

The Greater Houston
Chamber of Commerce



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TO: Executive Committee
The Greater Houston Chamber of Commerce

FROM: Leo Linbeck, Jr., Chairman
Public Issues Committee

DATE: October __, 1988

RE: Asbestos

RECOMMENDATION

The Greater Houston Chamber of Commerce commends the efforts taken by the Texas State Legislature under Texas Civil Statutes, Article 4477-3A, which provides the Texas Board of Health with authority to adopt rules for the registration of workers and the licensing of persons engaged in the removal of encapsulation of asbestos or other asbestos-related activity in all buildings of public occupancy or access.

Recognizing the health threat that asbestos imposes on persons engaged in asbestos-related activities and to the public at large, we urge:

- o The Texas Legislature to encourage the Texas Board of Health to certify all institutions of higher learning (universities, technical schools, etc.) in the State of Texas that provide courses meeting or exceeding Federal EPA requirements of the Model Accreditation Plan (40CFR 763, App. C) for designated persons/project supervisors.
- o The Texas Board of Health to accept the certification of designated persons/project supervisors trained in a like manner at institutions of higher learning in states other than Texas, providing they comply with the other provisions of the licensing requirements.

Further, recognizing the burden which the Texas Legislature, under Texas Civil Statutes, Article 4477-3A, has placed upon the Texas Health Department, the Chamber urges that the Texas legislature provide the Texas Board of Health with the support and means to be the sole issuer of licenses for designated persons/project supervisors in the State of Texas. This would enhance enforcement of State and Federal regulations and provide the public with information on the potential risks associated with asbestos.

BACKGROUND

Following a review of the impact of asbestos regulation in Texas, the Environment Committee urges that the Chamber support modification of these specific asbestos regulations. With respect to Training Qualifications, designated persons/project supervisors must by Federal law successfully complete an EPA developed 32 hour training course for contractors and supervisors entitled Supervision of Asbestos Abatement Practices. This course was modified in 1987 to meet the new Federal requirements of Model Accreditation Plans (40 CFR 763, App. C). Contractors and supervisors who have had EPA supervisions courses prior to September 14, 1987, must receive additional training to meet current established requirements.

These new requirements are accepted as necessary to bring training into compliance with new technology. There is every reason to believe that additional technology will be developed, requiring additional training of previously certified designated persons/project supervisors, and for the training of new designated persons/project supervisors.

Any efforts undertaken by the Texas Legislature or the Texas Board of Health to allow separate individuals or political entities to limit access to licensing procedures by qualified persons/project supervisors by restricted educational procedures or unrelated regulations such as residency requirements in a specific political entity, membership in trade or labor organizations, special fees, etc., would in effect allow for the creation of monopolies. Ample evidence is readily available from other industries, in Texas and other states, that such conditions limit the choices of persons to provide needed services, create artificially high costs, reduce the quality of services rendered and encourages non-compliance. The Chamber has every reason to believe that the Texas Legislature's interest was in the health and wellbeing of Texas citizens when, under Texas CivilStatutes, Article 4477-3A, authorization was given the Texas Board of Health to adopt rules for the registration of persons engaged in asbestos related activities. The Chamber also believes that an informed public in an open competitive market is an effective tool in the enforcement of state regulations and the health and wellbeing of Texas citizens.

Asbestos
Page 3

IMPLEMENTATION

Convery our position to members of the Legislature and to the Texas Department of Health if appropriate.

RESOURCES REQUIRED

Within budgetary constraints.