

Original sponsor: Rogers

Offered: 4/2/82  
Referred: Finance

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

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CS FOR HOUSE BILL NO. 806 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to hazardous or toxic substances; and  
7 providing for an effective date."

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

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\* Section 1. AS 18.60.030 is amended by adding a new paragraph to read:

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(12) adopt regulations further defining "hazardous substance"

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(AS 18.60.105(11)) and "toxic substance" (AS 18.60.105(12)) and exclud-  
12 ing from those definitions

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(A) substances that because of their physical state,

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volume, or concentration do not pose a health risk upon exposure;

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and

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(B) substances that are goods, drugs, cosmetics, or

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tobacco products intended for personal consumption.

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\* Sec. 2. AS 18.60 is amended by adding new sections to read:

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Sec. AS 18.60.051. MANUFACTURER TO PROVIDE HAZARDOUS OR TOXIC

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SUBSTANCE INFORMATION. (a) The manufacturer of a hazardous or toxic

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substance shall prepare and provide a person who purchases the hazardous

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or toxic substance from the manufacturer with information specified in

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(b) of this section that, to the best of the manufacturer's knowledge,

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is current, accurate, and complete, based on information then reasonably

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available to the manufacturer.

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(b) The information that a manufacturer shall provide as required

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in (a) of this section includes

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(1) the chemical name, common name, and the CAS number of the

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hazardous or toxic substance;

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

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

(B) the known or suspected acute and chronic health effects or risks from exposure;

(C) the potential avenues of exposure and symptoms of overexposure;

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

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

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

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

Sec. AS 18.60.052. WHOLESALER TO PROVIDE HAZARDOUS OR TOXIC SUBSTANCE INFORMATION. (a) Except as provided in (b) of this section, a wholesaler who sells a hazardous or toxic substance shall provide a purchaser of the hazardous or toxic substance at the time of sale with a copy of the most recent information listed under AS 18.60.051 unless the purchaser indicates that

(1) he possesses that information; or

(2) he does not intend to use the substance in a workplace frequented by persons other than the purchaser.

(b) The commissioner shall adopt regulations identifying the types

1 of hazardous or toxic substances that are required by federal law to be  
2 labeled in a manner equivalent to the requirements of (a) of this sec-  
3 tion. Those types of hazardous or toxic substances are excepted from  
4 the provisions of (a) of this section.

5 Sec. 18.60.071. EMPLOYER TO PROVIDE HAZARDOUS SUBSTANCE INFOR-  
6 MATION AND TRAINING. (a) An employer shall post in the workplace of  
7 his employees the information listed in AS 18.60.051 if, as a result of  
8 workplace operations, there is a hazardous or toxic substance present in  
9 the workplace in a manner that employees may be exposed

10 (1) under normal conditions of work; or

11 (2) in a reasonably foreseeable emergency resulting from  
12 workplace operations, including but not limited to equipment failure,  
13 rupture of containers, or failure of control equipment, that may or do  
14 result in a release of a hazardous or toxic substance into the work-  
15 place.

16 (b) An employer required to comply with (a) of this section shall  
17 furnish each new employee and, on request, any other employee with

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

20 (2) training at the employer's expense calculated to candidly  
21 inform the employee of

22 (A) the location, properties, and known or suspected  
23 acute and chronic health effects of the hazardous or toxic sub-  
24 stances to which the employee is routinely exposed in the work-  
25 place;

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

29 (C) the purpose, proper use, and limitation of personal

1 protective equipment required by another occupational safety and  
2 health standard or otherwise used in the workplace; and

3 (D) information required by AS 18.60.051.

4 Sec. 18.60.072. REPORTS TO BE FILED WITH DEPARTMENT. (a) A manu-  
5 facturer, wholesaler, and employer who are subject to the requirements  
6 of AS 18.60.051, 18.60.052, and 18.60.071, respectively, shall file with  
7 the department an annual report that includes

8 (1) the information provided to purchasers and employees in  
9 accordance with AS 18.60.051, 18.60.052, or 18.60.071 for each hazardous  
10 or toxic substance specified by the department under (d) of this sec-  
11 tion;

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

14 (3) the quantities of hazardous or toxic substances being  
15 used or produced for those substances required by the department under  
16 (d) of this section to be reported; and

17 (4) other information considered appropriate by the depart-  
18 ment.

19 (b) A change in circumstances that would require modification of  
20 the report filed under this section shall be immediately reported to the  
21 department.

22 (c) The department shall comply with AS 18.60.099 to ensure pro-  
23 tection of trade secrets divulged in the reports filed under this sec-  
24 tion.

25 (d) The department shall adopt regulations specifying the hazar-  
26 dous or toxic substances that are to be reported under this section.

27 Sec. 18.60.073. ACCESS TO RECORDS. (a) An employee, prospective  
28 employee, or former employee of a manufacturer or employer subject to  
29 AS 18.60.072 and physicians designated by any of these persons may

1 examine and copy a report filed with the department under AS 18.60.072  
2 except for that information considered a trade secret under AS 18.60.-  
3 099.

4 (b) An employee, prospective employee, former employee, a repre-  
5 sentative of the commissioner, and physicians designated by any of these  
6 persons may examine and copy exposure measurements taken to monitor  
7 employee exposure to hazardous or toxic substances in the workplace.

8 (c) The department may require an employee or former employee of a  
9 manufacturer or employer subject to AS 18.60.072 to furnish health and  
10 exposure records and other information pertinent to an investigation by  
11 the department of violations of AS 18.60.051, 18.60.052, or 18.60.071 -  
12 18.60.073.

13 (d) The commissioner shall adopt regulations pertaining to access  
14 to records and information that is required by AS 18.60.051, 18.60.052,  
15 and 18.60.071 - 18.60.073. The regulations shall ensure that the depart-  
16 ment, a purchaser of hazardous or toxic substances, and an employee  
17 exposed to or who believes he is exposed to hazardous or toxic substances  
18 have ready access to all information that is relevant to the purposes of  
19 AS 18.60.051, 18.60.052, or 18.60.071 - 18.60.073 and not exempted from  
20 disclosure as trade secrets.

21 Sec. 18.60.074. PUBLIC DISCLOSURE OF HAZARDOUS OR TOXIC SUBSTANCE  
22 INFORMATION. The department may disclose to the public information  
23 concerning hazardous or toxic substances and the circumstances under  
24 which the public might be affected.

25 \* Sec. 3. AS 18.60.105 is amended by adding new paragraphs to read:

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

29 (7) "chemical name" means the scientific designation of a

1 substance in accordance with the nomenclature system developed by the  
2 International Union of Pure and Applied Chemistry or the system developed  
3 by the Chemical Abstracts Service;

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

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

11 (10) "manufacturer" means a person who produces, synthesizes,  
12 extracts, or otherwise makes a hazardous or toxic substance in the  
13 state;

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

15 (A) is listed in the United States Department of Trans-  
16 portation Hazardous Materials Table, 49 C.F.R. 172.101; and

17 (B) meets one or more of the following criteria for  
18 hazard class:

19 (i) is a combustible substance;

20 (ii) is a compressed gas;

21 (iii) is an explosive;

22 (iv) is a flammable substance;

23 (v) is an organic peroxide; or

24 (vi) is an oxidizer; or

25 (C) is listed in a regulation adopted by the department  
26 under AS 18.60.030(12);

27 (12) "toxic substance" means a chemical that is

28 (A) listed in the Toxic and Hazardous Substances section  
29 of the regulations of the Occupational Health and Safety Act in 29

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C.F.R. Part 1910, Subpart Z;

(B) listed in the most recent edition of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances; or

(C) listed in a regulation adopted by the department under AS 18.60.030(12);

(13) "wholesaler" means a dealer, distributor, or jobber who sells a hazardous or toxic substance in the state to a person for use in a workplace in a manner that subjects an employer to the requirements of AS 18.60.071 or to a person who sells, or intends to sell, directly to the consumer.

\* Sec. 4. This Act takes effect January 1, 1983.