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BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 319 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to physical agents."

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

8 * Section 1. AS 18.60.030 is amended to read:

9 Sec. 18.60.030. DUTIES OF DEPARTMENT OF LABOR. The Department
10 of Labor shall

11 (1) study ways and means for prevention of accidents to
12 persons on the streets and highways, in and on the water, in aircraft
13 usage, in homes, on the farms, at schools, industrial and commercial
14 plants, and in public places;

15 (2) plan and execute safety programs, including educational
16 campaigns, designed to reduce accidents in every field of activity;

17 (3) work in cooperation with official and unofficial orga-
18 nizations and instrumentalities in the state which are interested in
19 the promotion of safety so that possible resources can be marshalled
20 and utilized to reduce the menace of accidental death and injury;

21 (4) work toward obtaining better observance and enforcement
22 of laws governing street and highway traffic, and assist in bringing
23 about, wherever feasible, the application of modern engineering mea-
24 sures for the prevention of traffic accidents;

25 (5) confer [ADVISE] with the public agencies responsible
26 for safeguarding the people against accidents, and especially with the
27 Department of Transportation and Public Facilities, the Department of
28 Public Safety, the Department of Education, Department of Natural
29 Resources, Department of Health and Social Services, and the heads or

1 representatives of federal departments and agencies operating in the
2 state particularly concerned with safety programs and accident preven-
3 tion;

4 (6) establish and enforce occupational safety and health
5 standards that prescribe requirements for safe and healthful working
6 conditions for all employment, including state and local government
7 employment, and the requirements are to be at least as effective as
8 those requirements promulgated by the United States Secretary of Labor
9 under sec. 6 of Public Law 91-596;

10 (7) require an employer to maintain records and submit
11 reports to the department which records and reports are necessary or
12 appropriate for the enforcement of AS 18.60.010 - 18.60.105 and to
13 maintain records and submit reports to the United States Secretary of
14 Labor in the same manner and to the same extent as set out in federal
15 law and regulations;

16 (8) require an employer to maintain records and submit
17 reports appropriate for use in developing information regarding the
18 causes and prevention of occupational accidents and illnesses;

19 (9) require an employer to make periodic inspections when
20 necessary to carry out the record and reporting requirements of (7)
21 and (8) of this section;

22 (10) participate in occupational safety and health programs
23 if it finds they are necessary to meet the occupational health and
24 safety needs of the state;

25 (11) execute on behalf of the state agreements or contracts
26 necessary or desirable to enable the state to participate in occupa-
27 tional safety and health programs, and to receive and expend funds
28 made available for programs of the state;

29 (12) annually publish a list of toxic and hazardous

1 substances and physical agents;

2 (13) maintain a current set of OSHA form 20's or equivalent
3 information for toxic and hazardous substances and for physical
4 agents, and other information relevant to toxic and hazardous sub-
5 stances and physical agents;

6 (14) assist employers, upon request, to develop employee
7 safety education programs and to identify and obtain information on
8 toxic and hazardous substances and physical agents [AND DEVELOP EM-
9 PLOYEE SAFETY EDUCATION PROGRAMS].

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

11 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
12 employer shall conduct a safety education program for an employee
13 before the employee performs a new work assignment that may result in
14 the employee being exposed to a toxic or hazardous substance or a
15 physical agent for which the employee has not received safety instruc-
16 tion as provided under (b) of this section.

17 (b) An employee safety instruction program shall inform the
18 employee of

19 (1) the location, properties, and known or suspected acute
20 and chronic health effects of the hazardous or toxic substances or
21 physical agents to which the employee is exposed in the workplace;

22 (2) the nature of the operations that could result in
23 exposure to hazardous or toxic substances or physical agents [,] as
24 well as any necessary handling or hygienic practices or precautions;
25 and

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

28 * Sec. 3. AS 18.60.067(a) is amended to read:

29 (a) An employer shall make available to an employee on request a

1 copy of the most recent OSHA form 20 or equivalent written information
2 for a toxic or hazardous substance or for a physical agent to which
3 the employee may be exposed. If the employer does not have the copy
4 or information requested, the employer shall request a copy from the
5 department or the manufacturer of the substance within three state
6 government working days after receiving the request.

7 * Sec. 4. AS 18.60.068 is amended to read:

8 Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The
9 department shall print and make available to employers posters that
10 contain notice of the provisions of this chapter relating to toxic and
11 hazardous substances and physical agents.

12 (b) An employer whose employees are or may be exposed in the
13 workplace to a toxic or hazardous substance or a physical agent shall
14 display the following information in a manner designed to notify the
15 employees:

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

18 (2) an OSHA form 20 or equivalent information for each
19 toxic or hazardous substance and for each physical agent to which an
20 employee may be exposed in the workplace

21 (A) under normal conditions of work; or

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

24 (c) Instead of posting the information required under (b)(2) of
25 this section, an employer may post a list of the chemical name and
26 product name of each toxic or hazardous substance and each physical
27 agent to which an employee may be exposed in the workplace, together
28 with an identification of a location, in or near the workplace and
29 accessible to employees, where an employee may inspect the information

1 listed under (b)(2) of this section.

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

3 (1) "be exposed" means to ingest, inhale, or absorb through
4 the skin or eyes a substance or physical agent, or fumes or other
5 potentially harmful aspect of a substance or physical agent;

6 * Sec. 6. AS 18.60.105(a) is amended by adding a new paragraph to read:

7 (11) "physical agent" means "physical agent" as defined by
8 the department by regulation; the department shall initially define
9 the term to include only physical agents listed in the 1984 - 1985
10 edition of "Threshold Limit Values for Chemical Substances and Phys-
11 ical Agents in the Work Environment" published by the American Confer-
12 ence of Governmental Industrial Hygienists, and shall amend the defi-
13 nition to include physical agents listed in future editions as they
14 are published; but "physical agent" does not include an agent the
15 exposure to which, because of the agent's low dosage, does not pose a
16 health hazard.

17 * Sec. 7. AS 18.60.105(b) is amended to read:

18 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-
19 (a)(9)

20 (1) "employee" means a person who works for an employer,
21 but not in a place used primarily as a personal residence;

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

25 (3) "health hazard" means a substance or physical agent
26 capable of causing acute or chronic adverse effects to health;

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

29 * Sec. 8. Notwithstanding the amendments to AS 18.60.068 made by sec. 4

1 of this Act, the department may continue to use existing posters until the
2 next printing of the posters.