

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JUNE 30, 2003

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 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, as defined, at an asbestos abatement site in the state that is inspected by a district pursuant to a rule adopted by that district, to be leak tested on a monthly basis. The bill would require the testing of a negative air machine to be

conducted by an approved independent testing company, as defined, and would prohibit contractors from testing their own equipment. The bill would authorize an approved independent testing company that completes training by an approved training business, as defined, to certify a negative air machine if it meets certain industry standards. 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 a certification decal to the negative air machine. The bill would require the state board to adopt regulations to implement the certification program, including a program for authorizing approved independent training companies to train independent testing companies. The bill would require each owner or operator to maintain a copy of a certification for every negative air machine on an asbestos abatement worksite, and would require an 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 an asbestos abatement project occurs 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.

The provisions of the bill would become operative on July 1, 2004.

(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:

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

4

5 Article 8. Negative Air Machines

6

7 41985. The Legislature finds and declares all of the
8 following:

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

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

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

28 (d) Negative air machines are used in asbestos abatement work
29 to maintain the desired negative pressure inside the abatement
30 enclosure, provide adequate air changes within the enclosure for



1 ventilation and worker safety, and to capture asbestos fibers drawn
2 from inside the abatement enclosure in a HEPA filter.

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

8 41986. For the purposes of this article, the following terms
9 have the following meanings:

10 (a) “Approved independent training business” means a
11 company that has been approved by the state board to provide
12 training to independent testing companies to test negative air
13 machines pursuant to this article.

14 (b) “Approved independent testing company” means a
15 company that an approved independent training business certifies
16 as having satisfactorily completed training for testing negative air
17 machines, and is thus approved to perform negative air machine
18 testing for the purposes of this article.

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

22 (d) “Negative air machine” means a machine or contrivance
23 whose primary use is to remove airborne asbestos contaminants
24 from residential or commercial abatement projects by passing
25 asbestos-contaminated air from an isolated work area by means of
26 negative air pressure to a HEPA filtration system.

27 41987. (a) Each negative air machine at an asbestos
28 abatement site that is inspected by a district pursuant to a rule
29 adopted by that district, including, but not limited to, each air
30 pressure differential unit, makeup air filter, and vacuum, shall be
31 leak tested on a monthly basis.

32 (b) (1) An independent testing company may certify that a
33 negative air machine has successfully passed a leak test only if the
34 results of that test meet or exceed the American National Standards
35 Institute Z-9 standards adopted by the state board pursuant to
36 paragraph (2) of subdivision (c).

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



1 (c) The state board shall develop and adopt regulations to
2 implement this article, including provisions that do all of the
3 following:

4 (1) Create an approval program for registering and approving
5 independent training businesses and for those businesses to train
6 independent testing companies to test negative air machines.

7 (2) Adopt American National Standards Institute Z-9 standards
8 for use by approved training businesses in training testing
9 companies.

10 (3) Require approved independent training businesses to
11 provide the state board with a list of approved independent testing
12 companies, and require that list to be regularly updated.

13 (4) Create and maintain a database of approved independent
14 training businesses and approved independent testing companies,
15 and make that database accessible to the public.

16 (5) Create certification forms and decals to be used by
17 approved independent testing companies in testing and certifying
18 the test results of negative air machines pursuant to this article.

19 (6) Include, at the discretion of the state board, either or both
20 of the following ~~in~~, *in order to pay for the cost of* the approval
21 program:

22 (A) The imposition of ~~an initial application~~ a fee on training
23 businesses seeking to become approved training businesses.

24 (B) A requirement that each approved independent testing
25 company remit an annual fee to the state board for maintaining that
26 approval status.

27 (d) Testing of a negative air machine shall be conducted by an
28 approved independent testing company. Contractors may not test
29 their own equipment. Upon completing a leak test on a negative
30 air machine, the approved independent testing company shall
31 certify the leak test.

32 (e) The approved independent testing company shall issue a
33 certification to the abatement contractor that owns or operates the
34 machine, and shall affix a decal indicating that certification to the
35 negative air machine. The owner or operator of the machine shall
36 maintain a copy of certification for every negative air machine
37 used on a worksite.

38 (f) The owner or operator of each negative air machine shall
39 maintain testing records on each negative air machine owned or
40 operated, and shall make those records available for inspection by



1 the district with jurisdiction over the area of the asbestos
2 abatement project site where the negative air machine is used.

3 (g) Any unit that fails a leak test required by subdivision (a)
4 shall be repaired, removed from any worksite, or replaced with a
5 unit that successfully completes a leak test.

6 (h) The district with jurisdiction over the area where an
7 asbestos abatement project occurs shall enforce the requirements
8 of this section.

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

13 SEC. 2. *Section 1 of this act shall become operative on July
14 1, 2004.*

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution for
17 certain costs that may be incurred by a local agency or school
18 district because in that regard this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

24 However, notwithstanding Section 17610 of the Government
25 Code, if the Commission on State Mandates determines that this
26 act contains other costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code. If the statewide cost of the
30 claim for reimbursement does not exceed one million dollars
31 (\$1,000,000), reimbursement shall be made from the State
32 Mandates Claims Fund.

