

March 7, 1990

LB 923, 1141
LR 239, 271

and if you list it as "when dry", then you know that if it is wet, it is not dry, therefore, it is not friable. And I would just like for us to stay within EPA regulations. Now we have talked to the Health Department, we have talked to them a number of times, and they hold their heads and wring their hands when we call again, and I appreciate their patience, as well. But the concern with when dry is that the EPA may change their regulations. Right now, it is still when dry, and so I am thinking that if EPA, when and if, they do change the regulations, and we go through this in Natural Resources all the time of waiting for them to change or not to change, or whatever, and because we go through that, I got to thinking, well, why not add the when dry, keep this within the EPA regulations. Then if they change it, then the Legislature can look at it again. Why take it out now with the idea that maybe it will change and, therefore, we will be ready for the change. The fact is I have a letter that shows all of the many times that EPA defines friable. I have the NESHAP letter in 1984, again we go in 1987. We have another letter on October of '87, and we have one now in 19...January 10 of 1989, and they always use the word "when dry." Now we don't know when and if they may change it, so why don't we just put when dry back and then we know we will be within federal guidelines. If and when they change, then we can decide what to do at that time. So, again, it is just a matter, really a policy matter. I would like to see when dry in there because I know then that as a contractor or as a homeowner fixing something, that if it is wet, and if I have misted it, then all those things that I know by law it is not friable. And so I know we are in a hurry. I know we want to go to lunch. I am not going to belabor the point but I would urge the body to vote to put the words "when dry" back into the asbestos definition. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the Beck amendment, Senator Wesely.

SENATOR WESELY: I move we recess.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Mr. President, a new resolution, LR 271 by Senator Ashford. That will be laid over. A series of amendments to LB 1141 by Senator McFarland to be printed; and Senator Warner to LR 239 to be printed. That is all that I have, Mr. President. (See pages 1224-32 of the Legislative Journal.)