

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 201

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) during the course of their work over a period of years
11 painters are exposed to large amounts of toxic substances, which react with
12 body tissues and cause health problems that sometimes become evident only
13 after years of exposure;

14 (2) studies have indicated that as many as 84 percent of paint-
15 ers suffer neurotoxic effects from exposure to various solvents and coat-
16 ings, approximately 54 percent of painters experience upper and lower
17 respiratory problems, and approximately 28 percent of painters have chronic
18 bronchitis;

19 (3) at least four studies by the National Institute of Occupa-
20 tional Safety and Health concluded that 43 percent of painting-related
21 accidents resulted from air conditions in the work environment;

22 (4) approximately 21 percent of construction accidents involve
23 painters, representing an accident rate four times higher than any other
24 construction craft; and

25 (5) a study by the Johns Hopkins University found that persons
26 who have ever performed new construction painting, maintenance painting, or
27 specialty painting have a risk of developing lung cancer that is 250 per-
28 cent higher than the risk for persons who have never painted.

29 * Sec. 2. AS 18 is amended by adding a new chapter to read:

1 **CHAPTER 63. HAZARDOUS PAINTING CERTIFICATION.**

2 **Sec. 18.63.010. HAZARDOUS PAINTING CERTIFICATE REQUIRED.** (a) A
3 person may not employ or contract with a professional painter to
4 perform hazardous painting unless the painter holds a current valid
5 hazardous painting certificate issued by the department.

6 (b) The department may impose a civil fine of not more than
7 \$1,000 on a person who violates this section.

8 (c) Violation of this section is a class B misdemeanor.

9 **Sec. 18.63.020. ISSUANCE OF CERTIFICATE.** (a) An application
10 for issuance of a hazardous painting certificate shall be on a form
11 prescribed by the department. An application for initial issuance of
12 a certificate must include proof that the applicant completed an
13 approved basic hazardous painting certificate program not more than 30
14 days before the application was received by the department.

15 (b) An application for certificate renewal must include proof
16 that the applicant completed an approved refresher hazardous painting
17 certificate program not more than 30 days before the date the applica-
18 tion was received by the department.

19 (c) The department shall issue a hazardous painting certificate
20 to an applicant who has completed an application and submitted a
21 certificate fee. A certificate is valid for three years.

22 **Sec. 18.63.030. FEE.** The triennial fee for a hazardous painting
23 certificate is \$100.

24 **Sec. 18.63.040. CERTIFICATE PROGRAMS.** (a) The department shall

25 (1) establish requirements for basic and refresher hazard-
26 ous painting certificate programs;

27 (2) review, and approve or disapprove, programs proposed by
28 contractors, labor organizations, public and private schools and voca-
29 tional education institutions, and others;

1 (3) assist persons who propose programs to meet require-
2 ments for approval.

3 (b) A basic hazardous painting certificate program must include
4 instruction and written and practical testing in methods of ventila-
5 tion, respirator selection, chemical reaction to body tissue, proper
6 use of painting tools, knowledge of relevant health and safety laws
7 and regulations, including relevant portions of state occupational
8 safety and health standards adopted by reference under 8 AAC 61.010,
9 and other appropriate subjects.

10 (c) A refresher hazardous painting certificate program must
11 include instruction and written and practical training necessary to
12 ensure that a person who completes the program will be knowledgeable
13 about new developments and changes related to hazardous painting that
14 have occurred since the person completed a basic hazardous painting
15 certificate program.

16 (d) A hazardous painting certificate program conducted by an
17 employer of a person enrolled in the program must also meet the re-
18 quirements of AS 18.60.066.

19 Sec. 18.63.050. INSPECTIONS AND CITATIONS. The department shall

20 (1) inspect job sites to ensure that persons performing
21 hazardous painting are certified as required under AS 18.63.010 and
22 are performing the work safely; and

23 (2) issue citations to persons who employ or contract with
24 a professional painter in violation of AS 18.63.010(b).

25 Sec. 18.63.060. REGULATIONS. The department may adopt regula-
26 tions necessary to implement this chapter.

27 Sec. 18.63.100. DEFINITIONS. In this chapter

28 (1) "department" means the Department of Labor;

29 (2) "hazardous painting" means the application of a

1 substance containing a pigment or containing or combined with a toxic
2 or hazardous substance, as defined in AS 18.60.105, in vaporized,
3 liquid, or particulate form to create a coating that will adhere to a
4 surface to protect or preserve the surface; "hazardous painting" does
5 not include the application of water-based paint that does not contain

6 (A) emulsion epoxies;

7 (B) biocides;

8 (C) organometallic preserving agents; or

9 (D) secondary amines;

10 (3) "professional painter" means a painting contractor, an
11 employee of a painting contractor, or a person engaged in the business
12 of painting structures, but does not include a casual laborer.

13 * Sec. 3. This Act takes effect January 1, 1988.