

Section C. Sections 701.100, 701.104, 701.106,  
2 701.108, 701.110, 701.112 and 701.120, RSMo 1986, and  
3 sections 643.020, 701.102, 701.103, 701.122 and 701.127,  
4 RSMo Supp. 1988, are repealed and fifteen new sections  
5 enacted in lieu thereof, to be known as sections 643.020,  
6 643.225, 643.228, 643.230, 643.232, 643.235, 643.237,  
7 643.240, 643.242, 643.245, 643.250, 701.100, 701.106,  
8 701.120 and 701.122, to read as follows:

643.020. When used in this chapter and in standards,  
2 rules and regulations promulgated under authority of this  
3 chapter, the following words and phrases mean:

4 (1) "AHERA", Asbestos Hazard Emergency  
5 Response Act of 1986 (P.L. 99-519);

6 (2) "Abatement project designer", an individual who  
7 designs or plans AHERA asbestos abatement;

8 (3) "Air cleaning device", any method, process, or  
9 equipment which removes, reduces, or renders less  
10 obnoxious air contaminants discharged into ambient air;

11 (4) "Air contaminant", any particulate matter or any  
12 gas or vapor or any combination thereof;

13 (5) "Air contaminant source", any and all sources  
14 of emission of air contaminants whether privately or  
15 publicly owned or operated;

16 (6) "Air pollution", the presence in the ambient air  
17 of one or more air contaminants in quantities, of  
18 characteristics and of a duration which directly and  
19 proximately cause or contribute to injury to human, plant,  
20 or animal life or health or to property or which  
21 unreasonably interferes with the enjoyment of life or use  
22 of property;

23 (7) "Ambient air", all space outside of buildings,

24 stacks, or exterior ducts;

25 (8) "Area of the state", any geographical area  
26 designated by the commission;

27 (9) "Asbestos", the asbestiform varieties of chryso-  
28 tile, crocidolite, amosite, anthophyllite, tremolite and  
29 actinolite;

30 (10) "Asbestos abatement", the encapsulation,  
31 enclosure or removal of asbestos containing materials  
32 in or from a building or air contaminant source, or  
33 preparation of friable asbestos containing material prior  
34 to demolition;

35 (11) "Asbestos abatement contractor", any person  
36 who by agreement, contractual or otherwise, conducts  
37 asbestos abatement projects at a location other than his  
38 own place of business;

39 (12) "Asbestos abatement projects", an activity  
40 undertaken to encapsulate, enclose or remove ten square  
41 feet or sixteen linear feet or more of friable asbestos  
42 containing materials from buildings and other air  
43 contaminant sources, or to demolish buildings and other  
44 air contaminant sources containing ten square feet or  
45 sixteen linear feet or more;

46 (13) "Asbestos abatement supervisor", an individual  
47 who directs, controls, or supervises others in asbestos  
48 abatement projects;

49 (14) "Asbestos abatement worker", an individual  
50 who engages in asbestos abatement projects;

51 (15) "Asbestos containing material", any material  
52 or product which contains more than one percent  
53 asbestos, by weight;

54 (16) "Asbestos air sampling professional", an  
55 individual who by qualifications and experience is  
56 proficient in asbestos abatement air monitoring. The

57 individual shall conduct, oversee or be responsible for  
58 air monitoring of asbestos abatement projects before,  
59 during and after the project has been completed;

60 (17) "Asbestos air sampling technician", an individ-  
61 ual who has been trained by an air sampling professional  
62 to do air monitoring. Such individual conducts air  
63 monitoring of an asbestos abatement project before,  
64 during and after the project has been completed;

65 (18) "Commission", the air conservation commission  
66 of the state of Missouri created by sections 643.020,  
67 643.040 to 643.100, 643.120, 643.140 to 643.170, 643.190  
68 and 643.195;

69 (19) "Competent person", as defined in the United  
70 States Occupational Safety and Health Administration's  
71 (OSHA) standard 29 CFR 1926.58 (b). Such person shall  
72 also be a certified asbestos abatement supervisor;

73 (20) "Class A source", either a class A1 or A2 source  
74 as defined in this section;

75 (21) "Class A1 source", any installation with the  
76 potential to emit equal to or greater than one hundred  
77 tons per year of an air contaminant;

78 (22) "Class A2 source", any installation, which is  
79 not a class A1 source, and with the potential, air cleaning  
80 devices not considered, to emit equal to or greater than  
81 one hundred tons per year of an air contaminant;

82 (23) "Class B source", any installation with the  
83 potential, air cleaning devices not considered, to emit  
84 equal to or greater than the de minimis amounts of an  
85 air contaminant established by the commission, but not  
86 a class A source;

87 (24) "De minimis source", any installation with a  
88 potential to emit an air contaminant, air cleaning devices  
89 not considered, less than that established by the

90 commission as deminimis for the air contaminant;  
 91 (25) "Department", the department of natural  
 92 resources of the state of Missouri;  
 93 (26) "Director", the director of the department of  
 94 natural resources;  
 95 (27) "Emergency asbestos project", an asbestos  
 96 project that must be undertaken immediately to prevent  
 97 imminent, severe, human exposure or to restore essential  
 98 facility operation;  
 99 (28) "Emission", the discharge or release into the  
 100 atmosphere of one or more air contaminants;  
 101 (29) "Emission control regulations", limitations on  
 102 the emission of air contaminants into the ambient air;  
 103 (30) "Executive secretary", the executive secretary  
 104 of the commission;  
 105 (31) "Friable asbestos containing material", any  
 106 asbestos containing material which is applied to ceilings,  
 107 walls, structural members, piping, ductwork or any other  
 108 part of a building or other air contaminant sources and  
 109 which, when dry, may be crumbled, pulverized or reduced  
 110 to powder by hand pressure;  
 111 (32) "Inspector", an individual, under AHERA, who  
 112 collects and assimilates information used to determine  
 113 whether asbestos containing material is present in a  
 114 building or other air contaminant sources;  
 115 (33) "Management planner", an individual, under  
 116 AHERA, who devises and writes plans for asbestos  
 117 abatement;  
 118 (34) "Person", any individual, partnership, copart-  
 119 nership, firm, company, or public or private corporation,  
 120 association, joint stock company, trust, estate, political  
 121 subdivision, or any agency, board, department, or bureau  
 122 of the state or federal government, or any other legal

123 entity whatever which is recognized by law as the subject  
 124 of rights and duties.

643.225. 1. The provisions of sections 643.225 to  
 2 643.250 shall apply to all asbestos abatement projects.  
 3 The commission shall promulgate rules and regulations  
 4 it deems necessary to implement and administer the  
 5 provisions of sections 643.225 to 643.250, including  
 6 requirements, procedures and standards relating to  
 7 asbestos projects, as well as the authority to require  
 8 corrective measures to be taken in asbestos abatement  
 9 projects as are deemed necessary to protect public health  
 10 and the environment. The director shall establish any  
 11 examinations for certification required by this section  
 12 and shall hold such examinations at times and places  
 13 as determined by the director.

14 2. Except as otherwise provided in sections 643.225  
 15 to 643.250, no individual shall engage in an asbestos  
 16 abatement project, inspection, management plan,  
 17 abatement project design or asbestos air sampling unless  
 18 the person has been issued a certificate by the director,  
 19 or by the commission after appeal, for that purpose.

20 3. In any application made to the director to obtain  
 21 such certification as an inspector, management planner,  
 22 abatement project designer, supervisor, contractor or  
 23 worker from the department, the applicant shall include  
 24 his diploma providing proof of successful completion of  
 25 either a state accredited or United States Environmental  
 26 Protection Agency (EPA) accredited training course as  
 27 described in section 643.228. In addition, an applicant  
 28 for certification as a management planner shall first be  
 29 certified as an inspector. All applicants for certification  
 30 as an inspector, management planner, abatement project  
 31 designer, supervisor, contractor or worker shall success-

32 fully pass a state examination on Missouri state asbestos  
 33 statutes and rules relating to asbestos. Certification  
 34 issued hereunder shall expire one year from its effective  
 35 date. Individuals applying for state certification as an  
 36 asbestos air sampling professional shall have the  
 37 following credentials:

38 (1) A bachelor of science degree in industrial hygiene  
 39 plus one year of experience in the field; or

40 (2) A master of science degree in industrial hygiene;  
 41 or

42 (3) Certification as an industrial hygienist as  
 43 designated by the American Board of Industrial Hygiene;  
 44 or

45 (4) Three years of practical experience in the field  
 46 of industrial hygiene, including significant asbestos air  
 47 monitoring experience and the completion of a forty-hour  
 48 asbestos course which includes air monitoring instruc-  
 49 tion (National Institute of Occupational Safety and  
 50 Health 582 course on air sampling or equivalent). In  
 51 addition to these qualifications, the individual must also  
 52 pass the state of Missouri asbestos examination. All  
 53 asbestos air sampling technicians shall be trained and  
 54 overseen by an asbestos air sampling professional and  
 55 shall meet the requirements of training found in OSHA's  
 56 29 CFR 1926.58. Certification under this section as an  
 57 AHERA asbestos abatement project designer does not  
 58 qualify an individual as an architect, engineer or land  
 59 surveyor, as defined in chapter 327, RSMo.

60 4. An application fee of seventy-five dollars shall be  
 61 assessed for each category, except asbestos abatement  
 62 worker, to cover administrative costs incurred. An  
 63 application fee of twenty-five dollars shall be assessed  
 64 for each asbestos abatement worker to cover adminis-

65 trative costs incurred. A fee of twenty-five dollars shall  
 66 be assessed per state examination.

67 5. In order to qualify for renewal of a certificate, an  
 68 individual shall have successfully completed an annual  
 69 refresher course from an Environmental Protection  
 70 Agency or state of Missouri accredited training program.  
 71 For each discipline, the refresher course shall review and  
 72 discuss current federal and state statute and rule  
 73 developments, state-of-the-art procedures and key aspects  
 74 of the initial training course, as determined by the state  
 75 of Missouri. For all categories except inspectors,  
 76 individuals shall complete a one-day annual refresher  
 77 training course for recertification. Refresher courses for  
 78 inspectors shall be at least a half-day in length.  
 79 Management planners shall attend the inspector  
 80 refresher course, plus an additional half-day on manage-  
 81 ment planning. All refresher courses shall require an  
 82 individual to successfully pass an examination upon  
 83 completion of the course. In the case of significant  
 84 changes in Missouri state asbestos statutes or rules, an  
 85 individual shall also be required to take and successfully  
 86 pass an updated Missouri state asbestos examination.  
 87 An individual who has failed the Missouri state asbestos  
 88 examination may retake it on the next scheduled  
 89 examination date. If his certification has lapsed for more  
 90 than twenty-four months, he shall be required to retake  
 91 the course in his specialty area described in this section.  
 92 Failure to comply with the requirements for renewal of  
 93 certification in this section will result in decertification.  
 94 In no event shall certification or recertification constitute  
 95 permission to violate sections 643.225 to 643.250 or any  
 96 standard or rule promulgated under sections 643.225 to  
 97 643.250.

98 6. A fee of five dollars shall be paid to the state for  
 99 renewal of certificates to cover administrative costs.

100 7. The provisions of subsections 2 through 6 of this  
 101 section, section 643.228, subdivision (4) of subsection 1  
 102 of section 643.230, sections 643.232 and 643.235,  
 103 subdivisions (1) to (3) of subsection 1 of section 643.237,  
 104 and subsection 2 of section 643.237 shall not apply to  
 105 a person that is subject to requirements and applicable  
 106 standards of the United States Environmental Protection  
 107 Agency (EPA) and the United States Occupational Safety  
 108 and Health Administration's (OSHA) 29 Code of Federal  
 109 Regulations 1926.58 and which engages in asbestos  
 110 abatement projects as part of normal operations in the  
 111 facility solely at its own place or places of business. A  
 112 person shall receive an exemption upon submitting to  
 113 the director, on a form provided by the department,  
 114 documentation of the training provided to their  
 115 employees to meet the requirements of applicable OSHA  
 116 and EPA rules and regulations and the type of asbestos  
 117 abatement projects which constitute normal operations  
 118 performed by the applicant. If the application does not  
 119 meet the requirements of this subsection and the rules  
 120 and regulations promulgated by the department, the  
 121 applicant shall be notified, within one hundred eighty  
 122 days of the receipt of the application, that his exemption  
 123 has been revoked. An applicant may appeal the  
 124 revocation of an exemption to the commission within  
 125 thirty days of the notice of revocation. This exemption  
 126 shall not apply to asbestos abatement contractors, to  
 127 those persons who the commission by rule determines  
 128 provide a service to the public in its place or places of  
 129 business as the economic foundation of the facility, or  
 130 to those persons subject to the requirements of the federal

131 Asbestos Hazard Emergency Response Act of 1986 (P.L.  
 132 99-519). A representative of the department shall be  
 133 permitted to attend, monitor and evaluate any training  
 134 program provided by the exempted person. Such  
 135 evaluations may be conducted without prior notice.  
 136 Refusal to allow such an evaluation is sufficient grounds  
 137 for loss of exemption status.

138 8. A fee of two hundred fifty dollars shall be  
 139 submitted with the application for exemption. This is a  
 140 one-time fee. Exempted persons shall submit to the  
 141 director changes in curricula or other significant  
 142 revisions to the training program as they occur.

643.228. 1. Required training courses for certifica-  
 2 tion under section 643.225 shall first be accredited by  
 3 the state. To be accredited, training programs shall meet  
 4 the training certification and recertification require-  
 5 ments for each specialty area outlined in the United  
 6 States EPA's model accreditation plan, 40 CFR Part 763,  
 7 including passage of a course examination for these  
 8 courses, and the certification requirements for air  
 9 sampling professionals outlined in section 643.225. Such  
 10 accreditation shall be obtained biennially. A represen-  
 11 tative of the department or the department of health shall  
 12 be permitted to attend, monitor and evaluate any training  
 13 program without charge to the state. Such evaluations  
 14 may be conducted without prior notice. Refusal to allow  
 15 such an evaluation is sufficient grounds for loss of  
 16 certificate of accreditation.

17 2. An accreditation fee of one thousand dollars per  
 18 course category shall be paid prior to issuance or renewal  
 19 of a certificate of accreditation, however, no individual,  
 20 group, agency or organization shall pay more than three  
 21 thousand dollars for all course categories for which

22 accreditation is requested at the same time.

23 3. The director may engage in reciprocity agreements  
24 with other states that have established accreditation  
25 criteria for certification training programs that meet or  
26 exceed Missouri's accreditation criteria.

643.230. 1. The director may deny, suspend or revoke  
2 any certification, accreditation or exemption status under  
3 sections 643.225 to 643.250 if the director finds that the  
4 applicant has:

5 (1) Fraudulently or deceptively obtained or attempt-  
6 ed to obtain a certificate, or accreditation or exemption  
7 status;

8 (2) Failed at any time to meet the qualifications for  
9 certification, accreditation or exemption or to comply  
10 with any applicable provision or requirement of sections  
11 643.225 to 643.250;

12 (3) Failed at any time to meet any applicable federal  
13 or state requirements for removal, encapsulation,  
14 enclosure or demolition of asbestos;

15 (4) Failed to provide proof of certification on the job  
16 site;

17 (5) Failed to meet the state of Missouri accreditation  
18 or exemption requirements for training programs.

19 2. Suspension of a certificate or exemption under this  
20 section may not be in effect for a period greater than  
21 ninety days. At the end of such period of time, the  
22 certificate or exemption shall be reinstated unless the  
23 director has revoked the certificate or exemption or the  
24 certificate has expired.

25 3. Upon denial, suspension, or revocation of certi-  
26 fication, accreditation or exemption by the director, the  
27 applicant may appeal to the commission by filing notice  
28 of appeal with the commission within thirty days of the

29 notice of denial, suspension or revocation. The commis-  
30 sion shall hold a hearing at a time not more than sixty  
31 days after the date of request. If the commission  
32 determines that the applicant meets the requirements of  
33 section 643.225 and has not committed any violation  
34 indicated in section 643.225, 643.228, or in this section,  
35 and the rules promulgated thereto, the commission may  
36 issue certification, accreditation or exemption to the  
37 individual.

643.232. 1. All asbestos abatement contractors prior  
2 to engaging in asbestos abatement projects shall:

3 (1) Register with the department and reregister  
4 annually as provided by rule;

5 (2) Submit an application for registration on a form  
6 developed by the department;

7 (3) Use only those individuals that have been  
8 certified or trained in accordance with sections 643.225  
9 to 643.250.

10 2. During asbestos abatement projects, all contrac-  
11 tors shall:

12 (1) Comply with applicable United States Environ-  
13 mental Protection Agency regulations and guidelines, the  
14 standards for worker protection promulgated by the  
15 United States Occupational Safety and Health Admin-  
16 istration in 29 CFR 1910.1001, 1910.1200 and 1926.58,  
17 the provisions of sections 643.225 to 643.250 and the rules  
18 and regulations promulgated thereunder. It is not  
19 intended that the director shall enforce OSHA require-  
20 ments but shall have the authority to deny, revoke, or  
21 suspend registration on the basis of finding of violation  
22 by OSHA;

23 (2) Ensure that a competent person be on the  
24 asbestos abatement project site directing all aspects of

25 the project during the hours that the project is being  
26 conducted.

27 3. A registration fee of one thousand dollars shall  
28 be paid by the person to the state prior to registration.

643.235. 1. The director may deny, suspend or revoke  
2 any person's registration under sections 643.225 to  
3 643.250 if the director finds that the applicant has:

4 (1) Failed to meet the requirements of section 643.232;

5 (2) Failed to use certified or trained individuals as  
6 required in section 643.232;

7 (3) Failed at any time to meet any applicable federal,  
8 state or local standards for removal, encapsulation,  
9 enclosure or demolition of asbestos; or

10 (4) Failed to renew his registration annually.

11 2. Upon denial, suspension, or revocation of regis-  
12 tration by the director, the person may appeal to the  
13 commission by filing notice of appeal with the commis-  
14 sion within thirty days of the notice of denial, suspension  
15 or revocation. The commission shall hold a hearing at  
16 a time not more than ninety days after the date of request.  
17 If the commission determines that the person meets the  
18 requirements of section 643.232 and has not committed  
19 any violation indicated in this section, and the rules  
20 promulgated thereto, the commission shall issue regis-  
21 tration to the person.

22 3. If a person's registration has been revoked, he may  
23 reapply for registration one year from the date of  
24 revocation if the director finds that he meets the  
25 requirements of sections 643.225 to 643.250.

643.237. 1. Any person undertaking an asbestos  
2 abatement project of a magnitude greater than or equal  
3 to one hundred sixty square feet or two hundred sixty  
4 linear feet shall meet the following requirements:

5 (1) The person shall submit an application for  
6 asbestos abatement to the department for review at least  
7 twenty days in advance. The application shall be in the  
8 form required by the department. Such application shall  
9 include the name and address of the applicant, a  
10 description of the proposed project and any other  
11 information as may be required by the commission and  
12 provide proof to the department that all employees  
13 engaged in an asbestos abatement project are in  
14 compliance with sections 643.225 and 643.228;

15 (2) Persons undertaking an asbestos abatement  
16 project shall notify the department within sixty days of  
17 the completion of the project in the form required by the  
18 department;

19 (3) Persons undertaking an emergency asbestos  
20 abatement project of this magnitude shall submit a  
21 notification to the department within twenty-four hours  
22 of the onset of the emergency. An application for permit  
23 to abate shall be submitted to the department within  
24 seven days of the onset of the emergency;

25 (4) A fee of one hundred dollars shall be paid for  
26 review of each asbestos abatement project notification  
27 of this magnitude;

28 (5) Any person undertaking an asbestos abatement  
29 project in the jurisdiction of an authorized local air  
30 pollution control agency shall be exempt from an  
31 application fee if the authorized local agency also imposes  
32 an application fee.

33 2. Any person undertaking an asbestos abatement  
34 project of a magnitude less than one hundred sixty square  
35 feet or two hundred sixty linear feet, but greater than  
36 ten square feet or sixteen linear feet shall meet the  
37 following requirements:

38 (1) The person shall submit notification to the  
 39 department for review at least twenty days in advance.  
 40 The notification shall be in the form required by the  
 41 department. Such notification shall include the name and  
 42 address of the applicant, a description of the proposed  
 43 project and any other information as may be required  
 44 by the department and provide proof to the department  
 45 that all employees engaged in an asbestos abatement  
 46 project are in compliance with sections 643.225 and  
 47 643.228. In addition, the person shall post for inspection,  
 48 at the site, current certificates of all individuals engaged  
 49 in the asbestos abatement project as well as proof of the  
 50 person's current registration;

51 (2) Persons undertaking an asbestos abatement  
 52 project shall notify the department within sixty days of  
 53 the completion of the project in the form required by the  
 54 department;

55 (3) Persons undertaking an emergency asbestos  
 56 abatement project of this magnitude shall submit  
 57 notification to the department within twenty-four hours  
 58 of the onset of the emergency.

59 3. Any person who submits an asbestos abatement  
 60 project notification to the department shall submit actual  
 61 project dates and times for his project. If the dates and  
 62 times are revised on this project as submitted to the  
 63 department, the person is responsible to notify the  
 64 department at least twenty-four hours prior to the original  
 65 starting date of the project by telephone and then follow-  
 66 up with a written amendment stating the change in date  
 67 and time. If the person does not comply with this  
 68 procedure, he shall be held in violation of the notification  
 69 requirements found in this section. This requirement does  
 70 not change the reporting requirements for notification,

71 post notification and emergency projects specified in this  
 72 section.

643.240. 1. Before commencement of an asbestos  
 2 abatement project, persons shall make all reasonable  
 3 efforts to minimize the spread of friable asbestos-  
 4 containing materials to uncontaminated areas.

5 2. Any asbestos containing material that will be  
 6 rendered friable during the process of removal, encap-  
 7 sulation, enclosure or demolition is subject to all  
 8 applicable federal and state regulations.

9 3. Analysis of asbestos air samples shall be con-  
 10 ducted according to the United States Occupational  
 11 Safety and Health Administration's (OSHA) standards  
 12 in 29 CFR 1926.58.

643.242. 1. Asbestos abatement projects of a mag-  
 2 nitude greater than or equal to ten square feet or sixteen  
 3 linear feet are subject to inspection.

4 2. The commission shall be authorized to assess a  
 5 fee of not more than one hundred dollars for each on-  
 6 site inspection of asbestos abatement projects. Such fees  
 7 would not be assessed for more than three on-site  
 8 inspections during the period an actual abatement project  
 9 is in progress. Failure of the asbestos abatement  
 10 contractor to notify the department of project postpone-  
 11 ment may result in the assessment of an inspection fee  
 12 in the event of an on-site visit by the department.

13 3. Any person undertaking an asbestos abatement  
 14 project in the jurisdiction of an authorized local air  
 15 pollution control agency, shall be exempt from an  
 16 inspection fee if the authorized local agency also imposes  
 17 an inspection fee.

643.245. 1. All moneys received pursuant to sections  
 2 643.225 to 643.250 and any other moneys so designated



3 shall be placed in the state treasury and credited to the  
4 "Natural Resources Protection Fund—Air Pollution  
5 Asbestos Fee Subaccount", which is hereby created. Such  
6 moneys received pursuant to sections 643.225 to 643.250  
7 shall, subject to appropriation, be used solely for the  
8 purpose of administering this chapter. Any unexpended  
9 balance in such fund at the end of any appropriation  
10 period shall not be transferred to the general revenue  
11 fund of the state treasury and shall be exempt from the  
12 provisions of section 33.080, RSMo.

13 2. The state treasurer, with the approval of the board  
14 of fund commissioners, is authorized to deposit all of the  
15 moneys in any of the qualified state depositories. All such  
16 deposits shall be secured in such manner and shall be  
17 made upon such terms and conditions as are now and  
18 may hereafter be approved by law relative to state  
19 deposits. Any interest received on such deposits shall be  
20 credited to the natural resources protection fund—air  
21 pollution asbestos fee subaccount.

643.250. 1. Any authorized representative of the  
2 department may enter at all reasonable times, in or upon  
3 public or private property for purposes required under  
4 sections 643.225 to 643.250. Refusal to allow such entry  
5 shall be grounds for revocation of registration or  
6 injunctive relief.

7 2. Any person who knowingly violates sections  
8 643.225 to 643.250, or any rule promulgated thereunder,  
9 shall, upon conviction, be punished by a fine of not less  
10 than twenty-five hundred dollars nor more than twenty-  
11 five thousand dollars per day of violation, or by  
12 imprisonment for not more than one year, or both. Second  
13 and successive convictions of any person shall be  
14 punished by a fine of not more than fifty thousand dollars

15 per day of violation, or by imprisonment for not more  
16 than two years, or both.

17 3. Any person who violates any provision of sections  
18 643.225 to 643.250 may, in addition to any other penalty  
19 provided by law, incur a civil penalty in an amount not  
20 to exceed ten thousand dollars for each day of violation.  
21 The civil penalty shall be in an amount to constitute  
22 an actual and substantial economic deterrent to the  
23 violation for which the civil penalty is assessed. Any  
24 civil penalty paid shall be placed in the natural resources  
25 protection fund—pollution asbestos fee account.

26 4. Notwithstanding the existence or pursuit of any  
27 other remedy provided by sections 643.225 to 643.250, the  
28 commission may maintain, in the manner provided by  
29 chapter 536, RSMo, an action in the name of the state  
30 of Missouri for injunction or other process against any  
31 person to restrain or prevent any violation of the  
32 provisions of sections 643.225 to 643.250.

701.100. As used in sections 701.100 and 701.106, the  
2 following terms mean:

3 (1) "Asbestos", the asbestiform varieties of chryso-  
4 tile, crocidolite, amosite, anthophyllite, tremolite and  
5 actinolite;

6 (2) "Asbestos abatement projects", an activity  
7 undertaken to encapsulate, enclose or remove ten square  
8 feet or sixteen linear feet or more of friable asbestos  
9 containing materials from buildings and other air  
10 contaminant sources, or to demolish buildings and other  
11 air contaminant sources containing ten square feet or  
12 sixteen linear feet or more;

13 (3) "Friable asbestos containing material", any  
14 material that contains more than one percent asbestos,  
15 by weight, which is applied to ceilings, walls, structural

16 members, piping, ductwork or any other part of a building  
17 or other air contaminant sources and which, when dry,  
18 may be crumbled, pulverized or reduced to powder by  
19 hand pressure.

701.106. 1. No state agency or political subdivision  
2 of this state shall accept a bid in connection with any  
3 asbestos abatement project that does not fully comply  
4 with the provisions of sections 643.225 to 643.250.

5 2. No state agency or political subdivision of this  
6 state shall carry out any asbestos abatement project  
7 using its own employees except in compliance with the  
8 requirements of sections 643.225 to 643.250.

701.120. As used in sections 701.120 to 701.127, the  
2 following terms mean:

3 (1) "Asbestos", the asbestiform varieties of chryso-  
4 tile, crocidolite, amosite, anthophyllite, tremolite and  
5 actinolite;

6 (2) "Asbestos containing material", any material  
7 which contains more than one percent of asbestos by  
8 weight;

9 (3) "Friable asbestos containing material", any  
10 material that contains more than one percent asbestos,  
11 by weight, which is applied to ceilings, walls, structural  
12 members, piping, ductwork or any other part of a building  
13 or other air contaminant sources and which, when dry,  
14 may be crumbled, pulverized or reduced to powder by  
15 hand pressure;

16 (4) "Person", any individual, partnership, copartner-  
17 ship, firm, company, or public or private corporation,  
18 association, joint stock company, trust, estate, political  
19 subdivision, or any agency, board, department or bureau  
20 of the state or federal government, or any other legal  
21 entity whatever which is recognized by law as the subject

22 of rights and duties;

23 (5) "School district", six-director districts, urban  
24 school districts and metropolitan school districts, as  
25 defined in section 160.011, RSMo.

701.122. 1. Each public school district and private  
2 or parochial school in Missouri shall report to the  
3 department of health the results of the examination of  
4 its structures for friable asbestos as required by the  
5 Environmental Protection Agency under the Toxic  
6 Substances Control Act, PL 94-469. All such reports shall  
7 be filed with the department of health before March 1,  
8 1987. Other political subdivisions shall assess asbestos  
9 in buildings owned, leased or operated by the political  
10 subdivisions and report the results of the examination  
11 of its structures for friable asbestos to the department  
12 of health by December 31, 1991. The results of the  
13 assessment shall be public information and shall be  
14 readily available to the public and employees of each  
15 political subdivision and each school district and private  
16 and parochial school.

17 2. If the assessment indicates the presence of  
18 asbestos containing materials, the report shall identify  
19 the location of all materials containing asbestos, the  
20 location and square footage of friable asbestos, the  
21 average number of persons exposed, the percent of  
22 asbestos found in the material, the test used to assess  
23 the material and plans for management of any friable  
24 asbestos. The report shall also describe any plans for  
25 interim measures, such as treating or covering friable  
26 asbestos, to be taken pending management of the  
27 material. Any political subdivision, any school district  
28 and any private or parochial school which adopts interim  
29 measures or which has not completed its management

30 plan, shall reevaluate the material biennially and report  
31 its findings to the department of health and make its  
32 finding available to its employees and the public. Any  
33 political subdivision, any school district and any private  
34 or parochial school which identifies nonfriable asbestos  
35 shall, no less often than every three years, reevaluate  
36 the material and report its findings to the department  
37 of health and make its findings available to its employees  
38 and the public. The department of health shall provide  
39 technical assistance including training, consultation and  
40 inspection upon request, to political subdivisions in  
41 identifying buildings owned, leased or operated by  
42 political subdivisions which have asbestos containing  
43 materials.

44 3. The department of health shall annually provide  
45 the department of elementary and secondary education  
46 with a list of all public school districts whose buildings  
47 contain friable asbestos.

48 4. The department of health shall, in cooperation  
49 with the office of administration, assess asbestos in  
50 buildings owned, operated or leased by the state of  
51 Missouri and report its findings to the office of  
52 administration.

Section D. Because immediate action is necessary  
2 in order to remedy the serious ongoing health risks to  
3 children and the general public associated with asbestos  
4 abatement activities, section C of this act is deemed  
5 necessary for the immediate preservation of the public  
6 health, welfare, peace and safety, and are hereby declared

7 to be an emergency act within the meaning of the  
8 constitution, and section C of this act shall be in full  
9 force and effect upon its passage and approval.