

Offered: 5/13/83  
Referred: Finance

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1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 79 (Resources)

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 18.60.030 is amended by adding new paragraphs to read:

10 (12) annually publish a list of toxic and hazardous  
11 substances;

12 (13) maintain a current set of OSHA form 20's or equivalent  
13 information for toxic and hazardous substances, and other information  
14 relevant to toxic and hazardous substances;

15 (14) assist employers, upon request, to identify and obtain  
16 information on toxic and hazardous substances and develop employee  
17 safety education programs.

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

19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.  
20 Toxic and hazardous substances imported into the state shall be accom-  
21 panied by a federal Occupational Safety and Health Administration  
22 (OSHA) form 20 or equivalent information. This requirement does not  
23 apply to a substance for which the in-state purchaser has already  
24 received the most current information.

25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An  
26 employer shall conduct a safety education program for an employee  
27 before the employee performs a new work assignment that may result in  
28 the employee being exposed to a toxic or hazardous substance for which  
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the  
3 employee of

4 (A) the location, properties, and known or suspected  
5 acute and chronic health effects of the hazardous or toxic sub-  
6 stances to which the employee is exposed in the workplace;

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

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

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)  
13 An employer shall make available to an employee on request a copy of  
14 the most recent OSHA form 20 or equivalent written information for a  
15 toxic or hazardous substance to which the employee may be exposed. If  
16 the employer does not have the copy or information requested, the  
17 employer shall request a copy from the department or the manufacturer  
18 of the substance within three state government working days after  
19 receiving the request.

20 (b) If the copy or information requested under (a) of this  
21 section is not made available to the employee within 15 calendar days  
22 after the request is received, the employer shall take measures to  
23 assure that employees are not exposed to the substance to which the  
24 copy or information pertains until the copy or information is made  
25 available to the employee who made the request. This subsection  
26 applies only to substances for which an OSHA form 20 or equivalent  
27 information is required under OSHA regulations. This subsection does  
28 not alter, deny, or abrogate any right an employee may have under law  
29 to refuse to work under hazardous circumstances.

1           Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The  
2 department shall print and make available to employers posters that  
3 contain notice of the provisions of this chapter relating to toxic and  
4 hazardous substances.

5           (b) An employer whose employees are or may be exposed in the  
6 workplace to a toxic or hazardous substance shall display the  
7 following information in a manner designed to notify the employees:

8           (1) a poster printed by the department under (a) of this  
9 section; and

10           (2) an OSHA form 20 or equivalent information for each  
11 toxic or hazardous substance to which an employee may be exposed in  
12 the workplace

13                   (A) under normal conditions of work; or

14                   (B) during a reasonably foreseeable emergency, includ-  
15 ing equipment failure and rupture of containers.

16           (c) Instead of posting the information required under (b)(2) of  
17 this section, an employer may post a list of the chemical name and  
18 product name of each toxic or hazardous substance to which an employee  
19 may be exposed in the workplace, together with an identification of a  
20 location, in or near the workplace and accessible to employees, where  
21 an employee may inspect the information listed under (b)(2) of this  
22 section.

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

24           (6) "be exposed" means to ingest, inhale, or absorb through  
25 the skin or eyes a substance, or fumes or other potentially harmful  
26 aspect of a substance;

27           (7) "OSHA" means the federal Occupational Safety and Health  
28 Administration;

29           (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,  
2 Toxic and Hazardous Substances, "General Industry Standards",  
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for  
5 Chemical Substances and Physical Agents in the Work Environment",  
6 American Conference of Governmental Industrial Hygienists (Latest  
7 Edition);

8 (C) a substance for which an OSHA form 20 or  
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in  
11 accordance with the Administrative Procedure Act (AS 44.62), to  
12 be a health hazard to an employee who is exposed to the  
13 substance, including a carcinogen, reproductive toxin, irritant,  
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,  
15 agent that acts on the hematopoietic system, agent that damages  
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,  
19 volume, or concentration do not pose a health hazard upon expo-  
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,  
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-  
25 tainer by a mode of transportation.

26 \* Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-

28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

2 (2) "employer" means a person, including the state and a  
3 political subdivision of the state, who has one or more employees  
4 working in a place not used primarily as a personal residence.

5 (3) "health hazard" means a substance capable of causing  
6 acute or chronic adverse effects to health;

7 (4) "workplace" means a place of employment other than a  
8 place used primarily as a personal residence.

9 \* Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in  
10 accordance with AS 01.10.070(c).

11 \* Sec. 6. Section 2 of this Act takes effect July 1, 1984.