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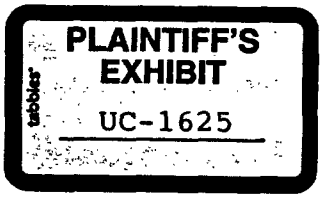

Summary of State Actions
Regarding Use of Asbestos

As of 12/83

Alabama

Ala. Code sect. 6-2-30(b) - Stipulates that a civil action resulting from exposure to asbestos is deemed to accrue on the first date the injured party, through reasonable diligence, should have reason to discover the injury giving rise to such civil action.

Alaska

Alaska Stat. sect. 18.60.065 - Effective July 1, 1984, toxic and hazardous substances imported into the state must be accompanied by a federal Occupational Safety and Health Administration (OSHA) form 20 or equivalent information. An employer must make this information available upon request to an employee for a toxic or hazardous substance to which the employee may be exposed. In addition, an employer must conduct a safety education program for an employee before the employee performs a new work assignment that may result in exposure to a toxic or hazardous substance.

Arizona

Ariz. Rev. Stat. Ann. sect. 23-901.02 - Provides that where compensation is payable for occupational disease in the case of silicosis or asbestosis, the only employer liable is the one in whose employment the employee was exposed to harmful quantities of dust during a period of two or more years.

California

Cal. Civ. Proc. Code sect. 340.2 - Establishes the time for the commencement of any civil action for injury, illness, or wrongful death based upon exposure to asbestos as the later of one year after the plaintiff first suffered disability or from the death of the plaintiff's decedent, or one year from the date the plaintiff first knew, or through the exercise of reasonable diligence should have known, that the disability or death was caused or contributed to by such exposure.

Cal. Educ. Code sect. 49410 (West) - Permits school districts to be reimbursed from the State School Deferred Maintenance Fund or federal funds, to the extent they became available, for programs to control or eliminate health problems posed by the presence of asbestos in its schools.

Cal. Govt. Code sect. 26202.5 (West) - Allows school district boards to authorize destruction of documents exposed to asbestos fibers in a quantity which presents a health risk to persons handling the documents.

Cal. Health & Safety Code sect. 25910 et seq. (West) - Prohibits the spraying of any substance containing any amount of asbestos in or upon

a building or other structure during its construction, alteration, or repair, with the following exceptions:

1. Portland cement plaster which contains less than one-half of 1 percent asbestos;

2. Exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bound within the finished product from manufacture through application;

3. Cold process asphalt roof coatings;

4. Substances containing less than one-quarter of 1 percent asbestos solely as a result of naturally occurring impurities in the substance or its components.

Calif. Health & Safety Code sect. 25999 - Asbestos containing materials used in an air duct system installed in any building must be overcoated with a sealant adequate to preclude erosion of asbestos fibers.

Calif. Lab. Code sect. 4401 et seq.- Establishes Asbestos Workers' Account which permits qualified injured workers with asbestosis arising in the course of employment to receive benefits promptly and not be subject to delays of litigation to determine the responsible employer.

Calif. Lab. Code sect. 4903 - Permits the Workers' Compensation Appeals Board to allow a lien against compensation for all benefits provided and recoverable costs paid by the Asbestos Workers' Account.

Calif. Lab. Code sect. 6360 et seq. - Requires manufacturers and sellers of listed hazardous substances to prepare and provide a material safety data sheet (MSDS) to persons who purchase the listed hazardous substances. In addition, employers must furnish employees who may be exposed to listed substances with information and training on the hazards involved.

Connecticut

Public Act 77-107. Upon written request an employer shall furnish employee with list of hazardous substances used in workplace.

Public Act 77-398. Regulation of Carcinogenic Substances:

1 - defines asbestos as carcinogenic

2 - anyone who uses or produces a carcinogenic substance shall report by January 1 of each year:

(1) method of disposal
(2) amount used or produced that year
(3) amount currently held in inventory
(4) method used to transport carcinogenic substance

Public Act 77-445. Requires employers to provide lung function tests. Employees may refuse.

Public Act 80-257 - Requires employers to furnish employees with a list of carcinogenic substances in the workplace and to provide information and training programs covering these substances.

Public Act 80-398 - Requires that any asbestos-containing item which may be used in the construction or repair of structures be labled as containing asbestos and that asbestos may cause cancer when inhaled.

Public Act 80-464 - Any manufacturing firm which mixes or produces for commercial sale substances listed under section 311 of the Federal Water Pollution Control Act must submit to the local health director, upon request, a list of such substances mixed or produced during the previous year.

Public Act No. 83-511 - Any person supplying any toxic substance to an employer must label it with certain information. By October 1, 1984, and annually thereafter, each employer who uses, stores or produces any hazardous material in his manufacturing establishment must notify the local fire marshal of the presence of such substance in his establishment.

Georgia

Ga. Code Ann. sect. 34-9-330 et seq. - Presents special workers' compensation provisions regarding silicosis and asbestosis.

Illinois

Ill. Ann Stat. ch. 48, sect. 172.36 (Smith-Hurd) - States that no compensation shall be payable for cases of occupational disease caused by inhalation of asbestos dust unless disablement, as defined, occurs within 3 years after the last day of the last exposure to the hazards of such disease.

Ill. Ann. Stat. ch. 111½, sect. 1009(e) - Prohibits spraying of loose asbestos for purpose of fireproofing or insulating any building or building materials or other constructions.

Ill Ann. Stat. ch 48 , sect. 1401 et seq. - Requires employers of more than five full-time or twenty part-time employers to label containers of toxic substances in the workplace and to provide information on such substances to workers who may be exposed to them. Each employer is also required to submit annually to the state Dept. of Labor an alphabetized list of substances in the workplace as well as a material safety data sheet (MSDS) describing each substance.

Illinois Pollution Control Board Rules and Regulations - Rule 622 - Prohibits manufacturing or processing of asbestos-containing products unless a permit is obtained.

Illinois Pollution Control Board Rules and Regulations - Rule 631 - Prohibits spraying of asbestos-containing material.

Louisiana

La. Rev. Stat. Ann. sect. 3701 et seq. - Establishes Louisiana Educational Facilities Asbestos Detection Program to provide a mechanism by which the presence of friable asbestos in elementary and secondary school facilities can be detected and removed.

Maine

Me. Rev. Stat. Ann. tit. 26 sect. 1701 et seq. - Requires that information be provided to employees about the identities and hazards of chemicals in the work area by means of chemical identification lists, labels, substance data sheets, education and training, and access to written records.

Me. Rev. Stat. Ann, tit. 39 sect. 194-B - Establishes special provisions in the state's workers' compensation system for asbestos - related diseases.

Maryland

Md. Health-Environmental Code Ann. sect. 6-401 et seq. - Establishes licensing procedure for any business entity engaged in the removal or encapsulation of asbestos for the purpose of requiring adherence to strict safety standards.

Massachusetts

Mass. Ann. Laws ch. 149 sect. 142A et seq. - Requires labeling of any receptacle which contains any substance "so hazardous to health as to warrant regulation" with the identity of the substance and an appropriate warning.

Michigan

Mich. Comp. Laws sect. 408.1011 - Requires employers to make available, to employees in a conspicuous location in the area where a chemical substance or mixture, which is used in a quantity capable of creating a hazard, is being manufactured or mixed in the manufacturing process, a material safety data sheet (MSDS) or other informational sheet or system containing certain specified information.

Minnesota

Minn. Stat. Ann. sect. 182.653 et seq. - Requires manufacturers of hazardous substances or harmful physical agents to provide information on them to purchasers. Employers using hazardous substances and harmful physical agents must provide employees with information and training regarding such substances. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm.

Minn. Stat. Ann. sect. 325F.01 - Bans the use and shipment of powdered asbestos for purposes of constructing, remodeling or improving any building structure.

Missouri

Mo. Ann. Stat. sect. 287.063 - Provides that for purposes of workers' compensation, in the case of asbestosis, plus certain other occupational diseases, the only employer liable shall be the last employer in whose employment the employee was exposed during a period of at least ninety days to the hazard of such occupational disease.

Nebraska

Neb. Rev. Stat. sect. 77-3424, 79-520 and 79-531 - Changes made in 1981 relating to the funding by school districts of asbestos removal, detection or containment projects.

Neb. Legislative Bill 624, Approved April 27, 1983 - Provides for tax assessments and exclusion from school budget limitations to fund removal and replacement of exposed building materials which contain greater than one percent friable asbestos.

New Hampshire

N.H. Rev. Stat. Ann. sect. 277-A:1 et seq. - Requires that any toxic substance manufactured or distributed in the state be accompanied by a material safety data sheet (MSDS). In addition, every employer must make a MSDS available upon request by an employee for each of the toxic substances to which the employee may be exposed and conduct an education and training program informing employees of the nature of the toxic substances to which they will be exposed, prescribing proper and safe procedures for handling under all circumstances, and advising them of the potential risks involved.

New Jersey

N.J. Laws of 1983, Chap. 315 - Requires employers to label all containers in which hazardous substances are stored. Employers are also requires to complete a workplace survey form to notify the state's Department of Environmental Protection of all hazardous substances present in each workplace. The Department of Environmental Protection is then to supply each workplace with a hazardous substance fact sheet for each material listed on the survey form. These sheets are to be made available to employees by the employer.

Employee education and training programs must be established. An employee may refuse to work with a substance for which information was requested but not given for as long as it takes the employer to honor the request.

New York

N.Y. Educ. Law sect. 430 et seq. (McKinney) - Establishes state School Asbestos Safety Act which requires local school authorities to inspect schools, identify asbestos materials that constitute imminent health hazards, estimate the cost necessary to eliminate such imminent health hazards, and file such information with the commissioner of health.

N.Y. Pub. Health Law sect. 4800 et seq. - Requires employers to notify employees that they may request information concerning the toxic effects of workplace chemical substances, and to provide all requested information; to provide education and training to employees in the safe and proper handling of these substances; and to keep records for those employees routinely exposed to specific toxic substances. An employee may refuse to work with a toxic substance if the employee has requested information about it and has not received the written reply within 72 hours of its receipt by the employer.

North Carolina

N.C. Gen. Stat. sect. 97-58(a) - Provides that an employer shall not be liable for any compensation for asbestosis unless disablement or death results within ten years after the last exposure.

Oklahoma

Okla. Stat. Ann. tit. 40, sect. 451 et seq. (West) - States that no contractor shall remove any friable material containing asbestos without having first obtained a license to do so from the Commissioner of Labor. The Commissioner is to develop and adopt standards for the removal of friable materials which shall be consistent with general industry standards.

Okla. Stat. Ann. tit. 63, sect. 1-1701 (West) - Creates the Asbestos Removal Fund under the control and management of the State Department of Health to reimburse local school districts for the actual costs associated with the removal of asbestos during the fiscal year ending June 30, 1982 or the three prior fiscal years.

Oregon

Or. Ad. Rules, Workers' Compensation Dept., sect. 22-011 - Requires every employer to inform his employees regarding the known health hazards to which they are exposed, the measures which have been taken for the prevention and control of such hazards, and the proper methods for utilizing such control measures.

Or. Ad. Rules, Workers' Compensation Dept., sect. 22-015 - Provides that all containers, with certain exemptions, of hazardous chemicals used at places of employment must bear a warning label. The label must state the common or chemical name of the component or components that constitute the hazard, and a statement which calls attention to the particular type of hazard, together with the precautions to be taken in the use of the chemical, must be included.

Rhode Island

R.I. Gen. Laws sect. 16-7-40 - Permits school housing aid ratio to be increased for certain projects, including asbestos removal, undertaken by school districts.

R.I. Gen. Laws sect. 28-21-1 et seq. - Requires employers who use, transport, store or otherwise expose employees to toxic or hazardous substances to obtain, maintain and make available in each workplace a list of all such substances to which employees are or may be exposed. If an employee has requested information about a substance or mixture and has not received the available information within a specified time or period, the employee may refuse to work with that substance or mixture. Employers must also provide employees with education and training programs with regard to substances to which they may be exposed.

Virginia

Va. Code sect. 65.1-52 - Stipulates that the right to workers' compensation for asbestosis is barred unless a claim is filed with the Industrial Commission within two years after a diagnosis of the disease is first communicated to the employee.

Washington

Wash. Rev. Code Ann. §49.26,030 et seq. - Directs the Department of Labor and Industry to establish asbestos use standards and approved containers for asbestos products storage.

Wisconsin

Wisc. Stat. sec. 101.58 et seq. - Requires employers to provide employees, upon request, information on the identity of any toxic substance or infectious agent which an employee works with or is likely to be exposed to, a description of any hazardous effect of the toxic substance or infectious agent, and precautions to be taken when handling the toxic substance or infectious agent. In addition, employers must provide employees with education and training programs with regard to such substances or agents.