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COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

(5)

2/15/82

Date: _____

Mr. Speaker:

The Committee on LABOR & COMMERCE has had HB 806

"An Act relating to hazardous or toxic substances."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 806 [L.C.] same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation (3)
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Eric Rose
Terry Martin

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Eric Rose

Terry Martin
 CHAIRMAN

introduced 2-15-82
 to Rept. 2-16-82
 general Finance
 mm. hearing 3-15-82
 " action

held (3/30/82) had finalized CS#B 806 (L+C) - 4/1/82 CS adopted.
 4-2-82 Terry to Clerk's Office.

2nd CS rec'd from logue office get F/N
 2F/N - HSS
 LABOR DEPT

Environmental Committee
 Judy Knight will be in
 attendance called for F/N
 News.

Notify Jeff Peterson - will be in
 St. Paul, Minn. (Economic Lodge)
 he is vacationing
 ph: (612) 293-2537 (he called 3-22-82)
 Notify Bartlett (Jim Burns)
 when set for hearing
 Glen AKINS - Deputy Enviro. Counsel
 2600 - will be there.
 Jim Burns - notified
 Bartlett Memorial Hosp.
 Bev. Ward (also)

Need new fiscal note

Original sponsor: Rogers

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 806 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous or toxic substances."

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

8 * Section 1. AS 18.60.030 is amended by adding a new paragraph to read:

9 (12) adopt regulations further defining "hazardous substance"

10 (AS 18.60.105(11)) and "toxic substance" (AS 18.60.105(12)) and excluding

11 *→ new addition* from those definitions, ^(A) substances that because of their physical state,

12 volume, or concentration do not pose a health risk upon exposure. ^(B)

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

14 Sec. AS 18.60.051. MANUFACTURER TO PROVIDE HAZARDOUS OR TOXIC
15 SUBSTANCE INFORMATION. (a) The manufacturer of a hazardous or toxic
16 substance shall prepare and provide a person who purchases the hazardous
17 or toxic substance from the manufacturer with information specified in
18 (b) of this section that, to the best of the manufacturer's knowledge,
19 is current, accurate, and complete, based on information then reasonably
20 available to the manufacturer.

21 (b) The information that a manufacturer shall provide as required
22 in (a) of this section includes

23 (1) the chemical name, common name, and the CAS number of the
24 hazardous or toxic substance;

25 (2) the hazards or other risks in the use of the hazardous or
26 toxic substance, including

27 (A) the potential for fire, explosion, or reactivity;

28 (B) the known or suspected acute and chronic health
29 effects or risks from exposure;

1 (C) the potential avenues of exposure and symptoms of
2 overexposure;

3 (3) the proper precautions, handling practices, necessary
4 personal protective equipment, and other safety precautions in the use
5 of or exposure to the substance;

6 (4) the emergency procedures for spills, fire, disposal, and
7 first aid;

8 (5) a description in lay terms, if not otherwise provided, on
9 either a separate sheet or with the body of the information specified in
10 this section, of the specific potential health risks posed by the sub-
11 stance intended to alert a person reading the information;

12 (6) the month and year that the information was compiled and
13 the name and address of the manufacturer responsible for preparing the
14 information.

15 Sec. AS 18.60.052. *Wholesaler* WHOLESALER TO PROVIDE HAZARDOUS OR TOXIC SUB-
16 STANCE INFORMATION. (a) Except as provided in (b) of this section, a
17 wholesaler who sells a hazardous or toxic substance shall provide a
18 purchaser of the hazardous or toxic substance at the time of sale with a
19 copy of the most recent information listed under AS 18.60.051 unless the
20 purchaser indicates that

21 (1) he possesses that information; or

22 (2) he does not intend to use the substance in a workplace
23 frequented by persons other than the purchaser.

24 (b) The commissioner shall adopt regulations identifying the types
25 of hazardous or toxic substances that are required by federal law to be
26 labeled in a manner equivalent to the requirements of (a) of this sec-
27 tion. Those types of hazardous or toxic substances are excepted from
28 the provisions of (a) of this section.

29 Sec. 18.60.071. EMPLOYER TO PROVIDE HAZARDOUS SUBSTANCE INFOR-

1 MATION AND TRAINING. (a) An employer shall post in the workplace of
2 his employees the information listed in AS 18.60.051 if, as a result of
3 workplace operations, there is a hazardous or toxic substance present in
4 the workplace in a manner that employees may be exposed

5 (1) under normal conditions of work; or

6 (2) in a reasonably foreseeable emergency resulting from
7 workplace operations, including but not limited to equipment failure,
8 rupture of containers, or failure of control equipment, that may or do
9 result in a release of a hazardous or toxic substance into the work-
10 place.

11 (b) An employer required to comply with (a) of this section shall
12 furnish each new employee and, on request, any other employee with

13 (1) a copy of the information posted in accordance with (a)
14 of this section; and

15 (2) training at the employer's expense calculated to candidly
16 inform the employee of

17 (A) the location, properties, and known or suspected
18 acute and chronic health effects of the hazardous or toxic sub-
19 stances to which the employee is routinely exposed in the work-
20 place;

21 (B) the nature of the operations that could result in
22 exposure to these hazardous or toxic substances as well as any
23 necessary handling or hygienic practices or precautions;

24 (C) the purpose, proper use, and limitation of personal
25 protective equipment required by another occupational safety and
26 health standard or otherwise used in the workplace; and

27 (D) information required by AS 18.60.051.

28 Sec. 18.60.072. REPORTS TO BE FILED WITH DEPARTMENT. (a) A manu-
29 facturer, wholesaler, and employer who are subject to the requirements

1 of AS 18.60.051, 18.60.052, and 18.60.071, respectively, shall file with
2 the department an annual report that includes

3 (1) the information provided to purchasers and employees in
4 accordance with AS 18.60.051, 18.60.052, or 18.60.071 for each hazardous
5 or toxic substance specified by the department under (d) of this section;

6 (2) the safety procedures and equipment actually used in the
7 workplace;

8 (3) the quantities of hazardous or toxic substances being
9 used or produced for those substances required by the department under
10 (d) of this section to be reported; and

11 (4) other information considered appropriate by the depart-
12 ment.

13 (b) A change in circumstances that would require modification of
14 the report filed under this section shall be immediately reported to the
15 department.

16 (c) The department shall comply with AS 18.60.099 to ensure pro-
17 tection of trade secrets divulged in the reports filed under this sec-
18 tion.

19 (d) The department shall adopt regulations specifying the hazar-
20 dous or toxic substances that are to be reported under this section.

21 Sec. 18.60.073. ACCESS TO RECORDS. (a) An employee, prospective
22 employee, or former employee of a manufacturer or employer subject to
23 AS 18.60.072 and physicians designated by any of these persons may
24 examine and copy a report filed with the department under AS 18.60.072
25 except for that information considered a trade secret under AS 18.60.-
26 099.

27 (b) An employee, prospective employee, former employee, a repre-
28 sentative of the commissioner, and physicians designated by any of these
29 persons may examine and copy exposure measurements taken to monitor

1 employee exposure to hazardous or toxic substances in the workplace.

2 (c) The department may require an employee or former employee of a
3 manufacturer or employer subject to AS 18.60.072 to furnish health and
4 exposure records and other information pertinent to an investigation by
5 the department of violations of AS 18.60.051, 18.60.052, or 18.60.071 -
6 18.60.073.

7 (d) The commissioner shall adopt regulations pertaining to access
8 to records and information that is required by AS 18.60.051, 18.60.052,
9 and 18.60.071 - 18.60.073. The regulations shall ensure that the depart-
10 ment, a purchaser of hazardous or toxic substances, and an employee
11 exposed to or who believes he is exposed to hazardous or toxic substances
12 have ready access to all information that is relevant to the purposes of
13 AS 18.60.051, 18.60.052, or 18.60.071 - 18.60.073 and not exempted from
14 disclosure as trade secrets.

15 Sec. 18.60.074. PUBLIC DISCLOSURE OF HAZARDOUS OR TOXIC SUBSTANCE
16 INFORMATION. The department may disclose to the public information
17 concerning hazardous or toxic substances and the circumstances under
18 which the public might be affected.

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

20 (6) "CAS number" means the unique identification number
21 assigned by the Chemical Abstracts Service to specific chemical sub-
22 stances;

23 (7) "chemical name" means the scientific designation of a
24 substance in accordance with the nomenclature system developed by the
25 International Union of Pure and Applied Chemistry or the system developed
26 by the Chemical Abstracts Service;

27 (8) "common name" means a designation or identification such
28 as code name, code number, trade name, or brand name used to identify a
29 substance other than by its chemical name;

1 (9) "expose" or "exposure" means a situation arising from
2 work operation or usage where an employee or purchaser may ingest,
3 inhale, absorb through the skin or eyes, or otherwise come into contact
4 with a hazardous or toxic substance;

5 (10) "manufacturer" means a person who produces, synthesizes,
6 extracts, or otherwise makes a hazardous or toxic substance in the
7 state;

8 (11) "hazardous substance" means a chemical that

9 (A) is listed in the United States Department of Trans-
10 portation Hazardous Materials Table, 49 C.F.R. 172.101; and

11 (B) meets one or more of the following criteria for
12 hazard class:

13 (i) is a combustible substance;

14 (ii) is a compressed gas;

15 (iii) is an explosive;

16 (iv) is a flammable substance;

17 (v) is an organic peroxide; or

18 (vi) is an oxidizer; or

19 (C) is listed in a regulation adopted by the department
20 under AS 18.60.030(12);

21 (12) "toxic substance" means a chemical that is

22 (A) listed in the Toxic and Hazardous Substances section
23 of the regulations of the Occupational Health and Safety Act in 29
24 C.F.R. Part 1910, Subpart Z;

25 (B) listed in the most recent edition of the National
26 Institute for Occupational Safety and Health Registry of Toxic
27 Effects of Chemical Substances; or

28 (C) listed in a regulation adopted by the department
29 under AS 18.60.030(12);

1 (13) "wholesaler" means a dealer, distributor, or jobber who
2 sells a hazardous or toxic substance in the state to a person for use in
3 a workplace in a manner that subjects an employer to the requirements of
4 AS 18.60.071 or to a person who sells, or intends to sell, directly to
5 the consumer.

6 *So. 4.*

Jan 1, 1953

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Draft CS for HB 806 (L&C)

Sectional Analysis

HB 806 was drafted to conform with model "right-to-know" legislation from other states. The basis for the legislation is that Alaskan workers have the right to know about hazardous or toxic substances with which they work and that it is an employer's responsibility to supply that information.

18.60.051 requires an in-state manufacturer of a hazardous or toxic substance to make available certain information including the name of the substance, its hazards, proper handling procedures, and health risks.

18.60.052 requires a seller of a hazardous or toxic substance to provide the same information.

18.60.071 requires an employer to post in the workplace where a hazardous or toxic substance is present the same information, and to provide training at his own expense about the potential hazards and proper handling of the substances.

18.60.072 requires manufacturers, sellers, and employers to file annual reports with the Department of Labor. Trade secrets are protected.

18.60.073 allows past, present, and future employees access to reports filed with the department and to exposure measurements. The department may require employees to furnish health and exposure records pertinent to an investigation. Regulations shall be adopted to ensure that an employee has ready access to all relevant information about hazards and exposure.

18.60.074 allows for the department to disclose to the public information about hazardous and toxic substances and the circumstances under which the public might be affected.

Section 2 provides definitions.



ALASKA PUBLIC INTEREST RESEARCH GROUP

Post Office Box 1093/Anchorage, Alaska 99510/(907) 278-3661

26 . ch 1982

Representative Terry Martin
House Labor and Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Martin:

The Alaska Public Interest Research Group has had a long standing interest in the issue of toxic substances and public health and we are very supportive of the efforts being made by the House Labor and Commerce Committee to pass out a worker right-to-know act. It is our understanding that the hearings to date have generally produced favorable testimony on House Bill 806 and AkPIRG would like to add its support to this bill.

More specifically, it is our hope that you will take a personal interest in seeing that this bill does not get lost as the session heads into its final days. Quite realistically, the issue of worker right-to-know may not have the charisma of some of the issues before the legislature but there can be little dispute that a worker should have the right to be appraised of toxic substances encountered on the job.

Once again, we commend the efforts of the Labor and Commerce Committee and encourage you to make the Alaska worker's health a priority for this session.

Sincerely,

Margaret Ann Kehrer, Director
Alaska Public Interest Research Group

cc: Nancy Lord

Municipality
of
Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES,
MAYOR

DEPARTMENT OF PLANNING

March 26, 1982

The Honorable Tony Knowles
Mayor, Municipality of Anchorage
Pouch 6-650
Anchorage, AK 99502

Dear Mayor Knowles:

At the March 24, 1982 meeting, the Anchorage Municipal Health Commission voted to approve a resolution on House Bill 806 "The Worker Right To Know". The Commission wishes to forward this resolution to the Anchorage legislative delegation in Juneau. The resolution reads as follows:

"Whereas, the Municipal Health Commission has a responsibility to address issues on matters of Public Health;

Whereas, the Commission believes in the right of an individual to know if he/she is exposed to any hazardous materials in the working environment;

Whereas, H.R. 806 provides for the rights of workers and the community to know about hazardous and toxic materials to which they are exposed.

Be it resolved that the Municipal Health Commission supports the intent and objectives regarding "The Workers Right To Know" as expressed in H.R. 806."

We appreciate the opportunity to provide you with this resolution. If we may be of any assistance, please let us know.

Sincerely,

Stephen P. Lesko
Chairman
Municipal Health Commission

SPL:MR:bd

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 806 (L&C)

Title "An Act relating to hazardous or toxic substances."

Requested by House Labor and Commerce Committee Date 4/1/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Occupational Safety & Health

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	36.1	66.0	72.6	79.9	87.9
200 TRAVEL	0	6.9	5.2	5.7	6.3	7.0
300 CONTRACTUAL	0	12.6	24.2	26.7	29.3	32.2
400 COMMODITIES	0	1.0	1.7	1.8	2.0	2.2
500 EQUIPMENT	0	2.0	0	0	0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	58.6	97.1	106.8	117.5	132.3

FUNDING (Thousands of Dollars)

GENERAL FUND	0	58.6	97.1	106.8	117.5	132.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	1	1	1	1	1
PART TIME SEASONAL	0	1	1	1	1	1
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes that the intent of the bill is to minimize harmful exposures to toxic and hazardous substances in work places in the state, and that the Department of Labor is to take a lead role in this effort.

As a result of this bill, two positions, an industrial hygienist and a seasonal (6 months) clerk typist, will be required.

This note assumes an effective date of January 1, 1983 and inflation rate of 10% per year.

IV. DATE 4/1/82

PREPARED BY Nico Bus

AGENCY Department of Labor

Original: Legislative Finance

PHONE 465-2720

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE Industrial Hygienist (Voluntary Compliance)			RANGE/STEP 50B	BARG. UNIT. LTC	LOCATION Anchorage	GOV.	APPROV.	DIG/APP.
2	TYPE OF POSITION PFT	STAFF MONTHS 6	RP No. CSHB806 AM	PCN No. NOT ASSIGNED	PRIORITY	FORM 12 PAGE/LINE N/A	LHC.		

3	TYPE OF EXPENDITURE	AMOUNT
	1	2
4	PERSONAL SERVICES: SALARY 3,146/month X 6 months	18,876
5	BENEFITS 15.9%	3,005
6	SBS	1,094
7	FIXED BENEFITS	960
8	TOTAL PERSONAL SERVICES 01	23,935
9	TRAVEL 02	6,875
10	CONTRACTUAL 03	7,850
11	COMMODITIES 04	500
12	EQUIPMENT 05	2,000
13	OTHER	
14	TOTAL COST	41,160

JUSTIFICATION:
The Industrial Hygienist will evaluate and follow-up on the data filed with the department under the provisions of AS 18.60.072; will conduct research into which hazardous and toxic substances should be covered by the bill and develop the necessary regulations to carry out the intent of the bill; and will respond in a timely manner to the increase in requests for consultation and training services that will be experienced as a result of the focus this bill places on toxic and hazardous substances.

Included in the contractual services costs are \$1,600 for space rent and 15.97% of salary for Management Services support.

One time costs are \$4,000 for moving expenses, \$500 in travel costs for training and \$2,000 for equipment.

	RECEIPT CODE	FUNDING SOURCE
15		FED RCPTS. 1002
16		GF MATCH. 1003
17	100	GEN. FUND 1004
18		I-A RCPTS. 1005
19		PGM RCPTS 1028
20		OTHER

21 CONTINUATION
22 ADDITION X FOR B&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM Worker Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

13 REQUEST FOR NEW POSITION.

FY 83

Page 1 of 2 REVISED DATE _____

1	Clerk Typist III			BB	G	Anchorage	GOV	APPROV.	DISAP
2	Seasonal	6	CSHB806	Not Assigned	PRIORITY	FORM 12 N/A	PAGE/LINE	LEG.	

3 TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
4	SALARY 1,530/month x 6	9,180
5	BENEFITS, 15.92%	1,461
6	SBS	563
7	FIXED BENEFITS	960
8	TOTAL PERSONAL SERVICES	12,164
9	TRAVEL	
10	CONTRACTUAL	4,734
11	COMMODITIES	500
12	EQUIPMENT	
13	OTHER	
14	TOTAL COST	17,398

JUSTIFICATION:
 A seasonal clerk typist position will be needed to process the reports and other documents which will result from this bill.

 Included in the contractual services costs are \$1,600 for space rent and 15.97% of salary for Management Services support.

RECEIPT CODE	FUNDING SOURCE	AMOUNT
	FED. FUNDS	
	GEN. FUND	17,398
	LEARNERS	
	PGM ACCT	
	OTHER	

21 CONTINUATION
 22 ADDITION FOR BSM USE ONLY

4A REV NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM Worker Protection

13 REQUEST FOR NEW POSITION.

BRU Occupational Safety & Health
 COMPONENT Occupational Safety & Health

77 33

POSITION PAPER/Department of Health & Social Services

POSITION PAPER
CS for House Bill No. 806 (L&C)

"An Act relating to hazardous or toxic substances."

House Bill No. 806 requires the manufacturer and seller of hazardous or toxic substances to provide to the purchasers of these substances complete information as to the characteristics and precautions required when using. Any employer utilizing a substance included under this act must post a copy of the information for the employees to review plus provide training and safety gear. The employer must file with the Department of Labor annually, complete disclosures with regards to his activities and usage of the hazardous and toxic substances.

This bill imposes reasonable guidelines concerning handling of toxic and hazardous substances in manufacture and selling.

Minor recommendations include the following:

- 1) Under Section 18.60.051 consider adding "significant levels of toxic impurities if they exist in a mixture."
- 2) Under Section 18.60.071 consider change of mandatory requirements depending on size of employer e.g. less than ten.
- 3) Under Section 18.60.105 consider substances manufactured outside of the State and shipped in.
- 4) Under Section 18.60.073c the confidentiality of medical records may be breached if it is left that the Department may "require."

The Department supports the passage of this Bill.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date: March 15, 1982

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 3-16-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. _____ Hou: Bill No. 806
Title "An Act relating to hazardous or toxic substances."
Requested by Rogers _____ Date 2-22-82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Health/Public Health
BRU, Program, Or Subprogram(s) Affected Communicable Disease Control/Epidemiology
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXHIBITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0				
200 TRAVEL		3.0	3.3	3.6	4.0	4.4
300 CONTRACTUAL		3.0	3.3	3.6	4.0	4.4
400 COMMODITIES		3.0	3.3	3.6	4.0	4.4
500 EQUIPMENT		1.0	1.2	1.3	1.5	1.6
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		10.0	11.1	12.1	13.5	14.8

FUNDING (Thousands of Dollars)

		10.0	11.1	12.1	13.5	14.8
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

All inflation at 10%

This fiscal note covers the travel costs, training seminars, commodities and testing equipment that must be utilized by our Epidemiologists in investigating the effects of exposure in humans. As the petrochemical industry develops in Alaska more and more problems will develop, very little of the acute and chronic health effects will be known and when the risks are known they tend to be understated. As problems develop it will be incumbent upon the Epidemiologist to do in depth investigations.

The fiscal impact of this bill on the Department of Health and Social Services is due to the fact that the Department of Labor uses the epidemiological section of this department as a consultant on the hazards of toxic substances.

IV. DATE 2-22-82 PREPARED BY David Bruce
AGENCY Dept. of Health & Social Services
Original: Legislative Finance PHONE 465-3090
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

JCC

Draft CS for HB 806 (L&C)

Sectional Analysis

HB 806 was drafted to conform with model "right-to-know" legislation from other states. The basis for the legislation is that Alaskan workers have the right to know about hazardous or toxic substances with which they work and that it is an employer's responsibility to supply that information.

18.60.051 requires an in-state manufacturer of a hazardous or toxic substance to make available certain information including the name of the substance, its hazards, proper handling procedures, and health risks.

18.60.052 requires a seller of a hazardous or toxic substance to provide the same information.

18.60.071 requires an employer to post in the workplace where a hazardous or toxic substance is present the same information, and to provide training at his own expense about the potential hazards and proper handling of the substances.

18.60.072 requires manufacturers, sellers, and employers to file annual reports with the Department of Labor. Trade secrets are protected.

18.60.073 allows past, present, and future employees access to reports filed with the department and to exposure measurements. The department may require employees to furnish health and exposure records pertinent to an investigation. Regulations shall be adopted to ensure that an employee has ready access to all relevant information about hazards and exposure.

18.60.074 allows for the department to disclose to the public information about hazardous and toxic substances and the circumstances under which the public might be affected.

Section 2 provides definitions.

Bill No. Committee Substitute for House Bill 806

Date March 12, 1982

Title "An Act relating to hazardous or toxic substances."

Contact: Judy Knight
465-270

Judy Knight
Richard Arab
Richard Arab
465-4856

As part of its occupational safety and health program, the Department of Labor enforces regulations to protect employees from certain hazardous and toxic substances, and provides consultation and training services to employers and employees on the safe handling and use of these substances. The department's occupational safety and health staff can presently only cover approximately seven percent of Alaska worksites during a year. Because it has historically been difficult to identify specific workplaces in the state where toxic and hazardous substances are present, the reporting provisions of this bill would enhance the department's efforts to direct its limited occupational safety and health resources to those workplaces where hazardous exposures actually exist.

Often employers and employees are not aware of the toxic or other harmful qualities of a particular substance being used or handled in the workplace. The labeling and training requirements provided in this bill would go a long way toward filling this void. This would, in turn, effect implementation of protective measures or controls by the employer to safeguard his employees.

Many employees would, no doubt, look to the Department of Labor for assisting them in providing the required training and in implementing effective protective measures. Accordingly, if this bill is passed, we would anticipate an increase in the demand for consultative and training services. A fiscal note is attached which reflects the costs associated with providing the increased services.

THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 806

Title "An Act relating to hazardous or toxic substances."

Requested by House Labor and Commerce

Date 3/16/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Occupational Safety and Health

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	74.4	78.1	85.9	94.5	103.9
200 TRAVEL	0	9.3	4.8	5.3	5.8	6.4
300 CONTRACTUAL	0	23.9	26.3	28.9	31.8	35.0
400 COMMODITIES	0	2.0	2.2	2.4	2.7	2.9
500 EQUIPMENT	0	2.0	0	0	0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	111.6	111.4	122.5	134.8	151.2

FUNDING (Thousands of Dollars)

GENERAL FUND	0	111.6	111.4	122.5	134.8	151.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	2	2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assumes that the intent of the bill is to minimize harmful exposures to toxic and hazardous substances in work places in the state, and that the Department of Labor is to take a lead role in this effort.

As a result of this bill, two positions, an industrial hygienist and a clerk typist, will be required.

This note assumes an effective date of July 1, 1982 and inflation rate of 10% per year.

IV. DATE 3/16/82

PREPARED BY Nico Bus
 AGENCY Department of Labor
 PHONE 465-2720

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

DL-

1	POSITION TITLE Industrial Hygienist (Voluntary Compliance)			RANGE/STEP 50B	BA/G. UNIT. TC	LOCATION Anchorage	BOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No. CSHB806	PCN No. NOT ASSIGNED	PRIORITY	FORM 12 PAGE/LINE N/A	LOG.		

3	TYPE OF EXPENDITURE	AMOUNT
	1	2
4	PERSONAL SERVICES: SALARY 20.44/hour	40,011
5	BENEFITS 15.92%	6,370
6	SBS	2,188
7	FIXED BENEFITS	1,574
8	TOTAL PERSONAL SERVICES 01	50,143
9	TRAVEL 02	9,250
10	CONTRACTUAL 03	16,060
11	COMMODITIES 04	1,000
12	EQUIPMENT 05	2,000
13	OTHER	
14	TOTAL COST	78,453

JUSTIFICATION:

The Industrial Hygienist will evaluate and follow-up on the data filed with the department under the provisions of AS 18.60.072, and to respond in a timely manner to the increase in requests for consultation and training services that will be experienced as a result of the focus this bill places on toxic and hazardous substances.

Included in the contractual services costs are \$3,200 for space rent and 15.97% of salary for Management Services support.

One time costs are \$4,000 for moving expenses, \$500 in travel costs for training and \$2,000 for equipment.

	RECEIPT CODE	FUNDING SOURCE	
15		FED RCPTS. 1002	
16		GF MATCH. 1003	
17	100	GEN. FUND 1004	78,453
18		I-1 RCPTS. 1005	
19		PGM RCPTS 1021	
20		OTHER	

21	CONTINUATION	
22	ADDITION	X

FOR B&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM Worker Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

13 REQUEST FOR NEW POSITION.

Page 1 of 2 REVISED DATE _____

FY 83

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8B	BARG. UNIT. G	LOCATION Anchorage	GOV.	APPROV.	DIBAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No. CSHB806	PCN No. NOT ASSIGNED	PRIORITY	FORM 12 PAGE/LINE N/A	LEG.		

3 TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
4 SALARY 1,530/month		18,360
5 BENEFITS .1592%		2,923
6 SBS		1,125
7 FIXED BENEFITS		1,920
8 TOTAL PERSONAL SERVICES	01	24,328
9 TRAVEL	02	
10 CONTRACTUAL	03	7,800
11 COMMODITIES	04	1,000
12 EQUIPMENT	05	
13 OTHER		
14 TOTAL COST		33,128

JUSTIFICATION:
 A clerk typist position will be needed to process the reports and other documents which will result from this bill.
 Included in the contractual services costs are \$3,200 for space rent and 15.97% of salary for Management Services support

RECEIPT CODE	FUNDING SOURCE	
15	FED RCPTS. 1002	
16	GF MATCH. 1003	
17 100	GEN. FUND 1004	33,128
18	I-A RCPTS. 1005	
19	PGM RCPTS 1028	
20	OTHER	

21 CONTINUATION
 22 ADDITION FOR R&M USE ONLY

4A KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM Worker Protection

DRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

Page 2 of 2 REVISED DATE _____

13 REQUEST FOR NEW POSITION.

FY 83

ARCO Alaska, Inc.
Post Office Box 360
Anchorage, Alaska 99510
Telephone 907 277 5637



March 24, 1982

Nancy Lord
Administrative Assistant
c/o Representative Brian Rogers
Pouch V
Juneau, Alaska 99811

Dear Ms. Lord:

To follow-up on our March 17 conversation after the public testimony on HB 806 I believe we agree on many aspects of the bill. However, there are portions of the bill that require changes which will retain the objective(s) of this bill but limit the unnecessary burden that is present in this bill. Enclosed is a copy of the testimony that has been forwarded to the committee. As my attempt to document the items we discussed, the following points are forwarded. Please realize these points have not been reviewed by ARCO and should be considered as ideas for suggested changes and not an ARCO position. These comments are submitted to address the draft dated March 15, 1982.

1. Page #1, line #15 - I support the change made to the 3/15/82 draft. The 2/15/82 draft seemed to develop another definition for "hazardous."
2. Page #2, line #9 - Recommend you add a reference to OSHA form number twenty (20) or its equivalent as an item number seven (7). OSHA form #20 is a reasonable format to follow and that guidance could be added to the bill. I stress "or its equivalent" because several manufacturers use a similar form which is equivalent and there should not be a need to rewrite that information on one standard state or federal form.
3. Page #2, line #10 - This section requires issuance of a MSDS for all wholesale and retail sales transactions. I don't believe the purpose of this bill is to require a gas station or grocery store operator to supply the customer with a MSDS. Clarification of what is desired would be valuable to the bill.
4. Page #2, line #23 - The requirement to "post" this information is burdensome, potentially expensive, and marginally effective. A reasonable alternative is to require that the information be made available to the employees, (e.g. ...employer shall supply, or make otherwise available, in the workplace ...)

Nancy Lord
March 24, 1982
Page 2

5. Page #2, line #23 - My testimony on "workplace" applies.
6. Page #3, line #5 - The requirement to "furnish" this information "on an annual basis" is unnecessary. Suggest ...shall furnish, by providing the information, training or similar method, each new...
7. Page #3, line #7 - If comment #4 above is added to the bill, a similar change will be needed here. E.g. ...the information described by section (a); and ...
8. Page #3, line #25 - What is desired by this annual report? As written the bill requires information that may have been previously submitted by the "manufacturer, seller and employer" and part of the information required may have been submitted by another manufacturer, seller or employer. I realize you want adequate reports but the bill doesn't provide intent nor direction in order to determine what is adequate.
9. Page #4, line #10 - The "prospective" employee language of the bill may authorize anyone to review the medical files of all individuals working in Alaska. Also, I believe section 073 needs to be modified to allow access only by "documented, need to know" language. The section seems to over stress "freedom of information" and inadequately addresses "confidentiality of personnel records" including employee health records.
10. Page #5, line #25 - The term "hazardous substance" is a very popular but ill-defined term. I believe the bill is designed to protect employees and should address only those items that apply to the employee work place. There are several lists available which could apply but this bill should be limited to documented occupational hazard(s). Adding the DOT regulations to this bill may be a quick answer to a definition but it is also an incorrect answer. I recommend that you delete section (11)(B) and add guidance and authorization for DOSH to develop a list that is important in Alaska.
11. Page #6, line #7 thru 13 - The first portion of this definition seems good but subsection (C), beginning on line #14, is basically a catch-all statement which distracts from rather than enhances this bill. Many chemicals induced in man or experimental animals can have an affect on either man or animal but the concentration,

Nancy Lord
March 24, 1982
Page 3

method of transfer, availability in the work place etc. aren't considered in this portion of the definition. I recommend you either delete subsection (C) or, if you believe it is necessary, expand on the idea so that it is interpretable by the employer and enforceable by DOSH.

Note on comments #10 & 11 - Words such as hazardous, toxic, environmental and subsistence are all terms that are constantly being used in Alaska. Unless meaning definitions are provided there is a good chance that misuse of these words will continue.

Sincerely,



Peter N. Hellstrom
Environmental Coordinator

PNH:jms

Enclosure

cc: Representative Terry Martin, Chairman
Representative Bernie Bylsma
Representative Terry Gardiner
Representative Dick Randolph
Representative Brian Rogers
Jeff Barry

STATEMENT OF PETE N. HELLSTROM

FOR

ARCO ALASKA, INC.

TO

HOUSE LABOR AND COMMERCE COMMITTEE

MARCH 17, 1982

This testimony is submitted to confirm the verbal testimony that was given on March 17. There are several items contained in this material that were not included in my testimony and if there is any question about my verbal comments and this material, please consider this material to be the most accurate.

House Bill 806 is apparently aimed at the regulation of hazardous or toxic substances in the work place and the safe use of these substances by customers (wholesale and retail).

The limited background information I was able to gather on this bill makes me believe it is targeted toward what many call "Employee Right-to-Know." This bill is similar to other bills that are being considered in many other states. I believe California has recently passed a similar bill and West Virginia, New York and other states are reviewing language that is very close to House Bill 806. The disappointing aspect about the flurry of activity concerning this bill is: the Federal Government through OSHA is in the process of developing regulations for this same "right-to-know-concern." In some respects, the effects of this bill are or could be minimal to both ARCO Alaska, Inc. and ARCO Exploration Company. In fact, Atlantic Richfield Company has, for the past few months, been developing a policy statement for this subject.

My reason for providing testimony is two-fold. First, is a suggestion that the committee delay action on this bill until the Federal Regulation is published. Secondly, to request modification of the language of this bill, which will limit the degree of burden and expense that is duplicative and unnecessary.

The reason I suggest that the Labor and Commerce Committee delay action on this bill is a request that the State of Alaska wait and allow the Federal Government to issue what I hope will be overview regulations for the right-to-know concern. There are several advantages to this request, such as:

1. Allows regulatory consistency for all 50 states.
2. Allows DOSH to work with OSHA rather than starting from ground zero to develop their own regulations, and;
3. DOSH, after review of the OSHA regulations, can define any weak areas that remain a concern to Alaska and develop regulations that may be missed by OSHA but important to the State of Alaska.

The only disadvantage would be the priority that should be assigned to this concern. I believe DOSH should express and define their concerns and the associated priorities. If there is a high priority, as interim recourse for the priority, this committee could support emergency regulations and allow OSHA and DOSH to establish a manageable course of action for the remaining concerns that would not be duplicative.

While many of the requirements of this bill are or will be fulfilled by ongoing programs within Atlantic Richfield Company, the scope of this legislation is much too broad.

As it presently is worded, ARCO Alaska, Inc., and ARCO Exploration Company would be affected in all activities associated with the extraction of crude oil and natural gas as well as sale of arctic heating fuel (diesel fuel), jet fuel and gasoline on the North Slope. Even California has removed gasoline from the list of substances classified as hazardous, eliminating the requirement to distribute Material Safety Data Sheets (MSDS) during sales. Because diesel and jet fuel have lower flash points, I hope these products can continue to be treated as combustible materials but not classed as "hazardous."

To help reduce the impact of this proposed legislation on oil and gas operations, it is strongly recommended that the definition of "Manufacturer" be changed to exempt oil and gas exploration and production activities since there is no change in the "product" as sold from that found in nature. Additionally, it is recommended that the definitions of hazardous substance and toxic substance include references to lists developed by the Federal Government or State of Alaska after review of the scientific literature and not rely on lists, taken out of the federal regulations from the Transportation and Labor Departments, which have not undergone a current scientific review. These issues along with others will be addressed further in the specific comment portion of this letter.

Of further concern, is the potential that the hazardous substance definition included in House Bill 806 could become the basis of future state hazardous waste legislation. We would strongly object to such use of this definition. In this regard, it should be noted that the listing of drilling muds, produced waters and associated wastes as hazardous wastes under the Resource Conservation and Recovery Act (RCRA) has been deferred by Congress in its 1980 amendments to RCRA. Further, the federal EPA has been directed by Congress to conduct an in depth study of these wastes and report its finding to Congress for a final decision.

Following are specific comments on House Bill 806 on a section by section basis.

Section AS 18.60.051 Manufacturer to Provide Hazardous or Toxic Substance Information and Section AS 18.60.052 Seller Other Than Manufacturer to Provide Hazardous or Toxic Substance Information.

We strongly recommend that crude oil and natural gas not be covered by this bill but if they are, we recommend that their MSDS be generic and not be required to list each component, associated health, safety and environmental effects, and their physical and chemical properties. If such a requirement is promulgated, hundreds of addendum sheets would be necessary for each crude oil MSDS.

As requested, I have included the list of generic products which ARCO Oil and Gas Company produces:

Crude Oil	Propane
Diesel Fuel	Propane-Butane Mix
Residuum Oil	Isobutane
Naptha	Commercial Butane
Jet Fuel	Mixed Butane
Carbon Dioxide	Normal Butane
Sulphur	De-Propanized Gasoline
Plant Residue Gas	Gasoline
Ethane	Condensate
Ethane-Propane	Drip Gasoline
Propane	Propane-Butane Mix
Scrubber	

Additionally, ARCO Oil and Gas Company, in order to operate its Prudhoe Bay installations, runs a topping plant to produce diesel fuel, jet fuel and gasoline; the excess products are sold to others. The provisions in House Bill 806 would impact our operations by requiring that each

customer be given a MSDS each time they purchased gasoline, diesel fuel or jet fuel. Further, Section AS 18.60.052 would affect our operations since we blend octane enhancers with naphtha to produce gasoline on the North Slope. While the impact on our operations as a result of the above sales might not be great, the impact of such sales statewide could have a substantial impact. Accordingly, we recommend that serious consideration be given to exempting such frequently sold fuel.

Section AS 18.60.071 Employer to Provide Hazardous Substance Information and Training.

This section would require posting in all work areas information for each hazardous substance utilized in that work area. This would impose a burden since the oil and gas industry is scattered and diversified in its daily operations with low manpower requirements. Further, operations and an oil and/or gas facility could change daily requiring different substances be used that are not always stored at a work site. Accordingly, it is recommended that this section be changed since it would be more reasonable to require that the desired information be made available at the point where employee(s) report to work.

Concerning the training of employees and disclosure of hazards that may be encountered at the work place that this section addresses, we agree with the training provisions. However, the provision in the bill that requires that employees be provided annually with handouts on the substances, which might not be read, could prove to be highly burdensome and costly due to the volume of paper that would be handled. We support the concept of training and providing the information but we think it should be provided to the employee upon request. A central file or similar requirement would be more functional.

Section AS 18.60.072 Reports to be Filed with the Division.

This section's requirements to file all information supplied to purchasers and employees, the safety procedures utilized in the work place and the quantities of hazardous substances actually used or produced are overly burdensome and costly. As ARCO Alaska, Inc. uses some 2,000 purchased stock items, supplying the required information on each would require a significant increase to manpower by ARCO Alaska, Inc. and would result in no increase in worker safety. The value of sifting through the filed reports and making effective use of the data by the State is questionable, but the cost would also be high. For these reasons this section should be either deleted or modified extensively.

Section 18.60.073 Access to Records.

These access to record requirements should be modified to allow employees and their authorized representatives to obtain the records pertaining to that employee. These exposure records should not be used to establish a violation but used only to assist the division in incident investigation. This section also fails to specify the security and confidentiality concerns associated with employer records including health records. What will be used by DOSH or the employer to insure that the employees right to privacy will be maintained.

Section 2, AS 18.60.105 Definitions.

Because of the language contained in section AS 18.60.052, House Bill 806 appears to be aimed at the regulation of hazardous or toxic substances both in the work place and the safe use of those substances by customers (wholesale or retail). Additionally, if you combine the definitions of "manufacturers", "hazardous substance" and "toxic substance" these definitions could be confused with or misused as the

foundation to define hazardous waste. I don't believe the intent of this bill is to address sales or hazardous waste but this is a possible/probable secondary effect.

The definition of "Manufacturer" should be changed to adequately address or delete oil and gas exploration and development activities. By review of the previous testimony it is clear that we recognize the need to ensure a safe work place. However, since there is no change in the "product" as sold from that found in nature, it is difficult to interpret our operations as "a person who produces... or makes a hazardous or toxic substance." We believe the definition should be modified to exempt oil and gas exploration and production activities.

The definitions for hazardous and toxic substances are a conglomeration of Department of Transportation (DOT) and Department of Labor (DOL) definitions and create "new" definitions that are not correct for the use intended by House Bill 806. The DOT table was not intended to be used as a list of substances hazardous to employees. Its purpose was to list potentially hazardous material as they relate to the transportation, not employee "exposure." We recommend that section (11) (B) be deleted from the bill and, if necessary, DOSH be authorized/required to develop hazardous and toxic substance lists based on potential hazard to employees in the occupational environment. Hopefully, any item contained in a State of Alaska list will be defined as hazardous or toxic using a reasonable degree(s) of hazard and supported by scientific research.