

HOUSE BILL NO. 263

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/17/95

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to certification of workers who handle hazardous waste; and
2 providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 46.03 is amended by adding a new section to article 5 to read:

5 Sec. 46.03.319. CERTIFICATION OF HAZARDOUS WASTE WORKERS.

6 (a) The Department of Labor shall

7 (1) establish guidelines for employee training certification programs and
8 refresher courses, including respiratory and competency tests, to be completed
9 successfully, to ensure that a person who is employed to work on a hazardous waste
10 site, as defined in regulations adopted by the department, is adequately trained to
11 handle hazardous wastes in a safe and knowledgeable manner before the person is
12 allowed to engage in hazardous waste operations that could expose the person to
13 hazardous substances or other safety or health hazards;

14 (2) review certification programs proposed by employers, contractors,

1 labor organizations, public and private vocational training programs, and others for
2 individuals who will be employed to handle hazardous waste;

3 (3) approve proposed certification programs that meet the department's
4 guidelines under this subsection;

5 (4) assist persons in meeting the certification guidelines if their
6 certification program proposals have been found unacceptable.

7 (b) Before a person may undertake work at a hazardous waste site, as defined
8 in regulations adopted by the department, the person shall

9 (1) propose to the department a plan for the certification of the person's
10 employees as adequately trained to handle hazardous waste in a safe and
11 knowledgeable way; the plan must include refresher training for previously certified
12 employees, if considered necessary by the department; if the person is an individual
13 employer or contractor who will handle the hazardous waste, certification or refresher
14 training of the person must also be included in the plan;

15 (2) receive approval from the department of that plan; and

16 (3) certify that each employee of the person who will handle the
17 hazardous waste, and, if applicable, the person who is the employer or contractor, is
18 adequately trained to handle the waste in a safe and knowledgeable way.

19 (c) A person may not employ or contract with an individual or entity to handle
20 hazardous waste unless the individual and the individual's or entity's employees have
21 been certified or have received refresher training, as applicable, in a program approved
22 by the department under (b) of this section.

23 (d) A person who violates (b) or (c) of this section is subject to a civil penalty
24 not to exceed \$1,000, as determined by the commissioner of labor.

25 (e) A person who violates (b) of this section is guilty of a class A
26 misdemeanor.

27 (f) A person who violates (c) of this section is guilty of a class B
28 misdemeanor.

29 (g) The department shall adopt by regulation a fee schedule for

30 (1) review, approval, and certification of training certification programs
31 and plans under this section; and

1 (2) certification of a person employed to work on a hazardous work
2 site.

3 (h) In this section, "department" means the Department of Labor.

4 * **Sec. 2.** AS 46.03.310(b) - (f), enacted by sec. 1 of this Act, take effect January 1, 1996.

5 * **Sec. 3.** Except as provided in sec. 2 of this Act, this Act takes effect immediately under
6 AS 01.10.070(c).