

# HOUSE BILL No. 5607

February 20, 2018, Introduced by Reps. Chang, VanSingel, Maturen, Sowerby, Inman, Rabhi, Garrett, Cambensy, Peterson, Geiss, Wittenberg, Crawford, Wentworth, VanderWall, Marino, Pagan, Love, Faris and Bellino and referred to the Committee on Natural Resources.

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "public entity asbestos removal verification act".

3           Sec. 3. As used in this act:

4           (a) "Asbestos" means a group of naturally occurring minerals  
5 that separate into fibers, including chrysotile, amosite,  
6 crocidolite, anthophyllite, tremolite, and actinolite.

1 (b) "Asbestos abatement contractor" means a business entity  
2 that is licensed under the asbestos abatement contractors licensing  
3 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the  
4 business of asbestos abatement on the premises of another business  
5 entity and not on the asbestos abatement contractor's premises.

6 (c) "Asbestos abatement project" means any activity involving  
7 persons working directly with the demolition, renovation, or  
8 encapsulation of friable asbestos materials.

9 (d) "Public entity" means this state or an agency or authority  
10 of this state, school district, community college district,  
11 intermediate school district, city, village, township, county, land  
12 bank, public authority, or public airport authority.

13 Sec. 5. (1) A public entity shall not enter into an asbestos  
14 abatement project with an asbestos abatement contractor or a  
15 general contractor that contracts with an asbestos abatement  
16 contractor for the abatement of asbestos unless the public entity  
17 conducts a background investigation of the asbestos abatement  
18 contractor seeking to bid on the asbestos abatement project. If the  
19 asbestos abatement contractor has a criminal conviction related to  
20 compliance with environmental regulations as determined by the  
21 public entity, then the public entity shall not enter into a  
22 contract for an asbestos abatement project with that asbestos  
23 abatement contractor. If the asbestos abatement contractor does not  
24 have any criminal convictions related to compliance with  
25 environmental regulations as determined by the public entity but  
26 has 5 or more violation notices of environmental regulations or is  
27 subject to an administrative consent order or a consent judgment

1 involving environmental regulations, within the immediately  
2 preceding 5 years, the public entity may enter into a contract with  
3 that asbestos abatement contractor only after the public entity  
4 investigates each of the violation notices or the administrative  
5 consent order or consent judgment and determines whether the  
6 asbestos abatement contractor is able to adhere to the proposed  
7 contract based on the public entity's observations of improvements  
8 in performance, improvements in operations to ensure compliance  
9 with environmental regulations, or other demonstrated ability to  
10 comply with regulations. This determination of the public entity  
11 shall be made in writing and publicly available.

12 (2) If an asbestos abatement contractor enters into a contract  
13 with a public entity for an asbestos abatement project, the  
14 asbestos abatement contractor shall not enter into a contract with  
15 another asbestos abatement contractor unless the public entity has  
16 conducted a background investigation of that asbestos abatement  
17 contractor in the same manner as provided in subsection (1).

18 (3) Before entering into a contract for an asbestos abatement  
19 project with an asbestos abatement contractor, or a general  
20 contractor that contracts with an asbestos abatement contractor,  
21 that has 5 or more violation notices of environmental regulations  
22 or is subject to an administrative consent order or a consent  
23 judgment involving environmental regulations, within the  
24 immediately preceding 5 years as determined under subsection (1),  
25 the public entity shall conduct a public hearing with not less than  
26 30 days' notice for public input.