

RULE IMPACT STATEMENT

Pursuant to the Administrative Procedures Act, Section 303(D) of Title 75 of the Oklahoma Statutes, the Oklahoma Department of Labor (“ODOL”) hereby submits the following Rule Impact Statement for **PERMANENT** rule proposals for OAC Title 380, Department of Labor, Chapter 50, Rules for Abatement of Friable Asbestos Materials.

Brief Description of the Purpose of the Proposed Rules:

Under 40 O.S. §453, the Abatement of Friable Asbestos Materials Rules in Chapter 50 should be consistent with general industry standards. However, several provisions of Chapter 50 are not currently consistent with applicable federal laws. This creates confusion and places additional burdens on those working in this highly regulated area. Therefore, the Oklahoma Department of Labor is proposing to amend nearly every section of Chapter 50 to make these state regulations consistent with federal regulations.

Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

All asbestos contractors, inspectors, supervisors, project designers, and workers will be affected by these proposed rule changes. These same classes of persons will bear the cost of the proposed rule changes. However, no adverse impact is expected. These rules should simplify the requirements on those who work in the asbestos abatement industry which may decrease the cost of compliance with these rules. No information on cost impacts has been received by the agency at this time.

Description of the classes of persons who will benefit from the proposed rule:

All asbestos contractors, inspectors, supervisors, project designers, and workers may benefit from the proposed rule changes because these rules will simplify the requirements for asbestos abatement in Oklahoma by making state regulations consistent with federal regulations.

Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing for all fee changes and, whenever possible, separate justification for each fee change:

No fees are created or changed by these proposed rules. These rules should simplify compliance with state regulations for asbestos abatement because state regulations will be consistent with federal regulations. Those working in the industry are already required to follow federal regulations. If state regulations are consistent with federal regulations, those working in the industry will only have to consult one set of regulations and the cost of compliance should decrease.

The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effects on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

There should be no additional costs imposed on the Oklahoma Department of Labor or any other agency for the implementation or enforcement of the proposed rule changes because these rules are very similar to the current rules. All implementation and enforcement costs will be funded by existing revenue sources. No impact on state revenue is expected.

A determination of whether implementation of the proposed rule will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule:

No economic impact on any political subdivision is anticipated at this time, nor will they be required to cooperate in implementing or enforcing the rule.

A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

Some businesses in the asbestos abatement industry may be small businesses. These small businesses would be required to comply with these proposed rules. However, no adverse economic impact on small business is anticipated.

An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The main purpose of these proposed rule changes is to decrease compliance costs for those working in the asbestos abatement industry by making state regulations consistent with federal regulations. There is no less costly non-regulatory method available.

A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The purpose of the Rules for Abatement of Friable Asbestos Materials is to protect asbestos abatement workers, the general public, and the environment from the dangerous effects of asbestos. The proposed rule changes will enhance the public health, safety, and environment by eliminating the confusion and uncertainty caused by having different regulations under state and federal law. If state and federal regulations were consistent, those working in the asbestos abatement industry would have a better understanding of the rules and more time and money to focus on complying with the rules.

A determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

If the proposed rules are not implemented, there will continue to be different standards under state and federal law which unnecessarily complicate asbestos abatement work.

Date the rule impact statement was prepared and the date modified:

Prepared: February 17, 2009
Modified: n/a

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