

## **DISCLOSURE AND NOTIFICATION: REQUIREMENTS, RESPONSIBILITIES, AND PROCEDURES**

**3242**

(No. 1 February 2002)

Assembly Bill 3713, the Connelly Bill, (Health and Safety Code, Section 25915 et. seq., see reference 5), requires building owners to disclose to employees the presence of any known asbestos-containing materials (ACM). Any owner who intentionally fails to comply with this law may be found guilty of a misdemeanor and subject to the appropriate penalty (Health and Safety Code Section 25919.7, see reference 5).

Since AB 3713 broadly defines the term building owner, it may be construed to include the Resources Agency and its departments. A survey (see [Section 3245](#)) conducted on behalf of the Office of the State Architect (OSA) identified the presence of ACM in CDF facilities. CDF facilities received the Phase I Survey Reports in June 1987 and the Phase II Survey Reports in June 1990. Management Memo No. 89-01 provides additional guidance for compliance with these new requirements.

In summary, to abide by the legal requirements, CDF must:

- Maintain a file of known ACM in each facility and update it annually by January 15.
- Allow file access to all employees and their representatives.
- Annually provide written notice of known ACM to each individual employee in the building(s) by January 15.
- Notify each individual employee--in writing within 15 days--of additional information regarding ACM using STD 250 form available on the CDF intranet. Any new information regarding ACM received during the previous 90 days requires a supplemental notice within 15 days.
- Notify all new employees in writing within 15 days of their employment in or transfer to an ACM affected building using STD 250 form available on the CDF intranet.
- Provide information of known ACM to any contractor, vendor, maintenance staff, or other persons who will be performing renovation, remodeling, or related activity in the ACM affected facility; post such information in the work area.

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The notice requirements of AB 3713 apply to private buildings constructed before 1979. Although the bill requires building owners to issue disclosure notices to employees upon the discovery of ACM, the bill does not require owners to actually survey private or public buildings for the presence of ACM.

The definition of building owner in AB 3713 includes owners, lease holders, subletters and agents such as the state or another public entity. Thus, this definition includes departments, which lease or rent office space from the Department of General Services.

CDF shall issue notification of known ACM to all employees whether they work in a CDF-owned facility or in a building rented or owned by another public or private agency. CDF shall also notify the facility administrators of other state, local, or private agencies within buildings that CDF fully or jointly administers.

Notification shall be the responsibility of the appropriate CDF facility administrator defined as follows:

- For region offices/complexes: Region Chiefs.
- For Units (including conservation camps): Unit Chief.
- For Sacramento leased and State Building: Business Services Manager.
- For the Fire Academy-Ione: Fire Academy Administrator.
- For Mobile Equipment-Davis: Mobile Equipment Management Chief.

The Davis Equipment Facility Manager, the Academy Administrator, and each Region Chief shall take the necessary action to be fully and continuously in compliance with AB 3713 and certify compliance by memorandum to the Director annually prior to February 1. The Region Chiefs shall certify that the region office complex and the units are in compliance.

The certification must include a summary of all facilities in compliance and an explanation for any facilities in noncompliance.

The notice to employees and contractors must include the following:

- The results and a description of the findings of any survey conducted to determine the presence and location of ACM in the building. (This is not a requirement to conduct a survey. However, as surveys are completed by the DGS, RESD consultants or other resources, affected administrative units will receive the results and must provide this information to employees).

- Specific locations in the building which are identified in the survey or known to the owner to contain any ACM.
- The results of any bulk sample analysis, air monitoring, or monitoring conducted in accordance with Cal-OSHA requirements, including reference to the sampling and laboratory procedures used. (The bill does not require sampling or monitoring, but it does require the disclosure of any sampling or monitoring results to employees).
- Information stating the office location and hours during which ACM survey results and specific monitoring or sampling data for the building are available to employees for review and photocopying.
- General procedures and handling restrictions necessary to prevent or minimize disturbance, release, and exposure of ACM.
- A statement of the potential health risks or effects of ACM exposure. The notice may contain a description of health action levels and state or federally established exposure standards and a description and explanation of other action levels, including the school abatement clearance level.

The notice to employees and contractors must be provided in the following manner:

- To each employee, in writing by mail, within 15 days of the owner receiving information identifying ACM in the building, and annually thereafter.
- To each new employee, in writing by mail, within 15 days of commencing work in the affected building.
- To contractors who work for the "owner" in a building with ACM, and from contractors to their employees who work in the building within 15 days of receiving knowledge of the presence of ACM.
- To all other persons who are considered owners of part of the building by contract (e.g., lease or sublease) with the department providing the notice.

In addition, the department must display signs during construction, maintenance or repair work in an area which may expose employees to ACM. The signs, in bright color and large enough to be readily visible, must bear the following statement:

**CAUTION. ASBESTOS. CANCER AND LUNG DISEASE HAZARD.  
DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT**

Since the owner must mail the required notice to all regular contractors and service personnel working in buildings containing ACM, it is appropriate to reuse contract language or contractor information packages to provide the required notice to new contractors. Standardizing departmental practices for informing new employees and new contractor/service personnel of the presence of ACM in CDF facilities will help to assure compliance within the 15-day deadline.

The required disclosure notices must be mailed annually after the knowledge of ACM has triggered the application of AB 3713 requirements.

This notification requirement is in addition to compliance with other federal and state laws and regulations, outlined in this section, which require a written survey to be conducted before starting any project or work that may disturb ACM and create a hazard to humans and the environment. This includes projects and other work, whether accomplished by day labor or contract.

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)