



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Civil Penalties for Violation of Asbestos Abatement Laws

The Regulations of Connecticut State Agencies are amended by adding Sections 19a-X-1 through 19a-X-5, inclusive.

(NEW) 19a-X-1. Definitions. As used in sections 19a-X-1 through 19a-X-5 of the Regulations of Connecticut State Agencies:

- (1) "Asbestos-containing material" or "ACM" means material composed of asbestos of any type and in an amount greater than one percent by weight, either alone or mixed with other fibrous or nonfibrous material.
- (2) "Commissioner" means the commissioner of the Connecticut Department of Public Health.
- (3) "Department" means the Connecticut Department of Public Health;
- (4) "Local Education Agency" or "LEA" means :
 - (A) any local educational agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 (20 USC 3381) as amended from time to time;
 - (B) the owner of any nonpublic, nonprofit elementary, or secondary school building; or
 - (C) the governing authority of any school operated under the defense dependents education system provided for under the Defense Dependents' Education Act of 1978 (20 USC 921, et seq.) as amended from time to time.
- (5) "Person" means any individual, corporation, partnership, firm association, sole proprietorship, the State of Connecticut or any of its political subdivisions, or any other entity except an LEA as defined in subsection (4) of this section.

(NEW) 19a-X-2. Explanation of assessment. When the commissioner imposes a civil penalty under Subsection (a) of Section 5 of Public Act 95-196, the commissioner shall provide a written explanation of the methodology employed and a written summary of calculations used to determine a particular assessment upon written request by the affected person.

(NEW) 19a-X-3. Calculation of assessment. The total penalty assessed shall be calculated by adding all the applicable penalties specified in section 19a-X-5 of the Regulations of Connecticut State Agencies.



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(NEW) 19a-X-4. Record of Adjustment. The department shall maintain a written record of each instance in which the commissioner adjusts a civil penalty pursuant to Subsections (b) and (e) of Section 5 of Public Act 95-196. The record shall include the name and address of the person, the violation(s), the amount of the civil penalty before and after adjustment, and the reasons for adjustment.

(NEW) 19a-X-5. Schedules of penalties. Tables A, B and C shall be applied by the commissioner when assessing all penalties. Penalties shall be determined in two stages: determination of a base penalty using the tables, and adjustments to the base penalty.

TABLE A

Asbestos-Containing Materials in Schools

		LEA	Other Person
Section 19a-333a-2	General Local Education Responsibilities	\$50 - \$5000	X
Section 19a-333a-3	Inspections and Reinspections	\$50 - \$5000	\$50 - \$25000
Section 19a-333a-4	Sampling	\$50 - \$1000	\$50 - \$2000
Section 19a-333a-5	Analysis	\$50 - \$1000	\$50 - \$1000
Section 19a-333a-6	Assessment	\$50 - \$1000	\$50 - \$1000
Section 19a-333a-7	Response Action	\$50 - \$5000	\$50 - \$25000
Section 19a-333a-8	Operations and Maintenance	\$50 - \$1000	\$50 - \$1000
Section 19a-333a-9	Training and Periodic Surveillance	\$100 - \$2500	\$100 - \$10000
Section 19a-333a-10	Management Plans	\$50 - \$5000	\$50 - \$25000
Section 19a-333a-11	Recordkeeping	\$50 - \$1000	\$50 - \$2000
Section 19a-333a-12	Warning Labels	\$50 - \$1000	\$50 - \$1000
Section 19a-333a-13	Exclusions	\$50 - \$5000	\$50 - \$25000

TABLE B

Standards for Asbestos Abatement

		LEA	Other Person
Section 19a-332a-3	Notification of Asbestos Abatement	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-4	Recordkeeping	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-5	General Requirements for Asbestos Abatement Projects	\$50 - \$5000	\$50 - \$25000
Section 19a-332a-6	Worker Decontamination System for Asbestos Abatement Projects	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-7	Specific Requirements for Asbestos Removal	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-8	Specific Requirements for Encapsulation	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-9	Specific Requirements for Enclosure	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-10	Specific Requirements for Spot Repairs	\$50 - \$1000	\$50 - \$2000
Section 19a-332a-11	Alternative Work Practices	\$50 - \$5000	\$50 - \$25000
Section 19a-332a-12	Post Abatement Reoccupancy Criteria for Asbestos Abatement Projects For Friable Asbestos-Containing Material	\$50 - \$5000	\$50 - \$25000
Section 19a-332a-14	Inspection of Asbestos Abatement Projects	\$500 - \$5000	\$1000 - \$25000
Section 19a-332a-15	Order to Cease Activity	\$500 - \$5000	\$1000 - \$25000

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TABLE C

Licensure and Training Requirements for Persons Engaged in Asbestos Abatement and Consultation Services

		LEA	Other Person
Section 19a-332a-18	Licensure of Asbestos Contractors	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-19	Licensure of Asbestos Consultants	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-20	Licensure Application	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-21	Requirements for Asbestos Abatement Site Supervisor or Asbestos Abatement Worker	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-22	Training Requirements	\$100 - \$2500	\$100 - \$10000
Section 19a-332a-23	Recordkeeping	\$50 - \$1000	\$50 - \$2000

STATEMENT OF PURPOSE: To establish schedules of the ranges of amounts of civil penalties which may be imposed under Section 5 of Public Act 95-196.