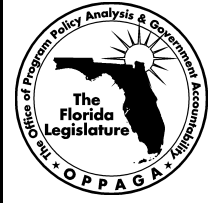




# Office of Program Policy Analysis And Government Accountability



John W. Turcotte, Director

March 17, 1997

## Follow-Up Report on the Asbestos Management Program Administered by the Department of Labor and Employment Security

### Abstract

The Department implemented our recommendation to the Legislature to eliminate the separate asbestos oversight program, which has saved \$250,000 per year. However, further action on our other recommendations to the Department and the Legislature, which could save an additional \$6 million, is pending.

### Purpose

In accordance with s. 11.45(7)(f), F.S., this follow-up report informs the Legislature of actions taken by the Department of Labor and Employment Security in response to our Report No. 94-49, which we issued May 24, 1995. This report presents our assessment of the extent to which the Department has addressed the findings and recommendations included in our report.

### Background

The Asbestos Management Program was established in 1987 to ensure safe management of asbestos-containing material in state-owned buildings. State-leased buildings are not covered in this Program; asbestos management in leased buildings is generally handled through the lease agreement by requiring that facilities contain no hazardous asbestos. State agencies are responsible for managing

asbestos-containing materials in the buildings they own, and the Department of Labor and Employment Security is responsible for overseeing statewide program activities. Asbestos management in state-owned buildings includes identification, maintenance, and abatement activities.

State agencies are required by s. 255.553, F.S., to have asbestos surveys conducted of all of their state-owned buildings by licensed asbestos consultants. When material containing more than 1% asbestos has been identified, the agency must develop an operations and maintenance plan within 30 days. These plans specify procedures for cleaning up previously-released asbestos fibers, preventing future release of fibers, and monitoring the condition of the asbestos-containing material.

### Prior Findings

Our prior report found that the Asbestos Management Program had not accomplished its goals of identifying all asbestos-containing materials in state-owned buildings and ensuring that these materials were either abated or safely managed. Although the Program had existed since 1987, the hazards posed by asbestos in most state buildings were still unknown. Fewer than 20% of buildings had received required asbestos surveys as of August 31, 1994. Agencies generally cited funding limits as the reason why they had not complied with the statutory requirement to identify and manage asbestos in their buildings. However, the law

required agencies to perform asbestos surveys of all state-owned buildings, even through many buildings posed virtually no risk, such as new structures that were not built with asbestos-containing materials, unoccupied buildings, and structures that are open to the atmosphere.

The Department had not performed all of its statutory responsibilities in administering the Program. It had focused its efforts on activities such as paperwork reviews that did not directly affect worker safety. The Department had not monitored whether agencies were appropriately handling identified asbestos-containing materials or whether maintenance staff had been trained in how to safely manage these materials.

The Asbestos Oversight Program Team was established in 1987 to provide guidance and oversight of the Program. However, the Team's statutory responsibilities were outdated and it had a poor working relationship with the Department, reducing its effectiveness.

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## Current Status

The Department implemented our recommendation to the Legislature to eliminate the Asbestos Management Program which has saved approximately \$250,000 annually. In 1995 the Legislature deleted 25 positions from the Department's Division of Safety. The Department implemented these deletions by including seven positions that were assigned to the Asbestos Management Program. According to the Department, the Legislature was aware of this reduction and the subsequent assignment of asbestos management responsibilities to the Public Sector Enforcement Program. As a result, the Department no longer provides statewide oversight of asbestos management in state-owned buildings (e.g., maintaining centralized records of all asbestos surveys and abatement

projects). However, s. 255.55, F.S., still requires the Department to perform these functions and the law should be amended by the Legislature to eliminate the Asbestos Management Program.

The Department has not implemented our recommendation to establish criteria and work with state agencies to identify which buildings should be excluded from the Program, and identify the funding needed to complete surveys of higher risk buildings. It does plan to submit proposed legislation during the 1997 Legislative Session to accomplish this goal. The Department has identified some low-risk buildings and has worked with state agencies to identify high-risk buildings, however, these high-risk buildings have not been prioritized. This information could assist the Legislature in reviewing agency funding requests for asbestos surveys.

Our recommendation that the mission and role of the Asbestos Oversight Program Team be updated and clarified has not been implemented. The Department indicates that it plans to request that the Legislature amend state law to eliminate the Team. However, the Team could be useful as an expert advisory committee to the Department and other state agencies and as a clearinghouse for asbestos-related information. Consequently, we believe that it would be more appropriate to revise the Team's mission and statutory duties.

We continue to believe that the Legislature should enact law to exempt low-risk buildings (e.g., newer or unoccupied buildings) from the asbestos survey and management requirements. The Department has drafted legislation that would partially implement this recommendation. Adopting this risk-based approach would avoid the need to spend an estimated \$6 million to perform these activities for state-owned structures that pose very low risks to workers and the public.

This project was conducted in accordance with applicable evaluation standards. Copies of this report may be obtained by telephone (904/488-1023 or 800/531-2477), by FAX (904/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302).

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