



CONSTRUCTION LAW CHANGES IN 2009

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Any company who regularly works on demolition or renovation projects and/or are directly engaged in asbestos removal activities need to be aware that Wisconsin has adopted some new certification and training rules for asbestos removal. Earlier this month, Wisconsin published the final version of rules which repeal and recreate Chapter HFS 159. Chapter HFS 159 establishes certification and training accreditation requirements for persons who perform asbestos abatement or management activities. The new regulations will go into effect on May 1, 2009.

The new standards will for the first time require companies to earn state certification and will require them to post safety plans at job sites. The standards also lower the limits, in terms of the amount of asbestos-containing materials removed, that dictates when contractors must report projects to the Department of Health Services (DHS) and pay a fee. The rules also include new training requirements.

In addition to the foregoing changes, the new rules include some new enforcement mechanisms. For example, the DHS will be able to fine companies if violations are found, as well as will have the legal authority to walk onto sites for inspections.

Unfortunately, the new rules will raise costs and will likely have a greater impact on contractors that make a living on small projects. For example, company certification fees will be \$200 per year and \$100 for an exterior-only asbestos company. The DHFS coupled the company certification fees with a \$50 asbestos project notification fee (or \$100 if provide notice in less than 2 days). There are also annual accreditation fees for individual workers.

For more information concerning the new asbestos removal rules, please contact Jodi Arndt at (920) 437-0476 or jla@lcojlaw.com.