

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: 6/23/15

Rule Number: 10 CSR 10-6.241 Asbestos Projects—Registration, Notification and Performance Requirements

Name of Agency Preparing Statement:

Missouri Department of Natural Resources - Air Conservation Commission

Name of Person Preparing Statement:

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Name of Person Approving Statement:

Sara Parker Pauley, Director, Missouri Department of Natural Resources

The purpose of this proposed rulemaking is to revise the fee structure for individuals and companies that perform asbestos work as follows—

- The registration fee will be increased from \$1,000 to \$2,650 per registration;
- The inspection fee will be increased from \$100 per inspection for the first three (3) inspections to \$200 per inspection for the first two (2) inspections;
- The abatement notification fee will be increased from \$100 to \$200 per notification; and
- The demolition fee of \$100 per project, which has not previously been collected, will now be collected.

This rulemaking is necessary to enable the department's Air Pollution Control Program to maintain its asbestos program to protect the health of Missouri citizens. Any small business that performs asbestos work that is subject to the requirements of 10 CSR 10-6.241 is financially impacted in direct proportion to the volume of its asbestos-related activities for a given calendar year. To minimize the impact on small businesses, extensive input from stakeholders was utilized to set the fees at the lowest level possible that ensure the department's asbestos program is adequately funded.

Small businesses have had the opportunity to be involved with the development of this rulemaking through stakeholder meetings composed of industry representatives and department staff. Meetings/conference calls were held on April 24, May 19, June 16, August 21, August 28 and December 4 of 2014 and January 29, April 30, May 19, and May 26 of 2015 to gain general consensus on the new fee amounts. Small businesses will have additional opportunities to comment on this rulemaking at least 30 days prior to a public hearing. Information on the rulemaking is also made available on the department's web site and distributed to appropriate entities via email. The proposed rulemaking will also be presented at public hearing and comments will be accepted up to 7 days after the public hearing. Any comments received prior

to the close of the public comment period will be considered and addressed prior to filing the final order of rulemaking.

The Missouri Department of Natural Resources and any other Missouri state agencies performing asbestos work will be required to pay the increased fees starting January 1, 2017. The fee increases will help make the asbestos program self-sustaining in the ongoing effort to protect Missouri citizens from the hazards of airborne asbestos. The projected department revenue impacts are detailed in the fiscal notes accompanying the proposed rulemaking.

Any small business that performs asbestos-related work will be affected by this rulemaking. They will pay increased fees for each asbestos activity in direct proportion to the number of activities undertaken in a calendar year.

All business, including small businesses, performing asbestos related work will pay \$2,650 for each registration, \$200 for the first two inspections, \$200 for each notification, and \$100 for each demolition. These fees include an increase of \$1,650 for each registration, \$100 per inspection for the first two inspections (no charge for more than two inspections), \$100 for each notification, and \$100 for each demolition (previously not collected).

As mentioned above, any small business that performs asbestos-related work will be affected by this rulemaking. This includes asbestos abatement contractors, asbestos demolition contractors, and asbestos training providers.

Does the proposed rulemaking(s) include provisions that are more stringent than those mandated by comparable or federal, state or county standards?

Yes

No

If yes, explain the reason for imposing a more stringent standard.