

SECOND REGULAR SESSION

SENATE BILL NO. 1017

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time February 19, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5489S.011

AN ACT

To amend chapter 292, RSMo, by adding thereto one new section relating to asbestos.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 292, RSMo, is amended by adding thereto one new
2 section, to be known as section 292.700, to read as follows:

292.700. 1. As used in this section, the following terms mean:

2 **(1) "Asbestos":**

3 **(a) The asbestiform varieties of chrysotile, actinolite, amosite,**
4 **anthophyllite, crocidolite, richterite, winchite, and tremolite; and**

5 **(b) The nonasbestiform varieties of richterite and winchite.**

6 **(2) "Mixture or article containing asbestos", includes a mixture**
7 **or article in which asbestos is present as an impurity.**

8 **2. (1) Beginning August 28, 2021, no person or entity may**
9 **manufacture, process, sell, or distribute asbestos or any mixture or**
10 **article containing asbestos.**

11 **(2) The provisions of this section shall not apply to:**

12 **(a) End-use of a mixture or article containing asbestos and**
13 **installed in a building or other structure before the effective date of**
14 **this section; or**

15 **(b) Distribution of a mixture or article containing asbestos solely**
16 **for the purpose of disposal of the mixture or article in compliance with**
17 **applicable federal, state, and local requirements.**

18 **3. (1) Notwithstanding subsection 2 of this subsection to the**
19 **contrary, the labor and industrial relations commission may, on**
20 **application, grant any person or entity an exemption from the**
21 **prohibition under subsection 2 of this section for the manufacture,**
22 **processing, sale, or distribution of asbestos or any mixture or article**

23 containing asbestos only if the labor and industrial relations
24 commission determines that:

25 (a) The manufacture, processing, or distribution in commerce of
26 asbestos or any mixture or article containing asbestos by the person is
27 necessary to protect law enforcement interests or the security interests
28 of the state or any political subdivision; and

29 (b) No feasible alternative to the manufacture, processing, or
30 distribution in commerce of asbestos or any mixture or article
31 containing asbestos exists for the intended use.

32 (2) The period of an exemption granted under this subsection
33 shall not exceed three years.

34 (3) The labor and industrial relations commission may, in
35 accordance with the standards described in subdivision (1) of this
36 subsection, extend an exemption granted under subdivision (1) of this
37 subsection once, for a period not to exceed three years.

38 (4) An exemption granted under this subsection, including any
39 extension, shall include such terms and conditions as are necessary in
40 the discretion of the labor and industrial relations commission to
41 achieve the maximum practicable reduction in exposure to asbestos.

42 4. Not later than thirty days after receipt of an application for
43 exemption under subsection 3 of this section, the labor and industrial
44 relations commission shall publish the application in the Missouri
45 register.

46 5. Not later than thirty days after granting an exemption under
47 this section, the labor and industrial relations commission shall publish
48 in the Missouri register:

49 (1) A notice of the exemption; and

50 (2) The terms and conditions included under subsection 3 of this
51 section.

52 6. Any person or entity granted an exemption under subsection
53 3 of this section shall within six months after the granting of the
54 exemption and every six months thereafter so long as the exemption is
55 in effect, submit to the labor and industrial relations commission a
56 report describing:

57 (1) The date on which the exemption is granted;

58 (2) The date on which the exemption is extended, if applicable;

59 (3) The name and address of the person submitting the report;

60 (4) The name, title, and contact information of an authorized
61 representative of the person submitting the report;

62 (5) The location of the facility or facilities where the
63 manufacture, processing, or distribution in commerce of asbestos or
64 mixtures or articles containing asbestos has occurred, or will occur,
65 during the reporting period;

66 (6) A description of the manufacture, processing, sale, or
67 distribution activity during the reporting period of the person or entity
68 submitting the report and the intended and known uses of asbestos and
69 each mixture or article containing asbestos by that person or entity and
70 all other persons to whom the asbestos, mixture, or article is sold or
71 otherwise distributed;

72 (7) The quantity of asbestos, and the quantity and concentration
73 of asbestos in any mixture or article containing asbestos, that is
74 manufactured, processed, sold, or distributed, or expected to be
75 manufactured, processed, sold, or distributed, by the person or entity
76 during the reporting period;

77 (8) Reasonable estimates of the quantity of asbestos to be
78 disposed of as a result of the reported manufacture, processing, sale, or
79 distribution activities, and the manner of the disposal; and

80 (9) Reasonable estimates of the number of individuals who, as a
81 result of the reported manufacture, processing, and distribution
82 activities:

83 (a) Have been exposed to asbestos or mixtures or articles
84 containing asbestos;

85 (b) Will be so exposed; and

86 (c) The nature, duration, frequency, and levels of any such
87 exposure.

88 7. (1) Not later than five hundred forty days after the effective
89 date of this section, the labor and industrial relations commission shall
90 prepare and submit to the general assembly a report assessing:

91 (a) The presence of asbestos in residential, commercial,
92 industrial, public, and school buildings; and

93 (b) The extent of exposure and risk to human health associated
94 with the asbestos present in those buildings from all commercial,
95 industrial, and consumer activities that may result in asbestos
96 exposure.

- 97 **(2) The report required under this subsection shall additionally:**
98 **(a) Be based on the best available information, and information**
99 **that can feasibly be obtained through surveys or other means; and**
100 **(b) Provide the following:**
- 101 **a. An estimate of the number of residential, commercial,**
102 **industrial, public, and school buildings in Missouri where asbestos is**
103 **present;**
- 104 **b. An estimate of the quantity of asbestos in those buildings and**
105 **the portion of that asbestos that is friable;**
- 106 **c. A description of the types of building components and systems**
107 **containing asbestos in those buildings and the categories of mixtures**
108 **and articles containing asbestos that are present, such as thermal**
109 **insulation, roofing materials, asbestos cement pipe, and asbestos**
110 **cement sheet;**
- 111 **d. For each category of building, an estimate of the number of**
112 **people potentially exposed to asbestos, the conditions and activities**
113 **with the greatest potential for exposure, and estimates of the levels of**
114 **exposure;**
- 115 **e. A description of the role of handling, maintenance, and**
116 **construction practices in creating exposure to asbestos and the impact**
117 **of building aging on the potential for asbestos exposure;**
- 118 **f. An estimate of the quantity of asbestos waste generated from**
119 **building renovation, repair, and demolition for each of the five**
120 **calendar years preceding the date of submission of the report, and the**
121 **procedures that are used for the handling, transport, and disposal of**
122 **that waste;**
- 123 **g. An assessment of the sufficiency of existing statutes,**
124 **regulations, policies, and programs implemented by the executive**
125 **agencies in protecting against exposures to legacy asbestos; and**
- 126 **h. Recommendations for modifications or additions to those**
127 **statutes, regulations, policies, and programs as necessary to reduce or**
128 **eliminate risks to human health, including: the inspection of buildings**
129 **to determine the presence and condition of asbestos; inventorying the**
130 **presence and condition of asbestos in buildings; the abatement or**
131 **removal of asbestos from buildings; handling asbestos during building**
132 **maintenance, repair, demolition, and other commercial and industrial**
133 **activities with the potential for asbestos exposure; and disposal of**

134 **asbestos-containing waste and debris.**

135 **8. The labor and industrial relations commission shall**
136 **promulgate rules necessary to administer and implement the provisions**
137 **of this section. Any rule or portion of a rule, as that term is defined in**
138 **section 536.010, that is created under the authority delegated in this**
139 **section shall become effective only if it complies with and is subject to**
140 **all of the provisions of chapter 536 and, if applicable, section**
141 **536.028. This section and chapter 536 are nonseverable and if any of**
142 **the powers vested with the general assembly pursuant to chapter 536**
143 **to review, to delay the effective date, or to disapprove and annul a rule**
144 **are subsequently held unconstitutional, then the grant of rulemaking**
145 **authority and any rule proposed or adopted after August 28, 2020, shall**
146 **be invalid and void.**

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Bill

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