

S

B

79

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 LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for SB 79 (Res)
 Title Toxic waste and hazardous substances in the workplace
 Requested by Senate Finance Committee Date May 19, 1983

II. FISCAL DETAIL
 Agency Affected Department of Environmental Conservation
 Program Category Affected Hazardous Waste
 BRU, Program, or Subprogram(s) Affected Laboratory Monitoring Support
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC	0	0				
TOTAL	0	0				

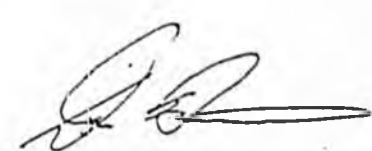
FUNDING (Thousands of Dollars)

GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER (Specify Fund Source)	0	0				

POSITIONS

FULL TIME	0	0				
PART TIME	0	0				
TEMPORARY	0	0				

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

IV. DATE May 19, 1983 PREPARED BY 
 AGENCY Don Bennett, Co-chairman
 Original: Legislative Finance PHONE Senate Finance Committee
 cc: Budget and Management 3714
 Prime Sponsor (First Legislator Named)

ALASKA STATE SENATE

JOE P. JOSEPHSON

DISTRICT 5 REPRESENTATIVE
1500 W. STREET
FAIRBANKS, ALASKA 99701



OFFICE IN JUNEAU
POLCH V
JUNEAU, ALASKA 99801
907-465-4907
907-465-4525

June 11, 1983

Honorable John Ringstad
Chairman
House Resources Committee
Alaska State Legislature
Juneau

Dear John:

Re: SB 79, "Right to Know"

SB 79 passed the Senate by an overwhelming vote.

The Senate-passed committee substitute had support from business, labor, and health groups. I am enclosing some background papers and correspondence which describe the bill and reflect its broad support.

I would be prepared to testify on this measure before the Resources Committee at your convenience.

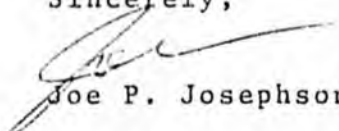
Your Fairbanks colleague, Senator Fahrenkamp, worked diligently with all parties to develop the committee substitute.

I also understand that SB 79 is a priority bill of the administration's, and the committee substitute has the administration's full support.

I'd be grateful if the Committee could consider this measure at its earliest opportunity. Should your staff desire further information, Mr. Henry Lancaster of my office is available for that purpose.

With best regards,

Sincerely,


Joe P. Josephson

Enclosures

STATE OF ALASKA
FISCAL NOTE

Revision Date May 10 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79 (Res)
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		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						
TOTAL OPERATING		145.2	131.5	139.4	147.8	156.7
CAPITAL						
REVENUE						

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

RECEIVED

MAY 1 1983

Josephson,

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{pkc} Robert J. Bacolas, Jr.
Division: Labor Standards and Safety

Phone: 465-4870
Date: May 10, 1983

Approved by Commissioner: Jim Robison
Department: Labor

Date: May 10, 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)

3/3/23

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:8:5

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

3.	CONTINUATION LEVEL	ADDITION	XX	
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

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 \$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).

	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	

FOR B&M USE ONLY
4A KEY NUMBER _____

AGENCY Labor

PROGRAM Workers' Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health

13 REQUEST FOR
NEW POSITION

FY 84

Page 1 of 2

Revised Date _____

1.	POSITION TITLE Clerk Typist III			RANGE/STEP RA	BARG. UNIT GGII	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS FOR SB 79	PEN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL			ADDITION	YX	JUSTIFICATION				
4.	TYPE OF EXPENDITURE									
	1	2	3							
PERSONAL SERVICES										
5.	Salary		18,647							
6.	Benefits		2,960							
7.	Supplemental Benefits		1,143							
8.	Flood 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							
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 I&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.

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.

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Worker Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health

FY 84

Page 2 of 2

Revised Date



Alaska State Legislature

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

May 12, 1983

TO: Senator Bettye Fahrenkamp
Chair, Senate Resources Committee

FROM: Senator Joe P. Josephson *JPJ*

SUBJECT: Senate Bill 79, "An Act relating to toxic and hazardous substances in the workplace; and providing for an effective date."

Chair Fahrenkamp and members of the Senate Resources Committee:

I would like to express my sincere appreciation for this opportunity to once again address the issue of improved worker safety in Alaska. Since the introduction of SB 79 on January 27, I have been deluged with information, PCMs and news articles applauding and criticizing the need for such legislation. I would like to commend you and your staff for enduring the long hours of testimony, negotiations and renegotiations needed to produce the committee substitute under consideration today.

CSSB 79 is a compromise bill without undue restrictions on red tape that affords Alaska workers the opportunity to make reasonable choices. The class of workers affected by this bill will be educated in the use and disposal of toxic and hazardous substances in their work environment. They will be able to ascertain accurate and up-to-date information about substances in their work environment without undue burdens or obstacles. And, probably the most significant aspect of the bill rests in the fact that the Alaska worker will know that the state is enhancing its commitment to worker safety. The role of the Department of Labor will be responsible for accumulating valuable information for worker inquiry. The Department will develop monitoring procedures to insure that the education programs provided by employers are adequate. The Department will be available to answer questions about particular occupations with respect to toxic or hazardous substances.

Madame Chair, the bill has come a long way this session and has seen quite a facelift, but I think that the major premise of "worker right to know" has been preserved and has been presented in a reasonable manner. I support the bill and encourage the committee to vote in favor of it.

JPJ/tl



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

To: Lavastu

April 21, 1983

To: Members of the Alaska Senate.

From: Jay Nelson, Executive Director
David Wigglesworth, Issues Specialist

Subject: Senate Bill 79, an act relating to hazardous substances in the workplace.

Enclosed are two articles concerning SB 79. SB 79 requires that the use and composition of certain hazardous and toxic materials found in the workplace are made known to the workers exposed to them, so that preventive health measures can be taken.

To date, nine (9) states and several major cities have passed right-to-know laws similar to SB 79. Right-to-know legislation has been introduced into thirteen other states this year. Public officials are taking action on worker safety because of their lack of confidence in the federal government's ability to protect the health of workers.

Some of you may know that the US Occupational Safety and Health Administration (OSHA) is just now preparing to reintroduce health and safety standards for workers. While a step in the right direction, the proposed federal legislation would cover only 5% of Alaskan workplaces disregarding the workers in transportation, agriculture, construction, and other non-manufacturing occupations. Furthermore, the proposed federal regulations would not make it mandatory that employers obtain and maintain information on the toxic and hazardous materials used by their businesses.

Support for SB 79 covers a wide range of the Alaska public including the Department of Labor, the Alaska Jaycees, the Sheffield Administration, the Alaska Public Employees Assoc., the Alaska Health Project, the Alaska League of Women Voters, the Asbestos Workers Union, the Inland Boatmen's Union, the Anchorage Municipal Health Commission, the Alaska Environmental Lobby, the Anchorage Environmental Health Advisory Committee, the Alaska Public Health Association.

It is the fundamental right of workers to know about the types

(over)

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY
ARCTIC AUDUBON SOCIETY • DENALI CITIZENS COUNCIL • FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY
KACHEMAK BAY CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER
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ment by the Field brothers has altered nor diminished our long-term plans for continued improvements in the newspaper and we remain as steadfast as ever in providing our readers with the best newspaper that talent and en-

ents." Marshall Field noted that the family has owned newspapers in Chicago since 1911. The statement said the company "anticipates that The Chicago Sun-Times will be one of the assets offered for

ment Press Service.

The syndicate, headquartered in Irvine, Calif., distributes columns, cartoons and features worldwide to more than 2,000 dailies and weeklies.

The news service was

Time.

Field Electronic Publishing, established in 1981 to develop and test the first commercial teletext experiment approved by the Federal Communications Commission.

Daily News April 16, 1983 - SATURDAY

Bill asks employer's danger advice

By ROBERTA GRAHAM
Daily News business reporter

Gov. Bill Sheffield has said he strongly favors a bill that would require employers to advise workers of the presence of cancer-causing chemicals in the workplace and to label hazardous substance containers, according to Department of Labor Commissioner Jim Robinson.

Robinson, attending a forum Friday on safety and health in the workplace, announced Sheffield's endorsement of the Senate amended version the bill nicknamed the right-to-know legislation.

Robinson said the governor asked the labor department to take the lead in ensuring the bill is passed.

"He's asked us to lobby Anchorage and Kenai and Fairbanks legislators. He's asked us to push for the bill," Robinson said.

The legislation is currently being opposed by business, which prefers more lenient, proposed federal standards, and supported by labor and consumer groups.

It calls for a manufacturer or a wholesaler, when selling a hazardous or toxic substance, to provide the purchaser a list of those chemicals.

Under the bill, that information must then be posted in the workplace, such as the lunchroom or on an employee billboard. Additionally, it would require the employer, within 30 days, to provide the information to any worker.

Federal agencies have identified some 65,000 cancer-causing agents. But the bill would require the state labor department to draw up a list of only those chemicals used in Alaska. It specifically exempts foods, cosmetics, drugs, tobacco or substances used for personal consumption because most of these items already are regulated by federal statutes.

The employer would be required to train all employees as to the hazards of the chemicals, the potential long-term affects and how to properly handle them.

And, it would give an em-

ployee, who believes he has been exposed to toxic chemicals, access to corporate records.

The Senate Resources Committee has held several hearings on S.79 and recently has drafted a substitute bill — the version which the governor likes.

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Saturday, April 16, 1983

Speaker calls for healthy workplace

By ROBERTA GRAHAM
Daily News business reporter

Local and state governments need to become more active in promoting health and safety in the workplace and not rely on the federal government to do the work, said Eula Bingham, keynote speaker at a safety forum sponsored Friday by the Alaska Health Project.

Bingham, administrator of the Occupational Safety and Health Administration under former President Jimmy Carter and now professor of environmental health, University of Cincinnati, said she was pessimistic about future involvement of federal agencies in promoting healthy workers and a safe working environment.

But she stressed that consumer and activist groups can push for a stronger federal involvement by pressing political candidates for their views before election day.

"We're just not getting the strong federal support we need," she said.

Citing drastic budget cuts of federal enforcement agencies and cutbacks of public health officials, Bingham said workplace accidents are occurring at increasing levels.

"It has been estimated that there are approximately 12,000 deaths associated with occupational exposure. There have been 5,000 respiratory cancer deaths — including leuke-

□ Gov. Sheffield favors an Alaska bill that would require employers to advise workers of cancer-causing agents they may be handling. See B11, Page B-6

mia, colon and bladder cancer, and 16,000 heart attacks all associated with occupational exposure," she said.

"And these numbers don't include early retirements, belated cancer deaths, skeletal diseases or reproductive failures," she said.

"The government is acting as if there are no diseases and if we look at what's happened over the past two years, it's apparent we're turning our backs on workers — on diseased workers. And we may be ignoring future generations," she said.

Specifically, Bingham criticized the Reagan Administration for its lax attitude toward implementing standards that would govern a worker's right to know what cancer-causing substances are present in the workplace — standards which she worked for two years to develop.

"Delay is the name of the game," she said.

Bingham proposed that state or local governments adopt generic standards to protect workers including:

- A regular medical inspection of the workplace;

- Medical removal protection standards allowing a worker overexposed to chemicals to take another job in the same business;
- Building codes that require health and safety plans, and
- A generic monitoring standard for chemicals in the workplace.

The seminar, sponsored by the Alaska Health Project and the Alaska Humanities Forum, drew more than 100 representatives of business, labor and consumer organizations.

"Environmental questions of the workplace has become as important as those environmental issues involving land and water resources," said Steven Deutsch, University of Oregon professor and specialist in the field of worker health and safety.

"We're at a point now in our society where most people suffer anxiety over whether they're going to keep their jobs," he said. "And problems with stress in the workplace is heightened when a community goes through rapid growth as Anchorage is doing now."

Competition for jobs will increase at the same time technology is replacing 2 percent of all office workers per year, he said.

"You think that you can get a jump on solving these problems by looking at what other communities have done. But to date, Alaska has done nothing and the time is upon you," he said.

Unemployment drops in Alaska

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The right to know

Industry presses for a national standard

When Congress set up the Occupational Safety and Health Administration early in the 1970s, labor groups expected the federal agency to do a job that they felt states could not—and industry would not—do: police the workplace to ensure worker safety. Now, OSHA is tackling the controversial right-to-know issue, the outcome of which will determine how much information companies must give their employees about the sub-

stances used in the workplace. And it looks as though the usual OSHA-labor alliance has been turned on its ear. In fact, the unions are downright hostile toward OSHA's attempts to set up a national right-to-know standard. Whereas labor had for more than a decade pushed for a strong, federal right-to-know rule instead of separate state standards, labor leaders are now dismayed by the most recent OSHA proposal. "It's a right-to-conceal standard," claims Sylvia Krekel, occupational health specialist for the Oil, Chemical and Atomic Workers (OCAW). In contrast, chemical industry groups, which generally oppose across-the-board regulations, are virtually unanimous in backing federal preemption of state and local right-to-know statutes.

Both camps are now getting a chance to voice their views publicly. On June 15, OSHA began hearings in Washington to discuss its proposed rules (*CW*, June 21, 1982, p. 52). Under the agency's suggested standard for "hazard communication"—the nomenclature that OSHA chose for right-to-know and other labeling rules—chemical manufacturers would have to provide information about hazardous substances to their

Horace A. Thompson, management chairman of the American Bar Assn.'s section on occupational safety and health laws: "It's not a burning issue in terms of the need for information; it's a burning issue in terms of the inconsistent state regulations." **Grudging support.** But there is another, more important, item involved in industry's rather grudging support of the OSHA standard: Within its framework, chemical manufacturers would wield considerable power. The proposed standard covers only "hazardous" substances—and the manufacturer determines what is hazardous. This is in marked contrast to most state right-to-know laws, which spell out which chemicals must be tagged and described.

That difference appeals to many executives in the chemical industry. "The responsibility falls on the manufacturer, and we believe that's where it belongs," says Patrick C. Joyce, until recently an attorney for the Chemical Manufacturers Assn. (CMA).

Unions and their allies, however, cite figures on occupational disease—25 million workers are exposed to circumstances identified as hazards by the National Institute of Occupational Safety and Health (NIOSH)—as evidence that employers may be unreliable sources of information on dangerous substances. And the unions cite recent "horror" stories to bolster their position.

Manufacturer's burden. In fact, the well-publicized occupational health disaster at Occidental Chemical's pesticide-formulation operation in Lathrop, Calif., where workers became sterile after years of exposure to dibromochloropropane (DBCP), is often credited with launching labor's campaign for the right to know. According to Roberta Lynch, research director of the Chicago Area Committee on Occupational Safety and Health, workers learned that the company had not disclosed the full results of animal studies that showed that DBCP caused health problems. "That's what really started this whole movement," Lynch recalls.

Labor's collective memory also still



Hearings in Cincinnati led to a local right-to-know law, which was passed this month.

Manufacturers, though arguing that no new regulation is needed, find it more palatable to deal with a single "unnecessary" rule than to deal with 50—thus their stated reasons for backing OSHA. For example, the Chemical Specialties Manufacturers Assn. (CSMA) is actively supporting the proposed federal regulation, even though the association's view, according to its counsel, Lawrence A. Levin, is "that workers are adequately protected now by common practice in the industry." Adds



**It's a
right-to-conceal
standard.**

Sylvia Krekel, Oil, Chemical
and Atomic Workers

rankles over asbestos, the grisliest of stories in the safety-and-health chronicle. Asbestos, once a common substance in U.S. Navy shipyards and other workplaces, causes mesothelioma, a rare and terminal cancer, and asbestosis, which thousands of workers have contracted. Lawsuits are still being filed, charging both the federal government and industry with failure to warn about hazards that, the suits contend, were first noted more than 40 years ago.

The crux of the matter. Thus, the manufacturer's responsibility clause of the federal proposal remains the crux of labor's break with OSHA on the right-to-know issue. "We've consistently wanted a federal approach, but industry is going after federal standards that are unacceptable," says Sheldon Samuels, safety-and-health director for the AFL-CIO's Industrial Union Dept. "If the chemical industry doesn't want a fair, thorough remedy, it's going to have to pay through the nose." Says Rafael Moure, an OCAW industrial hygienist: "I would welcome a good federal standard, but in its absence I have to go

with the logistical nightmare of different requirements."

Labor groups have all but given up hope on a compromise standard. They are still disgruntled over the fate of the health agency's first proposal, which unions found acceptable. Eula Bingham, OSHA's administrator in the Carter Administration, issued that proposal in January 1981, seven years after an OSHA advisory committee had recommended a standard. But the Reagan Administration has held back from implementing that proposal, calling it part of a deliberate "midnight" rule-making blitz by outgoing administrators.

OSHA's new head, Thome G. Auchter, ran into trouble with the Office of Management and Budget when he tried to issue a modified proposal. But industry's heavy lobbying led Vice-President George Bush, chairman of Reagan's Regulatory Relief Task Force, to rally around the new proposal in March 1982. The current thinking in Washington is that the issue would never have made its way to public debate had industry not feared a proliferation of state laws.

Labor and its supporters, viewing reliance on the federal government as futile, have been rigorously lobbying in state capitals and in cities across the country for state and local right-to-know legislation. Already, 10 states have passed right-to-know statutes, and bills are likely to be introduced in about 13 more states during the coming legislative session.

OSHA's authority. OSHA's legal authority to preempt state laws has not been established. The Occupational Safety and Health Act guarantees states the right to set up their own, separate OSHA programs. Although about half the states currently have their own OSHA programs, few have issued standards that differ from the federal agency's. Therefore, there have been no precedent-setting court cases.

"I'm concerned that there's no explicit federal preemption in the proposal," says ABA's Thompson. Without preemption, he fears, "federal regulations may only add to the confusion rather than resolve it."

A look at some of the state bills goes a long way to explain industry's adamant support of preemption. California recently concluded hearings on a list of more than 700 substances that employers are required to list and label. West Virginia, Wisconsin and Connecticut use the OSHA subpart Z list, which itemizes about 400 toxic substances or physical agents and their permissible-exposure limits. Michigan, Oregon and Washing-

ton leave the job of defining hazardous substances to the employer.

New York outdoes all of those states, and requires manufacturers to identify for workers the entire NIOSH list of 40,000 substances commonly used in industry. New York's statute is particularly infuriating to industry. "Common table salt is treated the same way as benzene," says Brian T. McMahon, government affairs manager for the New York Business Council.

While McMahon and other industry spokesmen complain bitterly about the intrinsic burden of classifying a myriad of substances, others suggest that perhaps industry should not have full responsibility for identifying hazardous chemicals. "This is normally the function of OSHA, to determine what is hazardous and what is not," notes John W. Whittlesey, chief labor counsel for Union Carbide. "A real question is whether OSHA can delegate its standard-setting to a manufacturer."

Other chemical executives are leery



**The need
for information is
not the burning
issue.**

Horace A. Thompson,
American Bar Assn.

of OSHA's vague definition of a health hazard, which includes any chemical that "may result in the occurrence of acute or chronic health effects in employees." Even CMA's Joyce concedes that the proposed standard is not foolproof—it allows industry to keep a substance unlabeled until scientific conflicts over its potential danger are resolved. "There is no simple answer as to what industry will do if there is contradictory evidence," Joyce says. "It's going to be the proverbial case-by-case decision." **Nagging questions.** Legal and philosophical questions of just where responsibility belongs are at the heart of the controversy over right-to-know rules. But there are also nagging procedural questions about how any standard should be implemented. OSHA's proposal calls for labeling of all containers found in the workplace, but its requirements are "performance-oriented." This means that the employer can decide how to label the container—by chemical name, generic name or trade name; what kind of hazard warning is included; and whether the label will be on the container or posted alongside.

Union industrial hygienists fear that the use of generic names will foil their efforts to assess the risks at hand and will fail to alert workers to substances better known by other names. If generic classifications are used, they explain, DBCP or vinyl chloride—which many workers recognize as toxic—could be listed as "halogenated hydrocarbons," a meaningless designation to all but the most sophisticated workers.

The standard is more explicit when it comes to supporting documentation. It would require manufacturers to make a material-safety data sheet (MSDS) available to all employees, explaining in detail various potential hazards of the chemicals. The MSDS, which is already used by many firms, would include data on the effects of long-term exposure and describe health conditions that exposure may aggravate.

User community. Manufacturers are also expected to distribute data sheets to their customers, who must then make them available to their own employees. Although several industry groups question OSHA's legal power to force manufacturers to give an MSDS to any downstream user of chemicals, most acknowledge the rule's wisdom: Manufacturers are more experienced in dealing with the questions of what is or is not hazardous and in training employees to deal with dangerous substances. "You're talking about the transfer of knowledge to the user community," ex-

plains McMahon of the New York Business Council. After New York passed its right-to-know law, he recalls, "the first question I was getting was, 'What's a NIOSH directory?'"

From the viewpoint of both workers and health officials, it is essential that hazard warnings accompany every step of a chemical's journey to end-product.

The chemical industry backs federal preemption of states' and cities' right to know

Dr. Stephen M. Hessel, chairman of Chicago's Cook County Hospital's division of occupational medicine, recounts the case of an 18-year-old worker at a metal-coating operation who was suffering a severe respiratory infection that eventually landed him in intensive care.

Hessel asked his patient to describe substances he worked with at the plant. Ignorant of the chemical composition of the specific powder he used on the job and afraid to ask his employer about it, the worker instead brought a sample. Hessel analyzed the powder and found traces of arsenic.

The original supplier, Amoco, was well aware of the powder's problem but informed Hessel that trimellitic anhydride, which was also present in the substance, was actually to blame for the worker's ailment. "They were very cooperative," Hessel recalls. "They confirmed that the patient had had a reaction to the material." As for the worker's boss, Hessel says, "I don't think [the employer] knew himself" that the powder contained either substance.

Such stories lend weight to labor's insistence on the need for precise labels.

Communities want to know, too

Labor groups are not alone in clamoring for strong right-to-know laws. Now, local communities are also demanding more comprehensive information about substances used within their geographic limits. Some require industry to tell officials not only what chemical substances are used, but how much of the material is present and what the firm does with it. And a few even tell local businesses to disclose the exact location of hazardous substances within a plant.

Many of the existing and proposed rulings are designed to enable localities to plan better the most effective response to an emergency—say, a fire or an explosion. The need for this information has been well documented. A recent study by Ohio State University's Disaster Research Center finds that most U.S. communities are ill prepared for chemical emergencies. While many private firms are equipped to cope with in-plant accidents, the study suggests that towns and cities are particularly deficient in contingency plans for crises related to the transportation of toxics.

Several localities are not willing to settle for rules that just help them handle emergencies. They want regulations to provide health officials and citizens with general information on public exposure to toxic or potentially toxic substances. For example, California's public right-to-know drive is

"largely a public-health program," says Kenneth Finney, Governor Edmund G. Brown, Jr.'s assistant for the control of toxic substances. "The need for information hasn't been met at the local level," Finney says. "It is local officials and residents who face the reality of toxic hazards in their communities."

Understandably, the idea of yet another set of regulations mandating the disclosure of data perturbs industry groups. "We're just now realizing that public right to know may override worker right to know in terms of the problems it may present," says Robert E. Belliveau, associate manager of technical government relations for Procter & Gamble. Belliveau, who has worked extensively with the Chemical Specialties Manufacturers Assn. on the right-to-know issue, explains that companies are alarmed at the demand for quantitative information that industry views as confidential.

The California ordinance. California's model ordinance, which requires detailed information from companies about chemicals and their uses, epitomizes the type of law that industry fears. The state took the lead in passing a statewide statute for workplace labeling in 1980 and is now encouraging cities and counties to adopt its proposed community rules. Moreover, Governor Brown is requesting an allocation of \$428,000 in the state's 1982-

ing of chemicals. Indeed, the OSHA proposal describes the exact chemical identity as "the passkey to the scientific literature" concerning a substance's toxic effects. But industry is equally adamant in saying that an employer should not be forced to reveal the chemical name for a substance as long as the company provides detailed information on the hazards of exposure.

Herein, for labor and industry alike, lies the thorny question of trade secrets. And the OSHA standard as it now reads satisfies neither camp. Labor is angered that the agency would allow employers to withhold the chemical identity of a substance—except from a treating physician—if employers can prove that disclosure would jeopardize the product's competitiveness and if a full description of the hazards of exposure is made in the material-safety data

1983 budget for educational programs and local hearings on the matter.

Brown's program has broad backing—from environmentalists to labor groups to firefighters. "We feel it is a good idea that firemen have a clear understanding of hazardous substances they face in the event of a fire emergency," says Robert Griffith, director of safety and health for the Federated Firefighters of California.

San Diego County and three California cities—Vallejo, Santa Monica and Union City—have passed their own measures. Vallejo's version is limited to keeping the local fire department informed about local industry's use of toxics. Santa Monica, on the other hand, requires local companies to report by Sept. 1 on three types of material: hazardous wastes, as defined by the state's administrative codes; priority pollutants, as listed by the Environmental Protection Agency; and radioactive materials, as defined by the Nuclear Regulatory Commission.

To many minds, it may seem that the right-to-know concept was born in Jerry Brown's state, but in actuality the first such ordinance was passed by Philadelphia. Since then, at least one other East Coast city has followed suit: Danbury, Conn., passed a public right-to-know ordinance in 1981. "The objective was to provide emergency-response officials with information," says Jack S. Kozuchowski, coordinator of the city's Environmental and Occupational Health Services Dept. Kozuchowski, describing Danbury's ordinance as "really keyed to emergency

sheet. That rule "is full of loopholes an unscrupulous company can drive trucks through," charges Michael Wright, United Steelworkers of America's industrial hygienist. Franklin Mirer, occupational health and safety director for the United Auto Workers, says, "OSHA's standard gives employers a free opportunity to call anything a trade secret."

The traditional alliance between labor and OSHA is being turned on its ear

Industry, meanwhile, is irate that OSHA has exempted from trade-secret protection any suspected carcinogens, teratogens, mutagens, or any other substances known to cause severe, irreversible damage to humans. "There is no protection for the chemical which may

response," explains that the rules were established after an employee of a local firm died fighting a chemical fire in a storage shed.

The ordinance "has not been vigorously enforced," says a spokesman for Danbury-headquartered Union Carbide. Nonetheless, local industry has lobbied hard against it. And it looks as though the provision will soon be substantially revised. The original ordinance required companies to report to local officials on any of more than 1,000 substances, but the city council will consider altering this to allow companies to submit emergency-response plans instead of a list of substances. The revision would also pare the hazard list to only those substances targeted as hazardous by the U.S. Transportation Dept.

Philadelphia, having passed the first municipal right-to-know law in 1980, now has the longest-running experience in implementing such requirements. The city's law spans the dual health and safety concerns of local requirements: The fire department monitors the storage, handling and transportation of dangerous materials; and the Air Management Services Dept. monitors toxic emissions. So far, the Air Management Service Dept. has found toxic emissions at 135 of the 650 enterprises that returned the department's questionnaire. Air Management Services Commissioner William Reilly is now looking into the emissions at those plants. So far, he says, "we have not uncovered anything alarming."

be carcinogenic, even though there is differing opinion on what is carcinogenic," says Robert P. Vogel, regulatory counsel at Rohm and Haas, who feels industry would like to see more protection for trade secrets involving suspected carcinogens.

Both industry and labor spokesmen have offered to compromise on the trade-secret issue. An OCAW official suggests that NIOSH should determine which formulations are eligible for trade-secret protection. And some unions and companies have suggested that manufacturers provide unions with complete information about proprietary products—as long as the unions sign nondisclosure agreements. But that method could also make unions vulnerable to law suits from ailing workers.

The Steelworkers and the International Chemical Workers Union say they would sign nondisclosure agreements to gain access to substance lists, while UAW's Mirer says his union would not. "If the information is a secret, then I don't want it," he says. Meanwhile, industry and labor are miles apart in their definition of "secret." Says the Steelworkers' Wright: "We are willing to recognize trade secrets, [but] anything a competitor can analyze in a lab shouldn't be included."

Duplication. Thayer Talcott, Dow Chemical's manager of product-safety compliance, concedes that process is the key to duplicating his company's products, which he says could not be easily duplicated working from a substance list. "I have heard manufacturers of disinfectants and the like say that the whole secret of their business is in the particular combination," Talcott notes. But while many such customers claim their products are more easily duplicated—and therefore in greater need of protection—these are the very products that can be most easily analyzed.

Talcott maintains that competitors would learn the workings of process-oriented products like Dow's if they got their hands on a complete list of chemical components. "If you're talking with analytical chemists, they'll say, 'We can find anything if you give us enough time and equipment,'" Talcott explains. "But that might mean six to nine months and hundreds of thousands of dollars worth of equipment." With an ingredient list in hand, says Talcott, breaking down a competitor's process would be far less costly.

What purpose the listing of exact chemical compositions would serve for workers—confusion or help—also stirs disagreement. Talcott, for one, insists

that chemical names do not convey much information to people who are not schooled in chemistry. But health professionals dispute this view. "Workers can't pronounce them and can't spell them," counters Susan M. Daum, a physician specializing in occupational disease, "but they can copy them down and bring them to me."

Daum is one of a growing cadre of physicians who want right-to-know laws that will both mandate generic chemical names and force companies to keep records in perpetuity of what chemicals were used at what time. They note that many forms of cancer and other diseases have incubation periods measurable in decades, and that it can be essential to know what a patient was exposed to in the past to make an accurate diagnosis today. "If you don't know what you're exposed to, now and 20 years ago, you don't have a chance in the world of figuring out whether [a workplace substance] played a role" in the onset of disease, Daum insists.

'State legislatures have been more eager to put new laws on the books than enforce them'

Some state laws mandate long-term record-keeping, but OSHA's proposals ask only for current lists. To labor, this is unacceptable. "Our union is the last one to want to rely on epidemiological studies," says an OCAW official, "but if some things occur only in human populations and we don't keep the records, we're never going to see the connection" between disease and exposure.

Some right-to-know advocates suggest that manufacturers are wary of keeping records for the long term, fearing better-documented linkage between disease and occupational exposure. But industry disputes this view. "If you have claims being filed, you want to have those records to support your side," says Union Carbide's Whittlesey. "The real problem with keeping records is the expense and the nuisance of keeping a lot of paper. You can proliferate records until they're coming out of your ears, but eventually the space they take up will cost you money."

By requiring only current listings of chemical hazards, OSHA claims it has kept the cost of setting up record-keeping systems down to an estimated \$14.7 million for all companies combined. The agency estimates the total cost for implementing its proposals at \$581.9 million initially—and \$227.9 million each year thereafter. OSHA predicts that ini-

tial hazard evaluation would be the most expensive component, accounting for \$230 million of industry's costs. Labeling would cost industry an additional \$177.8 million to start, OSHA reckons, followed by annual expenditures of \$69.8 million. Startup educational programs would require about \$125 million.

"We think the proposal overstates the benefits and underestimates the cost," says CSMA attorney Levin. He notes that OSHA puts the cost of educational programs at an estimated \$41 per employee during the first year of compliance and \$16/year thereafter. But he says that OSHA did not include in its figures either the cost of employee time spent in training or the cost of bringing in an industrial hygienist to conduct the

scope of the final standard has yet to be decided. So far, the preliminary standard exempts new chemicals in development and all imported substances from hazard communication procedures. Neither of the two exemptions is exhilarating to industry or overly bothersome to labor. Of far more concern to industry is that OSHA has to date refused to exempt laboratories from the rules. And labor is unhappy that the agency has excluded service workers and other non-manufacturing employees.

There is also considerable dissidence—and no little confusion—about requirements for the pipes and reactor vessels used in chemical processes. As OSHA now stands, pipes are exempt from regulations but reactor vessels



Dr. Stephen M. Hessel (left) wants hazard data to follow substances downstream.

training sessions. Thus, CSMA estimates that the same programs will cost \$160 per employee during the first year.

The cost of it. Levin and others also argue with OSHA's overall estimates for record-keeping costs. According to Levin, costs will be particularly high for smaller companies producing a variety of formulations. He points to one CSMA member company that must fill in MSDS forms on 2,000 different substances. But even giant Du Pont considers the costs unwieldy. Ned K. Walters, Du Pont's chief of safety and fire protection, estimates that the cost of compliance for one of his company's departments will be twice OSHA figures.

Cost figures from both sides are ballpark estimates at best, for the full

must be labeled. "Two-thirds of our membership is working with piping systems," says OCAW's Kregel. "We've had a lot of fatalities due to lack of labels in piping."

Kregel cites an accident last year at a Port Arthur, Tex., refinery, where a brick mason died from lack of oxygen when an air hose was mistakenly connected to an unmarked nitrogen flue-gas line. "I'm not saying label the entire piping system," Kregel says. "Label the line ends and label the valves—it would be cost effective."

No simple matter. Industry is no less troubled by OSHA's insistence that it should label reactor vessels. Du Pont's Walters notes that in one of its departments the company uses the same ves-

sels to create 50 different products based on 25 ingredients. Because the chemical composition of the contents of a vessel is constantly being changed, he says, "it is not always a simple matter to label a container."

As a result of all this dissatisfaction, OSHA's standard will undoubtedly be hamstrung by court battles for years before it can be implemented. And that is another reason why labor is lobbying so strongly for state rules. Says AFL-CIO industrial hygienist Margaret Seminario: "There will be a real need, practically speaking, to protect people during the next five years."

Even so, unions doubt that the states will vigorously enforce their own statutes. "The state legislatures have been more eager to put laws on the books than to enforce them," notes the Steelworkers' Wright. "You have to push very aggressively to get much action." Lesser evil. But unions and their allies will press for state rules as the lesser of two evils, simply because they perceive OSHA under Administrator Aucter as an empty shell. "There's really a deep concern on the part of working people about the decimation of OSHA," says Harriet S. Applegate, associate director of the Ohio Public Interest Group. "There's a sense that there's nothing to protect people unless they protect themselves."

Applegate was part of a Cincinnati group that drafted a citywide ordinance for workers' right to know after a joint study by Johns Hopkins and Howard universities, released in 1980, showed that the city led the nation in the incidence of several types of cancer. Despite fierce opposition from the business community, the city council passed a compromise version of the ordinance on June 3.

The bill mandates that employers use National Fire Protection Assn. labels on containers for substances defined as hazardous on OSHA's subpart Z list—a list far shorter than the NIOSH list first proposed. The chemical's name is to be available on the MSDS, except in the case of trade secrets, with the city managers to act as referees if trade secrecy conflicts arise.

Unless OSHA moves far more quickly than most observers expect, what happened in Cincinnati seems likely to be repeated. "We've targeted the right to know as one of the most critical issues for the 1980s," says Warren Stickle, CSMA's director of legislative affairs. "It's going to be an issue that will arise in state after state, community after community." □

Now the generic drugs can be look-alikes, too

When the U.S. patent held by Hoffmann-La Roche for its tranquilizer Valium expires in 1985, more than a dozen makers of generic drugs are expected to seek the Food and Drug Administration's approval to market diazepam, the generic name for the chemical on which Valium is based. And once such approval is granted, each of these companies will likely bring out a pill resembling the size, shape, and color of the little yellow tablets that bring La Roche more than \$200 million/year. Companies in the generic market predict that their less-expensive copies could cut Valium sales in the U.S. by 20-30%.

Like any big producer confronted by the expiration of its patent on a big

Court rulings allow makers of generics to carbon-copy name brands as patents expire

seller, La Roche would be happy to throw a legal monkey wrench into the plans of the generic marketers. "These companies should not be permitted to use the reputation of a brand product," says a La Roche spokesman. "We strongly feel that copying a branded product in any way is a false and deceptive marketing practice."

Unfortunately for La Roche, that point of view has few friends in court. In the case of *Inwood Laboratories et al. vs. Ives Laboratories*, the Supreme Court early this month set a precedent likely to render futile any legal maneuvering that La Roche, or any other name-brand company, has in mind to disrupt competitors' plans to market less expensive, generic look-alikes. And the name-brand manufacturers are uneasily awaiting a ruling by the U.S. Court of Appeals for the Second Circuit (New York City) on another aspect of the same case. Here the industry fears the court will uphold a lower-court decision squarely in favor of the rights that generic manufacturers have to emulate formerly patented products.

The Supreme Court handed down its *Inwood vs. Ives* decision on June 1. The court said that neither Inwood, a small generic drug producer based in New York City, nor a number of other small companies that had joined in the case, should be prevented from marketing

drugs identical in composition and appearance to Cyclospasmol. The patent on Cyclospasmol, a circulatory drug developed by the Ives Laboratories division of American Home Products, expired in 1972.

At issue was the validity of an FDA regulation allowing a generic marketer such as Inwood to duplicate the blue-and-red Cyclospasmol capsules. Marketers of generics insist they copy the appearance of a name-brand drug such as Cyclospasmol in order to avoid confusion at wholesale and consumer levels.

Ives argued unsuccessfully in a federal district court that the practice opens the door to mislabeling by pharmacists, whether intentionally or accidentally, and consequently in lost sales for Ives. However, the Second Circuit Appeals Court, on its first hearing of the case, decided that branded drugs deserve protection, reversed the lower court ruling, and enjoined the generic makers from selling copies. The Supreme Court then overturned the appeals court ruling, agreeing with the district court that generic drug companies cannot be held responsible for the possible action of a pharmacist.

A broader claim. However, the Supreme Court did not rule on Ives' broader claim—that the marketing of a look-alike generic constitutes an infringement against the trademark of a name-brand drug. And sources in the pharmaceuticals industry predict that, from their point of view, this claim will fare no better since it, too, was denied by the federal district court and was not ruled on by the appeals court.

The Supreme Court has remanded Ives' broad infringement claim to the appeals court for final disposition, with instructions that the appeals court not overturn the district court ruling unless Ives can unequivocally invalidate the generic drug manufacturers' argument that look-alike drugs are necessary to prevent harmful mixups of dissimilar drugs by consumers. This appeals court ruling is expected later this year.

Buoyed by victory in the Cyclospasmol case, the generic drug industry is now looking ahead with gleeful anticipation. Over the next three years, more than 40 major name-brand drugs will lose their patent protection. Among them is Inderal, a cardiovascular drug

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for SB 79 (Res)
 Title Toxic waste and hazardous substances in the workplace
 Requested by Senate Finance Committee Date May 19, 1983

II. FISCAL DETAIL
 Agency Affected Department of Environmental Conservation
 Program Category Affected Hazardous Waste
 BRU, Program, or Subprogram(s) Affected Laboratory Monitoring Support
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				


FUNDING (Thousands of Dollars)

GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER (Specify Fund Source)	0	0				

POSITIONS

FULL TIME	0	0				
PART TIME	0	0				
TEMPORARY	0	0				

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

IV. DATE May 19, 1983 PREPARED BY 
 AGENCY Don Bennett, Co-chairman
 PHONE Senate Finance Committee
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

3714

1.	POSITION TITLE Industrial Hygienist I				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS for HB 197	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT		LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT	<p>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.</p> <p>Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.</p> <p>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.</p> <p>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.</p> <p>The equipment costs are comprised of various scientific equipment (\$7,700), office equipment (\$1,500), and protective equipment (\$1,000).</p>						
5.	PERSONAL SERVICES										
5.	Salary		39,135								
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							
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.	100	G.F. Match 1003									
19.		General Funds 1004		104,228							
20.		I-A Receipts 1005									
21.		Program Receipts 1028									
21.		Other									

13 REQUEST FOR NEW POSITION

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

CSHB 197(L&C)
Page 3 of 4
Revised Date

FY 84

LEG:H:6

1.	POSITION TITLE Clerk Typist III				RANGE/STEP RA	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS FOR HB 197	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT		LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT	<p>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 House Bill 197.</p> <p>This position will type and file information under direction of the industrial hygienist.</p> <p>Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.</p> <p>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.</p>						
5.	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							
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.	100	G.F. Match 1003									
19.		General Funds 1004		40,986							
20.		I-A Receipts 1005									
21.		Program Receipts 1028									
21.		Other									

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Worker Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health Administration

CSHB 197(L&C)
Page 4 of 4
Revised Date

FY 84

LEG:H:7

FISCAL NOTE Revision Date May 19, 1983

- I. REQUEST (Page 1 of 4)
 B1117 Resolution No.: CS for HB 197(LSC)
 Title: "hazardous & toxic substances"
 Sponsor: Labor & Commerce Committee
 Requestor: House Labor & Commerce Comm.
- 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		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						
TOTAL OPERATING		145.2	131.5	139.4	147.9	156.7

CAPITAL	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88

REVENUE	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		145.2	131.5	139.4	147.9	156.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
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. Nicolas, Sr. Phone: 465-4H7D
 Division: Labor Standards & Safety Date: May 19, 1983

Approved by Commissioner: Jim Robison Date: May 19, 1983
 Department: Labor
 LEG:B:10

- 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 of 4

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

Senator Joe Josephson
Pouch V
Juneau Alaska 99811

Dear Senator Joe Josephson,

I am writing to you in support of the Alaska Worker Right to Know Bill, SB 79. There is no question that workers health should be protected no matter what the cost may be.

A worker should be warned about the dangerous substances in the workplace before exposure causes infertility, disease, sickness, cancer or injury. Their families also need to be protected before problems such as birth defects and sickness occur within the family.

Why wait on a bill which is so instrumental in ensuring worker health. The Federal Occupational Safety and Health Act obviously is not presently protecting the worker to the necessary extent it should. The SB79 in its most recent form more closely deals with the hazards of the workplace and protection of the worker.

If we do not pass the Worker Right to Know Bill this year, we will be losing many lives in the year to come. How much are these lives worth? How much will the days lost due to sickness be worth? These costs must be considered if we are to give this bill a fair chance. Thank you very much for taking the time to read this letter.

Sincerely,

Marilyn Heiman
Marilyn Heiman

RECEIVED

MAY 11 1983

Josephson,

Sea-Land Service, Inc.

100 WEST HARRISON STREET, SUITE 622
SEATTLE, WASHINGTON 98119

June 7, 1983

H. L. SCHUYLER
Director Public Affairs
Alaska Division

TELEPHONE:
(206) 938-6349

Honorable J. P. Josephson
Senator, State of Alaska
Pouch V
Juneau, Alaska 99811

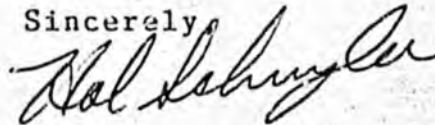
Dear Senator:

We, in the Transportation Industry, certainly appreciate your efforts in relieving our Industry of the increased workload on reporting the handling of materials described in S.B. 79. As we pointed out, we do report or record all movements of these materials with the Department of Transportation.

Hopefully, you in Juneau will be able to see the light at the end of the tunnel in the near future. Will try to visit with you in Anchorage later on.

Thanks again.

Sincerely,



HLS:kt

The concern in Juneau is that the workload might be too high. I do hope that you will be able to see the light at the end of the tunnel in the near future. Will try to visit with you in Anchorage later on.