

COMMITTEE REPORT  
SENATE

FURTHER:

5/13/83

Date: 5/19/83

Mr. President:

The Committee on FINANCE has had SB 79

Toxic and hazardous substances in the workplace; eff. date.

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 79 (Res)  same title  
 new title

and recommends DO Pass

AND attaches a <sup>Resources</sup> "Letter of Intent"  New Fiscal Note

reports it back without recommendation <sup>2 Fiscal Notes</sup>

referred to the Committee <sup>Dept Labor 145.2</sup>  
<sup>Dept. Environ. Conser. &</sup>

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

LETTER OF INTENT, SB 79

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.

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)

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 |
|-------------------------|-------|-------|-------|-------|-------|-------|
| <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: <sup>PK</sup> Robert J. Bacolas, Sr.

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)

3/8/83

## 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 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<br>Industrial Hygienist I |                       |                           | RANGE/STEP<br>19A | BARG. UNIT<br>GGU | FORM 12 PAGE/LINE     | COL.              | APPRDV. | DISAPP. |
| 2.                  | TYPE OF POSITION<br>PFT                  | STAFF MONTHS<br>12    | RP NUMBER<br>CS for SB 79 | PCN NUMBER        | BRU PRIORITY      | LOCATION<br>Anchorage | ELECTION DISTRICT | LEC.    |         |
| 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                 |                           |                   |                   |                       |                   |         |         |
| FOR B&M USE ONLY    |  |                       |                           |                   |                   |                       |                   |         |         |
| 4A KEY NUMBER _____ |  |                       |                           |                   |                   |                       |                   |         |         |

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).

AGENCY Labor

PROGRAM Workers' Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health

Administration

**13** REQUEST FOR  
NEW POSITION

**FY 84**

Page 1 of 2

Revised Date

|                     |                                    |                       |                           |                  |                   |                       |                   |      |         |         |
|---------------------|------------------------------------|-----------------------|---------------------------|------------------|-------------------|-----------------------|-------------------|------|---------|---------|
| 1.                  | POSITION TITLE<br>Clerk Typist III |                       |                           | RANGE/STEP<br>BA | BARG. UNIT<br>GGU | FORM 12               | PAGE/LINE         | GOV. | APPRDV. | DISAPP. |
| 2.                  | TYPE OF POSITION<br>PFT            | STAFF MONTHS<br>12    | RP NUMBER<br>CS FOR SR 79 | PCN NUMBER       | BRU PRIORITY      | LOCATION<br>Anchorage | ELECTION DISTRICT | LEG. |         |         |
| 3.                  | CONTINUATION LEVEL                 | ADDITION              | XX                        | JUSTIFICATION    |                   |                       |                   |      |         |         |
| 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                    |                  |                   |                       |                   |      |         |         |
|                     | 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 _____ |                                    |                       |                           |                  |                   |                       |                   |      |         |         |

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.

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health Administration

**FY 84**

**13 REQUEST FOR NEW POSITION**

Page 2 of 2  
Revised Date

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.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB No. 79  
 Title: Toxic/haz. substance in work place  
 Sponsor: Josephson, et al.  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: ADEC  
 Program Category Affected: Hazardous Waste  
 BRU, Program of Subprogram(s) Affected: Laboratory Monitoring Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

|                         | FY 83  | FY 84   | FY 85   | FY 86   | FY 87   | FY 88 |
|-------------------------|--------|---------|---------|---------|---------|-------|
| <b>OPERATING</b>        |        |         |         |         |         |       |
| 100 PERSONAL SERVICES   |        |         |         |         |         |       |
| 200 TRAVEL              |        |         |         |         |         |       |
| 300 CONTRACTUAL         |        |         |         |         |         |       |
| 400 COMMODITIES         |        |         |         |         |         |       |
| 500 EQUIPMENT           |        |         |         |         |         |       |
| 600 LAND & STRUCTURES   |        |         |         |         |         |       |
| 700 GRANTS, CLAIMS, ETC |        |         |         |         |         |       |
| <b>TOTAL OPERATING</b>  | 96,000 | 105,600 | 116,160 | 127,776 | 135,000 |       |
| <b>CAPITAL</b>          |        |         |         |         |         |       |
| <b>REVENUE</b>          |        |         |         |         |         |       |

FUNDING: (Thousands of Dollars)

|                        |  |  |  |  |  |  |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND           |  |  |  |  |  |  |
| FEDERAL FUNDS          |  |  |  |  |  |  |
| OTHER (Specify Source) |  |  |  |  |  |  |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

Sponsor did not identify funding source.

IV. ANALYSIS: Attach a separate page for any Analysis (SEE ATTACHED)

Prepared By: Thomas C. Tribble Phone: 364-2155  
 Division: Environmental Quality Operations/ADEC Date: 3/8/83  
 Approved by Commissioner: Richard A. Neri Date: 3/14/83  
 Department: Environmental Conservation

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

**Assumptions:**

24 chemical laboratories in Alaska, 8 employees per laboratory = 192 chemical laboratory employees in Alaska. Annual training costs, lost labor while training, travel and contractual costs = \$2,000/employee  
Annual cost = \$384,000. 6 State labs = 48 employees X \$2,000/employee = \$96,000 annually.

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  
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 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  
14 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  
19 names;

20 (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).



**Assumptions:**

24 chemical laboratories in Alaska, 8 employees per laboratory = 192 chemical laboratory employees in Alaska. Annual training costs, lost labor while training, travel and contractual costs = \$2,000/employee  
Annual cost = \$384,000. 6 State labs = 48 employees X \$2,000/employee = \$96,000 annually.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill 79 Date on Bill: February 3, 1983  
 Title: "An Act relating to toxic and hazardous substances in the workplace"  
 Sponsor: Josephson, Sturgulewski, Fischer  
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

|           | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|
| Capital   |       |       |       |       |
| Operating |       | 128.4 | 114.0 | 120.9 |
| Total     |       |       |       |       |

b. Revenues:

|         |  |  |  |  |
|---------|--|--|--|--|
| Revenue |  |  |  |  |
|---------|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

N/A

3. 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.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

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

Phone: 465-4856  
 Date: February 22, 1983

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

Date: February 22, 1983

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

## Detail Analysis for House Bill 79

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 Hygenist 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 hygenist.

In addition to the Personal Services costs associated with the Industrial Hygenist and the clerical position there will be a need to increase the department's current contract for laboratory services (\$5,000), as well as it's management services and rent allocation (\$7,479 and \$6,800 respectively). All other costs in Contractual Services are normal operating costs. Additionally, the Industrial Hygenist position will require various scientific measuring and sampling equipment (\$7,700), as well as basic office equipment. The travel budget for FY '84 includes \$7,500 for recruiting and relocation expenses for the hygenist position and \$5,000 needed for extensive in-state travel to visit Alaskan work sites.

Line item costs are as follows:

|                   | <u>FY '84</u> |
|-------------------|---------------|
| Personal Services | \$ 71,550     |
| Travel            | 12,500        |
| Contractual       | 29,525        |
| Commodities       | 1,500         |
| Equipment         | <u>13,300</u> |
| TOTAL:            | \$128,375     |

One time items are \$13,300 for equipment and \$7,500 for travel.

COMMITTEE REPORT

SENATE

*Joe Rutter*

1/27/83

FURTHER:

Date: 5-11-83

Mr. President:

The Committee on RESOURCES has had SB 79

Relating to toxic and hazardous substances in the workplace; eff. date

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

- do pass  do not pass
- do pass with attached amendmer.
- replace with CS SB 79 (Re)  same title  
 new title
- and recommends may do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*W. J. ...*  
*Al ...*  
*Z ...*  
*Paul ...*  
*Carl ...*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Bob Mulvaney No Rec.*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Dottie ...* *Do Pass*  
CHAIRMAN

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

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THIRTEENTH LEGISLATURE - FIRST SESSION

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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  
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15 Pure and Applied Chemistry or by the Chemical Abstracts Service;

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

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18 portation hazardous materials table (49 C.F.R. 172.101) and is  
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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"

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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).

SB 80 - "AN ACT AMENDING CH 157, SLA 1980 TO EXTEND THE LIFE OF THE TASK FORCE ON FIRE PREVENTION AND CONTROL: AND PROVIDING FOR AN EFFECTIVE DATE."

WITNESSES

| DATE | NAME           | AFFILIATION                       |
|------|----------------|-----------------------------------|
| 5/6  | E. Robert Haag | Alaska State Firefighters Assoc ✓ |
| 5/6  | Bob Shienberg  | ALASKA FIRE CHIEFS ASSOCIATION ✓  |
| 5/6  | Gordon Brunton | Dept. of Public Safety            |
|      |                |                                   |
|      |                |                                   |
|      |                |                                   |
|      |                |                                   |

together {