

1 ENGROSSED SENATE
2 BILL NO. 658

By: Justice and Pittman of the
Senate

3 and

4 Moore of the House

5
6
7 An Act relating to asbestos control; amending 40 O.S.
8 2011, Section 453; which relates to powers and duties
9 of the Commissioner of Labor regarding asbestos;
10 delegating powers and duties to the Commissioner of
11 Labor; repealing 40 O.S. 2011, Section 457; which
12 relate to the powers and duties of the Commissioner
13 of Health regarding asbestos; and declaring an
14 emergency.

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

16 SECTION 1. AMENDATORY 40 O.S. 2011, Section 453, is
17 amended to read as follows:

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

20 1. Develop and promulgate rules for the abatement of friable
21 asbestos materials which shall be consistent with general industry
22 standards;

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

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

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

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

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

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

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

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

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

1 11. Hold hearings;

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

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

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

9 15. To perform such other duties as the Commissioner of Labor
10 may determine are essential to the protection of health from hazards
11 posed by friable asbestos materials.

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

15 C. The Commissioner of Labor shall be the primary authority
16 regarding the regulation of asbestos abatement in the State of
17 Oklahoma at the abatement site through the completion of the on-site
18 abatement.

19 SECTION 2. REPEALER 40 O.S. 2011, Section 457, is hereby
20 repealed.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

