

HOUSE BILL NO. 4770

May 04, 2021, Introduced by Reps. Howell, VanSingel, Sowerby and Aiyash and referred to the Committee on Natural Resources and Outdoor Recreation.

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".

1 Sec. 3. As used in this act:

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

5 (b) "Asbestos abatement contractor" means a business entity
6 that is licensed under the asbestos abatement contractors licensing
7 act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the
8 business of asbestos abatement on the premises of another business
9 entity and not on the asbestos abatement contractor's premises.
10 Asbestos abatement contractor includes an individual or person with
11 an ownership interest in a business entity described in this
12 subdivision.

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

16 (d) "Public entity" means this state or an agency or authority
17 of this state, school district, community college district,
18 intermediate school district, city, village, township, county, land
19 bank, public authority, or public airport authority.

20 Sec. 5. (1) A public entity shall not enter into an asbestos
21 abatement project with an asbestos abatement contractor, or a
22 general contractor that contracts with an asbestos abatement
23 contractor, for the abatement of asbestos unless the public entity
24 conducts a background investigation, as determined by the public
25 entity and subject to subsection (2), of the asbestos abatement
26 contractor seeking to bid on the asbestos abatement project.

27 (2) At a minimum, the background investigation required under
28 subsection (1) must consist of the public entity consulting the
29 department of environment, Great Lakes, and energy's webpage to

1 determine if the asbestos abatement contractor or a general
2 contractor that contracts with the asbestos abatement contractor
3 has received notices of violation of environmental regulations, or
4 has been subject to an administrative consent order or a consent
5 judgment involving environmental regulations, and the United States
6 Department of Labor, Occupational Safety and Health
7 Administration's webpage to determine if the asbestos abatement
8 contractor or a general contractor that contracts with the asbestos
9 abatement contractor has received notices of violation of asbestos
10 regulations.

11 (3) If the asbestos abatement contractor has been issued 5 or
12 more notices of violation of environmental regulations, or has been
13 subject to an administrative consent order or a consent judgment
14 involving environmental regulations, within the immediately
15 preceding 5 years, the public entity may not enter into a contract
16 with that asbestos abatement contractor unless the public entity
17 investigates each of the violation notices, or the administrative
18 consent order or consent judgment, and determines that the asbestos
19 abatement contractor is able to adhere to the proposed contract
20 based on the public entity's observations of improvements in
21 performance, improvements in operations to ensure compliance with
22 environmental regulations, or other demonstrated ability to comply
23 with environmental regulations. The public entity shall make the
24 determination described in this subsection in writing and shall
25 make that determination publicly available.

26 (4) If an asbestos abatement contractor enters into a contract
27 with a public entity for an asbestos abatement project, the
28 asbestos abatement contractor shall not enter into a contract with
29 another asbestos abatement contractor unless the public entity has

1 conducted a background investigation of that asbestos abatement
2 contractor in the same manner as utilized by the public entity
3 under subsection (1).

4 (5) Before entering into a contract for an asbestos abatement
5 project with an asbestos abatement contractor, or a general
6 contractor that contracts with an asbestos abatement contractor,
7 that has been issued 5 or more notices of violation of
8 environmental regulations, or has been subject to an administrative
9 consent order or a consent judgment involving environmental
10 regulations, within the immediately preceding 5 years, as
11 determined by the background investigation required under
12 subsection (1), the public entity shall conduct with not less than
13 30 days' notice a public hearing for public input.