

Introduced: 2/14/83
Referred: Labor & Commerce,
Resources and Finance

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 197

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 (12) adopt regulations further defining "hazardous sub-
11 stance" (AS 18.60.105(11)) and "toxic substance" (AS 18.60.105(12))
12 and excluding from those definitions

13 (A) substances that because of their physical state,
14 volume, or concentration do not pose a health risk upon exposure;
15 and

16 (B) substances that are goods, drugs, cosmetics, or
17 tobacco products intended for personal consumption.

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

19 Sec. 18.60.051. MANUFACTURER TO PROVIDE HAZARDOUS OR TOXIC
20 SUBSTANCE INFORMATION. (a) A manufacturer of a hazardous or toxic
21 substance shall prepare and provide to a person who purchases the
22 substance from the manufacturer the information specified in (b) of
23 this section. To the best of the manufacturer's knowledge, the infor-
24 mation shall be current, accurate, and complete, and shall include
25 information reasonably available to the manufacturer.

26 (b) The information that a manufacturer shall provide under (a)
27 of this section includes

28 (1) the chemical name, common name, and the CAS number of
29 the substance;

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

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

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

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

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

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

13 (5) a description in lay terms, if not otherwise provided,
14 of the health risks posed by the substance;

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

18 Sec. 18.60.052. WHOLESALER TO PROVIDE HAZARDOUS OR TOXIC SUB-
19 STANCE INFORMATION. (a) Except as provided in (b) of this section, a
20 wholesaler, when selling a hazardous or toxic substance, shall provide
21 to a purchaser a copy of the most recent information listed under
22 AS 18.60.051, unless the purchaser indicates that the purchaser

23 (1) possesses the information; or

24 (2) intends to use the substance in a workplace frequented
25 only by the purchaser.

26 (b) The commissioner shall adopt regulations exempting from the
27 provisions of (a) of this section those types of hazardous or toxic
28 substances that are required by federal law to be labeled with
29 information equivalent to that required to be provided under (a) of

1 this section.

2 * Sec. 3. AS 18.60 is amended by adding new sections to read:

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

8 (1) under normal conditions of work; or

9 (2) during a reasonably foreseeable emergency, including
10 equipment failure and rupture of containers.

11 (b) An employer required to comply with (a) of this section
12 shall provide to each new employee and, to any other employee on
13 request,

14 (1) a copy of the information required to be posted under
15 (a) of this section; and

16 (2) training, at the employer's expense, calculated to
17 inform the employee of

18 (A) the location, properties, and known or suspected
19 acute and chronic health effects of the hazardous or toxic sub-
20 stances to which the employee is routinely exposed in the work-
21 place;

22 (B) the nature of the operations that could result in
23 exposure to hazardous or toxic substances, as well as any neces-
24 sary handling or hygienic practices or precautions; and

25 (C) the location, purpose, proper use, and limitations
26 of personal protective equipment used in the workplace.

27 Sec. 18.60.072. REPORTS TO BE FILED WITH DEPARTMENT. (a) A
28 manufacturer, wholesaler, or employer who is subject to the require-
29 ments of AS 18.60.051, 18.60.052, and 18.60.071, respectively, shall

1 file with the department an annual report that includes

2 (1) the information required to be provided to purchasers
3 and employees under AS 18.60.051, 18.60.052, or 18.60.071 for each
4 hazardous or toxic substance specified by the department under (c) of
5 this section;

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

8 (3) the quantities of hazardous or toxic substances being
9 used or produced; and

10 (4) other information considered appropriate by the depart-
11 ment.

12 (b) A manufacturer, wholesaler, or employer shall promptly
13 report to the department a change in circumstances that would require
14 modification of a report filed under this section.

15 (c) The department shall adopt regulations specifying the hazar-
16 dous or toxic substances to be reported under this section.

17 Sec. 18.60.073. ACCESS TO RECORDS. (a) An employee, prospec-
18 tive employee, or former employee of a manufacturer or employer sub-
19 ject to AS 18.60.072, or a physician designated by any of these per-
20 sons, may examine and copy a report filed with the department under
21 AS 18.60.072, except for information considered a trade secret under
22 AS 18.60.099.

23 (b) An employee, prospective employee, former employee, a repre-
24 sentative of the commissioner, or a physician designated by any of
25 these persons, may examine and copy exposure measurements taken to
26 monitor employee exposure to hazardous or toxic substances in the
27 workplace.

28 (c) The department may require an employee or former employee of
29 a manufacturer or employer subject to AS 18.60.072 to furnish health

1 and exposure records and other information pertinent to an investiga-
2 tion. by the department of violations of AS 18.60.051, 18.60.052, or
3 18.60.071 - 18.60.073.

4 (d) The commissioner shall adopt regulations pertaining to
5 access to records and information required under AS 18.60.051, 18.60.-
6 052, and 18.60.071 - 18.60.073. The regulations shall ensure that the
7 department, a purchaser of hazardous or toxic substances, and an
8 employee exposed to or who believes the employee is exposed to haz-
9 ardous or toxic substances, have ready access to information relevant
10 to the purposes of AS 18.60.051, 18.60.052, or 18.60.071 - 18.60.073
11 and not exempt from disclosure as trade secrets.

12 Sec. 18.60.074. PUBLIC DISCLOSURE OF HAZARDOUS OR TOXIC SUB-
13 STANCE INFORMATION. The department may disclose to the public infor-
14 mation concerning hazardous or toxic substances and the circumstances
15 under which the public might be affected.

16 * Sec. 4. AS 18.60.105 is amended by adding new paragraphs to read:

17 (6) "CAS number" means the identification number assigned
18 by the Chemical Abstracts Service to specific chemical substances;

19 (7) "chemical name" means the scientific designation of a
20 substance in accordance with the nomenclature system developed by the
21 International Union of Pure and Applied Chemistry or the system devel-
22 oped by the Chemical Abstracts Service;

23 (8) "common name" means a designation or identification,
24 such as code name, code number, trade name, or brand name, used to
25 identify a substance, other than its chemical name;

26 (9) "expose" or "exposure" means the ingestion, inhalation,
27 absorption through the skin or eyes, or contact with a hazardous or
28 toxic substance by an employee or purchaser;

29 (10) "manufacturer" means a person who produces,

1 synthesizes, extracts, or makes a hazardous or toxic substance in the
2 state;

3 (11) "hazardous substance" means a chemical that is

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

6 (B) any of the following:

7 (i) a combustible substance;

8 (ii) a compressed gas;

9 (iii) an explosive;

10 (iv) a flammable substance;

11 (v) an organic peroxide; or

12 (vi) an oxidizer;

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

15 (12) "toxic substance" means a chemical that is listed in

16 (A) the Toxic and Hazardous Substances section of the
17 regulations of the Occupational Health and Safety Act in 29
18 C.F.R. Part 1910, Subpart Z;

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

22 (C) a regulation adopted by the department under
23 AS 18.60.030(12);

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

29 * Sec. 5. This Act takes effect January 1, 1984.