

Introduced: 4/4/84
Referred: Health, Education and
Social Services
and Labor and Commerce

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 542

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exposure to microwave radiation
7 in the workplace."

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

9 * Section 1. AS 18.60.058 is amended to read:

10 Sec. 18.60.058. REPORTING OF INJURIES AND ILLNESSES. In the
11 event of an employment accident that [WHICH] is fatal to an employee
12 [ONE OR MORE EMPLOYEES], or that [WHICH] results in the overnight
13 hospitalization of an employee, or that results in an employee being
14 exposed to microwave radiation [ONE OR MORE EMPLOYEES], the employer
15 shall report the accident by telephone, telegram, radio, or in person
16 to the nearest office of the division of labor standards and safety.
17 The report must relate the circumstances of the accident, the number
18 of fatalities, and the extent of any injuries. The report must be
19 made immediately but in no event later than 24 hours after receipt by
20 the employer of information that the accident has occurred. In the
21 event of an employment accident that [WHICH] is fatal to an employee,
22 [ONE OR MORE EMPLOYEES] or that [WHICH] results in the overnight
23 hospitalization of two or more employees, no equipment, material, or
24 product related to the injury or fatality may be moved or altered
25 until clearance is given by the department, except when compliance
26 with this requirement would interfere for an unreasonable length of
27 time with work or create additional hazards. If equipment, material,
28 or products must be moved or altered before department clearance, the
29 employer shall submit a detailed investigative report of the accident

1 to the division.

2 * Sec. 2. AS 18.60.066 is amended to read:

3 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
4 employer shall conduct a safety education program for an employee
5 before the employee performs a new work assignment that may result in
6 the employee being exposed to a toxic or hazardous substance or micro-
7 wave radiation for which the employee has not received safety instruc-
8 tion as provided under (b) of this section.

9 (b) An employee safety instruction program shall inform the
10 employee of

11 (A) the location, properties, and known or suspected
12 acute and chronic health effects of [THE] hazardous or toxic
13 substances and microwave radiation to which the employee is or
14 may be exposed in the workplace;

15 (B) the nature of the operations that could result in
16 exposure to hazardous or toxic substances or microwave radiation,
17 as well as any necessary handling or hygienic practices or pre-
18 cautions; and

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

21 * Sec. 3. AS 18.60.068(a) is amended to read:

22 (a) The department shall print and make available to employers
23 posters that contain notice of the provisions of this chapter relating
24 to toxic and hazardous substances and microwave radiation.

25 * Sec. 4. AS 18.60.068(b) is amended to read:

26 (b) An employer whose employees are or may be exposed in the
27 workplace to a toxic or hazardous substance or to microwave radiation
28 shall display the following information in a manner designed to notify
29 the employees:

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

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

6 (A) under normal conditions of work; or

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

9 * Sec. 5. AS 18.60.105(a)(1) is amended to read:

10 (1) "be exposed" means

11 (A) in the case of a toxic or hazardous substance, to
12 ingest, inhale, or absorb through the skin or eyes the [A]
13 substance, or fumes or other potentially harmful aspect of the
14 [A] substance; and

15 (B) in the case of microwave radiation, to be in a
16 field of microwave radiation that exceeds the level of intensity
17 established as the radiation protection guide under 29 C.F.R.
18 1910.97;

19 * Sec. 6. AS 23.30.120(a) is amended to read:

20 (a) In a proceeding for the enforcement of a claim for compen-
21 sation under this chapter it is presumed, in the absence of substan-
22 tial evidence to the contrary, that

23 (1) the claim comes within the provisions of this chapter;

24 (2) sufficient notice of the claim has been given;

25 (3) the injury was not proximately caused by the intoxica-
26 tion of the injured employee or proximately caused by the employee
27 being under the influence of drugs unless the drugs were taken as
28 prescribed by the employee's physician;

29 (4) the injury was not occasioned by the wilful intention

1 of the injured employee to injure or kill self [HIMSELF] or another;
2 and
3 (5) the injury, if consistent with symptoms of exposure to
4 microwave radiation, was the result of exposure to microwave radia-
5 tion.