

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3372**

1 On page 1 of the printed bill, line 2, after “468.070” insert “, 468A.720 and  
2 468A.725”.

3 Delete lines 5 through 30 and delete page 2 and insert:

4 **“SECTION 1. (1) The Department of Environmental Quality may**  
5 **require an applicant for a permit or license authorized or required by**  
6 **ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and**  
7 **454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and**  
8 **468B to provide the department with sufficient information for the**  
9 **department to evaluate the applicant’s history of compliance with en-**  
10 **vironmental quality laws.**

11 **“(2) Information that an applicant may be required to provide under**  
12 **this section includes, but is not limited to:**

13 **“(a) A list of corporate officers, managers, members of the board**  
14 **of directors, general partners or other persons who exercise substan-**  
15 **tial control on behalf of or over the applicant;**

16 **“(b) A list of parent or subsidiary corporations of the applicant or**  
17 **other business entities similarly related to the applicant; and**

18 **“(c) Notices or other documents stating that a person has violated**  
19 **the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255,**  
20 **454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465,**  
21 **466, 468, 468A and 468B, any rule or standard adopted under those**

1 **statutes or any order or permit issued by the department or the En-**  
2 **vironmental Quality Commission.**

3 **“SECTION 2.** ORS 468.070 is amended to read:

4 “468.070. (1) At any time, the Department of Environmental Quality may  
5 refuse to issue, modify, suspend, revoke or refuse to renew any permit issued  
6 pursuant to ORS 468.065 if it finds:

7 “(a) A material misrepresentation or false statement in the application for  
8 the permit.

9 “(b) Failure to comply with the conditions of the permit.

10 “(c) Violation of any [*applicable*] **of the** provisions of [*ORS 466.605 to*  
11 *466.680, 466.990 (3) and (4) and 466.995 (2) or ORS chapters 468, 468A and*  
12 *468B*] **ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535**  
13 **and 454.605 to 454.755 or ORS chapters 459, 459A, 465, 466, 468, 468A and**  
14 **468B.**

15 “(d) Violation of any [*applicable*] rule, standard or order of the Environ-  
16 mental Quality Commission.

17 “(2) The department may modify any permit issued pursuant to ORS  
18 468.065 if it finds that modification is necessary for the proper adminis-  
19 tration, implementation or enforcement of the provisions of ORS 448.305,  
20 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755,  
21 466.605 to 466.680 and ORS chapters 468, 468A and 468B.

22 **“(3) In making a finding under subsection (1) of this section:**

23 **“(a) The department may consider a violation committed by:**

24 **“(A) The applicant;**

25 **“(B) A corporate officer, manager, member of the board of direc-**  
26 **tors, general partner or other person who exercises substantial control**  
27 **on behalf of or over the applicant; or**

28 **“(C) A parent or subsidiary corporation of the applicant or other**  
29 **business entity similarly related to the applicant.**

30 **“(b) The department shall consider whether the cause of a violation**

1 was:

2 “(A) An intentional act;

3 “(B) An act committed with knowledge that the act was a violation;

4 or

5 “(C) A reckless act.

6 “[3] (4) The procedure for modification, suspension, revocation or refusal  
7 to issue or renew shall be the procedure for a contested case as provided in  
8 ORS chapter 183.

9 “**SECTION 3.** ORS 468A.720 is amended to read:

10 “468A.720. (1) As used in this section, ‘related person’ means:

11 “(A) A corporate officer, manager, member of the board of direc-  
12 tors, general partner or other person who exercises substantial control  
13 on behalf of or over a contractor; or

14 “(B) A parent or subsidiary corporation of the contractor or other  
15 business entity similarly related to the contractor.

16 “[1] (2) The Department of Environmental Quality shall issue an  
17 asbestos abatement license to a contractor who:

18 “(a) Successfully completes an accredited training course for contractors.

19 “(b) Requires each employee or agent of the contractor who works on or  
20 is directly responsible for an asbestos abatement project to be certified under  
21 ORS 468A.730.

22 “(c) Certifies that the contractor has read and understands the applicable  
23 state and federal rules and regulations on asbestos abatement and agrees to  
24 comply with the rules and regulations.

25 “(3) Notwithstanding subsection (1) of this section, the department  
26 may refuse to issue a license to a contractor if the department finds  
27 that the contractor or a related person violated any of the provisions  
28 of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700 to  
29 468A.755.

30 “[2] (4) A contractor shall apply for a license or renewal of a license

1 according to the procedures established by rule by the Environmental Qual-  
2 ity Commission.

3 **“SECTION 4.** ORS 468A.725 is amended to read:

4 **“468A.725. (1) As used in this section, ‘related person’ has the**  
5 **meaning given that term in ORS 468A.720.**

6 **“[(1)] (2)** The Department of Environmental Quality may suspend or re-  
7 voke an asbestos abatement license issued to a contractor under ORS  
8 468A.720 if the licensee:

9 **“(a)** Fraudulently obtains or attempts to obtain a license.

10 **“(b)** Fails at any time to satisfy the qualifications for a license or to  
11 comply with rules adopted by the Environmental Quality Commission under  
12 ORS 468A.700 to 468A.760.

13 **“(c)** Fails to meet any applicable state or federal standard relating to  
14 asbestos abatement.

15 **“(d)** Permits an untrained worker to work on an asbestos abatement  
16 project.

17 **“(e)** Employs a worker who fails to comply with applicable state or federal  
18 rules or regulations relating to asbestos abatement.

19 **“[(2)] (3)** In addition to any penalty provided by ORS 468.140, the depart-  
20 ment may:

21 **“(a)** Suspend or revoke the [*license or*] certification of any person who  
22 violates the conditions of ORS 468A.700 to 468A.755 or rules adopted under  
23 ORS 468A.700 to 468A.755[.]; **or**

24 **“(b)** Suspend or revoke the asbestos abatement license issued to any  
25 contractor if the contractor or a related person violates the provisions  
26 of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700 to  
27 468A.755.

28 **“SECTION 5.** This 2021 Act takes effect on the 91st day after the  
29 date on which the 2021 regular session of the Eighty-first Legislative  
30 Assembly adjourns sine die.”.

