

Approved: 2-11-97  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Chairperson David Corbin at 8:00 a.m. on February 7, 1997 in Room -254-E of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Raney Gilliland, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
Lila McClafin, Committee Secretary

Conferees appearing before the committee:  
John Irwin, Director, Bureau of Air & Radiation, Dept. Of Health and Environment

Others attending: See attached list

Vice-Chairperson Morris called attention to the minutes of January 31, February 3, 4 and 6. A motion was made by Senator Goodwin to adopt the minutes. Seconded by Senator Biggs. The motion was seconded by Senator Biggs. The minutes were adopted.

**SB 122: An act concerning asbestos control; amending K.S.A. 65-1710 and repealing the existing section.**

John Irwin, Director, Bureau of Air & Radiation, said KDHE had requested the bill be introduced. Upon enactment of **SB 122** KDHE would be granted the authority to initiate revisions to the specific administrative regulations that would implement the program and would assure that the Kansas asbestos licensing program is consistent with federal requirements. He reviewed briefly the history behind the proposed changes (Attachment 1). Responding to questions, Mr. Irwin said Kansas statutes do not require asbestos to be removed, but once you decide to remove it, it must be done properly. Mr. Irwin also stated, he did not expect any change in the amount of dollars collected from fees

Vice-Chairperson Morris asked Mr. Irwin to define friable asbestos and non friable.

The hearing was closed.

Senator Biggs moved the bill be passed. The motion was seconded by Senator Harrington. Motion carried. Senator Morris will carry the bill.

The meeting adjourned at 8:35 a.m.

The next meeting is scheduled for February 11, 1997.

SENATE ENERGY & NATURAL RESOURCES  
COMMITTEE GUEST LIST

DATE: 2/7/97

NAME	REPRESENTING
John Trwin	KDHE
Scott Alisoglu	Div of Budget
Cindy Denton	Div of Budget

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

Senate Bill 122

On behalf of the Kansas Department of Health and Environment (KDHE), we are pleased to provide comments in support of Senate Bill 122.

At the conclusion of the 1995 session of the Kansas legislature, the Chairman of the House Energy and Natural Resource Committee convened an environmental law task force to conduct a review of environmental statutes under the jurisdiction of the Division of Environment, Kansas Department of Health and Environment (KDHE). Review of the asbestos program resulted in recommendations for retaining the asbestos contractor licensing and certification portion of the program and revising provisions that were duplicative or in conflict with recently-adopted federal requirements. Members of the task force reported that the federal Occupational Safety and Health Administration (OSHA) regulations that became effective in October 1995 and the U.S. Environmental Protection Agency (EPA) regulations which became effective in 1990 and 1993 were difficult to interpret and relate to some of the state asbestos requirements adopted in 1986.

At the completion of the session, an asbestos work group was organized by KDHE to address the concerns expressed by the task force. The statutory changes proposed in SB 122 are the result of the deliberations of this work group. These revisions are not required by federal law.

Revisions to K.S.A. 65-5302 are being proposed to provide clarification that when a business entity utilizes its own employees to remove or encapsulate friable asbestos-containing materials at its own facilities, the business entity would not be subject to the provisions of the act. The existing provisions are believed to be duplicative of recently adopted federal OSHA regulations. The requirement that KDHE conduct at least one annual inspection of an asbestos licensee as contained in K.S.A. 65-5303 is being amended to eliminate the annual inspection provision. Agency inspection priorities prefer to focus limited inspection resources on abatement projects where the public may be at risk rather than small abatement projects. The requirements for asbestos worker certification in K.S.A. 65-5308 are being amended to eliminate the provision that requires an individual to be examined by a physician annually and provide documentation of such. Statutory language requiring annual refresher training and date of expiration of a certificate is also being revised. With OSHA regulations now requiring annual physicals, and EPA currently evaluating asbestos training provisions, these proposed changes will simplify the certification process and assure that future training requirements remain consistent with the federal programs through the administrative regulation process.

Upon enactment of the amendments proposed in SB 122, KDHE will initiate revisions to the specific administrative regulations that implement this program to assure that the Kansas asbestos licensing program is consistent with the federal requirements.

Testimony presented by:

John Irwin,  
Director,  
Bureau of Air and Radiation  
February 7, 1997

*Sen. Energy & Nat Res*  
*attachment 1*  
*2-7-97*