

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3372**

1 On page 1 of the printed bill, line 2, after “468.070” insert “, 468A.720 and  
2 468A.725”.

3 Delete lines 5 through 30 and delete page 2 and insert:

4 **“SECTION 1. (1) The Department of Environmental Quality may**  
5 **require an applicant for a permit or license authorized or required by**  
6 **ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and**  
7 **454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and**  
8 **468B to provide the department with information reasonably sufficient**  
9 **for the department to evaluate the applicant’s history of compliance**  
10 **with environmental quality laws during the 10-year period prior to the**  
11 **application date.**

12 **“(2)(a) Information that an applicant may be required to provide**  
13 **under this section includes, but is not limited to:**

14 **“(A) A list of the applicant’s current corporate officers, managers,**  
15 **members of the board of directors, general partners or other persons**  
16 **who exercise substantial control on behalf of or over the applicant;**

17 **“(B) A list of:**

18 **“(i) Parent corporations or similar business entities that exercise**  
19 **substantial control over the applicant; and**

20 **“(ii) Subsidiary corporations or similar business entities over which**  
21 **the applicant exercises substantial control; and**

1       **“(C) Notices or other documents stating that a person has violated**  
2 **the provisions of ORS 448.305, 454.010 to 454.040, 454.205 to 454.255,**  
3 **454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465,**  
4 **466, 468, 468A and 468B, any rule or standard adopted under those**  
5 **statutes or any order or permit issued by the department or the En-**  
6 **vironmental Quality Commission.**

7       **“(b) Information provided to the department under this section that**  
8 **has not previously been made publicly available is confidential and not**  
9 **subject to public disclosure under ORS 192.311 to 192.478.**

10       **“SECTION 2.** ORS 468.070 is amended to read:

11       “468.070. (1) At any time, the Department of Environmental Quality may  
12 refuse to issue, modify, suspend, revoke or refuse to renew any permit issued  
13 pursuant to ORS 468.065 if it finds:

14       “(a) A material misrepresentation or false statement in the application for  
15 the permit.

16       “(b) Failure to comply with the conditions of the permit.

17       “(c) Violation of any applicable provisions of [*ORS 466.605 to 466.680,*  
18 *466.990 (3) and (4) and 466.995 (2) or ORS chapters 468, 468A and 468B*] **ORS**  
19 **448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605**  
20 **to 454.755 or ORS chapters 459, 459A, 465, 466, 468, 468A and 468B.**

21       “(d) Violation of any applicable rule, standard or order of the Environ-  
22 mental Quality Commission.

23       “(2) The department may modify any permit issued pursuant to ORS  
24 468.065 if it finds that modification is necessary for the proper adminis-  
25 tration, implementation or enforcement of the provisions of ORS 448.305,  
26 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755,  
27 466.605 to 466.680 and ORS chapters 468, 468A and 468B.

28       **“(3) In making a finding under subsection (1) of this section:**

29       **“(a) The department may consider a violation committed by:**

30       **“(A) An applicant;**

1       **“(B) The applicant’s current corporate officers, managers, members**  
2 **of the board of directors, general partners or other persons who exer-**  
3 **cise substantial control on behalf of or over the applicant;**

4       **“(C) Parent corporations or similar business entities that exercise**  
5 **substantial control over the applicant; or**

6       **“(D) Subsidiary corporations or similar business entities over which**  
7 **the applicant exercises substantial control.**

8       **“(b) The department shall consider whether a violation:**

9       **“(A) Caused or had the potential to cause substantial environmental**  
10 **harm.**

11       **“(B) Was caused by:**

12       **“(i) An intentional act;**

13       **“(ii) An act committed with knowledge that the act was a violation;**

14 **or**

15       **“(iii) A reckless act.**

16       **“(C) Was caused by a person that:**

17       **“(i) Has a demonstrated practice of taking action to correct vio-**  
18 **lations or minimize the effects of violations to avoid risk or harm; or**

19       **“(ii) Made efforts to ensure the violation would not be repeated.**

20       **“(4) Refusal to issue a permit under subsection (1) of this section**  
21 **is subject to the approval of the Director of Environmental Quality.**

22       **“[(3)] (4) The procedure for modification, suspension, revocation or refusal**  
23 **to issue or renew shall be the procedure for a contested case as provided in**  
24 **ORS chapter 183.**

25       **“SECTION 3. ORS 468A.720 is amended to read:**

26       **“468A.720. (1) As used in this section, ‘related person’ means:**

27       **“(A) A contractor’s current corporate officers, managers, members**  
28 **of the board of directors, general partners or other persons who exer-**  
29 **cise substantial control on behalf of or over a contractor;**

30       **“(B) Parent corporations or similar business entities that exercise**

1 **substantial control over the contractor; or**

2 **“(C) Subsidiary corporations or similar business entities over which**  
3 **the contractor exercises substantial control.**

4 **“[(1)] (2)** The Department of Environmental Quality shall issue an  
5 asbestos abatement license to a contractor who:

6 **“(a)** Successfully completes an accredited training course for contractors.

7 **“(b)** Requires each employee or agent of the contractor who works on or  
8 is directly responsible for an asbestos abatement project to be certified under  
9 ORS 468A.730.

10 **“(c)** Certifies that the contractor has read and understands the applicable  
11 state and federal rules and regulations on asbestos abatement and agrees to  
12 comply with the rules and regulations.

13 **“(3) Notwithstanding subsection (1) of this section, the department**  
14 **may refuse to issue a license to a contractor if the department finds**  
15 **that the contractor or a related person violated any of the provisions**  
16 **of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700 to**  
17 **468A.755.**

18 **“[(2)] (4)** A contractor shall apply for a license or renewal of a license  
19 according to the procedures established by rule by the Environmental Qual-  
20 ity Commission.

21 **“SECTION 4.** ORS 468A.725 is amended to read:

22 **“468A.725. (1) As used in this section, ‘related person’ has the**  
23 **meaning given that term in ORS 468A.720.**

24 **“[(1)] (2)** The Department of Environmental Quality may suspend or re-  
25 voke an asbestos abatement license issued to a contractor under ORS  
26 468A.720 if the licensee:

27 **“(a)** Fraudulently obtains or attempts to obtain a license.

28 **“(b)** Fails at any time to satisfy the qualifications for a license or to  
29 comply with rules adopted by the Environmental Quality Commission under  
30 ORS 468A.700 to 468A.760.

1 “(c) Fails to meet any applicable state or federal standard relating to  
2 asbestos abatement.

3 “(d) Permits an untrained worker to work on an asbestos abatement  
4 project.

5 “(e) Employs a worker who fails to comply with applicable state or federal  
6 rules or regulations relating to asbestos abatement.

7 “[2] (3) In addition to any penalty provided by ORS 468.140, the depart-  
8 ment may:

9 “(a) Suspend or revoke the [*license or*] certification of any person who  
10 violates the conditions of ORS 468A.700 to 468A.755 or rules adopted under  
11 ORS 468A.700 to 468A.755[.]; **or**

12 “(b) **Suspend or revoke the asbestos abatement license issued to any**  
13 **contractor if the contractor or a related person violates the provisions**  
14 **of ORS 468A.700 to 468A.755 or rules adopted under ORS 468A.700 to**  
15 **468A.755.**

16 “SECTION 5. **This 2021 Act takes effect on the 91st day after the**  
17 **date on which the 2021 regular session of the Eighty-first Legislative**  
18 **Assembly adjourns sine die.”**

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