

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1662

By: Terrill

AS INTRODUCED

An Act relating to asbestos; amending 40 O.S. 2001, Section 453, which relates to powers and duties of the Labor Commissioner, restricting content of certain rules; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2001, Section 453, is amended to read as follows:

Section 453. A. The Commissioner of Labor shall have the power and duty to:

1. Develop and promulgate rules for the abatement of friable asbestos materials which shall be consistent with ~~general industry,~~ and not more stringent than, federal standards and other requirements under 15 U.S.C., Section 2641 et. seq. for Asbestos Emergency Hazard Response;

2. Instruct and examine contractors, employees and supervisors on the safe abatement of friable asbestos materials;

3. Hire sufficient personnel to carry out the provisions of this act consistent with funds allocated and full-time-equivalent employees authorized;

4. Inspect all asbestos abatement projects, to issue, modify and revoke orders; to issue cease and desist orders; and to require mandamus and seek injunctive relief for enforcement of orders;

5. Inspect public buildings for the presence of friable asbestos materials;

6. Collect samples to determine the presence and condition of friable asbestos materials in public buildings;

7. Recommend appropriate abatement measures for friable asbestos materials in public buildings;

8. Make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under the Oklahoma Asbestos Control Act including, but not limited to, contracts with the United States, other states, agencies, and political subdivisions of this state;

9. Accept grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary and desirable;

10. Supervise, administer, and enforce the provisions of the Oklahoma Asbestos Control Act rules promulgated thereunder;

11. Hold hearings;

12. Institute legal proceedings, including suits for injunctions for the enforcement of his orders, rules, and for the enforcement of penalties;

13. Investigate any violations of the Oklahoma Asbestos Control Act; and

14. Exercise all incidental powers which are necessary to carry out the provisions of the Oklahoma Asbestos Control Act.

B. The violations of any rule shall be grounds for the Commissioner to evoke any penalties set forth in Section 456 of this title.

SECTION 2. This act shall become effective November 1, 2005.

50-1-6265

MD

01/18/05