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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO HEALTH AND SAFETY -- ASBESTOS ABATEMENT

Introduced By: Representatives Speakman, and Boylan

Date Introduced: February 27, 2026

Referred To: House Health & Human Services

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-24.5-2, 23-24.5-5, 23-24.5-6, 23-24.5-8, 23-24.5-12, 23-24.5-13,
2 23-24.5-14 and 23-24.5-25 of the General Laws in Chapter 23-24.5 entitled "Asbestos Abatement"
3 are hereby amended to read as follows:

4 **23-24.5-2. Definitions.**

5 For the purpose of this chapter:

6 (1) "Abatement" means the repair, enclosure, encapsulation, or removal of friable asbestos
7 in significant quantities as determined by the director by regulation. The term shall not apply to
8 those spot repairs of limited areas of asbestos as determined by the director or his or her designee
9 through regulation to be of low risk exposure.

10 (2) "Abatement process" means the series of events leading to the abatement of a friable
11 asbestos hazard. The process includes the inspection, identification, and ranking of the hazard, the
12 drawing of abatement plans, the monitoring of the abatement, the eventual clean-up, and the
13 issuance of a reoccupancy permit.

14 (3) ~~"Action criteria" refers to the asbestos assessment factors detailed in the Decision~~
15 ~~Protocol, Appendix D, of The New Jersey Asbestos Policy Commission's Report to the Governor,~~
16 ~~March 1985, except that the criteria shall not include air sampling standards contained in that report.~~

17 (4) "Asbestiform materials" means those naturally occurring fibers of similar shape, size,
18 strength, surface, and characteristics of asbestos fibers as are otherwise described in the publication
19 entitled "Non-Occupational Health Risks of Asbestiform Fibers", Committee on Non-Occupational

1 Health Risks of Asbestiform Fibers, Board on Toxicology and Health Hazards of the Commission
2 on Life Science of the National Research Council; U.S. Environmental Protection Agency and
3 National Academy of Sciences, National Academy Press, Washington, D.C. 1984, E.P.A. 68-01-
4 4655.

5 (5) "Asbestos" means that unique group of naturally occurring minerals that separate into
6 fibers of high tensile strength, resistant to heat, wear, and chemicals, described as the following
7 types: chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite, and every product
8 containing any of these minerals that have been chemically treated and/or altered which, after
9 manufacture, are used for these products and end uses as insulation, textiles, paper, cement sheets,
10 floor tile, wall covering, decorations, coating, sealants, cement pipe, and reinforced plastics and
11 other compounds.

12 (6) "Asbestos containing material (ACM)" means any material or product which contains
13 more than one percent (1%) asbestos.

14 (7) "Asbestos contractor" means any person or entity engaged in asbestos abatement as a
15 business. Each employee of any entity directly engaged or intending to engage directly in abatement
16 as a business shall be considered a contractor for the purposes of training and licensure
17 requirements of this title.

18 (8) "Competent person" means a public or private employee designated, trained, and
19 certified to conduct basic asbestos inspection and abatement process evaluation within the
20 jurisdiction of the agency, municipality, or building(s) in which the person is employed.

21 (9) "Department" means the state department of health.

22 (10) "Director" means the director of health.

23 (11) "Friable" means that condition of crumbled, pulverized, powdered, crushed, or
24 exposed asbestiform or asbestos fibers which are capable of being released into the air by hand
25 pressure.

26 (12) "Friable asbestos material" means:

27 (i) Asbestos containing material (ACM) that, when dry, can be crumbled, pulverized or
28 reduced to powder by hand pressure; or

29 (ii) Non-friable ACM, including but not limited to regulated asbestos containing material
30 (RACM) as defined by the U.S. Environmental Protection Agency pursuant to 40 CFR 61, Subpart
31 M, that will be or has been subjected to sanding, grinding, cutting, and abrading; or by the forces
32 expected to act on the ACM during renovation and/or demolition activities.

33 (13) "High priority group building" refers to those public or private buildings or portions
34 of these that are child inhabited or child frequented structures and shall include, but not be limited

1 to: public and parochial schools (grades pre-K to 12), day care centers, nurseries, acute or chronic
2 children’s hospitals or wardrooms of these as defined by the state building code use groups (I-2).
3 Private residences used for these purposes and housing occupied by ten (10) children or less are
4 excluded from this group.

5 (14) “Intermediate priority group building” refers to those public or private buildings or
6 portions of these other than those in the high and low priority groups which are designated within
7 the state building code use groups as follows: places of public assembly (group A); buildings
8 occupied by adult inmates (group I-3), hospital patients (group I-2), or institutional care facility
9 clients (group I-1); and auditoriums (group A). “Intermediate priority group buildings” also
10 includes those buildings which are: colleges (ordinarily group B); banks (group B); and other
11 business, industrial, educational, and mercantile buildings (groups B, E, F, H and M) including, but
12 not limited to, hotels and motels (group R-1), multifamily dwellings (group R-2), and places of
13 employment with more than ten (10) employees.

14 (15) “Low priority group building” refers to public or private buildings or portions of them
15 not in the other groups which are infrequently used (group U), closed, abandoned, or scheduled for
16 abandonment in the immediate future and those buildings which are private residences (groups R-
17 3 and R-4).

18 (16) “Owner” means the person or entity having legal title to property and/or buildings; the
19 term includes owners and consignees of asbestos material to be sold, installed, fabricated, or
20 manufactured in Rhode Island. For purposes of publicly owned property only, the owner is defined
21 as the chief executive officer of the state agency or municipal agency which owns, leases, or
22 controls the use of the property.

23 (17) “Private building” refers to any structure open to the public which is not a public
24 building, and includes but is not limited to: private schools, nurseries, colleges, hospitals,
25 warehouses, banks, retail stores, automobile repair shops, and places of employment.

26 (18) “Private residence” refers to any building with either one or two (2) separate dwelling
27 units used solely as a private domicile of a person or persons where those persons normally sleep,
28 eat, and maintain living quarters and which is designated within the state building code use group
29 R-4.

30 (19) “Public building” refers to any structure owned, managed, leased, furnished, or
31 occupied by a state or municipal agency, commission, or public school.

32 (20) “Regulated asbestos containing material (RACM)” as defined by the U.S.
33 Environmental Protection Agency pursuant to 40 CFR 61, Subpart M, means:

34 (i) Friable asbestos material;

1 (ii) Category I non-friable ACM (packings, gaskets, resilient floor covering, and asphalt
2 roofing products) that has become friable;

3 (iii) Category I non-friable ACM that will be or has been subjected to sanding, grinding,
4 cutting, or abrading; or

5 (iv) Category II non-friable ACM (excluding category I non-friable ACM) that has a high
6 probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces
7 expected to act on the material in the course of demolition or renovation operations.

8 (21) "State building code" refers to chapter 27.3 of this title.

9 (22) "State inspector" means a person trained in industrial hygiene who is either a state
10 employee or a designee of the health department whose duty, among others, is to conduct state
11 asbestos inspections.

12 **23-24.5-5. Asbestos exposure standards.**

13 (a) No owner of a structure with friable asbestos or with friable asbestiform materials or
14 any person or entity owning or controlling asbestos or asbestiform products in a friable state shall
15 allow any person to be exposed to asbestos or asbestiform materials in a friable condition when the
16 exposed condition is a violation of a provision this chapter, of a regulation issued pursuant to the
17 authority of this chapter, or of an abatement plan approved by the director.

18 (b) Prior to the effective date of an air exposure standard established by the director, the
19 indoor non-occupational air exposure standard for asbestos exposure shall be 0.01 fibers longer
20 than five (5) micro meters per cubic centimeter (f/cc) (or three hundred (300) nanograms per cubic
21 meter) as measured by OSHA-NIOSH phase-contrast optical microscopic methods and calculated
22 as an eight (8) hour time weighted average.

23 (c) The director is authorized to issue regulations for the following purposes:

24 (1) To limit the sale and use of asbestos and asbestiform materials which the director deems
25 to be a potential danger to the public health;

26 (2) To establish indoor environmental non-occupational air exposure standards, stated as a
27 given number of fibers per cubic centimeter (f/cc) and calculated as an eight (8) hour time weighted
28 average;

29 (3) To establish asbestos inspection and evaluation criteria;

30 (4) To establish criteria including air monitoring useful in ranking the severity of the
31 asbestos problem in a particular building in order to determine the need by the owner for the
32 submission of an abatement plan to the director;

33 (5) To establish criteria for the submission of an abatement plan by the owner of a public
34 building or a building in the high and intermediate priority groups;

1 (6) To establish public occupancy standards for buildings containing friable asbestos;

2 (7) To establish criteria for the registration, licensure, and certification of persons involved
3 in asbestos abatement; and

4 (8) To develop educational material informing persons of asbestos hazards in their
5 residences.

6 (d) In acting on issuing the regulations pursuant to subsection (c), the director shall take
7 into consideration the following guidelines:

8 (1) The director shall give due consideration to uniform rules and definitions with those of
9 other states and the United States without endangering the public health and without lessening
10 standards established by this chapter;

11 (2) Except for their asbestos air exposure standards, the director shall give due
12 consideration to the standards contained in the U.S. Environmental Protection Agency documents,
13 Asbestos Containing Materials in School Buildings, a Guidance Document, Part 2 (Sawyer, R.M.,
14 Spooner, D.M.) and EPA Report no. 560/5-83-002, Guidance for Controlling Friable Asbestos
15 Containing Materials in Buildings; ~~and the New Jersey Asbestos Policy Commission's Report to~~
16 ~~the Governor, March 1985;~~

17 (3) The director shall seek to minimize the risk of possible injury or death from the use
18 and/or sale of asbestos or asbestiform materials as that risk is weighted against commercial
19 necessity and practicality in considering whether or not to ban or limit the future use and/or sale of
20 these materials;

21 (4) Indoor environmental non-occupational air exposure standards established shall only
22 allow human exposure to friable asbestos at a level lower than or equal to the standard established
23 by this chapter.

24 (e) The director shall issue regulations regarding asbestos exposure and abatement.

25 **23-24.5-6. Asbestos abatement plans.**

26 (a) The owner of any public or private building containing friable asbestos material in
27 violation of this chapter, who shall within one hundred twenty (120) days of notice of the violation,
28 file an abatement plan with the director shall be relieved of liability for the violation during the
29 abatement process. For buildings in the high and immediate priority group found by the director or
30 the director's agents to require abatement after inspection, the director shall notify in writing in the
31 case of public buildings the appropriate public agency or elected, appointed, or employed official
32 with jurisdiction over the building; or in the case of a private building the owner or manager of the
33 building.

34 (b)(1) That person or agency shall within one hundred twenty (120) days of the notice file

1 an asbestos abatement plan with the director. This plan shall describe in detail the results of any
2 asbestos detection tests performed, a blueprint of the structure involved and a program designed to:

- 3 (i) Monitor the physical conditions of asbestos containing materials,
- 4 (ii) Educate the building staff and occupants regarding the presence of asbestos,
- 5 (iii) Minimize the likelihood of fiber release, and
- 6 (iv) Minimize the potential of human exposure to asbestos.

7 (2) The plan should include a description of the remedies proposed, including but not
8 limited to repair, enclosure or encapsulation, and/or removal, the process of selection and criteria
9 for hiring licensed contractors, a time schedule for completion, disposal location, and the level of
10 compliance with exposure ~~and action criteria~~ expected to be achieved.

11 (3) The requirement for filing an asbestos abatement plan with the director prior to the
12 removal of any friable asbestos material shall be waived whenever a public building, private
13 building, or residence has been ordered demolished by a municipal building official in accordance
14 with § 23-27.3-125.5; provided that all friable asbestos material is removed from the building prior
15 to demolition by a licensed asbestos contractor following an asbestos abatement plan previously
16 approved by the director specifically for the demolition of unsafe structures. The director may
17 require the filing of any documentation deemed necessary to insure that compliance with the act
18 has been met.

19 (c) The director shall within ninety (90) days of submission of a plan either approve,
20 amend, or reject the plan of abatement.

21 (d) The director shall issue regulations establishing criteria for the inspection of buildings,
22 identification and evaluation of asbestos hazard, the ranking of asbestos abatement, and the
23 development of abatement plans.

24 (e) The owner of any building failing to comply with an order of abatement issued by the
25 director after hearing shall be fined by the director an amount not exceeding two thousand five
26 hundred dollars (\$2,500) a day and/or having the area in violation subject to closure. No fine shall
27 apply if access to the area is limited to individuals designated as competent persons for the area or
28 certified as consultants in accordance with rules or regulations promulgated pursuant to the
29 authority conferred by this chapter.

30 (f) The director may assess fees for review of asbestos abatement plans submitted in
31 accordance with rules or regulations promulgated pursuant to the authority conferred by this
32 section, provided that those fees are assessed only after procedures in accordance with chapter 35
33 of title 42 have been followed.

34 (g) Any approval of an asbestos abatement plan issued in accordance with rules or

1 regulations promulgated pursuant to the authority conferred by this section shall ~~become invalid~~
2 ~~unless the work authorized by that approval shall have been commenced within six (6) expire~~
3 ~~twelve (12) months after its issuance; provided that, for cause, an extension of time for a period not~~
4 ~~exceeding ninety (90) days has not been granted. All extensions must be in writing and signed by~~
5 ~~the director or his or her designee.~~ For the purposes of this section, any approval issued shall not
6 be considered invalid if the suspension or abandonment is due to a court order prohibiting that work
7 as authorized by that approval.

8 (h) Notwithstanding any approval issued by the director in accordance with rules or
9 regulations promulgated pursuant to the authority conferred by this section, all abatement activity
10 performed in conjunction with an approved asbestos abatement plan must be in compliance with
11 the most current revision of all applicable federal, state, and local regulations, unless that approval
12 already requires compliance with a more restrictive standard.

13 (i) The director may revoke any approval issued in accordance with rules or regulations
14 promulgated pursuant to the authority conferred by this section in the event that the granting of the
15 approval was based upon statements which prove to be false or based on misrepresentation of fact.
16 Any aggrieved party shall have the right to a hearing on this revocation. The request for a hearing
17 shall be in writing and shall be made within ten (10) days of the decision.

18 (j) Except as otherwise provided in paragraph (b)(1)(iv), all renovation and/or demolition
19 activities involving asbestos containing material (ACM) shall be assumed to produce friable ACM
20 and shall require department approval of an asbestos abatement plan prior to undertaking this
21 renovation and/or demolition activity.

22 **23-24.5-8. Posting and labeling.**

23 (a) On any building accessible to the public where there is friable asbestos either in
24 violation of the air sample exposure standard ~~or action criteria standard~~ as determined by the
25 director or where there is demolition or repair of asbestos material taking place or abatement
26 process underway a warning sign issued in conformance to standards issued by the director shall
27 be posted at all entrances and conspicuous places.

28 (b) The director is further authorized to issue regulations requiring the posting of warnings
29 in public buildings where there may be a public health danger of exposure to friable asbestos and
30 for the marking of asbestos material in public buildings.

31 (c) The director shall file in the land evidence records of the city or town in which a
32 nonconforming building is located a notice of violation of any structure that is not in compliance
33 with an order of the director regarding asbestos abatement in the same manner as is provided for
34 housing code violations in the general laws.

1 **23-24.5-12. Licensure of asbestos contractors.**

2 (a) No person or entity shall undertake an asbestos abatement project or dispose of friable
3 asbestos materials in or from any building or demolition of any portion of a structure containing
4 friable asbestos or asbestiform material unless the director has licensed that person or entity as
5 qualified for those purposes. Any building owner who causes an asbestos abatement project or
6 disposal of friable asbestos materials to be undertaken in violation of either this section or any rules
7 or regulations promulgated pursuant to the authority conferred by this section shall also be subject
8 to the enforcement provisions of this section.

9 (b) Notwithstanding any other law or regulation, no building permit or demolition permit
10 involving asbestos abatement shall be issued by any municipal or state official unless the
11 application for the permit includes a certified copy of an approved abatement plan and a certified
12 copy of the license of the asbestos contractor who shall undertake the work.

13 (c) No asbestos abatement projects shall be undertaken unless the contractor involved is
14 licensed by the director and its asbestos abatement plan is approved by the director.

15 (d) The director shall establish procedures and issue regulations for the licensure of
16 asbestos contractors and their supervisors and for the training of the employers of asbestos
17 employees. The director is authorized to establish procedures and regulations for the licensure of
18 asbestos workers. The director may assess fees for asbestos worker licenses issued in accordance
19 with rules or regulations promulgated pursuant to the authority conferred by this section, provided
20 that those fees are assessed only after procedures in accordance with chapter 35 of title 42 have
21 been followed.

22 (e) The director shall in establishing licensure criteria for asbestos contractors, consider the
23 following factors:

- 24 (1) The contractor's experience,
- 25 (2) Financial qualifications to abate asbestos properly,
- 26 (3) A company's history of safe and proper abatement,
- 27 (4) A history of compliance with department regulations, and
- 28 (5) Proof of completion of training programs approved by the director.

29 (f) Each person licensed by the director shall be issued by the director a photograph
30 identification card containing the license which that person must keep in his or her possession at
31 each work site.

32 (g) The director may assess fees for asbestos contractor and site supervisory personnel
33 licenses issued in accordance with rules or regulations promulgated pursuant to the authority
34 conferred by this section, provided that such fees are assessed only after procedures in accordance

1 with chapter 35 of title 42 have been followed.

2 (h) For cause and for violation of the regulations of the director, the director or his or her
3 designee may suspend or revoke a license issued pursuant to this section.

4 (i) The director shall maintain a public list of licensed contractors and shall ~~annually~~
5 publish that list ~~in a state newspaper of general circulation~~ [on the department's website](#).

6 **23-24.5-13. Competent persons.**

7 (a) The “owner” (or supervisor) of a publicly owned building or administrator of a group
8 of public buildings or the owner of a private building, excluding a private residence, shall appoint
9 from his or her employees sufficient persons [to become](#) competent in the basic aspects of asbestos
10 inspection and abatement to fulfill the responsibilities of this section within an eighteen (18) month
11 period.

12 (b) The “competent person” shall have, but not be limited to, the following responsibilities:

13 (1) To make periodic visual inspection of known [or presumed](#) asbestos containing areas;

14 (2) To review past maintenance records;

15 (3) To work with the department of health to ascertain and identify asbestos hazards;

16 (4) To maintain records of inspections;

17 (5) To join with the contractor in working up the specifications of abatement projects;

18 (6) To make periodic inspection of abatement procedures and have the right to call in a
19 state inspector if, in the view of the competent person, any provision of this chapter is being
20 violated;

21 (7) To alert building occupants and maintenance staff of ongoing abatement project; and

22 (8) To review outside contracting work if that work shall affect enclosed or encapsulated
23 asbestos materials.

24 (c) Any parent of an occupant of a building or teacher representative may voluntarily
25 become certified as a “competent person.”

26 (d) This parent or teacher representative may accompany “competent persons” in their
27 inspection and have full access to their records regarding asbestos.

28 **23-24.5-14. Training, curricula, and certification.**

29 (a)(1) The director shall establish procedures and regulations for the following procedures:

30 (i) For the [licensure or](#) certification of a competent person, of designated public
31 maintenance employees, of designated teacher and parent representatives, of laboratories
32 performing analysis of asbestos in air or building materials, and of private consultants or inspectors;

33 (ii) Establish standards and specifications for training courses based upon, but not limited
34 to, those included in this chapter and to certify that training;

- 1 (iii) To train directly or by contract maintenance personnel or competent persons;
- 2 (iv) To certify and train designated public maintenance personnel and workers in the
- 3 private sector, including but not limited to electricians, contractors, plumbers, in safe techniques of
- 4 spot asbestos repair.

5 (2) Each trained and ~~certified~~ licensed person shall be issued an “asbestos certified” photo

6 identity card, and only those carded persons shall be permitted to do spot repairs on asbestos in the

7 buildings of their jurisdiction. Any person ~~certified~~ licensed for spot repair but not as an asbestos

8 “contractor” shall not undertake any asbestos abatement project larger than the size limits of a spot

9 repair as defined by the director and shall follow all safe work practices for spot repair work as

10 required by the director. Those employees in violation of these provisions and/or their employer

11 shall be subject to a fine of no more than five hundred dollars (\$500) per violation.

12 (b) As a guideline for approval of a certified training program for asbestos ~~contractors~~

13 abatement, the director shall give due consideration to a course of a minimum of thirty-two (32)

14 hours of instruction covering the following topics:

15 (1) The nature of asbestos hazards and a review of improper abatement procedures such as

16 dry removal, lack of protective barriers, and poor respirator fit problems;

17 (2) The medical effects of asbestos exposure, the mechanics of human respiration, the

18 nature of asbestos disease conditions, their diagnosis and evaluation, and medical asbestos

19 surveillance methods in exposed populations;

20 (3) Federal and state asbestos regulations including OSHA and EPA regulations, Right-to-

21 Know laws, and this chapter;

22 (4) Current protection standards, including the role of respirators, appropriate

23 housekeeping procedures, appropriate hygiene, the synergism effects of asbestos with smoking,

24 and the importance of decontamination procedures;

25 (5) The proper preparation of the work area including, but not limited to, the proper repair

26 and removal abatement techniques, sealing and isolation methods in the work environment, the use

27 of negative pressure air filtration barriers, the avoidance of power tools, the need for wetting down

28 of asbestos materials, bagging and labeling of asbestos materials, proper waste storage, and removal

29 of material;

30 (6) Identifying asbestos containing materials, study of decision protocol for evaluation and

31 prioritizing of abatement, air sampling and other monitoring techniques, negative air pressure

32 filtration system and high efficiency particulate air (HEPA) filter systems.

33 (c) The director may assess fees for licensure or certifications issued in accordance with

34 rules or regulations promulgated pursuant to the authority conferred by this section, provided that

1 those fees are assessed only after procedures in accordance with chapter 35 of title 42 have been
2 followed.

3 (d) Notwithstanding the requirements contained in subsections (a) and (b) of this section,
4 the director may also establish procedures or regulations for reciprocal recognition of training
5 courses and/or certification programs for asbestos contractors, site supervisory personnel and/or
6 asbestos abatement workers. The director may assess fees for reciprocal recognition of training
7 courses and/or certification programs for asbestos contractors, site supervisory personnel and/or
8 asbestos abatement workers issued in accordance with rules or regulations promulgated pursuant
9 to the authority conferred by this section, provided that these fees are assessed only after procedures
10 in accordance with chapter 35 of title 42 have been followed.

11 **23-24.5-25. Misrepresentation of asbestos licensure or certification.**

12 (a) No person or entity shall make oral or written representations of licensure as an asbestos
13 contractor or asbestos abatement site supervisor or asbestos abatement worker unless they possess
14 a currently valid license for the activity which has been issued by the director pursuant to either §
15 23-24.5-12 or any rules or regulations promulgated pursuant to the authority conferred by this
16 chapter.

17 (b) No person or entity shall make oral or written representation of [licensure or](#) certification
18 as an asbestos analytical laboratory, asbestos consultant or asbestos abatement project monitor
19 unless they possess a currently valid [license or](#) certificate for the activity which has been issued by
20 the director pursuant to either §§ 23-24.5-6(j) or 23-24.5-14(a) or any rules or regulations
21 promulgated pursuant to the authority conferred by this chapter.

22 (c) No person or entity [licensed or](#) certified pursuant to either §§ 23-24.5-6(j) or 23-24.5-
23 14(a) or any rules or regulations promulgated pursuant to the authority conferred by this chapter
24 shall make oral or written representations of [licensure or](#) certification to perform any service which
25 is not specifically identified on their currently valid [license or](#) certificate.

26 SECTION 2. Sections 23-61-5 and 23-61-6 of the General Laws in Chapter 23-61 entitled
27 "Radon Control" are hereby amended to read as follows:

28 **23-61-5. Licensing and certification.**

29 (a) All persons providing or offering to provide the following services must be certified or
30 licensed in accordance with regulations adopted pursuant to the authority conferred by this chapter:

31 (1) Screening sampling/testing of air for radon/radon progeny;

32 (2) Diagnostic sampling/testing of air for radon/radon progeny;

33 (3) Mitigation planning services for radon/radon progeny;

34 (4) Training courses offered for the purpose of meeting any of the licensing and/or

1 certification requirements mandated by this chapter.

2 (b) The director may assess fees for licenses and certifications issued in accordance with
3 regulations promulgated pursuant to the authority conferred by this section, provided that those
4 fees are assessed only after procedures in accordance with chapter 35 of title 42 have been followed.
5 The fees collected shall be deposited in a restricted receipt account as provided for under § 23-61-
6 8 of this chapter.

7 (c) Any person, firm, corporation, or other entity who shall perform or otherwise engage
8 in:

- 9 (1) Screening sampling/testing of air for radon/radon progeny;
- 10 (2) Diagnostic sampling testing of air for radon/radon progeny;
- 11 (3) Mitigation planning services for radon/radon progeny; or
- 12 (4) Training courses offered for the purpose of meeting any of the licensing and/or
13 certification requirements mandated by this chapter:

14 (i) Without a license shall be fined five hundred dollars (\$500) for each offense and shall
15 be ordered to forfeit all fees derived from such activity for the first offense and shall be fined one
16 thousand dollars (\$1,000) for the second and each subsequent offense and shall be ordered to forfeit
17 all fees derived from such activity on the second and subsequent offenses. The attorney general is
18 authorized to pursue forfeiture actions against all violators and also to apply for and obtain
19 injunctive relief against continuing violations of this section.

20 (d) All fines and all fees that have been forfeited under this section shall be placed in the
21 state general fund.

22 (e) The requirements of this section shall not apply to: (a) those individuals testing or
23 mitigating a private residence owned ~~or leased~~ and occupied by the individual who is performing
24 the testing or mitigation; or (b) any individual testing their own living area.

25 **23-61-6. Notification to the department.**

26 ~~The owner of~~ For any public and high priority building, the licensed radon mitigation
27 contractor who intends to take measures, including but not limited to renovation of the building for
28 the purpose of reducing radon/radon progeny levels and/or installation of recognized radon
29 mitigation systems, must submit formal notification to the department prior to commencing the
30 radon/radon progeny mitigation activities.

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- ASBESTOS ABATEMENT

- 1 This act would remove obsolete language and clarify asbestos abatement and radon control
- 2 requirements for purpose of the asbestos abatement statute.
- 3 This act would take effect upon passage.

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