

**COMMITTEE REPORT**  
**HOUSE**

(11)

FURTHER:

6/20/83

Date: 6/21/83

Mr. Speaker:

The Committee on FINANCE has had SB 79

"An Act relating to the toxic and hazardous substances in the workplace; and providing for an effective date."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 79 (RES)  same title
- new title
- and recommends DO PASS
- AND <sup>expresses sense</sup> attaches a "Letter of Intent"  New Fiscal Note
- Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*Terry Martin - if removed*  
\_\_\_\_\_  
*1813*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

*[Signature]*  
\_\_\_\_\_  
*[Signature] (No Rec)*  
\_\_\_\_\_  
*[Signature] (No Rec)*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature] (No Rec)*  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]*  
\_\_\_\_\_  
CHAIRMAN

Offered: 5/13/83  
Referred: Finance

Original sponsors: Josephson, Sturgulewski,  
V.Fischer and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 79 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to toxic and hazardous substances in  
7 the workplace; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 18.60.030 is amended by adding new paragraphs to read:  
10 (12) annually publish a list of toxic and hazardous  
11 substances;  
12 (13) maintain a current set of OSHA form 20's or equivalent  
13 information for toxic and hazardous substances, and other information  
14 relevant to toxic and hazardous substances;  
15 (14) assist employers, upon request, to identify and obtain  
16 information on toxic and hazardous substances and develop employee  
17 safety education programs.  
18 \* Sec. 2. AS 18.60 is amended by adding new sections to read:  
19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.  
20 Toxic and hazardous substances imported into the state shall be accom-  
21 panied by a federal Occupational Safety and Health Administration  
22 (OSHA) form 20 or equivalent information. This requirement does not  
23 apply to a substance for which the in-state purchaser has already  
24 received the most current information.  
25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An  
26 employer shall conduct a safety education program for an employee  
27 before the employee performs a new work assignment that may result in  
28 the employee being exposed to a toxic or hazardous substance for which  
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the  
3 employee of

4 (A) the location, properties, and known or suspected  
5 acute and chronic health effects of the hazardous or toxic sub-  
6 stances to which the employee is exposed in the workplace;

7 (B) the nature of the operations that could result in  
8 exposure to hazardous or toxic substances, as well as any neces-  
9 sary handling or hygienic practices or precautions; and

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

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)  
13 An employer shall make available to an employee on request a copy of  
14 the most recent OSHA form 20 or equivalent written information for a  
15 toxic or hazardous substance to which the employee may be exposed. If  
16 the employer does not have the copy or information requested, the  
17 employer shall request a copy from the department or the manufacturer  
18 of the substance within three state government working days after  
19 receiving the request.

20 (b) If the copy or information requested under (a) of this  
21 section is not made available to the employee within 15 calendar days  
22 after the request is received, the employer shall take measures to  
23 assure that employees are not exposed to the substance to which the  
24 copy or information pertains until the copy or information is made  
25 available to the employee who made the request. This subsection  
26 applies only to substances for which an OSHA form 20 or equivalent  
27 information is required under OSHA regulations. This subsection does  
28 not alter, deny, or abrogate any right an employee may have under law  
29 to refuse to work under hazardous circumstances.

1           Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The  
2 department shall print and make available to employers posters that  
3 contain notice of the provisions of this chapter relating to toxic and  
4 hazardous substances.

5           (b) An employer whose employees are or may be exposed in the  
6 workplace to a toxic or hazardous substance shall display the  
7 following information in a manner designed to notify the employees:

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

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

13                         (A) under normal conditions of work; or

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

16           (c) Instead of posting the information required under (b)(2) of  
17 this section, an employer may post a list of the chemical name and  
18 product name of each toxic or hazardous substance to which an employee  
19 may be exposed in the workplace, together with an identification of a  
20 location, in or near the workplace and accessible to employees, where  
21 an employee may inspect the information listed under (b)(2) of this  
22 section.

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

24                 (6) "be exposed" means to ingest, inhale, or absorb through  
25 the skin or eyes a substance, or fumes or other potentially harmful  
26 aspect of a substance;

27                 (7) "OSHA" means the federal Occupational Safety and Health  
28 Administration;

29                 (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,  
2 Toxic and Hazardous Substances, "General Industry Standards",  
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for  
5 Chemical Substances and Physical Agents in the Work Environment",  
6 American Conference of Governmental Industrial Hygienists (Latest  
7 Edition);

8 (C) a substance for which an OSHA form 20 or  
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in  
11 accordance with the Administrative Procedure Act (AS 44.62), to  
12 be a health hazard to an employee who is exposed to the  
13 substance, including a carcinogen, reproductive toxin, irritant,  
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,  
15 agent that acts on the hematopoietic system, agent that damages  
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,  
19 volume, or concentration do not pose a health hazard upon expo-  
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,  
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-  
25 tainer by a mode of transportation.

26 \* Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-  
28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

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

5 (3) "health hazard" means a substance capable of causing  
6 acute or chronic adverse effects to health;

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

9 \* Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in  
10 accordance with AS 01.10.070(c).

11 \* Sec. 6. Section 2 of this Act takes effect July 1, 1984.

REVISED

STATE OF ALASKA  
FISCAL NOTE

Revision Date June 20, 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79  
Title: "...hazardous & toxic substances"  
Sponsor: Senate Labor & Commerce  
Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Worker Protection  
BRU, Program of Subprogram(s) Affected:  
Labor Standards & Safety, Occupational  
Safety & Health.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		68.8	79.5	84.3	89.4	94.8
200 TRAVEL		15.0	10.6	11.2	11.9	12.6
300 CONTRACTUAL		26.4	22.7	24.1	25.5	27.0
400 COMMODITIES		2.0	2.1	2.2	2.4	2.5
500 EQUIPMENT		1.5	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		113.7	114.9	121.8	129.2	136.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		113.7	114.9	121.8	129.2	136.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any analysis

Prepared By: <sup>RB</sup> Robert J. Bacolas, Sr.  
Division: Labor Standards and Safety

Phone: 465-4870  
Date: June 20, 1983

Approved by Commissioner: <sup>RB</sup> Jim Robison  
Department: Labor

Date: June 20, 1983

LEG:B:9

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

## FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

TITLE: "An Act relating to hazardous and toxic substances."

AGENCY AFFECTED: Department of Labor

Page 2 .

Under this bill the Department of Labor will be responsible for collecting and disseminating information regarding hazardous chemical and/or substances at work or storage sites in Alaska. The first year will include an intensive employer training program at locations throughout the State.

An Industrial Hygienist position in Anchorage will be required to review and respond to requests about the effects of hazardous chemicals or substances, recommend remedial action if required, and communicate this information to the requestor. In addition, one clerical position will be required to provide support for the hygienist and organize, cross reference, and provide information to the public; particularly employers.

In addition to the personal services cost associated with the Industrial Hygienist and clerical position, the Department will need to contract for laboratory services (\$5,000) for testing hazardous substances, the indirect support services, and increase its printing and postage allocations for distribution of posters, and safety data sheets. The travel budget for FY 1984 includes \$15,000 for extensive in-state travel to conduct training sessions and hazardous substance seminars throughout the State for the first year.

### Assumptions:

The Department will collect and disseminate information regarding hazardous chemicals and/or substances to the general public, and as a result will also be making increased work-site inspections.

Personal services are for 11 months in FY 1984.

Inflation rate of 6 percent per annum.

The equipment costs of \$1,500 are one-time items.

\$5,000 of the in-state travel is a one-time item (informational visits).

Effective date of July 1, 1983.

1.	POSITION TITLE <b>Industrial Hygienist I</b>				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	34,957	
6.	Benefits	5,608	
7.	Supplemental Benefits	2,143	
8.	Fixed Benefits	2,640	
9.	TOTAL PERSONAL SERVICES	01	45,348
10.	Travel	02	15,000
11.	Contractual	03	18,933
12.	Commodities	04	1,000
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		81,781

**JUSTIFICATION**

The hygienist will ascertain the effects a chemical/substance will produce, recommend remedial action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.

Travel funds include \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.

Contractual services consist of \$4,793 for indirect support services, \$5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information and \$2,000 equipment rent and communications.

The equipment cost is for personal protective equipment (\$1,500).

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	81,781
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13** REQUEST FOR  
NEW POSITION

AGENCY Labor  
PROGRAM Workers' Protection  
BRU Labor Standards and Safety  
COMPONENT Occupational Safety and Health

**FY 84**

Page 1 of 2  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DIS/PP.
2.	TYPE OF POSITION PET	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES*								
5.	Salary	17,094							
6.	Benefits	2,713							
7.	Supplemental Benefits	1,047							
8.	Fixed Benefits	2,640							
9.	TOTAL PERSONAL SERVICES	01	23,494						
10.	Travel	02							
11.	Contractual	03	7,450						
12.	Commodities	04	1,000						
13.	Equipment	05	-0-						
14.	Other								
15.	TOTAL COST	31,944							
RECEIPT CODE      FUNDING SOURCE									
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		31,944					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of Committee Substitute for Senate Bill 79.

This position will type and file information under direction of the Industrial Hygienist and respond to inquiries from the public.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.

Contractual services costs consist of indirect support of \$2,000. Additionally, \$1,000 for a word processing data management package will be required to collate and facilitate the disseminating of hazardous substance information. Other costs include equipment rent, telephone, postage, and office consumables.

**13** REQUEST FOR NEW POSITION

AGENCY Labor  
PROGRAM Workers' Protection  
BRU Labor Standards and Safety  
COMPONENT Occupational Safety and Health

Page 2 of 2  
Revised Date \_\_\_\_\_

**FY 84**

SENATE LETTER OF INTENT CSSE 79(Res)

The purpose of this legislation is to inform employees of the identity of and the health hazards and proper handling procedures for hazardous and toxic substances in their workplace through a communication and safety education program adopted by employers. While this legislation is designed to cover most employers in the state utilizing substances defined in the bill, it is not the intent to require employers to be responsible for the generation or creation of the information required to be posted or communicated to employees. Rather, the bill is designed under the assumption that federal regulations will be promulgated in the near future by the Occupational Safety and Health Administration (OSHA) which will require manufacturers to develop and distribute information for all the substances covered by the bill. The provision requiring that such information accompany substances imported into the state and the provision requiring the State Department of Labor to keep information on file for all substances covered by the bill are designed to aid employers in readily obtaining the required information.

It is the intent of the Committee that the Department of Labor play an active role in informing employers of the requirements of this bill and aiding them in meeting the requirements. Among the tasks required of and intended that the Department undertake are: the development of a poster outlining the provisions and employee rights under the bill and the printing of sufficient copies for all applicable employers; the compilation of all relevant information on the various substances covered by the bill and formulation of an information retrieval system capable of answering telephone inquiries by employers and employees on various substances and products; the compilation and printing of a list of the various substances identified in the bill as hazardous and toxic for use by employers; the provision of assistance to employers upon request in developing safety education programs; and the surveying of various employers or industries to identify the types of substances used and problems being encountered. In this last task it is intended that such surveys be made in cooperation with business and industry groups or associations.

It is the intent of the Committee that the Department complete the specific tasks identified in section 1 of the bill at least several months in advance of the July 1, 1984 effective date for section 2 of the bill requiring posting and training by employers.

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the

state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

By The Resources Committee

Adopted in the Senate, May 31, 1983.

The following individuals may testify on SB 79:

Senator Joe Josephson, or staff

Senator Bettye Farenkamp, or staff

Commissioner Robison, Department of Labor, or his representative

STATE OF ALASKA  
FISCAL NOTE

Revision Date May 10 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79  
 Title: "...hazardous & toxic substances"  
 Sponsor: Senate Labor & Commerce  
 Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor  
 Program Category Affected: Worker Protection  
 BRU, Program of Subprogram(s) Affected: Labor Standards & Safety, Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		75.0	79.5	84.3	89.4	94.8
200 TRAVEL		17.5	10.6	11.2	11.9	12.6
300 CONTRACTUAL		37.5	39.8	42.2	44.7	47.4
400 COMMODITIES		2.5	1.6	1.7	1.8	1.9
500 EQUIPMENT		12.7	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		145.2	131.5	139.4	147.8	156.7
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		145.2	131.5	139.4	147.8	156.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870  
 Division: Labor Standards and Safety Date: May 10, 1983

Approved by Commissioner: Jim Robison Date: May 10, 1983  
 Department: Labor

LEG:B:9

Distribution:

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FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

TITLE: "An Act relating to hazardous and toxic substances."

AGENCY AFFECTED: Department of Labor

Page 2

Under this bill the Department of Labor will be responsible for collecting and disseminating information regarding hazardous chemicals and/or substances at work or storage sites in Alaska.

An Industrial Hygienist position in Anchorage will be required to review and respond to requests about the effects of hazardous chemicals or substances, recommend remedial action if required, and communicate this information to the requestor. In addition, one clerical position will be required to provide support for the hygienist.

In addition to the personal services cost associated with the Industrial Hygienist and clerical position, the Department will need to increase the current contract for laboratory services (\$5,000), the indirect support services and rent allocations (\$7,479 and \$6,800 respectively), and its printing and postage allocations, distribution of posters, and safety data sheets. All other costs in Contractual Services are normal operating costs (\$7,200). Additionally, the Industrial Hygienist position will require various scientific measuring and sampling equipment (\$7,600), as well as basic office equipment. The Travel budget for FY 1984 includes \$2,500 for recruiting and relocation expenses for the hygienist position and \$15,000 for extensive in-state travel to conduct training sessions and hazardous substance seminars throughout the State for the first year.

Assumptions:

The Department will collect and disseminate information regarding hazardous chemicals and/or substances to the general public, and as a result will also be making increased work-site inspections.

Inflation rate of 6 percent per annum.

The equipment costs of \$12,700 are one-time items.

\$5,000 of the in state travel is a one time item (informational visits) and \$2,500 of the travel for relocation/recruiting expenses is a one-time item.

Effective date of July 1, 1983.

\$1,000 of the first year's supply costs is a one-time item.

LEG:B:5

1.	POSITION TITLE <b>Industrial Hygienist I</b>			RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS for SB 79	PCN. NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary		38,135						
6.	Benefits		6,053						
7.	Supplemental Benefits		2,338						
8.	Fixed Benefits		2,880						
9.	TOTAL PERSONAL SERVICES	01	49,406						
10.	Travel	02	17,500						
11.	Contractual	03	25,622						
12.	Commodities	04	1,500						
13.	Equipment	05	10,200						
14.	Other								
15.	TOTAL COST		104,228						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.	100	General Funds 1004		104,228					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							

The hygienist will ascertain the effects a chemical/substance will produce, recommend remedial action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.

Travel funds include \$2,500 in relocation and recruiting expense and \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.

Contractual services consist of \$3,400 for rent, \$5,022 for indirect support services, 5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information, and \$5,000 for basic operating expenses.

The equipment costs are comprised of various scientific equipment (\$7,700), office equipment (\$1,500), and protective equipment (\$1,000).

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

AGENCY Labor  
PROGRAM Workers' Protection  
BRU Labor Standards and Safety

**FY 84**

**13 REQUEST FOR NEW POSITION**

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS FOR SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	

3.	CONTINUATION LEVEL	ADDITION	XX	
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary	18,647		
6.	Benefits	2,960		
7.	Supplemental Benefits	1,143		
8.	Fixed Benefits	2,880		
9.	TOTAL PERSONAL SERVICES	01	25,630	
10.	Travel	02	0	
11.	Contractual	03	11,856	
12.	Commodities	04	1,000	
13.	Equipment	05	2,500	
14.	Other			
15.	TOTAL COST		40,986	

JUSTIFICATION

This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of House Bill 197.

This position will type and file information under direction of the Industrial Hygienist.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.

Contractual services costs consist of equipment rent, management services support of \$2,456, and space rent of \$3,400. Additionally, \$1,000 for a word processing data management package will be required to collate, and facilitate the disseminating of hazardous substance information. All other costs are normal operating costs.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	40,986
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY  
4A KEY NUMBER \_\_\_\_\_

**13** REQUEST FOR  
NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health Administration

Page 2 of 2

Revised Date \_\_\_\_\_

**FY 84**

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
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## Senate

### Committee on Resources

Memo

May 20, 1983

To: Senator Bettye Fahrenkamp

From: Senate Resources Committee Staff

Subject: Support for SB 79, "Right to Know" bill

On May 2 and 3, 1983 staff met with representatives from the following interests and organizations with expressed purpose of redrafting SB 79 dealing with hazardous and toxic substances in the workplace:

Alaska Employer's Committee (William Schneider, T.J. Thrasher)  
Associated General Contractors (Resa King, William Schneider)  
Alaska Trucking Association (T.J. Thrasher)  
Sohio (Bob Straus)  
Arco (Beverly Ward)  
Alaska District Council of Laborers (Mick Hotrum)  
Alaska Health Project (Steve Kadish)  
Alaska Environmental Lobby (Jay Nelson, David Wigglesworth) -  
Alaska State Dept. of Labor (Judy Knight, Richard Arab)  
Senator Josephson's Office (Henry Lancaster)

At the end of the two days of meeting, all participants concurred in the general provisions of the draft subject to reviewing the language and consulting with their organizations.

Following the meeting staff worked with Legal Division in formally drafting a committee substitute. All participants were sent a copy of the draft for review and staff contacted each for comments. After a redrafting all participants verbally approved the committee substitute.

At a Resources Committee hearing on the bill on May 11 testimony was received from T.J. Thrasher representing the Alaska Employers Committee, from Commissioner Robison of the State Department of Labor and Mike Andrews representing the International Brotherhood of Painters and Allied Trades. All testified in support of the committee substitute for SB 79. Prior to the hearing and following the hearing specific support for the committee substitute was formally received from the Alaska Environmental Lobby, the Alaska Health Project, the Alaska District Council of Laborers and individual members of the Alaska Employers Committee including The Alaska Cleaners. Additional support has been received from the Golden Valley Electric Association. At this date the committee substitute is still being reviewed by Arco and no approval or disapproval has been received.

The Alaska Employers' Committee includes over 5,000 Alaskan employers in the following organizations:

- Associated General Contractors
- Alaska Trucking Association
- Alaska Retail Association
- Alaska Seafood Processors
- Alaska Loggers Association
- Alaska Miners Association
- Alaska Support Industry Alliance
- Anchorage Laundry and Dry Cleaners Association
- Resource Development Council
- Sohio

Attached is a list of the Board of Directors of the Alaska Health Project and its Professional Resources Committee Members.



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# Alaska Health Project

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P. O. Box 1037, Anchorage, Alaska 99510 (907) 272-8734

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## Board of Directors

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# Alaska Health Project

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## Professional Resources Committee Members

Jan Bolt, R.N., B.S.N., C.C.R.N., Health Educator, Thermal Unit, Providence Hospital

Michael Carroll, M.D., Oncologist

Chancy Croft, Attorney, Croft, Thurlow and Duggan

Neil Fried, Labor Economist, Alaska Department of Labor

Stan Godsoe, Chief of Consultation and Training, Alaska Department of Labor, Occupational Safety and Health Section

Owen Hanley, M.D., Internist

Ray Jorgenson, Chief Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

Tom Kosatsky, M.D., Medical Epidemiologist, State of Alaska

Bob Landau, Assistant Attorney General, State of Alaska

Leonard Limtiaco, Industrial Hygienist, U.S. Occupational Safety and Health Administration

Wayne Myers, M.D., Director, WAMI Program, University of Alaska, Fairbanks

Eric Olson, Attorney

Stacie Pascal, Loss Control Representative

George Riley, Safety Officer, University of Alaska, Fairbanks

Art Robson, Attorney

Eric Shortt, Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

John Sims, Director, Office of Mineral Development

Deborah Williams, Attorney, Smith and Gruening

Daniel Bacon, Environmental & Industrial Hygiene Analyst, Chemical & Geological Labs

Bill Blythe, Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

Doris Heilman, MD, Obstetrician, Fairbanks Clinic

Joe O'Connell, Attorney, Alaska Legal Services

Danny Sanchez, Safety Officer, Fairbanks North Star Borough

John Middaugh, MD, State Epidemiologist, Department of Health & Social Services

# Alaska State Legislature

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## Senate

### Committee on Resources

#### MEMO

To: Representative Al Adams, Chairman  
House Finance Committee

From: Senator Bettye Fahrenkamp

Date: June 20, 1983

Subject: June 21 Hearing on SB 79, "Right to Know" bill

Thank you for scheduling a hearing on this important legislation. I am a co-sponsor of the bill and would strongly commend to you the committee substitute which unanimously passed the Senate Resources Committee.

Following Resources Committee hearings on the bill this session in Juneau and Fairbanks, I asked staff to meet with concerned interest groups to try to work out problems which were widely acknowledged in the bill as originally drafted. Among these problems were:

- Coverage of as many as 40,000 substances to be dealt with by employers.
- Inclusion of "household" substances like salt, sand, bug spray and others.
- Coverage of transportation industry where many break-in-transit handlings but no substance use were involved.
- Requirement of labeling of substance containers, piping systems.
- Reporting requirements to the State Department of Labor potentially involving extensive paperwork for employers and the state.
- Possible duplication and conflicts iwth federal OSHA regulations to be promulgated in the near future.

However, most agreed that the basic intent of the legislation to communicate the identity, health hazards and proper handling methods for hazardous and toxic substances to employees by employers was desirable.

A meeting was held in Juneau May 2 and 3 with representatives of the following groups to try to arrive at consensus legislation: Committee staff, Sen. Josephson's office, Alaska Environmental Lobby, Alaska Employer's Committee, Alaska General Contractors, Sohio, Arco, Alaska Health Project, Alaska District Council of Laborers, Alaska Department of Labor and Alaska Trucking Association.

The group proceeded under the following assumptions and objectives:

- that it was desirable to pursue legislation this session.
- that federal OSHA regulations would probably be published around July 1 of this year.
- that while federal OSHA regulations would cover several aspects of this legislation most employers in Alaska would not be covered.
- that it was desirable and possible to cover most Alaskan employers in a manner which would not duplicate or conflict with federal OSHA regulations.
- that any legislation pursued this session should represent a basic, simplified employer-to-employee communication system involving a minimum of paperwork or expense.

#### Provisions of the CS

The group agreed to a draft CS containing the following general provisions:

- The CS tracks the proposed OSHA regulations for the substances covered. Two basic lists of chemicals for which study and exposure limits have been set would be covered plus additional substances which would be covered by OSHA regulation following performance-based testing. The combined lists (large overlap) would cover approximately 600-700 chemical substances to be considered "hazardous" or "toxic" under the bill.
- Employers would be required to post a notice of hazardous and toxic substances in their workplaces with information on health hazards, handling procedures, and other information. Employers would also be required to provide safety training on these substances to new employees and reassignment of employees for substances they would be exposed to.
- The information required to be supplied by employers would be in the same form as required under OSHA regulation. This information would not have to be produced by employers but would come from manufacturers as required by the OSHA regs, would be required on all substances imported into Alaska (to cover middleman wholesalers not covered by federal regs), and would be on file with the state Department of Labor. In fact, information on most, if not all, the substances covered by the bill is currently available.
- No labeling or reporting requirements are included in the CS. Labeling will be required of all manufacturers under OSHA regulations and the reporting requirements were determined not to be critical to the basic communication to employees of substance information.
- Substances while in transit are exempt from the provisions of the bill. Current federal transportation of hazardous substances regulations were determined to be sufficient.
- Household items such as food, drugs, goods used for personal use are exempted as are substances in small quantities not representing a health hazard. Thus, no substances like salt or bug spray off the shelf are included. However, some items like sand (silicates) are on the list when used in concentrations (like sandblasting) which have been shown to represent real health hazards, but not for most common situations.
- Although the technical assistance activities and pre-implementation tasks of the Department of Labor would take effect immediately, employers would not be required to comply before July 1, 1984, to ensure that information is available.

At a hearing of the Resources Committee on May 11 representatives of business, labor and the Administration testified in support of the committee substitute.

Either I or a member of my staff will be available to present testimony or to answer any questions you or the Finance Committee may have when it considers the bill. Please let me know if I can be of further assistance.

SENATE LETTER OF INTENT CSSE 79(Res)

The purpose of this legislation is to inform employees of the identity of and the health hazards and proper handling procedures for hazardous and toxic substances in their workplace through a communication and safety education program adopted by employers. While this legislation is designed to cover most employers in the state utilizing substances defined in the bill, it is not the intent to require employers to be responsible for the generation or creation of the information required to be posted or communicated to employees. Rather, the bill is designed under the assumption that federal regulations will be promulgated in the near future by the Occupational Safety and Health Administration (OSHA) which will require manufacturers to develop and distribute information for all the substances covered by the bill. The provision requiring that such information accompany substances imported into the state and the provision requiring the State Department of Labor to keep information on file for all substances covered by the bill are designed to aid employers in readily obtaining the required information.

It is the intent of the Committee that the Department of Labor play an active role in informing employers of the requirements of this bill and aiding them in meeting the requirements. Among the tasks required of and intended that the Department undertake are: the development of a poster outlining the provisions and employee rights under the bill and the printing of sufficient copies for all applicable employers; the compilation of all relevant information on the various substances covered by the bill and formulation of an information retrieval system capable of answering telephone inquiries by employers and employees on various substances and products; the compilation and printing of a list of the various substances identified in the bill as hazardous and toxic for use by employers; the provision of assistance to employers upon request in developing safety education programs; and the surveying of various employers or industries to identify the types of substances used and problems being encountered. In this last task it is intended that such surveys be made in cooperation with business and industry groups or associations.

It is the intent of the Committee that the Department complete the specific tasks identified in section 1 of the bill at least several months in advance of the July 1, 1984 effective date for section 2 of the bill requiring posting and training by employers.

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the

state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

By The Resources Committee

Adopted in the Senate, May 31, 1983.

Introduced: 1/27/83  
Referred: Resources

BY JOSEPHSON, STURGULEWSKI,  
V. FISCHER AND FAHRENKAMP

1 IN THE SENATE

2

SENATE BILL NO. 79

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to toxic and hazardous substances in  
the workplace; and providing for an effective date."

7

8

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

9

\* Section 1. AS 18.60 is amended by adding new sections to read:

10

Sec. 18.60.065. TOXIC AND HAZARDOUS SUBSTANCE SAFETY INFORMA-

11

TION. (a) An employer who manufactures, stores, uses, or transports

12

a toxic or hazardous substance in the state shall, with the assistance

13

of the department, provide to the department annually a material

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safety data sheet for each substance setting forth the following

15

information:

16

(1) the chemical name, CAS number, and the common name of

17

the substance;

18

(2) the trade name of the chemical and other commonly used

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names;

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(3) the permissible exposure level established under the

21

Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.),

22

as amended, or recommended by the National Institute of Occupational

23

Safety and Health;

24

(4) the known or suspected acute or chronic effects of

25

exposure to the substance;

26

(5) the potential flammability, explosiveness, and reactiv-

27

ity of the substance;

28

(6) the conditions of safe use and exposure to the sub-

29

stance;

1 (7) the appropriate medical treatment to be applied in an  
2 emergency involving the substance;

3 (8) the procedures for cleanup of leaks or spills of the  
4 substance;

5 (9) the name and address of the manufacturer of the sub-  
6 stance; and

7 (10) the month and year the employer compiled the informa-  
8 tion listed in (1) - (9) of this subsection.

9 (b) An employer shall make available a copy of the information  
10 provided in (a) of this section to an employee, or a collective bar-  
11 gaining agent or designated representative of the employee, within  
12 five working days of a request for the information. An employer shall  
13 provide to each employee or applicant for employment a copy of the  
14 information in (a) of this section that relates to substances to which  
15 the employee may be exposed in the course of employment, and an expla-  
16 nation of the information in language the employee is likely to under-  
17 stand.

18 (c) An employer who fails to provide information under (b) of  
19 this section within five working days of a request may not require the  
20 requesting employee to be exposed to a substance about which informa-  
21 tion was requested until the information has been provided.

22 (d) An employer shall prominently display signs in the workplace  
23 notifying employees of the provisions of this section.

24 Sec. 18.60.066. LABELING OF TOXIC AND HAZARDOUS SUBSTANCES. (a)  
25 An employer who manufactures, stores, uses, or transports a toxic or  
26 hazardous substance in the state shall affix in a prominent place on  
27 each container that contains one gallon or more of the substance a  
28 label containing the following information:

29 (1) the common and chemical names of the substance;

1 (2) the hazards and health risks associated with use of or  
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate procedures to follow in case of overex-  
5 posure to the substance; and

6 (5) the need for and instructions for the proper use of  
7 equipment to protect a person from overexposure to the substance.

8 (b) An employer shall identify toxic or hazardous substances  
9 that are contained in piping systems in the workplace by affixing  
10 labels prominently on the pipe body. Locations of labels shall in-  
11 clude

12 (1) valve flanges, branches, and pipe reactors; and

13 (2) pipe exit and entry points in walls, floors, and the  
14 ground.

15 (c) In an area where toxic or hazardous substances are stored an  
16 employer shall prominently display an alphabetical list of the chemi-  
17 cal and common names of the substances.

18 Sec. 18.60.067. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An  
19 employer shall establish an employee safety education program for  
20 employees exposed to toxic or hazardous substances. Instruction for  
21 dealing safely with toxic or hazardous substances to which an employee  
22 may be exposed shall be given to each employee annually and at other  
23 times as necessary to assure that an employee remains adequately  
24 informed about dealing safely with the substances.

25 (b) An employee safety education program shall include instruc-  
26 tion in the following aspects of each toxic and hazardous substance to  
27 which an employee may be exposed:

28 (1) the chemical names, common names, and CAS numbers of  
29 the substance;

1 (2) the known or suspected acute or chronic effects of  
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate medical treatment to be applied in an  
5 emergency involving the substance;

6 (5) the potential flammability, explosiveness, and reactiv-  
7 ity of the substance;

8 (6) the conditions of safe use and exposure to the sub-  
9 stance;

10 (7) the procedures for cleanup of leaks or spills of the  
11 substance;

12 (8) the location of the substance; and

13 (9) the purpose, proper use, and limitations of personal  
14 equipment required to protect a person from harmful exposure to the  
15 substance.

16 (c) The department may establish additional requirements for an  
17 employee safety education program. The department shall monitor the  
18 program to assure compliance with this section.

19 \* Sec. 2. AS 18.60 is amended by adding a new section to read:

20 Sec. 18.60.101. WAIVERS VOID. A waiver of a provision of  
21 AS 18.60.010 - 18.60.105 by an employee or applicant for employment is  
22 against public policy and is void.

23 \* Sec. 3. AS 18.60.105(3) is amended to read:

24 (3) "employee" means a person who works for an employer;  
25 but for purposes of AS 18.60.065 - 18.60.067, "employee" does not  
26 include a person employed in a place that is primarily a personal  
27 residence;

28 \* Sec. 4. AS 18.60.105(4) is amended to read:

29 (4) "employer" means a person, including the state and

1 political subdivisions of the state, who has one or more employees;  
2 but for purposes of AS 18.60.065 - 18.60.067, "employer" means an  
3 individual, partnership, corporation, or association in the state who  
4 has persons employed for the purpose of manufacturing, storing, using,  
5 or transporting toxic or hazardous substances in a place of employment  
6 other than a place that is primarily a personal residence; but where  
7 an employee of one employer is present at the workplace of another  
8 employer by agreement between the employers, "employer" means the  
9 employer that has control of the workplace;

10 \* Sec. 5. AS 18.60.105 is amended by adding new paragraphs to read:

11 (6) "CAS number" means the identification number assigned  
12 to a substance by the Chemical Abstracts Service;

13 (7) "chemical name" means the scientific name of a sub-  
14 stance in the nomenclature developed by the International Union of  
15 Pure and Applied Chemistry or by the Chemical Abstracts Service;

16 (8) "hazardous substance" means a substance that is

17 (A) listed in the United States Department of Trans-  
18 portation hazardous materials table (49 C.F.R. 172.101) and is  
19 any of the following:

20 (i) a combustible substance;

21 (ii) a compressed gas;

22 (iii) an explosive;

23 (iv) a flammable substance;

24 (v) an organic peroxide; or

25 (vi) an oxidizer; or

26 (B) defined as a hazardous substance by the depart-  
27 ment;

28 (9) "toxic substance" means a substance that is

29 (A) listed in the "toxic and hazardous substances"

1 section of regulations adopted under the Occupational Safety and  
2 Health Act (29 C.F.R., Part 1910, subpart Z);

3 (B) listed in the "Registry of Toxic Effects of Chemi-  
4 cal Substances" published by the National Institute for Occupa-  
5 tional Safety and Health; or

6 (C) defined as a toxic substance by the department.

7 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.-  
8 10.070(c).

Offered: 5/13/83  
Referred: Finance

Original sponsors: Josephson, Sturgulewski,  
V. Fischer and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 79 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to toxic and hazardous substances in  
7 the workplace; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 18.60.030 is amended by adding new paragraphs to read:  
10 (12) annually publish a list of toxic and hazardous  
11 substances;  
12 (13) maintain a current set of OSHA form 20's or equivalent  
13 information for toxic and hazardous substances, and other information  
14 relevant to toxic and hazardous substances;  
15 (14) assist employers, upon request, to identify and obtain  
16 information on toxic and hazardous substances and develop employee  
17 safety education programs.  
18 \* Sec. 2. AS 18.60 is amended by adding new sections to read:  
19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.  
20 Toxic and hazardous substances imported into the state shall be accom-  
21 panied by a federal Occupational Safety and Health Administration  
22 (OSHA) form 20 or equivalent information. This requirement does not  
23 apply to a substance for which the in-state purchaser has already  
24 received the most current information.  
25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An  
26 employer shall conduct a safety education program for an employee  
27 before the employee performs a new work assignment that may result in  
28 the employee being exposed to a toxic or hazardous substance for which  
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the  
3 employee of

4 (A) the location, properties, and known or suspected  
5 acute and chronic health effects of the hazardous or toxic sub-  
6 stances to which the employee is exposed in the workplace;

7 (B) the nature of the operations that could result in  
8 exposure to hazardous or toxic substances, as well as any neces-  
9 sary handling or hygienic practices or precautions; and

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

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)  
13 An employer shall make available to an employee on request a copy of  
14 the most recent OSHA form 20 or equivalent written information for a  
15 toxic or hazardous substance to which the employee may be exposed. If  
16 the employer does not have the copy or information requested, the  
17 employer shall request a copy from the department or the manufacturer  
18 of the substance within three state government working days after  
19 receiving the request.

20 (b) If the copy or information requested under (a) of this  
21 section is not made available to the employee within 15 calendar days  
22 after the request is received, the employer shall take measures to  
23 assure that employees are not exposed to the substance to which the  
24 copy or information pertains until the copy or information is made  
25 available to the employee who made the request. This subsection  
26 applies only to substances for which an OSHA form 20 or equivalent  
27 information is required under OSHA regulations. This subsection does  
28 not alter, deny, or abrogate any right an employee may have under law  
29 to refuse to work under hazardous circumstances.

1           Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The  
2 department shall print and make available to employers posters that  
3 contain notice of the provisions of this chapter relating to toxic and  
4 hazardous substances.

5           (b) An employer whose employees are or may be exposed in the  
6 workplace to a toxic or hazardous substance shall display the  
7 following information in a manner designed to notify the employees:

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

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

13                   (A) under normal conditions of work; or

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

16           (c) Instead of posting the information required under (b)(2) of  
17 this section, an employer may post a list of the chemical name and  
18 product name of each toxic or hazardous substance to which an employee  
19 may be exposed in the workplace, together with an identification of a  
20 location, in or near the workplace and accessible to employees, where  
21 an employee may inspect the information listed under (b)(2) of this  
22 section.

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

24           (6) "be exposed" means to ingest, inhale, or absorb through  
25 the skin or eyes a substance, or fumes or other potentially harmful  
26 aspect of a substance;

27           (7) "OSHA" means the federal Occupational Safety and Health  
28 Administration;

29           (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,  
2 Toxic and Hazardous Substances, "General Industry Standards",  
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for  
5 Chemical Substances and Physical Agents in the Work Environment",  
6 American Conference of Governmental Industrial Hygienists (Latest  
7 Edition);

8 (C) a substance for which an OSHA form 20 or  
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in  
11 accordance with the Administrative Procedure Act (AS 44.62), to  
12 be a health hazard to an employee who is exposed to the  
13 substance, including a carcinogen, reproductive toxin, irritant,  
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,  
15 agent that acts on the hematopoietic system, agent that damages  
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,  
19 volume, or concentration do not pose a health hazard upon expo-  
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,  
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-  
25 tainer by a mode of transportation.

26 \* Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-  
28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

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

5 (3) "health hazard" means a substance capable of causing  
6 acute or chronic adverse effects to health;

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

9 \* Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in  
10 accordance with AS 01.10.070(c).

11 \* Sec. 6. Section 2 of this Act takes effect July 1, 1984.