

## REQUEST FOR EARLY EFFECTIVE DATE

### ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS

Pursuant to Government Code section 11343.4, the Air Resources Board (ARB) requests that section 93105, title 17, California Code of Regulations (CCR), become effective upon filing with the Secretary of State. Good cause for this request exists.

This Asbestos Air Toxic Control Measure (ATCM) is designed to reduce asbestos emissions from construction, grading, quarrying, and surface mining operations in California. Section 93105(a) specifies the effective date of the ATCM. To be consistent with Health and Safety Code section 39666(d), section 93105(a) provides that "no later than 120 days after the approval of this section by the Office of Administrative Law," each air pollution control and air quality management districts must either implement and enforce the requirements of the ATCM, or must propose their own ATCM for adoption.

It is important to begin reducing asbestos emissions as soon as possible. The ARB would therefore like to insure that the 120-day period starts on the date that OAL approves the ATCM, instead of starting 30 days after the date of OAL approval. Although section 93105(a) provides that the 120-day period begins on the date of OAL "approval," confusion might arise if there is a 30-day gap between OAL "approval" and the formal, operative date of the ATCM. Although lawyers understand such distinctions, not everyone in the regulated community does. Therefore, the ARB is requesting an early effective date to avoid the possibility of confusion on this issue.

Date: June 6, 2002

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