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542

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CS SB 542  
Title: "An Act relating to exposure to microwave radiation. . ."  
Sponsor: HESS  
Requestor: HESS  
Date of Request: 4/17/84

FISCAL DETAIL

Agency Affected: Labor  
Program Category Affected: Public Protection  
BRU, Program or Subprogram(s) Affected: Occupational Safety and Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONNEL SERVICES						
200 TRAVEL		2.2				
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT		11.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		13.4	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		13.4				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		13.4	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: AS Bob Bacolas, Director Phone: 465-4870  
Division: Labor Standards and Safety Date: 4/18/84  
Approved by Commissioner: AS Jim Robison Date: 4/18/84  
Agency: Labor

LEG:A:46

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

BILL/RESOLUTION NO: CS SB 542

TITLE: "An Act relating to exposure to microwave radiation . . ."

AGENCY AFFECTED: Department of Labor

Page 2

To best implement this bill the Department of Labor would require microwave radiation detection equipment and training in the equipment's use. The following pieces of equipment would fit this need:

1. "Holiday's" Microwave Meter - to measure microwave oven radiation
2. E Field Meter - to measure video display terminal radiation
3. Norda Meter - to measure radio frequency wave radiation

Training for two industrial hygienists in the operation of this equipment would occur in a three day course offered in Salt Lake City.

An effective date of July 1, 1984 is assumed.

LEG:A:46

Bill No. Senate Bill No. 542

Date

Title "An Act relating to exposure to microwave radiation in the workplace."

Contact: Richard Arab  
465-4856

Jacquelyn McClintock  
465-2790

Sections one through five of Senate Bill 542 provide special employer reporting requirements when an employee is over-exposed to microwave radiation; require that employees who may be exposed to microwave radiation be informed of the potential exposure and trained to safely work around such radiation; and require that microwave radiation information be included on the "Right to Know" poster printed and distributed by the department.

Senate Bill 542 has been introduced as a result of a recent incident in which several workers were over-exposed to microwave radiation while repairing a radar dish. An estimated 700 workers in Alaska do this type of work. However, the provisions of Senate Bill 542 would provide safeguards to far more workers as microwave ovens are commonly used in restaurants and bars throughout the state.

The Department supports the provisions of Sections one through five. The reporting of incidents involving over-exposure to microwave radiation will assist the department in assuring correction of work conditions which caused the exposure; and employee education and training, as prescribed in the bill, is one of the best methods of preventing injuries.

We would, however, offer the following amendments for clarification purposes:

1. Deletion of the amendment proposed to AS 18.60.068(b) in section 4. Microwave radiation is a "physical" rather than a "chemical" hazard and, therefore, material safety data sheets (OSHA form 20) covering microwave radiation are not available. Accordingly, employers would not be able to comply with the provisions of AS 18.60.068(b), as proposed in SB 542.
2. Amendment of AS 18.60.105(a)(1)(B) in section 5 to read:
  - (B) In the case of microwave radiation, to be in a field of microwave radiation that exceeds the level of intensity established as the radiation protection guide under regulations adopted by the Department in section 04.0106 of subchapter 4, Occupational Health and Environmental Control Code.

Section 5 would thus properly reference the state regulation rather than the federal regulation.

Section 6 of Senate Bill 542 attempts to broaden the workers' compensation rebuttable presumption for employees in the communications field by adding the specific language that if an employee sustains an injury consistent with symptoms of exposure to microwave radiation, the injury was the result of that exposure.

Existing language in the Workers' Compensation Act provides coverage for accidental injury or death arising out of and in the course of employment, and an occupational disease or infection which arises naturally out of the employment or which naturally or unavoidably results from an accidental injury.

POSITION PAPER  
SENATE BILL NO. 542  
PAGE 2

The Department recognizes the hazards connected with this particular occupation; however, we feel the present language of the Act fully protects them for occupational injury or disease claims. Accordingly, without identification of specific problems with the general presumption presently provided by law, the Department could not support Section 6 of this bill.

A small fiscal note is attached to provide the Occupational Safety and Health Section with funds for training and equipment needed to best implement the bill.

APPROVED:

*for* Robert W. Jandau, Asst. Comm.  
Jim Robison  
Commissioner

542 TITLE & SPONSOR SUMMARY

16:48 6/04/84 PAGE 1 OF 2

PROPOSED TITLE:

AN ACT RELATING TO EXPOSURE TO MICROWAVE RADIATION IN THE WORKPLACE

PRIME SPONSOR: SENATE HESS COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 5/04/84 IN (S) FINANCE

542 SENATE ACTION

16:48 6/04/84 PAGE 2 OF 2

DATE	SEQ	PAGE
4/04/84	01	2634
4/26/84	02	2831
4/26/84	03	2831
4/27/84	04	2833
5/04/84	05	2927

LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
4/04/84	01	2634	FIRST READING -- COMMITTEE REPORTS
4/26/84	02	2831	HESS -- CS93
4/26/84	03	2831	HESS F/NOTE SEN SUPPL #77
4/27/84	04	2833	FIN COMM REFERRAL ADDED BY UNAN CONSENT
5/04/84	05	2927	L&C -- HESS CS01, NR02 FINANCE RULES

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SECTIONAL ANALYSIS OF SB 542

SECTIONAL ANALYSIS OF CSSB 542 - AN ACT RELATING TO MICROWAVE  
EXPOSURE IN THE WORKPLACE BY THE SENATE HESS COMMITTEE

THIS BILL AMENDS THE DEPARTMENT OF LABOR STATUTES RELATING TO THE  
PREVENTION OF ACCIDENT AND HEALTH HAZARDS WHICH INCLUDES THE "WORKER  
RIGHT TO KNOW" LEGISLATION PASSED IN 1983.

- SECTION 1        Requires that an accident involving microwave exposure  
                  which results in the hospitalization or death of any  
                  employee must be reported to the Department of Labor.
- SECTION 2        Requires that employee safety education programs on  
                  exposure to hazardous and toxic substances include  
                  microwave radiation.
- SECTION 3        Requires that information on microwave exposure be made  
                  available on posters to be distributed by the Department  
                  for posting in the workplace.
- SECTION 4        Requires that an employer must display information on  
                  microwave exposure if that hazardous substance is used in  
                  the workplace.
- SECTION 5        Defines microwave exposure as exceeding the level of  
                  intensity defined by state standards.

STATE OF ALASKA

MAR 1 1984  
BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF LABOR**

DOX 1149  
JUNEAU, ALASKA 99802  
PHONE: (907) 465-2700

February 28, 1984

The Honorable Pappy Moss  
State Capitol, Pouch V  
Juneau, Alaska 99811

Dear Senator Moss:

Enclosed is a copy of a report that the Department of Labor has prepared to summarize its investigation of the microwave radiation exposure that occurred on September 14, 1983 at Clear Air Force Base.

I am sending you a copy because of your interest in this case. I would like to emphasize that the department has not formally made any settlement with the employer, FELEC Services, Inc. The department will not close this case until we are satisfied that proper and adequate corrective measures have been initiated by the employer to prevent such accidents from occurring in the future.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

  
Robert Landau  
Assistant Commissioner

Enclosure

cc: Lennie Boston, Office of the Governor

Summary of "Clear" instance

CHRONOLOGY OF DEPARTMENT OF LABOR INVESTIGATION OF MICROWAVE RADIATION  
EXPOSURE AT CLEAR AIR FORCE BASE

The following is a chronology of events relating to the State of Alaska's investigation of an accidental microwave radiation exposure of employees of FELEC Services, Inc. at Clear Air Force Base at Clear, Alaska on September 14, 1983.

The Alaska Department of Labor's Occupational Safety and Health Section (OSH) first became aware of the September 14 microwave radiation exposure incident at Clear Air Force Base with the forwarding of a Workers' Compensation report of occupational injury from the Workers' Compensation Division on September 26, 1983.

On September 29, OSH sent a letter to FELEC Services, Inc. inquiring about the extent of injury and whether or not hospitalization of employees had occurred. A letter of inquiry concerning degree of exposure during the incident was also sent to the U.S. Department of Defense headquarters at Norton AFB in California.

FELEC Services, Inc. was also advised on September 30 of the department's intent to conduct its own investigation. Requests for data on the exposure incident were renewed on October 6 through communication with FELEC Services, Inc. at Clear AFB.

On October 24, two formal complaints were received from FELEC Services, Inc. employees concerning the September 14 incident. A third complaint was received on October 31. On October 25, OSH received notification from the Air Force that its radiation exposure survey would be made available to the department when its report had been completed. On October 28, security clearances for restricted areas were sought by OSH for an on-site inspection at Clear AFB to investigate the employee complaints. Approval was granted for an on-site inspection by the site commander on October 31 after security clearances had been finalized. On November 1, Federal OSHA Region X was verbally requested to provide personnel and/or equipment to assist in an exposure evaluation at Clear AFB.

On November 2, a department compliance officer met with Air Force bio-environmental engineers concerning their simulated exposure measurements taken at Clear AFB on September 22. On the same date, Federal OSHA notified the state that it would not participate in the State of Alaska's investigation until the Air Force reports were finalized and reviewed.

On November 3, an OSH Section compliance officer was dispatched to visit the site to expand the investigation. Employees who had been exposed to microwave radiation were interviewed, as well as management representatives. Potential citations to FELEC Services Inc. were discussed with employees, management representatives, and Air Force representatives.

On November 8, further verbal requests were made to Federal OSHA Region X for the use of meters and for an expert on microwave radiation to take another survey. On December 5, the Air Force bioenvironmental engineer's survey report was received by OSH along with a report on the incident prepared by FELEC Services, Inc. and submitted to the Air Force. On December 20, the OSH received written employee statements on lock-out procedures at Clear AFB related to the exposure incident.

On December 21, a formal written request was made by OSH to Federal OSHA requesting assistance in possible exposure evaluation at Clear AFB.

On December 29, the Department of Labor issued citations to FELEC Services, Inc. for inadequate lock-out procedures at its workplace at Clear AFB and the resultant overexposure of its employees to microwave radiation. In its citations the department assessed total penalties of \$840 against FELEC Services, Inc.

By letter dated January 9, 1984, FELEC Services, Inc. served notice of its intention to contest the department's citations and penalties pursuant to the Alaska Occupational Safety and Health Act.

On February 6, 1984, the department held an informal conference in Fairbanks with affected employees and their representatives. On February 7, 1984, a similar conference was held in Anchorage with FELEC Services, Inc. At these meetings, the department's citations and penalties were discussed, along with the adequacy of the lock-out procedures used by FELEC Services, Inc. pertaining to access to the radome area at Clear AFB.

At the present time, the department is conducting an evaluation of the appropriate abatement requirements for the affected work areas. The department is also continuing to explore possible informal settlement of the matter together with the employer and its affected employees. If the matter cannot be informally settled, it will be scheduled for a formal administrative hearing before the Alaska Occupational Safety and Health Review Board.

(2/27/84)

# Moss seeks investigation of Clear radar incident

## Staff and Wire Report

JUNEAU—Sen. Pappy Moss has called on Gov. Bill Sheffield to order an investigation into whether state laws were broken last fall when a group of workers at Clear Air Force Station were exposed to microwave radiation.

The U.S. Air Force is currently conducting an investigation into the accident at the request of Alaska Congressman Don Young.

In a letter to the governor, Moss, D-Delta Junction, asked for a state investigation as well.

"I am concerned there may be further exposure of work personnel or community residents to microwave damage," Moss said.

The state Department of Labor has already fined Felce Services Inc., the contractor which maintains the radar at Clear, \$420 for safety violations. The contractor plans to appeal the fine.

Moss said he wants the investigation to address why the state reduced the fine from its original \$840.

"It seems to me the fine should have gone up, not split in two," Moss said.

Workers were exposed to the radiation while repairing a large radar tracking dish last Sept. 14. Several of the workers became ill and are still suffering symptoms they believe were caused by the overexposure. All eight men working on the radar unit were exposed to 1.5 million watts of microwave energy for about eight minutes. Microwaves are not radioactive.

Moss also suggested that state health agencies investigate reports of deformed shrews and voles at the air force station.

"It is my understanding that animals such as shrews and mice in the area are found by the hundreds in a deformed state," Moss' letter said.

Moss said he was told last fall of

mutated rodents near the base, about 80 miles southwest of Fairbanks, but that his request for an investigation was prompted by recent newspaper articles.

At least one of the exposed workers said he has reported the deformed rodents to the federal Occupational Safety and Health Administration, Air Force Space Command in Colorado Springs and the base commander at Clear.

Shortly after the accident, air force officials expressed interest in capturing some of the rodents, but have since ignored requests for help in capturing them, one worker said.

When a spokesman at Space Command, Peterson Air Force Base in Colorado, was asked about the rodents in late November, the spokesman would say only that the Air Force had no information available to answer that question.

ALASKA CLIPPING

SERVICE

Juneau Empire

Juneau, AK

FEB 21 1984

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## Sen. Moss asks for probe into microwave radiation

The Associated Press

Sen. Pappy Moss has called on Gov. Bill Sheffield to order an investigation into whether state laws were broken last fall when a group of workers at Clear Air Force Station were zapped with microwave radiation.

Moss, D-Delta Junction, told Sheffield an investigation is needed to determine the extent of damage caused in September when microwave radiation leaked from a radar unit being repaired at the base.

"I am concerned there may be further exposure of work personnel or community residents to microwave damage," Moss said in a letter to Sheffield.

"It is my understanding that animals such as shrews and mice in the area are found by the hundreds in a deformed state. Perhaps our state health agencies should investigate this matter," Moss' letter said.

Moss said he was told last fall of mutated rodents near the base, about 80 miles southwest of Fairbanks. Recent newspaper stories sparked his request, he said.

All eight men working on the radar unit were exposed to 1.5 million watts of microwave energy for about eight minutes. Microwaves are not radioactive. But the workers have reported health problems they say is related to the exposure.

Moss said he wants the investigation to address why the state reduced by half an \$840 fine assessed Felce Services, the contractor hired to maintain repair the radar system used to pick up foreign missiles. "It seems to me the fine should have gone up, not split in two," Moss said.

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ALASKA CLIPPING

SERVICE

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## Probe On Microwaves Is Sought

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# Young vows to continue probe of radiation leak

by David Ramsey  
Times Washington Bureau

Washington — Alaska Rep. Don Young, dissatisfied with an Air Force response to his call for a new investigation of a microwave radiation accident at Clear Air Force Base, says he may ask other federal agencies to look into the issue.

"We're not dropping it at all," Young press aide Chuck Davis said Wednesday. "We're going to pursue other avenues which may include going over the head of the secretary of the Air Force."

Davis said his boss has talked with federal Occupational Safety and Health Administration officials and could ask the congressional watchdog agency, the General Accounting Office, for an investigation.

At issue is a Sept. 14, 1983 accident in which eight civilian workers were exposed to microwave radiation at the Clear Air Force radar installation about 80 miles south of Fairbanks.

Some of the workers have complained of lasting effects,

such as eye problems, dizziness and muscle spasms. And they have criticized the treatment they have gotten by their employer, Felec Services, Inc., an ITT subsidiary, that is responsible for maintaining the radar system used to detect enemy missiles as well as track satellites in outer space.

The Air Force conducted tests following the incident and discovered that the workers had been overexposed to the microwave radiation, but the workers have been dissatisfied with the test results and claim the instruments used gave readings lower than the radiation doses they actually received.

In response to requests by some of the workers, Young asked for another investigation of the incident.

The Air Force, in a letter delivered to Young Monday, declined his request.

"They did not answer our specific charges," Davis said of the response. "It dealt pretty much in general terms."

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## Senator calls for probe

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ALASKA CLIPPING SERVICE

Ketchikan Daily News

Ketchikan, AK

FEB 21 1984

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## Moss asks probe of radiation leak

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## Moss seeks microwave site probe

Associated Press

Juneau — Sen. Pappy Moss has called on Gov. Bill Sheffield to order an investigation into whether state laws were broken last fall when a group of workers at Clear Air Force Station were exposed to microwave radiation.

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## Radiation

Continued from page A-1

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Bill No.

Committee Substitute for  
Senate Bill No. 542 (HESS)

Title

"An Act relating to exposure to microwave  
radiation in the workplace."

Date

April 30, 1984

Contact:

Richard Arab  
465-4856

Eileen Plate  
465-2700

Committee Substitute for Senate Bill 542 provides special employer reporting requirements when an employee is over-exposed to microwave radiation; requires that employees who may be exposed to microwave radiation be informed of the potential exposure and trained to safely work around such radiation; and requires that microwave radiation information be included on the "Right to Know" poster printed and distributed by the department.

This bill was introduced as a result of a recent incident in which several workers were over-exposed to microwave radiation while repairing a radar dish. An estimated 700 workers in Alaska do this type of work. However, the provisions of Senate Bill 542 would provide safeguards to far more workers as microwave ovens are commonly used in restaurants and bars throughout the state.

The Department supports the provisions of Committee Substitute for Senate Bill 542. The reporting of incidents involving over-exposure to microwave radiation will assist the department in assuring correction of work conditions which caused the exposure; and employee education and training, as prescribed in the bill, is one of the best methods of preventing injuries.

A small fiscal note is attached to provide the Occupational Safety and Health Section with funds for training and equipment needed to best implement the bill.

APPROVED:



Jim Robison  
Commissioner

April 24, 1984

Senator Richard I. Eliason, Chairman  
Senate Labor & Commerce Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

RE: Senate Bill 542: An Act relating to exposure to  
microwave radiation in the work place

Dear Senator Eliason:

On behalf of the Labor/Management Ad Hoc Committee on Workers' Compensation in Alaska, we are writing this letter to state the ad hoc committee's opposition to Senate Bill 542. Our objections can be summarized as follows:

- 1) Microwave radiation is an extremely small portion of the electromagnetic spectrum. Current Alaska Department of Labor Occupational Safety and Health Standards contained in Article 1, Subchapter 04.0106 more than adequately address the safety precautions involved with nonionizing radiation.
- 2) AS 23.30.120(a) is already full of presumptions and if we continue to change and add special injury presumptions, our Workers' Compensation laws will soon take a newborn from the cradle to the grave.
- 3) There is no evidence that the existing provisions in the Alaska Workers' Compensation laws have not provided compensation for those electronic technicians or others who may be suffering from any exposure to nonionizing radiation arising out of the course and scope of employment.
- 4) The proposed legislation affects only a narrow group of workers; this approach may establish a dangerous precedent for other "special legislation" affecting those exposed to "noise", for example.
- 5) The interpretation of SB 542, as it relates to AS 23.30.120(a), may create unintended benefits to claimants.

The current Workers' Compensation act contains language of presumptive coverage that is more liberally construed on behalf of the employee than in any other state. The ad hoc committee members are not aware of any other state Workers' Compensation laws which contain special handling for injured workers suffering from nonionizing radiation.

Senator Richard I. Eliason

Page 2

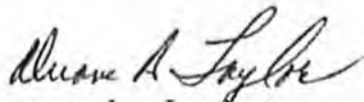
April 24, 1984

One of the more offensive aspects of SB 542 is the precedent of "special legislation" affecting our current Workers' Compensation system. It is suggested, that before any amendments are made, there be some finding which indicates that the present system is not working. At the present time, the information available to us does not support making that amendment. An injured worker is an injured worker and special legislation affecting those exposed to microwave radiation is not required nor desired for incorporation into AS 23.30.120(a).

In summary, we urge your committee to table action on this bill. It is the ad hoc committee's position that this special legislation is the result of the "Clear Air Force Base Radar Station Incident", and that the Department of Labor is handling the situation to the satisfaction of all concerned within the limits of the law. Spectacular publicity to the incident does not require an addition to the Occupational Safety & Health Standards or to the Workers' Compensation laws of this state.

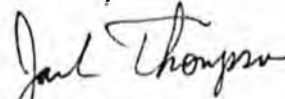
Sincerely,

Labor Management Ad Hoc Committee



Duane A. Taylor

President, Workers' Compensation Committee of Alaska  
Member, Ad Hoc Committee



Jack Thompson

Member, Ad Hoc Committee

DAT/gj

# COMMITTEE REPORT

## SENATE

FURTHER:                     

11/26/04

Date 5/2/09

Mr. President

The Committee on                      considered                     

*expedited to the floor for consideration in the next session.*

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 592 (HESS)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to                      Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Chairman

                      
Chairman recommendation