

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.2707 and 2721 (Log #AQ216).

LAC 33:III.2707.B.1 requires local education agencies and state governments to conduct reinspections of all friable and nonfriable known or assumed asbestos-containing building material in each building that they lease, own, or otherwise use at least every three years after a management plan is in effect. The federal rule, which forms the basis for this rule, only requires management plans and reinspections in primary and secondary schools. The revision to the rule removes that requirement of reinspection in state buildings saving the state 6-7.5 million dollars every three years. The rule will continue to require initial inspections by accredited inspectors, 6-month surveillance inspections by properly trained personnel, and management plans in state buildings. The basis and rationale for this proposed rule are to make Louisiana's regulations equivalent to federal regulations with regard to asbestos reinspections in state buildings saving the state 6-7.5 million dollars every three years.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on June 25, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by AQ216. Such comments must be received no later than July 2, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0389. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ216.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building,

1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

**Chapter 27. Asbestos-Containing Materials in Schools and State Buildings
Regulation**

§2707. Inspection and Reinspections

* * *

[See Prior Text in A – A.4.f.v]

B. Reinspection

1. At least once every three years after a management plan is in effect, each local education agency ~~or the state government~~ shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each building that they lease, own, or otherwise use:

a. review previous inspection data in the management plan and compare to existing school ~~or state building~~ conditions and correct for any changes;

* * *

[See Prior Text in B.1.b - 2]

3. For each area of a school ~~or state building~~, each person performing a reinspection shall:

* * *

[See Prior Text in B.3.a - d]

e. visually inspect, sample, analyze, and assess the conditions of building materials that have been added to the school ~~or state building~~ since the last inspection or reinspection;

* * *

[See Prior Text in B.3.f - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

§2721. Training and Periodic Surveillance

* * *

[See Prior Text in A – B.2.b]

c. submit to the person designated to carry out general local education agency or state government responsibilities under LAC 33:III.2705 a copy of such record for inclusion in the management plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES LOG #: AQ216

Person Preparing Statement: Edward W. Sanchez, Jr. Dept.: Department of Environmental Quality Phone: (225) 765-2781 Office: Office of Environmental Assessment

Return Address: P.O. Box 82135 Baton Rouge, LA 70884-2135 Rule Title: Asbestos-Containing Materials in Schools and State Buildings Regulation (LAC 33:III.2707 and 2721)

Date Rule Takes Effect: Upon Promulgation SUMMARY (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

As a result of this rule, state governmental units will realize an estimated savings of approximately 6 - 7.5 million dollars through the elimination of 3-year asbestos reinspections in state government buildings. These revisions will have no impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

These revisions will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

These revisions will cause direct costs to those consulting firms that would have been awarded 3-year asbestos reinspection contracts. These firms may lose a total of 6 - 7.5 million dollars in revenues.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These revisions will have no effect on competition, but they will cause loss of employment to some asbestos inspectors and/or asbestos management planners, and loss of contractual funds to those consulting firms not awarded reinspection contracts.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

James H. Brent, Ph.D. Assistant Secretary Typed Name and Title of Agency Head or Designee

Date of Signature
LFO 7/1/94

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

LAC 33:III.2707.B.1 requires local education agencies and state governments to conduct reinspections of all friable and nonfriable known or assumed asbestos-containing building material in each building that they lease, own, or otherwise use at least every three years after a management plan is in effect. The federal rule, which forms the basis for this rule, only requires management plans and reinspections in primary and secondary schools. The revision to the rule removes that requirement of reinspection in state buildings saving the state 6-7.5 million dollars every three years. The rule will continue to require initial inspections by accredited inspectors, 6-month surveillance inspections by properly trained personnel and management plans in state buildings.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule will make Louisiana’s regulations equivalent to federal regulations with regard to asbestos reinspections in state buildings saving the state 6-7.5 million dollars every three years.

- C. Compliance with Act II of the 1986 First Extraordinary Session
 - (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

These revisions will produce no increase in expenditures of state funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) ____ Yes. If yes, attach documentation.
- (b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is an anticipated decrease in costs. State savings of approximately 6-7.5 million dollars will be realized from the elimination of 3-year asbestos reinspections in state government buildings.

COSTS	FY 01-02	FY 02-03	FY 03-04
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	6 - 7.5 million	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
<u>TOTAL</u>	6 - 7.5 million	0	0
<u>MAJOR REPAIR & CONSTR.</u>	0	0	0
<u>POSITIONS(#)</u>	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The Division of Administration, Facility Planning Section, supplied figures that reflect a reduction in both workload and paperwork. No new forms or additional documentation will be required.

3. Sources of funding for implementing the proposed rule or rule change.

No state funds will be expended.

SOURCE	FY 01-02	FY 02-03	FY 03-04
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
<u>OTHER (Specify)</u>	0	0	0
<u>TOTAL</u>	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

These proposed revisions will require no funding.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

These proposed revisions will have no impact on local governments.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

The proposed revisions will require no funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase (decrease) in revenues can be anticipated from the proposed action?
There will be no effect on revenues.

REVENUE INCREASE/DECREASE	FY 01-02	FY 02-03	FY 03-04
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
<u>LOCAL FUNDS</u>	0	0	0
<u>TOTAL</u>	0	0	0

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The consulting firms that previously have been awarded contracts to conduct 3-year reinspections in state government buildings will be directly affected, losing approximately 6 - 7.5 million dollars over one year.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

These proposed revisions will have no impact on receipts and/or income.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

These proposed revisions will have no impact on competition because there will be no contracts for which to compete. These proposed revisions will impact consulting firms with the loss of contractual funds, however, as well as potential loss of employment by some asbestos inspectors and/or asbestos management planners.