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**DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007]** (*Division 20 enacted by Stats. 1939, Ch. 60.*)

**CHAPTER 10.35. Asbestos and Hazardous Substance Removal Contracts [25914 - 25914.3]** (*Chapter 10.35 added by Stats. 1991, Ch. 789, Sec. 1.*)

**25914.** The Legislature hereby finds and declares that it is the public policy of the state to ensure that work performed on behalf of the public or private entity or person be done properly to safeguard the public health and safety when removing asbestos and hazardous substances.

*(Added by Stats. 1991, Ch. 789, Sec. 1.)*

**25914.1.** For purposes of this chapter, the following definitions shall apply:

(a) "Asbestos" has the same meaning as defined in Section 6501.7 of the Labor Code.

(b) "Asbestos-related work," is defined in Chapter 6 (commencing with Section 6500) of Part 1 of Division 5 of the Labor Code, including Section 6501.8 of the Labor Code, and involves 100-square feet or more of surface area of asbestos-containing material and is such that it requires that the contractor who performs the work must be certified in accordance with subdivision (a) of Section 7058.5 of the Business and Professions Code.

(c) "Hazardous substance removal" has the same meaning as used in Section 7058.7 of the Business and Professions Code.

*(Added by Stats. 1991, Ch. 789, Sec. 1.)*

**25914.2.** (a) All asbestos-related work and hazardous substance removal shall be performed pursuant to a contract separate from any other work to be performed, when the presence of asbestos or hazardous substances is not disclosed in the bid or contract documents.

(b) All asbestos-related and hazardous substance removal work which is disclosed in the bid or contract documents shall not require a separate contract from any other work to be performed.

(c) In the event the contractor encounters on the site materials he or she reasonably believes to be asbestos or a hazardous substance, and the asbestos or hazardous substance has not been rendered harmless, the contractor may continue work in unaffected areas reasonably believed safe, and shall immediately cease work on the area affected and report the condition to the owner, or the owner's representative, or architect in writing.

(d) With regard to a public entity, if an emergency condition arises, as defined in Section 10122 or 22035 of the Public Contract Code, then all asbestos-related and hazardous substance removal shall be contracted and performed pursuant to Section 10122 or 22035 of the Public Contract Code, respectively. Contractors performing the work shall have all registration and certificates required pursuant to the Labor Code and the Business and Professions Code.

*(Added by Stats. 1991, Ch. 789, Sec. 1.)*

**25914.3.** Notwithstanding any other provision of law, a contractor who is not certified pursuant to Section 7058.6 of the Business and Professions Code may bid on a project involving asbestos related work so long as the asbestos-related work is performed by a contractor who is registered pursuant to Section 6501.5 of the Labor Code and certified pursuant to Section 7058.6 of the Business and Professions Code.

*(Added by Stats. 1991, Ch. 789, Sec. 1.)*