

Oklahoma Statutes Annotated [Currentness](#)

Title 40. Labor

→ [Chapter 11. Oklahoma Asbestos Control Act](#)

→ [§ 450. Short title](#)

Sections 265 through 270 of this act shall be known and may be cited as the “Oklahoma Asbestos Control Act”.[\[FN1\]](#)

[\[FN1\]](#) Title 40, § 450 et seq.

[§ 451. Definitions](#)

As used in the Oklahoma Asbestos Control Act: [\[FN1\]](#)

1. “Friable asbestos material” means any material that contains asbestos of one percent (1%) or more that can be crumbled, pulverized or reduced to powder by hand pressure;
2. “Friable asbestos material abatement” means the removal, encapsulation or enclosure of friable asbestos containing material;
3. “Friable asbestos material encapsulation” means the application of a bonding agent called a sealant, which penetrates and hardens the asbestos material or covers the surface of the material with a protective coating, thus preventing fiber release from the asbestos material;
4. “Friable asbestos material removal” means the actual physical removal of any friable asbestos containing material from a facility, when the asbestos is either attached to or detached from any device or structure;
5. “Contractor” means any public or private entity that engages in friable asbestos containing material abatement in any facility in this state except private residences or apartment houses of less than six family units;
6. “Commissioner” means the Commissioner of Labor.

[\[FN1\]](#) Title 40, § 450 et seq.

[§ 452. License required--Fees--Exemptions](#)

A. No contractor shall abate any friable material containing asbestos without having first obtained a license to do so from the Commissioner of Labor. The Commissioner shall issue an asbestos abatement license to a qualified contractor upon proper application, as determined by the Commissioner. The annual fee for such license shall be Five Hundred Dollars (\$500.00). A nonrefundable initial application fee of One Thousand Dollars (\$1,000.00) shall be charged. The Commissioner may deny a license to applicants whose past abatement performance for abatement of friable asbestos does not comply with federal and other states' requirements. A minimum waiting period of one hundred twenty (120) days will be required before issuance of a license to permit the Commissioner to perform a work performance investigation of the applicant.

The annual fee for examining and certifying workers employed by a contractor for asbestos abatement shall be Twenty-five Dollars (\$25.00). Uncertified workers shall not be used on any asbestos abatement projects.

B. The state and political subdivisions thereof, counties and political subdivisions thereof and municipalities and political subdivisions thereof, and their supervisors and employees, shall be exempt from any certification fees required by this section when such entities act as a contractor. Any contractor not performing abatement work which falls under the jurisdiction of the Commissioner during the period of the issued license shall be considered a new applicant for purposes of licensing and training.

C. A fee of Six Hundred Dollars (\$600.00) shall be paid by contractors to the Department of Labor, to be deposited in the General Revenue Fund, for each separate containment area of any asbestos abatement project. There shall be a minimum of three inspections of each containment area. For projects which are not a part of a definite containment area, or are performed with multiple glovebags or miniature containments, a fee of Two Hundred Dollars (\$200.00), plus Five Dollars (\$5.00) per such glovebag or miniature containment, shall be made.

Asbestos abatement projects performed on properties owned by the state or any political subdivision thereof shall be exempt from this fee.

D. Any asbestos abatement contractor transporting asbestos-containing material shall be required to provide to the Commissioner a Certificate of Insurance by a carrier licensed to do business in the State of Oklahoma demonstrating a minimum of One Million Dollars (\$1,000,000.00) of environmental impairment insurance.

E. No state agency or political subdivision thereof, county or political subdivision thereof, or municipalities or political subdivisions thereof shall solicit or receive any estimate or bid for abatement of asbestos from any person or party who is not a licensed asbestos abatement contractor.

§ 453. Powers and duties of Commissioner

A. The Commissioner of Labor shall have the power and duty to:

1. Develop and promulgate rules for the abatement of friable asbestos materials which shall be consistent with general industry standards;
2. Instruct and examine contractors, employees and supervisors on the safe abatement of friable asbestos materials;
3. Hire sufficient personnel to carry out the provisions of this act [FN1] consistent with funds allocated and full-time-equivalent employees authorized;
4. Inspect all asbestos abatement projects, to issue, modify and revoke orders; to issue cease and desist orders; and to require mandamus and seek injunctive relief for enforcement of orders;
5. Inspect public buildings for the presence of friable asbestos materials;
6. Collect samples to determine the presence and condition of friable asbestos materials in public buildings;
7. Recommend appropriate abatement measures for friable asbestos materials in public buildings;
8. Make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under the Oklahoma Asbestos Control Act [FN1] including, but not limited to, contracts with the United States, other states, agencies, and political subdivisions of this state;
9. Accept grants from the United States government, its agencies and instrumentalities, and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary and desirable;
10. Supervise, administer, and enforce the provisions of the Oklahoma Asbestos Control Act rules promulgated thereunder;
11. Hold hearings;
12. Institute legal proceedings, including suits for injunctions for the enforcement of his orders, rules, and for the enforcement of penalties;
13. Investigate any violations of the Oklahoma Asbestos Control Act; and

14. Exercise all incidental powers which are necessary to carry out the provisions of the Oklahoma Asbestos Control Act.

B. The violations of any rule shall be grounds for the Commissioner to evoke any penalties set forth in [Section 456](#) of this title.

[FN1] Title 40, § 450 et seq.

§ 454. Suspension, revocation or refusal to issue license--Hearing--Appeal

If the Commissioner finds that a contractor has violated any of the provisions of the Oklahoma Asbestos Control Act [FN1] or any rule promulgated pursuant to the Oklahoma Asbestos Control Act, the Commissioner may suspend, revoke or refuse to issue the license of the contractor after a hearing held for such purpose. Such hearing shall be held within thirty (30) days after written notice has been sent to the contractor by certified mail. If, after such hearing, the Commissioner finds cause to suspend, revoke or refuse to issue a license, the contractor shall be given written notice of the decision of the Commissioner and the basis therefor. The decision shall become final at the end of thirty (30) days from the date of such notice, unless appealed to the district court. All appeals from the Commissioner's order shall be taken in the manner prescribed by law.

[FN1] Title 40, § 450 et seq.

§ 455. Inspections and investigations

The Commissioner of Labor or an authorized representative shall have the power and authority to enter at reasonable times upon any property for the purpose of inspecting and investigating contractors relating to the abatement of any friable material containing asbestos pursuant to the Oklahoma Asbestos Control Act. [FN1]

[FN1] Title 40, § 450 et seq.

§ 456. Violations--Penalties--Injunction

A. In addition to any administrative or civil penalty, any person who violates any of the provisions of the Oklahoma Asbestos Control Act [FN1] or who violates any rule or order promulgated pursuant thereto shall be guilty of a misdemeanor and may be enjoined from continuing such action. Upon conviction thereof, said person shall be punished by imprisonment in the county jail for not more than six (6) months and by a fine of not less than One Hundred Dollars (\$100.00). Each day's violations shall constitute a separate violation.

B. The Attorney General shall, upon request of the Commissioner, bring an action for injunction against any person violating any provision of the Oklahoma Asbestos Control Act or violating any order or determination of the Commissioner. In any action for injunction, any finding of the Commissioner, after notice, shall be

prima facie evidence of the facts found therein.

C. A district attorney, upon request of the Commissioner, shall prosecute any violation of the Oklahoma Asbestos Control Act.

[FN1] Title 40, § 450 et seq.

§ 457. Commissioner of Health--Powers and duties

The Commissioner of Health shall have the following powers and duties:

1. To inspect public buildings for the presence of friable asbestos materials;
2. To collect and analyze samples to determine the presence and condition of friable asbestos materials;
3. To determine the extent of public health hazard posed by the presence of friable asbestos materials;
4. To recommend appropriate abatement measures for friable asbestos materials;
5. To inspect private property upon request of the owner for presence of friable asbestos materials; and
6. To perform such other duties as the Commissioner of Health may determine are essential to the protection of public health from hazards posed by friable asbestos materials.

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