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1 IN THE SENATE

2 SENATE BILL NO. 79

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 toxic and hazardous substances in
7 the workplace; and providing for an effective date."

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

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

10 Sec. 18.60.065. TOXIC AND HAZARDOUS SUBSTANCE SAFETY INFORMA-
11 TION. (a) An employer who manufactures, stores, uses, or transports
12 a toxic or hazardous substance in the state shall, with the assistance
13 of the department, provide to the department annually a material
14 safety data sheet for each substance setting forth the following
15 information:

16 (1) the chemical name, CAS number, and the common name of
17 the substance;

18 (2) the trade name of the chemical and other commonly used
19 names;

20 (3) the permissible exposure level established under the
21 Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.),
22 as amended, or recommended by the National Institute of Occupational
23 Safety and Health;

24 (4) the known or suspected acute or chronic effects of
25 exposure to the substance;

26 (5) the potential flammability, explosiveness, and reactiv-
27 ity of the substance;

28 (6) the conditions of safe use and exposure to the sub-
29 stance;

1 (7) the appropriate medical treatment to be applied in an
2 emergency involving the substance;

3 (8) the procedures for cleanup of leaks or spills of the
4 substance;

5 (9) the name and address of the manufacturer of the sub-
6 stance; and

7 (10) the month and year the employer compiled the informa-
8 tion listed in (1) - (9) of this subsection.

9 (b) An employer shall make available a copy of the information
10 provided in (a) of this section to an employee, or a collective bar-
11 gaining agent or designated representative of the employee, within
12 five working days of a request for the information. An employer shall
13 provide to each employee or applicant for employment a copy of the
14 information in (a) of this section that relates to substances to which
15 the employee may be exposed in the course of employment, and an expla-
16 nation of the information in language the employee is likely to under-
17 stand.

18 (c) An employer who fails to provide information under (b) of
19 this section within five working days of a request may not require the
20 requesting employee to be exposed to a substance about which informa-
21 tion was requested until the information has been provided.

22 (d) An employer shall prominently display signs in the workplace
23 notifying employees of the provisions of this section.

24 Sec. 18.60.066. LABELING OF TOXIC AND HAZARDOUS SUBSTANCES. (a)
25 An employer who manufactures, stores, uses, or transports a toxic or
26 hazardous substance in the state shall affix in a prominent place on
27 each container that contains one gallon or more of the substance a
28 label containing the following information:

29 (1) the common and chemical names of the substance;

1 (2) the hazards and health risks associated with use of or
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate procedures to follow in case of overex-
5 posure to the substance; and

6 (5) the need for and instructions for the proper use of
7 equipment to protect a person from overexposure to the substance.

8 (b) An employer shall identify toxic or hazardous substances
9 that are contained in piping systems in the workplace by affixing
10 labels prominently on the pipe body. Locations of labels shall in-
11 clude

12 (1) valve flanges, branches, and pipe reactors; and

13 (2) pipe exit and entry points in walls, floors, and the
14 ground.

15 (c) In an area where toxic or hazardous substances are stored an
16 employer shall prominently display an alphabetical list of the chemi-
17 cal and common names of the substances.

18 Sec. 18.60.067. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
19 employer shall establish an employee safety education program for
20 employees exposed to toxic or hazardous substances. Instruction for
21 dealing safely with toxic or hazardous substances to which an employee
22 may be exposed shall be given to each employee annually and at other
23 times as necessary to assure that an employee remains adequately
24 informed about dealing safely with the substances.

25 (b) An employee safety education program shall include instruc-
26 tion in the following aspects of each toxic and hazardous substance to
27 which an employee may be exposed:

28 (1) the chemical names, common names, and CAS numbers of
29 the substance;

1 (2) the known or suspected acute or chronic effects of
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate medical treatment to be applied in an
5 emergency involving the substance;

6 (5) the potential flammability, explosiveness, and reactiv-
7 ity of the substance;

8 (6) the conditions of safe use and exposure to the sub-
9 stance;

10 (7) the procedures for cleanup of leaks or spills of the
11 substance;

12 (8) the location of the substance; and

13 (9) the purpose, proper use, and limitations of personal
14 equipment required to protect a person from harmful exposure to the
15 substance.

16 (c) The department may establish additional requirements for an
17 employee safety education program. The department shall monitor the
18 program to assure compliance with this section.

19 * Sec. 2. AS 18.60 is amended by adding a new section to read:

20 Sec. 18.60.101. WAIVERS VOID. A waiver of a provision of
21 AS 18.60.010 - 18.60.105 by an employee or applicant for employment is
22 against public policy and is void.

23 * Sec. 3. AS 18.60.105(3) is amended to read:

24 (3) "employee" means a person who works for an employer;
25 but for purposes of AS 18.60.065 - 18.60.067, "employee" does not
26 include a person employed in a place that is primarily a personal
27 residence;

28 * Sec. 4. AS 18.60.105(4) is amended to read:

29 (4) "employer" means a person, including the state and

1 political subdivisions of the state, who has one or more employees;
2 but for purposes of AS 18.60.065 - 18.60.067, "employer" means an
3 individual, partnership, corporation, or association in the state who
4 has persons employed for the purpose of manufacturing, storing, using,
5 or transporting toxic or hazardous substances in a place of employment
6 other than a place that is primarily a personal residence; but where
7 an employee of one employer is present at the workplace of another
8 employer by agreement between the employers, "employer" means the
9 employer that has control of the workplace;

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

11 (6) "CAS number" means the identification number assigned
12 to a substance by the Chemical Abstracts Service;

13 (7) "chemical name" means the scientific name of a sub-
14 stance in the nomenclature developed by the International Union of
15 Pure and Applied Chemistry or by the Chemical Abstracts Service;

16 (8) "hazardous substance" means a substance that is

17 (A) listed in the United States Department of Trans-
18 portation hazardous materials table (49 C.F.R. 172.101) and is
19 any of the following:

20 (i) a combustible substance;

21 (ii) a compressed gas;

22 (iii) an explosive;

23 (iv) a flammable substance;

24 (v) an organic peroxide; or

25 (vi) an oxidizer; or

26 (B) defined as a hazardous substance by the depart-
27 ment;

28 (9) "toxic substance" means a substance that is

29 (A) listed in the "toxic and hazardous substances"

1 section of regulations adopted under the Occupational Safety and
2 Health Act (29 C.F.R., Part 1910, subpart Z);

3 (B) listed in the "Registry of Toxic Effects of Chemi-
4 cal Substances" published by the National Institute for Occupa-
5 tional Safety and Health; or

6 (C) defined as a toxic substance by the department.

7 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
8 10.070(c).