

Offered: 5/9/87
Referred: Finance

5-0675L

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 201 (HESS)

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)**

3 The state, or the owner or operator of a business that to any extent
4 involves performing hazardous painting for compensation, may not per-
5 form, or employ or contract with another person to perform, hazardous
6 painting unless the painter holds a current valid hazardous painting
7 certificate issued by the department.

8 (b) The department may impose a civil fine of not more than
9 \$1,000 on a person who violates this section.

10 (c) A person who knowingly violates this section is guilty of a
11 misdemeanor and upon conviction is subject to a maximum fine of \$500
12 or a maximum term of imprisonment of 30 days, or both.

13 **Sec. 18.63.020. ISSUANCE OF CERTIFICATE. (a)** The department
14 shall issue a hazardous painting certificate to an applicant who has
15 completed an application and submitted a certificate fee. A certi-
16 ficate is valid for three years.

17 (b) An application for issuance of a hazardous painting certi-
18 ficate shall be on a form prescribed by the department. An applica-
19 tion for initial issuance of a certificate must include proof that the
20 applicant completed an approved basic hazardous painting certificate
21 program not more than 30 days before the application was received by
22 the department.

23 (c) An application for certificate renewal must include proof
24 that the applicant completed an approved refresher hazardous painting
25 certificate program not more than 30 days before the date the applica-
26 tion was received by the department.

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

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

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

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

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

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

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

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

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

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

28 (2) issue citations to persons who violate AS 18.63.010.

29 Sec. 18.63.060. REGULATIONS. The department may adopt

1 regulations necessary to implement this chapter.

2 Sec. 18.63.100. DEFINITIONS. In this chapter

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

4 (2) "hazardous painting" means the application of a sub-
5 stance containing a pigment or containing or combined with a toxic or
6 hazardous substance, as defined in AS 18.60.105, in vaporized, liquid,
7 or particulate form to create a coating that will adhere to a surface
8 to protect or preserve the surface; "hazardous painting" does not
9 include the application of

10 (A) water-based paint that does not contain emulsion
11 epoxies or isocyanates; or

12 (B) hazardous paint in the course of employment by a
13 commercial artist, a person who creates artworks, a cosmetolo-
14 gist, or a manicurist.

15 * Sec. 3. Section 1 of this Act and AS 18.63.020, 18.63.030, 18.63.040,
16 18.63.060, and 18.63.100, added by sec. 2 of this Act, take effect July 1,
17 1987.

18 * Sec. 4. AS 18.63.010 and 18.63.050, added by sec. 2 of this Act, take
19 effect January 1, 1988.