

AMENDED IN ASSEMBLY MAY 14, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1468

Introduced by Assembly Member Pavley

February 21, 2003

An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1468, as amended, Pavley. Air quality: negative air machines.

(1) Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, and, subject to the powers and duties of the ~~State Air Resources Board~~ *state board*, requires that districts adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction.

This bill would require each negative air machine in the state, as defined, to be leak tested on ~~the site of any asbestos abatement project that requires the removal of more than 100 square feet of asbestos, prior to the commencement of the project~~ *a monthly basis, and would prohibit any negative air machine from emitting more than 0.01 asbestos fibers per cubic centimeter*. The bill would require *the testing* of a negative air machine to be conducted by an independent testing

company, and would prohibit contractors from testing their own equipment. The bill would require the independent testing company to issue a certification to the abatement contractor that owns or operates a machine, and to affix the certification to the negative air machine. *The bill would require each owner or operator to maintain a copy of a certification for every negative air machine on a worksite, and would require a owner or operator to maintain testing records on each negative air machine owned and operated, and to make those records available to the district.* The bill would require the district with jurisdiction over the ~~area where the asbestos abatement project occurs~~ owner operator to enforce the testing and certification requirements. The bill would, in addition to any other sanctions under existing law, subject any person who violates any of those requirements to a citation and an administrative fine in an amount determined by the district. By imposing additional duties on districts, this bill would impose a state-mandated local program.

(2) Existing law makes a violation of any provision of the nonvehicular air pollution control laws in the state, including any rule, regulation, permit, or order of the state board or a district, a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 41985) is added to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code to read:

Article 8. Negative Air Machines

41985. The Legislature finds and declares all of the following:

(a) Substantial medical and scientific evidence indicates that human exposure to asbestos fibers significantly increases the risk of contracting cancer and other debilitating or fatal diseases, including, but not limited to, asbestosis. There is no known threshold level of exposure at which adverse health effects are not anticipated.

(b) Asbestos materials were commonly used in this state in public and private schools, state and federal buildings, commercial buildings, as well as in residential homes and apartments for fireproofing, soundproofing, decoration, thermal insulation, and other purposes. As an insulating material and fire retardant, asbestos is *commonly* part of plumbing, heating, air conditioning insulation, and plaster, carpet, tile and roof materials, masonry, stonework, and concrete work.

(c) Removal or disturbances of materials containing asbestos can result in the release of airborne asbestos fibers, especially if the material is reducible to powder by hand pressure. This may result in exposure of employees and the public to potentially dangerous levels of asbestos.

(d) Negative air machines are used in asbestos abatement work to maintain the desired negative pressure inside the abatement enclosure, provide adequate air changes within the enclosure for ventilation and worker safety, and to capture asbestos fibers drawn from inside the abatement enclosure in a HEPA filter.

(e) For the protection of public health from carcinogenic air emissions, it is vital to ensure that when asbestos abatement is undertaken, that negative air machines are tested for leaks to ensure that only clean, asbestos-free air is exhausted to the outside or recirculated within the building.

1 41986. For the purposes of this ~~section~~ *article*, the following
2 terms have the following meanings:

3 (a) “HEPA” means a high-efficiency particulate air filter that
4 is capable of trapping and retaining at least 99.97 percent of all
5 monodispersed particles of 0.3 micrometer in diameter or larger.

6 (b) “Negative air machine” means a machine or contrivance
7 whose primary use is to remove airborne asbestos contaminants
8 from residential or commercial abatement projects by passing
9 asbestos-containing air from an isolated work area by means of
10 negative air pressure to a HEPA filtration system.

11 41987. (a) (1) Each negative air machine, including, but not
12 limited to, each air pressure differential unit, make-up air filter,
13 and vacuum, shall be leak tested ~~on the site of any asbestos~~
14 ~~abatement project that requires the removal more than 100 square~~
15 ~~feet of asbestos, prior to the commencement of the project.~~

16 ~~(b) on a monthly basis.~~

17 (2) Each leak test shall include a test of the wheel attachments,
18 control panel, seam and rivets of the housing, and the HEPA filter.

19 ~~(c) A leak test shall also be performed after each HEPA filter~~
20 ~~change.~~

21 *(c) A negative air machine may not emit more than 0.01*
22 *asbestos fibers per cubic centimeter.*

23 (d) Testing of a negative air machine shall be conducted by an
24 independent testing company. Contractors may not test their own
25 equipment. Upon completing a leak test on a negative air machine,
26 the independent testing company shall certify the leak test.

27 (e) The independent testing company shall issue a certification
28 to the abatement contractor that owns or operates the machine, and
29 shall affix the certification to the negative air machine. The owner
30 or operator of the machine shall ~~keep a copy of the certification on~~
31 *maintain a copy of certification for every negative air machine*
32 *used on a work site.*

33 (f) *The owner or operator of each negative air machine shall*
34 *maintain testing records on each negative air machine owned or*
35 *operated, and shall make those records available for inspection by*
36 *the district.*

37 (g) Any unit that fails a leak test required by subdivision (a)
38 shall be repaired ~~on-site or removed from the site and, removed~~
39 *from any work site, or replaced with a unit that successfully*
40 *completes a leak test.*

1 ~~(g) The district with jurisdiction over the area where the~~
2 ~~asbestos abatement project occurs~~

3 *(h) The district with jurisdiction over the owner or operator of*
4 *a negative air machine* shall enforce the requirements of this
5 section.

6 ~~(h)–~~

7 *(i)* In addition to any other sanctions under existing law, any
8 person who violates any of the provisions of this section is subject
9 to citation and the imposition of an administrative fine by the
10 district in an amount determined by the district.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for
13 certain costs that may be incurred by a local agency or school
14 district because in that regard this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains other costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code. If the statewide cost of the
26 claim for reimbursement does not exceed one million dollars
27 (\$1,000,000), reimbursement shall be made from the State
28 Mandates Claims Fund.