

SB 871 -1, -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 4/10, 4/17

WHAT THE MEASURE DOES:

-1 amendment: Replaces measure.

Prior to the demolition of a residence or residential structure, and notwithstanding the state building code, authorizes a city or county with jurisdiction over the area in which the structure is located to require: (1) neighbors be notified of the demolition, (2) a copy of an asbestos survey required by ORS 468.757 be filed with a city or county agency, (3) a plan be completed for the proper and safe abatement of asbestos hazards, and (4) notice of the asbestos abatement plan be filed with a city or county agency. Provisions apply to demolitions of a residential building occurring on or after January 1, 2018.

Prior to the demolition of a residence or residential structure, and notwithstanding the state building code, authorizes a city or county with jurisdiction over the area in which the structure is located to require: (1) neighbors be notified of the demolition, (2) a plan be completed for containing lead particles that would otherwise be released into the air during a demolition, and (3) a copy of any plan required by the city or county for containing lead particles be filed with a city or county agency. Provisions do not apply to the demolition of a residential building constructed on or after January 1, 1978.

Establishes measure operative date of January 1, 2018. Measure takes effect on 91st day after the date on which the 2017 regular legislative session adjourns sine die.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

-2 amendment. Replaces measure.

Directs Department of Consumer and Business Services (DCBS) to amend state building code to create standards and guidelines for demolition of residences and residential buildings that may contain asbestos or lead-based paint. Requires DCBS in adopting standards and guidelines to exempt certain buildings, require notice of a demolition to neighbors in the immediate neighborhood, require demolition meet certain standards at a minimum, and require demolition meet any other standard established by DCBS.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure.

-2 Replaces measure.

-3 Replaces measure. Authorizes city to establish a program for the demolition of residences or residential buildings. Establishes program requirements. Requires Oregon Health Authority to establish a lead containment certification program for purpose of certifying contractors to perform demolitions of residences or residential buildings built before 1978 in cities with a demolition program. Requires Environmental Quality Commission to establish procedures

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for conducting asbestos survey under ORS 468A.757. Takes effect on 91st day after date on which the 2017 regular session of Legislative Assembly adjourns sine die.

BACKGROUND:

Asbestos is the generic name given to a group of fibrous minerals used to make a wide range of construction materials including roofing shingles, ceiling and floor tiles, insulation, adhesives, and cement siding. Exposure to asbestos has been shown to increase the risk of an individual developing lung disease. In Oregon, all asbestos contractors must have an asbestos abatement license issued by the Department of Environmental Quality and must use only certified workers and supervisors. In 2015, the Legislative Assembly adopted Senate Bill 705, requiring the Environmental Quality Commission (EQC) to adopt rules requiring inspectors to perform asbestos surveys prior to beginning demolition in order to determine whether a residence is insulated with asbestos. Under EQC rules, this survey requirement applies to residences constructed prior to January 1, 2004. If asbestos is found, it must all be properly removed and disposed of by a licensed asbestos abatement contractor prior to the demolition.

Although leaded paint and gasoline are no longer used in the United States, an individual may still be exposed to lead dust generated during building renovation activities such as sanding, cutting, and demolition. Houses built prior to 1978 were commonly painted with leaded paint inside and out. The federal Environmental Protection Agency (EPA) issued the Renovation, Repair and Painting rule on April 22, 2008 to protect children and adults against hazardous lead dust and chips disturbed during common renovation activities. In 2010, EPA gave the Oregon Construction Contractors Board and the Oregon Health Authority the authority to administer the rule in Oregon.

Senate Bill 871 would authorize a city or county to require that neighbors be notified prior to the demolition of a residential building and plans be prepared to address asbestos abatement and the containment of lead particles that would otherwise be released into the air.