



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB2070
RELATING TO ASBESTOS**

LATE

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
Hearing Date: 2/19/2020 Room Number: 229

Fiscal Implications: An additional 1.0 FTE and \$100,000 annually for salaries and operating costs would be required.

Department Testimony: This measure requires the Department of Health (Department) to amend Title 11, Hawaii Administrative Rules (HAR), Chapters 501, 503 and 504 by including single-family residences in the definition of “facility” for demolition and renovation activities. The Department does not oppose this bill and shares your concern about asbestos exposure in Hawaii, but would like to offer the following comments on how asbestos activities are currently regulated.

The U.S. Environmental Protection Agency (EPA) sets federal policy for regulating asbestos disturbances during demolition and renovation activities, and the Department implemented Title 11, HAR, Chapter 501, “Asbestos Requirements”, as well as Chapters 503, “Fees for Asbestos Removal and Certification” and 504, “Asbestos Abatement Certification Program”, relative to EPA’s regulations and guidance to ensure the protection of public health. While federal and state regulations currently define a regulated facility as any institutional, commercial, public, industrial, or residential structure, installation, or building having five or more dwelling units, we do, however, regulate certain activities for single-family dwellings when more than one dwelling exists on one property or when one is demolished as part of fire training, urban renewal, conversion to commercial space, highway construction, or ordered demolition.

1 In addition to the EPA and Department's regulations, the Hawaii Department of Commerce and
2 Consumer Affairs (DCCA), under Title 16, HAR, Chapter 77, Subchapter 19, "Asbestos
3 Contractors", requires a specialty license for any person or contracting entity that disturbs
4 asbestos-containing materials during contracted demolitions or renovations (including single-
5 family residences) and federal Occupational Safety & Health Administration (OSHA), "Asbestos
6 in Construction" standards further protect employees/workers from asbestos exposure during
7 such activities.

8 Since mechanisms already exist to protect occupants of single-family residences from asbestos
9 exposures during contracted demolition and renovation activities, as well as the difficulty in
10 regulating an individual homeowner performing "do-it-yourself" renovations within their own
11 residence, we respectfully suggest that further research and discussion be performed to determine
12 the adequacy of current federal and state regulations with regard to public health and safety.

13 If this measure is enacted as drafted, it may impact the priorities identified in the Governor's
14 Executive Budget Request for the Department of Health's (Department) appropriations and
15 personnel priorities. Implementation of this measure will require additional resources of
16 approximately \$100,000 annually which include salary (1.0 FTE for an additional Environmental
17 Health Specialist position) and operating costs (travel, mileage, equipment, supplies, etc.), for the
18 enforcement of asbestos regulations in single-family dwellings statewide.

19 **Offered Amendments:** None

20 Thank you for the opportunity to testify on this measure.

February 17, 2020

LATE

The Honorable Rosalyn H. Baker, Chair

Senate Committee on Commerce, Consumer Protection and Health
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: S.B. 2070, Relating to Asbestos

HEARING: Wednesday, February 19, 2020, at 9:00 a.m.

Aloha Chair Baker, Vice Chair Chang and Members of the Committee:

I am Ken Hiraki Government Affairs Director, submitting written testimony on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its over 10,000 members. HAR **opposes** Senate Bill 2070, which clarifies that work practice standards and notification requirements for the demolition and renovation of facilities containing asbestos apply to single—family residences. This measure also requires the Department of Health to amend its administrative rules in accordance with this Act

Under Hawai'i Administrative Rules §11-501-2, facility currently excludes residential structures with less than 4 units. Asbestos surveys are expensive and time-consuming. Condominiums can spread out its costs through maintenance fees, but a homeowner doing even a simple renovation would need to bear these large costs alone.

Friable asbestos is asbestos that can be broken with minimal force. On the other hand, non-friable asbestos is safely locked into the material, which can be found in such things as roofing, flooring and tile. This measure would add additional hardships to homeowners and unnecessary costs for improvements for renovation projects that do not involve friable asbestos.

Furthermore, there is a shortage of asbestos surveyors. This could open the door to unscrupulous individuals to take advantage of homeowners trying to be compliant.

Mahalo for the opportunity to testify on this measure.

LATE

SB-2070

Submitted on: 2/18/2020 9:49:04 AM

Testimony for CPH on 2/19/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments: