

Introduced: 2/15/82
Referred: Labor & Commerce and
Finance

1 IN THE HOUSE

BY ROGERS

2 HOUSE BILL NO. 806

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous or toxic substances."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 18.60 is amended by adding new sections to read:

9 Sec. AS 18.60.051. MANUFACTURER TO PROVIDE HAZARDOUS OR TOXIC
10 SUBSTANCE INFORMATION. (a) The manufacturer of a hazardous or toxic
11 substance shall prepare and provide a person who purchases the hazardous
12 or toxic substance from the manufacturer with information specified in
13 (b) of this section that, to the best of the manufacturer's knowledge,
14 is current, accurate, and complete, based on information then reasonably
15 available to the manufacturer. For purposes of this section, a sub-
16 stance, mixture, or product is not considered a hazardous or toxic
17 substance if present in a physical state, volume, or concentration for
18 which there is no valid and substantial evidence that an adverse acute
19 or chronic risk to human health may occur from exposure.

20 (b) The information that a manufacturer shall provide as required
21 in (a) of this section includes

22 (1) the chemical name, common name, and the CAS number of the
23 hazardous or toxic substance;

24 (2) the hazards or other risks in the use of the hazardous or
25 toxic substance, including

26 (A) the potential for fire, explosion, or reactivity;

27 (B) the acute and chronic health effects or risks from
28 exposure;

29 (C) the potential avenues of exposure and symptoms of

1 overexposure;

2 (3) the proper precautions, handling practices, necessary
3 personal protective equipment, and other safety precautions in the use
4 of or exposure to the substance;

5 (4) the emergency procedures for spills, fire, disposal, and
6 first aid;

7 (5) a description in lay terms, if not otherwise provided, on
8 either a separate sheet or with the body of the information specified in
9 this section, of the specific potential health risks posed by the sub-
10 stance intended to alert a person reading the information;

11 (6) the month and year that the information was compiled and
12 the name and address of the manufacturer responsible for preparing the
13 information.

14 Sec. AS 18.60.052. SELLER OTHER THAN MANUFACTURER TO PROVIDE
15 HAZARDOUS OR TOXIC SUBSTANCE INFORMATION. (a) Except as provided in
16 (b) of this section, a person other than a manufacturer who sells a
17 hazardous or toxic substance shall provide a direct purchaser of the
18 hazardous or toxic substance at the time of sale with a copy of the most
19 recent information prepared and supplied under AS 18.60.051 unless the
20 purchaser indicates that he possesses that information.

21 (b) The commissioner shall adopt regulations identifying the types
22 of hazardous or toxic substances that are required by federal law to be
23 labeled in a manner equivalent to the requirements of (a) of this sec-
24 tion. Those types of hazardous or toxic substances are excepted from
25 the provisions of (a) of this section.

26 Sec. 18.60.071. EMPLOYER TO PROVIDE HAZARDOUS SUBSTANCE INFOR-
27 MATION AND TRAINING. (a) An employer shall post in the workplace of
28 his employees the information required by AS 18.60.051 if, as a result
29 of workplace operations, there is a hazardous or toxic substance present

1 in the workplace in a manner that employees may be exposed

2 (1) under normal conditions of work; or

3 (2) in a reasonably foreseeable emergency resulting from
4 workplace operations, including but not limited to equipment failure,
5 rupture of containers, or failure of control equipment, that may or do
6 result in a release of a hazardous or toxic substance into the workplace.

7 (b) An employer required to comply with (a) of this section shall
8 furnish each new employee and, on an annual basis, all other employees
9 with

10 (1) a copy of the information posted in accordance with (a)
11 of this section; and

12 (2) training at the employer's expense calculated to candidly
13 inform the employees of

14 (A) the location, properties, and acute and chronic
15 health effects of the hazardous or toxic substances to which the
16 employees are routinely exposed in the workplace;

17 (B) the nature of the operations that could result in
18 exposure to these hazardous or toxic substances as well as any
19 necessary handling or hygienic practices or precautions;

20 (C) the purpose, proper use, and limitation of personal
21 protective equipment required by any other Occupational Health and
22 Safety Act standard or otherwise used in the workplace; and

23 (D) information required by AS 18.60.051.

24 Sec. 18.60.072. REPORTS TO BE FILED WITH DIVISION. (a) A manufac-
25 turer, seller other than the manufacturer, and employer who are subject
26 to the requirements of AS 18.60.051, 18.60.052, and 18.60.071, respec-
27 tively, shall file with the division of occupational safety and health
28 an annual report that includes

29 (1) the information provided to purchasers and employees in

1 accordance with AS 18.60.051, 18.60.052, or 18.60.071;

2 (2) the safety procedures and equipment actually used in the
3 workplace;

4 (3) the quantities of hazardous or toxic substances being
5 used or produced; and

6 (4) other information considered appropriate by the division.

7 (b) A change in circumstances that would require modification of
8 the report filed under this section shall be immediately reported to the
9 division.

10 (c) The division shall comply with AS 18.60.099 to ensure protec-
11 tion of trade secrets divulged in the reports filed under this section.

12 Sec. 18.60.073. ACCESS TO RECORDS. (a) An employee, prospective
13 employee, or former employee of a manufacturer or employer subject to
14 AS 18.60.072 and physicians designated by any of these persons may
15 examine and copy a report filed with the division of occupational safety
16 and health under AS 18.60.072 except for that information considered a
17 trade secret under AS 18.60.099.

18 (b) An employee, prospective employee, former employee, a repre-
19 sentative of the director, and physicians designated by any of these
20 persons may examine and copy exposure measurements taken to monitor
21 employee exposure to hazardous or toxic substances in the workplace.

22 (c) The division may require an employee or former employee of a
23 manufacturer or employer subject to AS 18.60.072 to furnish health and
24 exposure records and other information pertinent to an investigation by
25 the division of violations of AS 18.60.051, 18.60.052, or 18.60.071 -
26 18.60.073.

27 Sec. 18.60.074. PUBLIC DISCLOSURE OF HAZARDOUS OR TOXIC SUBSTANCE
28 INFORMATION. The division of occupational safety and health may disclose
29 to the public information concerning hazardous or toxic substances and

1 the circumstances under which the public might be affected. The division
2 may not publicly disclose the name of the employer, manufacturer, or
3 seller who may be associated with the hazardous or toxic substance to
4 which the release of information pertains.

5 * Sec. 2. AS 18.60.105 is amended by adding new paragraphs to read:

6 (6) "CAS number" means the unique identification number
7 assigned by the Chemical Abstracts Service to specific chemical sub-
8 stances;

9 (7) "chemical name" means the scientific designation of a
10 substance in accordance with the nomenclature system developed by the
11 International Union of Pure and Applied Chemistry or the system developed
12 by the Chemical Abstracts Service;

13 (8) "common name" means a designation or identification such
14 as code name, code number, trade name, or brand name used to identify a
15 substance other than by its chemical name;

16 (9) "expose" or "exposure" means a situation arising from
17 work operation or usage where an employee or purchaser may ingest,
18 inhale, absorb through the skin or eyes, or otherwise come into contact
19 with a hazardous or toxic substance;

20 (10) "manufacturer" means a person who produces, synthesizes,
21 extracts, or otherwise makes a hazardous or toxic substance;

22 (11) "hazardous substance" means a chemical that

23 (A) is listed in the United States Department of Trans-
24 portation Hazardous Materials Table, 49 C.F.R. 192.101; and

25 (B) meets one or more of the following criteria for
26 hazard class:

- 27 (i) is a combustible substance;
28 (ii) is a compressed gas;
29 (iii) is an explosive;

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- (iv) is a flammable substance;
- (v) is an organic peroxide; or
- (vi) is an oxidizer;

(12) "toxic substance" means a chemical that is listed in the Toxic and Hazardous Substances section of the regulations of the Occupational Health and Safety Act labeling standard in 29 C.F.R. Part 1910, Subpart Z.