment**

16 6–417.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Business entity” includes any person designated to manage or
19 supervise the removal or encapsulation of asbestos.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) “Independent testing organization” means an entity that [is]:

2 (I) IS not in any way affiliated with a business entity that
3 employs an individual to remove or encapsulate asbestos in the State; AND

4 (II) DOES NOT PROVIDE A TRAINING PROGRAM.

5 (b) (1) Unless the individual is accredited by the Department, an
6 individual may not engage in an asbestos occupation.

7 (2) The Department shall accredit an individual only upon verifying
8 that the individual:

9 (i) Is at least 18 years old;

10 (ii) Has either:

11 1. Successfully completed a training program and any
12 required refresher program approved by the Department or the United States
13 Environmental Protection Agency; or

14 2. Acquired and maintained current accreditation from
15 an EPA–approved state accreditation plan of another state; and

16 (iii) Has passed an applicable asbestos occupation examination
17 provided and administered by the Department or by an independent testing
18 organization acting on behalf of the Department.

19 (3) The Department may accept as proof of accreditation a certificate
20 showing successful completion of any approved training program and examination,
21 and any required refresher program.

22 (4) (I) A BUSINESS ENTITY MAY PROVIDE A TRAINING
23 PROGRAM.

24 (II) A BUSINESS ENTITY THAT PROVIDES A TRAINING
25 PROGRAM MAY NOT ADMINISTER AN ASBESTOS OCCUPATION EXAMINATION.

26 (c) (1) The Department shall adopt regulations establishing standards
27 and procedures that are consistent with federal law for the accreditation of asbestos
28 occupations.

29 (2) The regulations shall include standards for:

30 (i) Training course approval and review;

- 1 (ii) Examinations for accreditation of applicants;
- 2 (iii) Annual refresher courses and renewal of accreditation;
- 3 (iv) Denial, suspension, and revocation of accreditation; and
- 4 (v) Procedures for implementing this accreditation plan.

5 (d) The Department shall set reasonable fees sufficient to cover the
6 Department's direct and indirect costs in administering the examination, approving
7 training programs, including the cost of applications, issuance and renewal of training
8 course approvals and reviews, on-site audits, record keeping, and other related
9 activities.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.