

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5624

By Delegates Worrell, Hite, Burkhammer, and Pinson

(By Request of the West Virginia Department of
Health)

[Introduced February 16, 2026; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §16-32-2, §16-32-11, and §16-32-15 of the Code of West Virginia,
2 1931, as amended; and to repeal §16-32-9c of the code, relating to asbestos abatement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 32. ASBESTOS ABATEMENT.

§16-32-2. Definitions.

1 (a) "Asbestos" means the asbestiform varieties of chrysolite (serpentine), crocidolite
2 (riebeckite), amosite (cumingtonite-grunerite), anthophyllite, tremolite and actinolite.

3 (b) "Asbestos analytical laboratory" means a facility or place which analyzes asbestos bulk
4 samples or asbestos air samples.

5 (c) "Asbestos abatement project designer" means a person who specifies engineering
6 controls, methods and work practices to be used during asbestos abatement projects.

7 (d) "Asbestos abatement supervisor" means a person responsible for direction of asbestos
8 abatement projects.

9 (e) "Asbestos clearance air monitor" means a person who performs air monitoring to
10 confirm clearance levels to establish that an area is safe for reoccupancy after an asbestos
11 abatement project.

12 (f) "Asbestos-containing material" means any material or product which contains more
13 than one percent asbestos by weight.

14 (g) "Asbestos contractor" means a person who enters into contract for an asbestos
15 abatement project.

16 (h) "Asbestos inspector" means a person employed to inspect for the presence of
17 asbestos-containing materials, evaluate the condition of such materials and collect samples for
18 asbestos content confirmation.

19 (i) "Asbestos management planner" means a person employed to interpret survey results,
20 make hazard assessment, evaluation and selection of control options or develop an operation and
21 maintenance plan.

22 (j) "Asbestos abatement project" means an activity involving the repair, removal, enclosure
23 or encapsulation of asbestos-containing material. "Asbestos abatement project" does not include
24 removal, repair and maintenance of intact oil and gas pipeline asphaltic wrap which contains
25 asbestos fibers encapsulated or coated by bituminous or resinous compounds as described in
26 ~~subsection (d), section eleven of this article~~ §16-32-11(d) of this code.

27 (k) "Asbestos worker" means a person who works on an asbestos abatement project.

28 (l) "Bureau" means the Bureau for Public Health.

29 (m) "Commissioner" means Commissioner of the Bureau for Public Health or his or her
30 designee.

31 (n) "Competent person" means one who is capable of identifying existing asbestos
32 hazards in the workplace and selecting the appropriate control strategy for asbestos exposure and
33 who has the authority to take prompt corrective measures to eliminate them.

34 (o) "Contained work area" means designated rooms, spaces or other areas where
35 asbestos abatement activities are being performed, including decontamination structures. The
36 contained work area shall be separated from the uncontaminated environment by polyethylene
37 sheeting or other materials used in conjunction with the existing floors, ceilings and walls of the
38 structure.

39 (p) "Encapsulate" means the application of any material onto any asbestos-containing
40 material to bridge or penetrate the material to prevent fiber release.

41 (q) "Enclosure" means the permanent confinement of friable asbestos-containing
42 materials with an airtight barrier in an area not used or designed as an air plenum.

43 (r) "Friable" means material which is capable of being crumbled, pulverized or reduced to
44 powder by hand pressure of which under normal use or maintenance emits or can be expected to
45 emit asbestos fibers into the air.

46 (s) "Good faith report" means a report of conduct defined in this article as wrongdoing or
47 waste which is made without malice or consideration of personal benefit and which the person

48 making the report has reasonable cause to believe is true.

49 (t) "Intact" means that the asbestos-containing material has not crumbled, been pulverized
50 or otherwise deteriorated so that the asbestos is no longer likely to be bound with its matrix.

51 (u) "License" means a document authorizing a person to perform certain specific asbestos-
52 related work activities.

53 (v) "Person" means a corporation, partnership, sole proprietorship, firm, enterprise,
54 franchise, association or any individual or entity.

55 (w) "Resilient floor covering" means floor tile, sheet vinyl and associated adhesives which
56 contain more than one percent asbestos by weight.

57 (x) "~~Resilient floor covering worker~~" means ~~a person who is employed to remove resilient~~
58 ~~floor covering in single-family dwellings.~~

59 (y) "Waste" means an employer's conduct or omissions which result in substantial abuse,
60 misuse, destruction or loss of funds or resources belonging to or derived from federal, state or
61 political subdivision sources.

62 (z) "Wrongdoing" means a violation which is not of a merely technical or minimal nature of
63 a federal or state statute or regulation, of a political subdivision ordinance or regulation or of a code
64 of conduct or ethics designed to protect the interest of the public or the employer.

§16-32-9c. Resilient floor covering worker license required.

1 [Repealed.]

§16-32-11. Notification; waivers; exemptions.

1 (a) Each owner or other person responsible for the operation of a building or facility where
2 an asbestos abatement project is to occur shall notify the ~~commissioner~~ state health officer at least
3 ~~ten~~ 10 working days prior to commencement of each asbestos abatement project and shall comply
4 with other applicable state and federal legal and regulatory notification requirements for asbestos
5 abatement projects.

6 (b) In an emergency that results from a sudden unexpected event that is not a planned

7 renovation or demolition, the ~~commissioner~~ state health officer may waive the requirement of ~~ten~~
8 10 working days prior notification, but in all cases notification shall be made to the bureau after the
9 emergency within the specified time required by the ~~commissioner~~ state health officer.

10 (c) Asbestos abatement projects involving less than ~~one hundred sixty~~ 160 square feet or
11 ~~two hundred sixty~~ 260 linear feet of asbestos containing material are exempt from the prior
12 notification requirement, unless the project takes place in a school for any of grades kindergarten
13 through ~~twelve~~ 12. A summary of the projects shall be submitted to the bureau within a specified
14 time as required by the ~~commissioner~~ state health officer.

15 (d) Removal, repair and maintenance of oil and gas pipeline asphaltic wrap which contains
16 asbestos fibers encapsulated or coated by bituminous or resinous compounds is not subject to the
17 requirements of this article if:

18 (1) The pipeline asphaltic wrap which contains asbestos fibers encapsulated or coated by
19 bituminous or resinous compounds is not friable prior to disturbance along the length of the
20 pipeline being removed, repaired or maintained;

21 (2) The area disturbed in preparing the pipeline for cutting does not exceed two hundred
22 sixty linear feet of removed friable asbestos;

23 (3) Before work begins and as needed during the job, a competent person conducts an
24 inspection of the worksite and determines that the material is intact and will likely remain intact;

25 (4) All employees performing work covered by this subsection are trained in accordance
26 with OSHA standards, 29 CFR 1926.1101(g)(11)(ii), and all other workers shall remain at a safe
27 distance from the site;

28 (5) The material is not sanded, abraded or ground. Manual methods which do not render
29 the material nonintact must be used;

30 (6) All removal or disturbance of pipeline asphaltic wrap is performed using wet methods;
31 and

32 (7) All pipeline and asbestos-containing material removed from the pipeline is disposed of

33 in a lawful manner.

34 ~~(e) Persons who remove resilient floor covering materials in single-family dwellings are~~
35 ~~exempt from notification requirements.~~

§16-32-15. Reprimands; suspension or revocation of license; violations; orders; hearings.

1 (a) The director may reprimand, suspend or revoke the license of an asbestos analytical
2 laboratory, clearance air monitor, contractor, inspector, management planner or worker, or of an
3 asbestos abatement project designer or supervisor, ~~or of a resilient floor covering worker,~~ if the
4 licensee:

5 (1) Fraudulently or deceptively obtains or attempts to obtain a license or knowingly aids
6 another in such fraud or deception;

7 (2) Fails at any time to meet the qualifications for a license or to comply with the
8 requirements of this article or any applicable rules or regulations adopted by the director;

9 (3) Fails to meet applicable federal or state standards for asbestos abatement projects; or

10 (4) Employs or permits an individual not licensed as required by this article to work on an
11 asbestos abatement project.

12 (b) The director may investigate all suspected violations of this article or any rules
13 promulgated hereunder. Upon the finding of a violation in connection with any asbestos abatement
14 project, the director shall issue a cease and desist order directing that all work on the project be
15 halted forthwith. Posting of the cease and desist order on the project site shall constitute notice of
16 its contents to the property owner and all persons working on the asbestos abatement project.
17 Where practicable, however, the director shall deliver a copy of such order by certified mail, return
18 receipt requested, to the property owner and to the contractor.

19 (c) Hearings regarding violations of this article and any rules promulgated hereunder shall
20 be conducted in accordance with the administrative procedures act of ~~chapter twenty-nine-a~~
21 §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to remove requirements relating to resilient floor covering workers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.