

have a tendency to agree with Senator Beck that we ought not be having differing definitions in our state laws than we do in the federal laws or federal regs. And what the concern that Senator Beck has is, I believe, is that when you test a product to see whether it can become friable asbestos, it makes a difference whether that product is wet or whether it's dry. And so some of the definitions are used to say when it's dry it could be friable, when it's wet it may not be friable. And so you could have a situation, let's say taking off a roof, a residential roof, asphalt shingles have asbestos in them. And you're going to take them off. And they may say, well, the best way to do that is to wet it down first, just mist it down, spray the hose over it. If you've got any problems, then you have asbestos particles that may go off into the air, this kind of keeps that from happening, keeps the dust settled, if you will. Well, if you do that, then you obviously don't have an asbestos product. But, if you let it dry and you break the same shingle, and you put some particles in the air, maybe you do have an asbestos product, or an asbestos project. And I honestly don't know for sure what the ramifications are of this. But at this point, and I'm going to have some comments to make about this when we advance the bill, I hope that we do advance it. At this point I'm going to suggest that we don't really need the "when dry" in our definition right now, because we are operating under the new NESHAP regulations, it does include the word "when dry" in our definition. So in an effort to try to be consistent with the federal government and the federal EPA regulations, the NESHAP regulations, that probably we ought not change it and have confusion.

SPEAKER BARRETT: Senator Wesely, further discussion.

SENATOR WESELY: Yeah, again, and I would like to wrap up the issue, but I understand Senator Beck's concern. I simply feel that we have a definition we've been working with. There is confusion about the additional language, misdirecting people and perhaps confusing people. The federal government is looking at changing their definition. This is so vital, it's absolutely critical. And what I want to encourage you to understand is that we are already, in this bill, changing the definition tremendously to help the flooring, and the roofing people, a specific problem. Let's not make, on the floor on Select File, an amendment that takes us back instead of forward. I really think that this could be a major mistake. And rather than try something new that we're unsure about, let us just stay with the