

**HOUSE
COMMITTEE REPORT**

(11)

Date referred: 3/24/86

FURTHER REFERRALS:

DATE: 4-9-86

The FINANCE Committee has considered HB 647

"An Act requiring municipalities to establish reporting and inspection programs for hazardous materials and hazardous waste; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 647 (FIN) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note 33.6
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Albert P. Adams
Mike Szynorak
Jim Duncan
Ronald J. Zarn
Pat Kercher
Paul Lehling (DO PASS)
Alvin Smith
John
John B. Riley
Sen. G. T.

Albert P. Adams
Chairman

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 4/08/86

REQUEST

Bill/Resolution No. : DRAFT CSHB 647 (Fin)
 Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."
 Sponsor : Representative Hurley
 Requestor : House Finance
 Date of Request : 4/08/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fire Prevention
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8
CAPITAL						
REVENUE		50.0	50.0	50.0	50.0	50.0

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: Gordon E. Brunton *GEB* Phone: 41
 Division: Fire Prevention Date: 4/08/86
 Approved by Commissioner: [Signature] Date: 4/8/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. DRAFT CSHB 647 (Fin)

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0

Total Contractual \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. DRAFT CSHB 647 (Fin)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
		<hr/>
	Total Supplies	9.9

REVENUE

5,000 placards per year X \$10.00	50.0
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Legis Finance
MS 3201
rec'd 4-72
4/21/86

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 4/21/86

REQUEST

Bill/Resolution No.: CSHB 647 (Fin) am
 Title: An act requiring municipalities to
establish reporting and inspection programs
for haz. materials and haz. waste:
 Sponsor: Katie Hurley
 Requestor: Sen. DeVries
 Date of Request: 4/17/86

FISCAL DETAIL

Agency Affected: Environmental Conservation
 BRU: Environmental Quality
 Components: Director's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Keith Kelton Phone: 465-2640
 Division: Environmental Quality Date: 4/17/86

Approved by Commissioner: Bill Ross *Bill Ross* Date: 4/21/86
 Agency: Department of Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION COMMENTS ON
CSHB 647 (FINANCE) AM

The Department of Environmental Conservation supports the concept of local community right-to-know programs. It is important for local fire fighters and other public safety officials to know that hazardous substances are present in facilities they may need to enter or approach in emergency situations.

It is an appropriate role for the State to establish a uniform state-wide placarding system for businesses and government agencies which store or handle hazardous materials or hazardous wastes. This will provide necessary information to response teams, regardless of whether or not the more detailed reporting system has been established in a given community.

It is also appropriate that the choice of whether or not to implement the reporting program be left to the individual communities. This bill establishes the parameters of a reporting system in order to assure uniformity of programs across the state, again the proper role for the state.

The current version of the bill establishes substantial mandatory reporting requirements for a municipality [section 29.35.500(e)], which establishes a reporting system. The legislation requires:

- 1) An annual inventory
- 2) Report of significant change in location within 24 hours
- 3) Monthly reports of the additions of hazardous materials and wastes

The sponsors and reviewing committees in the House have devoted substantial efforts to improving this bill to improve definitions and reduce the administrative burden. In the committee substitute, the definitions of hazardous material and hazardous waste have been clarified. The improved organization of the section on reportable quantities removes uncertainties about which materials and wastes are excluded. The new section on public access to information helps to serve one of the major purposes of the legislation.

SH10/jp

Rec'd 5-7-86

20.49-86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCS for CS HB647(C&RA)
Title : "An Act establishing requirements for warning placards..."

Sponsor : Hurley, Koponen, Davis, Goll, ..
Requestor : Senate State Affairs
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Labor
BRU : Labor Standards & Safety

Components : Occupational Safety & Health

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Robert J. Bacolas, Sr. Phone : 465-4870
Division : Labor Standards & Safety Date : 5/5/86

Approved by Commissioner : Jim Robison Date : 5/5/86
Agency : Labor

Distribution (by Agency preparing fiscal note) :

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

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 19, 1986

SUBJECT: Sectional analysis of CSHB 647 (State Affairs)
TO: Representative Katie Hurley
Chairman, House State Affairs Committee
FROM: Edward H. Hein *E.H.*
Legislative Counsel

Section 1 states that the legislature's intent in this bill is to ensure the safety of emergency response personnel, permit development of a chemical profile of municipalities, protect the health and safety of state residents and visitors, and inform the public about hazardous materials and wastes.

Sec. 2 requires businesses or government agencies that "handle" hazardous materials or hazardous wastes to post warning placards provided by the division of fire prevention and in accordance with Department of Public Safety regulations. This section also requires the department to adopt a design for the placards in conjunction with the Department of Labor and the Department of Environmental Conservation; to adopt regulations for posting the placards; and authorized the department to impose fees to cover costs of enforcement and of providing placards.

Sec. 3 amends AS 29.10.200 so that the reporting and other provisions of AS 29.35 added by this bill apply to home use municipalities.

Sec. 4 establishes minimum requirements for municipalities that establish hazardous materials and hazardous wastes reporting programs. Sec. 29.35.500 requires businesses and government agencies to submit inventories to the municipality on a form provided by the division of fire prevention, and specifies what information must be contained in the inventory. The section specifies the minimum quantities of materials and wastes that must be reported in the inventories. These

Representative Katie Hurley
Page 2
March 19, 1986

quantities can be reduced by the division of fire prevention or by a municipality. The section also specifies a 30-day limit for submitting the report and provides for amending the inventory if there are additions or significant changes in the materials or wastes handled. This section allows municipalities to require businesses and government agencies to submit OSHA form 20 sheets and to impose requirements outside of municipal boundaries under certain circumstances.

Sec. 29.35.510 provides for municipal inspections and penalties.

Sec. 29.35.520 allows municipalities to impose fees for processing inventories and administering inspections.

Sec. 29.35.530 requires the division of fire prevention to provide inventory forms and summaries or lists of materials and wastes that must be reported. This section also allows the division and the Departments of Environmental Conservation and Labor to obtain copies of inventories submitted to municipalities and to provide educational materials.

Sec. 29.35.540 requires municipalities to make information collected under this bill readily available to the public.

Sec. 29.35.590 defines various terms used in the bill.

Sec. 5 provides a January 1, 1987 effective date.

EHH:mkr
m4/025



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

Pouch V
Juneau, Alaska 99811
(907) 465-4963

Box 870157
Wasilla, Alaska 99687
(907) 376-4058

TO: Representative Al Adams
Chair, House Finance Committee

FROM: Katie Hurley *Katie Hurley*
Representative

DATE: April 1, 1986

SUBJ: Scheduling of House Bill 647 -
Community-Right-To-Know

I would appreciate your scheduling House Bill 647, the "Alaska Community-Right-To-Know Law," for a hearing before the House Finance Committee.

As you are aware, Community-Right-To-Know laws give firefighters, emergency responders, health professionals, elected officials and the public the right to know the existence, location and potential dangers of hazardous chemicals being used, stored or produced in their communities.

House Bill 647 provides communities across Alaska with guidance and structure in addressing the health and safety dangers posed by hazardous substances.

I am enclosing some selected background information you may wish to include in the Committee's materials on this bill.

Please contact me if you need any further information on this legislation. Thank you.



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

COMMUNITY-RIGHT-TO-KNOW
FACT SHEET
HB 647

Pouch V
Juneau, Alaska 99811
(907) 465-4963

Box 870157
Wasilla, Alaska 99687
(907) 376-4058

WHAT IS "COMMUNITY-RIGHT-TO-KNOW"?

Community-Right-To-Know laws give firefighters, emergency medical technicians, health professionals and community residents the right to know the existence, location and potential dangers of hazardous chemicals being used, stored or produced in their communities.

With basic information about hazardous chemicals in their communities, citizens and emergency response personnel are better able to take measures to protect themselves against dangers posed to health and safety.

ISN'T THIS INFORMATION ALREADY AVAILABLE?

No. According to the Alaska Department of Labor and the Alaska Department of Environmental Conservation, there is no comprehensive list or systemic method for identifying or locating the use or storage of toxic and hazardous substances in Alaskan municipalities.

IS THERE A NEED FOR THIS LEGISLATION?

There have been a number of hazardous materials incidents in Alaska impacting communities and the health and safety of emergency responders. The recent chlorine episode in Kodiak, the hydrochloric spill in Fairbanks and the Moose Pass situation underscore this fact.

Literally thousands of pounds of hazardous substances are shipped annually to Alaskan ports via air, rail, barge and road transportation. These ports include both urban and rural Alaska including Nome, Kotzebue, Dillingham, Whittier and others.

There is no unified system in existence which would enable residents to spot potential chemical hazards and, when necessary, prepare and advocate for their own safety.

Communities need the uniform guidance and structure provided for by the proposed legislation. HB 647 provides standardized protection through out Alaska and eases compliance for companies that might otherwise have to contend with varying reporting and posting requirements in different localities.

Unless the names and hazardous properties of chemicals being produced, used or stored in a community are publicly available, community residents, government officials and others charged with protecting property and public health are left virtually blindfolded waiting for a crisis to occur.

The price of this ignorance can be much higher than the cost of implementing a local Community-Right-To-Know Law.

WHAT ARE THE MAJOR PROVISIONS OF HB 647?

HB 647 was introduced in response to recommendations made by municipal officials that a statewide framework be established under which municipalities could directly collect information and develop procedures to address problems posed by the presence of hazardous chemicals in their communities. Specifically, HB 647:

- o Enables Alaskan municipalities to enact Community-Right-To-Know ordinances by instituting minimum reporting and posting requirements for businesses or government agencies that handle hazardous chemicals. Municipalities then would be able to effectively monitor the type, quantity and location of hazardous substances within their boundaries and service districts.
- o Requires the Department of Public Safety, Division of Fire Prevention, to develop and provide municipalities with inventory forms and information about the hazardous substances required to be reported.
- o Calls for the Department of Public Safety, Division of Fire Prevention, to design warning placards and develop posting regulations to be used in throughout Alaska.
- o Provides the potential for the future development of a statewide inventory and emergency resource network and coordination system.

WHY DESIGNATE THE DEPARTMENT OF PUBLIC SAFETY AS THE RESOURCE AGENCY?

Almost every incorporated community in Alaska has a fire hall or public safety officer. The Department of Public Safety has the greatest potential, in comparison to other state agencies, to provide the most effective outreach to municipalities throughout Alaska.

WILL IT BE HARDER FOR SMALL MUNICIPALITIES TO IMPLEMENT
COMMUNITY-RIGHT-TO-KNOW PROGRAMS?

It may actually be easier for smaller municipalities to implement Community-Right-To-Know and Protection programs if for no other reason than the fact they have fewer chemicals in their communities.

For small municipalities who need assistance with the program there will be information available from the State Fire Marshals Office. Additionally, the Alaska Health Project is nearing the completion of a project for the Department of Health & Social Services that will assist communities in evaluating hazardous substance problems in their areas and provide suggestions in developing programs to address those problems.

Smaller municipalities are often not fully aware of the hazards of the chemicals they use. A Community-Right-To-Know program will serve to provide small communities with more information about potential chemical hazards.

HAVE OTHER STATES ENACTED COMMUNITY-RIGHT-TO-KNOW LAWS?

Twelve states from New Jersey to Oregon have passed Community-Right-To-Know laws in the past few years. Many cities have also enacted such laws.

RESPONSIBILITIES OF PARTICIPATING MUNICIPALITIES AND
THE STATE FIRE MARSHAL'S OFFICE

HB 647

In order to provide standardized protection throughout the state and ease compliance for companies that might otherwise have to contend with varying reporting requirements in different localities, HB 647 calls for participating municipalities and the State Fire Marshal's Office to accomplish the provisions outlined below.

Municipalities that choose to establish Community-Right-To-Know programs SHALL:

- 1) require a business or government agency that handles hazardous substances to fill out a statewide, uniform inventory form on an annual basis.
- 2) require businesses and government agencies that handle hazardous substances to notify the municipality within 24 hours of any significant changes in their inventory.
- 3) require businesses and government agencies beginning to handle hazardous substances to fill out the required information within 30 days.
- 4) make the information readily available to the public.

Municipalities MAY:

- 1) add any substance it determines to be hazardous to the list of chemicals required to be included in the inventory.
- 2) require a business or government agency that handles hazardous substances to submit a Material Data Safety Sheet (OSHA) or equivalent information.
- 3) impose Community-Right-To-Know provisions outside municipal boundaries if emergency response service is provided outside those boundaries or if a fire or other emergency involving hazardous substances would affect people within the municipality.
- 4) impose fees to compensate for administration costs and inspections.
- 5) conduct inspections and establish penalties to ensure compliance.

RESPONSIBILITIES
PAGE TWO

The State Fire Marshal's Office is required to:

1) provide municipalities with inventory forms (The design of which can be taken almost directly from those developed by the Municipality of Anchorage).

2) provide a descriptive summary of the hazardous materials and waste that are required to be included in the inventory. (This is expected to be only several pages long).

3) provide a business, government agency or municipality with a copy of the list of the hazardous substances required to be included in an inventory. (This is basically a definitive list used by the Department of Transportation (federal) and is the most widely and commonly used list on hazardous substances by the general public - It is approximately 100 - 200 pages).

4) develop posting regulations. (Anchorage has already drafted such guidelines and the Department could use those as a basis).

5) provide posting placards to handlers of hazardous substances around the state.

HB 647 also states that the State Fire Marshal's Office MAY:

1) add any substance it determines to be hazardous to the list of chemicals required to be included in the inventory.

2) impose appropriate fees to compensate for the costs of the statewide placard program.

3) provide other education materials related to hazardous substances.

4) request copies of inventories submitted to the municipalities.

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 647 (C&RA)

Support

March 19, 1986

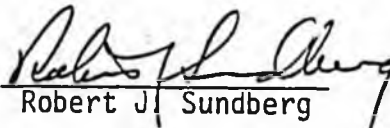
CSHB 647 (C&RA) - An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports CSHB 647 (C&RA) with minor amendments.

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.


Robert J. Sundberg

Bill No. Committee Substitute for
House Bill 647 (State Affairs)

Date March 27, 1986

Title "An Act establishing requirements for
warning placards and for municipal
reporting programs for hazardous
materials and hazardous waste."

Contact: Eileen Plate
465-2700
Richard Arab
465-4856

Committee Substitute for House Bill 647 provides for the placarding of places where hazardous materials and hazardous wastes are located; and further provides that municipalities may establish "community right-to-know" programs with respect to hazardous materials and wastes.


The Department of Labor currently requires employers to provide information to their workers on toxic and hazardous substances to which they may be exposed. However, there is presently no requirement that such toxic and hazardous substances be placarded so that emergency response agencies are aware of the existence of such toxic and hazardous materials. This information could be vital to emergency response personnel because such materials are often volatile and can cause fires to spread faster than anticipated. The placarding requirements of this bill should, therefore, assist emergency responsive personnel in protecting both the public and property.

Further, the opportunity provided in the bill for municipalities to establish hazardous materials and wastes reporting and inspection programs would enable municipalities to inventory such materials and thereby focus action plans, including the proper training and equipping of emergency response personnel, on specific hazardous materials and substances in their jurisdictions.

The Department of Labor appropriately would not have an active role in the implementation of Committee Substitute for House Bill 647. However, because it does afford an opportunity for additional protection for emergency response workers, the department supports its proposed provisions.

The educational and technical assistance that the Department of Labor would provide in designing warning placards, as outlined in proposed Section 18.70.310(b), and in furnishing information on hazardous materials as outlined in proposed Section AS 29.35.530, would not have a fiscal impact on the Department.

APPROVED:


Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

POSITION PAPER (AMENDED)

HOUSE BILL 647

"An Act requiring Municipalities to establish reporting and inspections programs for hazardous materials and hazardous waste."

This bill requires municipalities to establish hazardous materials reporting and inspection programs to ensure the safety of individuals who may come in contact with the materials. Under the terms of HB 647, individuals who utilize such materials must annually submit a detailed inventory and notify the municipality within 24 hours any changes in the status of the inventory. In addition, such individuals must place warning placards to notify the public of the presents of the materials.

Position

The Department of Health and Social Services supports HB 647 and its intent to protect the general public and inform emergency response personnel regarding the type and location of hazardous materials in a community. The right of public awareness to the presence of hazardous materials is an effective means of minimizing the dangers. Implementation of this bill will be the responsibility of the Department of Public Safety, Division of Fire Prevention and local municipalities. The department will work with the responsible agencies to provide assistance in coordinating with emergency medical services personnel and other appropriate health care providers. The Department of Health and Social Services feels the development of guidelines by the Department of Public Safety relating to placarding will be a positive step in developing a uniform statewide system and has our endorsement.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

3/6/86

Approved by:

John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date:

3/10/86

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-09

A RESOLUTION SUPPORTING STATEWIDE
HAZARDOUS MATERIAL DISCLOSURE LEGISLATION.

WHEREAS, the handling, storage, transportation, use, processing, and disposal of hazardous materials and hazardous waste occurs in all communities in Alaska, and

WHEREAS, the potential impacts of accidents associated with hazardous materials and hazardous wastes can have devastating impacts on the public health and the environment, and

WHEREAS, knowledge of the types of hazardous materials and hazardous wastes are critical and central to a community's ability to recognize potentially dangerous situations, and

WHEREAS, firefighters, police officers and other public safety and medical professionals often lack the information necessary to respond quickly and safely to emergencies involving hazardous materials and hazardous waste, and

WHEREAS, the public has the right to know what hazardous materials and hazardous wastes are in their community;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the adoption of state enabling legislation to allow local governments to establish a Hazardous Materials Disclosure (Community Right-to-know) Program. Such a Hazardous Materials Disclosure law should address minimum program requirements for a municipality, including:


- a. Notification
- b. Placarding
- c. Transportation Routing
- d. Transportation requirements for selected materials
- e. Emergency Coordination Procedures

Alaska
MUNICIPAL
League

TELEPHONE
(907) 586-1325

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

TO: Representative Peter Goll, Chairman
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 5, 1986

SUBJECT: HB 647 - Hazardous Waste Reporting and Inspection

The Alaska Municipal League supports the concept of HB 647 as another piece of the legislation needed to address a critical and growing threat to the people who live, work and visit in our communities; however, without a financial commitment by the State to fund additional mandates on local government, the mandatory "shall" language referring to municipal action should be changed to "may". The current language appears to place the mandate on municipalities to set up a potentially expensive reporting mechanism. Instead, the language should allow local option by those communities able to implement such a program. The mandatory language requiring the "handler" to report the information should remain. With such a change, the AML supports the program, and appreciates the work of the sponsors of this and other hazardous waste legislation this year. From the attached resolutions debated and adopted by the AML in Fairbanks in November, the Committee can see that hazardous waste and substance issue is a significant one for municipalities.

In addition to the resolutions attached, the following policy language appears on page 8 of the AML 1986 Policy Statement:

"The League supports legislation which would require producers, shippers, distributors, and commercial and industrial users to submit to all affected municipal governments, the Standard Material Safety Data Sheet on all toxic material physical agents being shipped to or through, or stored, manufactured, utilized, produced as a by-product, or otherwise found at any time, on the property or rights-or-way of any enterprise or site within the municipal boundaries."

This legislation gives the legislative intent and statutory language needed for the municipalities and the State to work together to begin developing and implementing a "community right to know" program. Many municipalities are faced with problems presented by our advanced, industrialized and often complex society. HB 674 begins to address the problem by allowing information to be collected and posted on the storage and use of hazardous wastes and substances. The legislation is only a part of the solution because we have not adequately address hazardous wastes and substances clean-up, transportation and disposal disposal. Several other bills are before the legislature this session which do attempt to begin addressing these other problems.

AML Testimony on HB 647
March 5, 1986
Page 2

I want to reiterate that the solution to the problems presented by hazardous materials in our communities is not for the federal and state governments to mandate additional responsibilities on local governments. Effective laws are part of the solution; individual and corporate responsibility is another part; and, finally, money, whether from fees and penalties on the generator or from society as a whole in the form of taxes.

One final concern in relation to money that I would request the Committee address in reviewing this and other legislation is the adequacy of training funds and programs to adequately prepare local emergency response personnel. Whether it is to be provided by the Department of Environmental Conservation, the Department of Public Safety, Division of Fire Prevention, or the Department of Military and Veterans Affairs, Division of Emergency Affairs, training in emergency response and clean-up needs to be provided statewide.

Again, the AML is in support of HB 647 with permissive rather than mandatory statute language.



Alaska Health Project

Providing information about hazardous materials on the job and in the community.
417 West Eighth Avenue, Anchorage, Alaska 99501 (907) 276-2864

Testimony on House Bill 647

Presented By

Alaska Health Project

March 12, 1986

Alaska Health Project (AHP) is a private non-profit organization dedicated to providing information and education about hazardous materials on the job and in the community. We appreciate the opportunity to testify in support of House Bill 647, the so called "community right to know bill"

Now, more than ever, hazardous materials management has become a highly charged community issue drawing the attention of community planners and decisions-makers.

Access to information about hazardous materials is central to the development of local hazardous materials management programs. HB 647 provides communities with the mechanism for accessing such information. All Alaskan communities should be required to develop right to know programs. Specifically, HB 647:

- * Establishes a workable framework for development of local community right to know programs.
- * Prevents conflicting local ordinances by requiring uniform program elements.

The bill needs strengthening in the area of public access to hazardous materials information. While the intent is to allow for such access no provisions have been included in the current version of the legislation.

There Is Alaskan Support For Community Right To Know Programs

- * In 1985, the Alaska Municipal League passed a resolution supporting adoption of state enabling legislation to allow local governments to develop CRTK programs.
- * A 1983 survey conducted by Hellenthal & Associates shows that over 93% of 500 randomly selected Anchorage residents

support the creation of a community right to know law.

- * The Anchorage Hazardous Waste Task Force, a multi-representational group of business, labor, health, and citizen interests, recently drafted a local CRTK ordinance (1986). Many of the elements of this ordinance are incorporated into HB 647.

There Is Precedence For The Bill

There have been a number of hazardous materials incidents in Alaska impacting communities and the health and safety of emergency responders. The recent situation in Moose Pass is underscores this fact.

Perhaps best surmizing all of these incidents is a statement by the Fairbanks Hazardous Materials Commission upon investigating the hydrochloric acid spill that occurred in the city in 1983.

" The fact that the Fairbanks North Star Borough has not had a serious hazardous materials incident resulting in loss of life or environmental quality damage is largely a matter of luck and the activities of individual agencies working on their own to address preceived needs within their own domains."

Clearly it's time to take the "luck" out of hazardous materials planning in Fairbanks and elsewhere in the state. Literally thousands of pounds of hazardous materials are shipped annually to Alaskan ports via air, rail, barge, and road transportation. These ports include both urban and rural Alaska including Nome, Kotzebue, Dillingham, Whittier, and others. Some of the materials shipped such as chlorine, hydrochloric acid, and amonia could quite possibly require community evacuation if accidentally released. Other materials include chemcials such as toluene, and xylene which, at certain concentrations, are considered priority pollutants under the Clean Water Act.

Communities need the guidance and structure provided by HB 647. The public is deserving of this information. Firefighters and emergency responders are long overdue for this vital information in order to protect themselves and the community. Alaska Health Project urges the Alaska legislature to join other Alaskans who who support passage of House Bill 647.

We are available to provide documentation of hazardous materials incidents in Alaska and information on hazardous materials shipped into Alaskan ports. Thank you.

Study: Officials unprepared for waste accidents

by David Goeller
Associated Press

WASHINGTON — Three-fourths of the nation's police and firemen are inadequately trained to respond to accidents involving transportation of hazardous materials, a new congressional study says.

And even if a trained team reaches the scene of a ruptured tank truck, improper labeling of the vehicle's contents can produce a wrong, dangerous response, the Office of Technology Assessment said in a study released today.

OTA quoted state officials as saying that from 25 percent to 50 percent of the identification placards required on hazardous ma-

terial shipments are incorrect and that shipping documents "are sometimes incomplete or inaccessible."

"Emergency crews must assess the risks of the hazardous material and make decisions on how to respond based on information that may or may not be accurate," said OTA, a nonpartisan congressional agency.

"The wrong response to a hazardous material endangers both emergency personnel and the neighboring communities," said the study, which urged adoption of federal training and response standards to replace a mishmash of state requirements.

Asked why so many placards are incorrect, Edith Page, who

directed the study, said: "In some cases it's ignorance. In some cases it's carelessness."

OTA said the most pressing need is to develop better ways of training safety personnel to handle accidents involving the 500,000 daily shipments of hazardous materials on U.S. highways, rail lines and waterways.

"Three-quarters of the first responders are not adequately trained to deal with hazardous substances," Page told a news

briefing.

She said that a joke among response personnel is that you bring tennis shoes and binoculars to a toxic or nuclear material spill — using the shoes to quickly get a safe distance away and the binoculars to read the placard.

"Then you call for expert help," Page said. "This is often said in jest, but there's a strong element of truth in it."

OTA said that while some states and metropolitan areas

have good response programs, "most first responders in smaller urban and rural areas have not been trained to deal with hazardous materials, despite many existing training programs."

"No national standards for training programs are currently in place, leading to the independent development of different training programs, some of which are inadequate," the study said.

Although it did not specifically urge more federal spending, OTA said continued support for state enforcement programs "is important, since federal inspection forces are shrinking due to budget constraints."

OTA recommended better

training and a national license for operators of vehicles carrying hazardous substances in an effort to reduce the average of 11,462 accidents the Transportation Department says occurred yearly between 1973 and 1983.

In most states, Page said, a truck driver needs no special license for hazardous cargoes. "The nephew or son of the owner can drive a gasoline truck," she said.

Page said OTA doesn't trust Transportation Department figures indicating that the incidence of accidents involving hazardous materials is decreasing.

"The data collected is so poor we don't know whether things are getting better or worse,"

— Edith Page, director of OTA study

Offered: 3/24/86
Referred: Finance

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 647 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

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

11 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
12 in adopting this Act, to

13 (1) ensure the safety of emergency response personnel who re-
14 spond to fires and other emergencies involving hazardous materials and
15 hazardous wastes, and to effectively contain these emergencies;

16 (2) permit the development of a chemical profile of municipal-
17 ities in order to enable local elected officials and municipal agencies to
18 initiate actions necessary to prevent damage to the public health and to
19 property;

20 (3) protect the health and safety of residents of and visitors
21 to Alaska; and

22 (4) inform the public of the existence, location, and dangers of
23 hazardous materials and hazardous wastes.

24 * Sec. 2. AS 18.70 is amended by adding a new section to read:

25 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
26 business or government agency that handles hazardous materials or
27 hazardous wastes shall post placards, provided by the Department of
28 Public Safety, division of fire protection, in accordance with regu-
29 lations adopted by the department under this section.

1 (b) The Department of Public Safety, division of fire preven-
2 tion, shall adopt a design for warning placards for hazardous mater-
3 ials and hazardous wastes in conjunction with the Department of Labor
4 and the Department of Environmental Conservation.

5 (c) The Department of Public Safety shall adopt regulations for
6 the posting of placards that will give adequate warning to the public
7 and to emergency response personnel of the type and location of hazar-
8 dous materials and hazardous wastes.

9 (d) The Department of Public Safety may impose appropriate fees
10 to fully or partially compensate for the costs of enforcement of, and
11 placards provided under, this section.

12 (e) In this section, "hazardous material" and "hazardous waste"
13 have the meanings given in AS 29.35.590.

14 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

15 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
16 wastes).

17 * Sec. 4. AS 29.35 is amended by adding new sections to read:

18 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

19 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
20 a program for the reporting of hazardous materials and hazardous
21 wastes shall require a business or a government agency that handles
22 hazardous materials or hazardous wastes to submit to a designated
23 person or office, of the municipality, on a form provided by the De-
24 partment of Public Safety, division of fire prevention, an inventory
25 of the hazardous materials and hazardous wastes the business or gov-
26 ernment agency handles.

27 (b) An inventory required under this section shall include at
28 least the following information about each of the hazardous materials
29 and hazardous wastes that the business or government agency handles:

- 1 (1) hazard class;
- 2 (2) maximum estimated quantity;
- 3 (3) location;
- 4 (4) method of disposal.

5 (c) The following quantities of hazardous materials and hazard-
6 ous wastes shall be reported in an inventory required under this
7 section, and the division of fire prevention or a municipality may
8 require the reporting of smaller quantities:

- 9 (1) any quantity of a hazardous material of the hazard
10 class of
 - 11 (A) Poison A;
 - 12 (B) Poison B;
 - 13 (C) Class A explosive;
 - 14 (D) Class B explosive;
 - 15 (E) Flammable solid (dangerous when wet); or
 - 16 (F) Radioactive;
- 17 (2) a consumer commodity in a quantity of more than 1,000
18 pounds;
- 19 (3) other hazardous materials handled, stored, used, pro-
20 cessed, or disposed of at one time and place in an aggregate quantity
21 of more than
 - 22 (A) 500 pounds of materials of a single hazard class;
 - 23 or
 - 24 (B) 1,000 pounds of materials of more than one hazard
25 class;
- 26 (4) acute hazardous waste in a quantity of 2.2 pounds or
27 more; and
- 28 (5) another hazardous waste in a quantity of 2.0 pounds or
29 more.

1 (d) A business or government agency required to submit an inven-
2 tory under this section shall submit the first inventory within 30
3 days after the municipality's reporting requirements take effect or
4 within 30 days after beginning to handle the hazardous materials or
5 hazardous wastes. Thereafter, the business or government agency shall
6 submit an inventory annually.

7 (e) A municipality that establishes a program for the reporting
8 of hazardous materials and hazardous wastes shall also require a
9 business or government agency that handles hazardous materials or
10 hazardous wastes to report

11 (1) significant change in the location of hazardous mate-
12 rials or hazardous wastes within 24 hours after moving the materials
13 or wastes; and

14 (2) additions of hazardous materials or hazardous wastes
15 within 30 days after the addition is made.

16 (f) A municipality that establishes a program for the reporting
17 of hazardous materials may require a business or government agency
18 that handles hazardous materials to submit a federal Occupational
19 Safety and Health Administration (OSHA) form 20 (Material Data Safety
20 Sheet) or equivalent information for each of the materials or wastes
21 handled.

22 (g) The requirements of this section may be imposed by a munic-
23 ipality on a business or government agency that handles hazardous
24 materials or hazardous wastes outside of the boundaries of the munic-
25 ipality if a fire or other emergency involving the materials or wastes
26 would be

27 (1) likely to adversely affect persons or property in the
28 municipality; or

29 (2) responded to by emergency response personnel whose

1 service area includes all or a part of the municipality.

2 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
3 conduct inspections, and establish and impose penalties, necessary to
4 ensure compliance with reporting requirements adopted under AS 29.35.-
5 500 and placarding requirements adopted under AS 18.70.310.

6 Sec. 29.35.520. FEES. A municipality may impose appropriate
7 fees to fully or partially compensate for the cost of processing
8 reports and administering inspections under AS 29.35.500 - 29.35.510.

9 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
10 Department of Public Safety, division of fire prevention, at the
11 request of a business or government agency required to submit an
12 inventory under AS 29.35.500 or of a municipality, shall provide

13 (1) a descriptive summary of the hazardous materials and
14 hazardous wastes that are required to be included in an inventory; and

15 (2) inventory forms.

16 (b) The division of fire prevention, at the request of a busi-
17 ness or government agency required to submit an inventory under
18 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
19 ous materials and hazardous wastes that are required to be included in
20 an inventory.

21 (c) The division of fire prevention, the Department of Environ-
22 mental Conservation, or the Department of Labor may

23 (1) request copies of inventories submitted under AS 29.-
24 35.500; and

25 (2) provide educational materials related to hazardous
26 materials and hazardous wastes.

27 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
28 obtained by a municipality under A. 29.35.500, 29.35.510, and 29.35.-
29 530 shall be made readily available to the public for inspection and

1 copying.

2 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
3 home rule and general law municipalities.

4 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

5 (1) "acute hazardous waste" means a waste listed by the
6 administrator of the Environmental Protection Agency in accordance
7 with the criteria in 40 C.F.R. 261.11(a)(2);

8 (2) "consumer commodity" means a material that is packaged
9 and distributed in a form intended or suitable for sale through retail
10 sales agencies or instrumentalities for consumption by individuals for
11 purposes of personal care or household use, including a drug or medi-
12 cine;

13 (3) "handles" includes disposes of, generates, processes,
14 stores, treats, and uses, but does not include transports;

15 (4) "hazard class" means the class of a hazardous material
16 defined in 49 C.F.R. 173;

17 (5) "hazardous material" means a toxic or hazardous materi-
18 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
19 stance determined by the division of fire prevention, or by a munic-
20 ipality for purposes of its own reporting program, to pose a signif-
21 icant health and safety hazard; "hazardous material" does not include
22 food, drugs, cosmetics, tobacco, or tobacco products intended for
23 personal consumption;

24 (6) "hazardous waste" means a hazardous waste as identified
25 by the Environmental Protection Agency under 40 C.F.R. 261, and any
26 other hazardous waste defined by the division of fire prevention or by
27 a municipality for purposes of its own reporting program;

28 (7) "quantity" means the total amount of a material or
29 waste handled at a time and includes the aggregate of a material or

- 1 waste that is divided among multiple containers.
- 2 * Sec. 5. This Act takes effect January 1, 1987.

Offered: 3/12/86
Referred: State Affairs

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 647 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act establishing requirements for warning
8 placards and for municipal reporting programs for
9 hazardous materials and hazardous waste; and provid-
10 ing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to
14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;
17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;
21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and
23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.
25 * Sec. 2. AS 18.70 is amended by adding a new section to read:
26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire protection, in accordance with regu-
lations adopted by the department under this section.

1 (b) The Department of Public Safety, division of fire preven-
2 tion, shall adopt a design for warning placards for hazardous mater-
3 ials and hazardous wastes in conjunction with the Department of Labor
4 and the Department of Environmental Conservation.

5 (c) The Department of Public Safety shall adopt regulations for
6 the posting of placards that will give adequate warning to the public
7 and to emergency response personnel of the type and location of hazar-
8 dous materials and hazardous wastes.

9 (d) The Department of Public Safety may impose appropriate fees
10 to fully or partially compensate for the costs of enforcement of, and
11 placards provided under, this section.

12 (e) In this section, "hazardous material" and "hazardous waste"
13 have the meanings given in AS 29.35.590.

14 * Sec. 3. AS 29.35 is amended by adding new sections to read:

15 ARTICLE 3. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

16 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
17 a program for the reporting of hazardous materials and hazardous
18 wastes shall require a business or a government agency that handles
19 hazardous materials or hazardous wastes to submit to a designated
20 person or office of the municipality, on a form provided by the
21 Department of Public Safety, division of fire prevention, an inventory
22 of the hazardous materials and hazardous wastes the person handles.

23 (b) An inventory required under this section shall include at
24 least the following information about each of the hazardous mate- als
25 and hazardous wastes that the business or government agency handles:

- 26 (1) hazard class;
- 27 (2) maximum estimated quantity;
- 28 (3) location;
- 29 (4) method of disposal.

1 (c) A business or government agency required to submit an inven-
2 tory under this section shall submit the first inventory within 30
3 days after the municipality's reporting requirements take effect or
4 within 30 days after beginning to handle the hazardous materials or
5 hazardous wastes. Thereafter, the business or government agency shall
6 submit an inventory annually.

7 (d) A municipality that establishes a program for the reporting
8 of hazardous materials and hazardous wastes shall also require a
9 business or government agency that handles hazardous materials or
10 hazardous wastes to report

11 (1) significant change in the location of hazardous mate-
12 rials or hazardous wastes within 24 hours after moving the materials
13 or wastes; and

14 (2) additions of hazardous materials or hazardous wastes
15 within 30 days after the addition is made.

16 (e) A municipality that establishes a program for the reporting
17 of hazardous materials and hazardous wastes may require a business or
18 government agency that handles hazardous materials or hazardous wastes
19 to submit a federal Occupational Safety and Health Administration
20 (OSHA) form 20 (Material Data Safety Sheet) or equivalent information
21 for each of the materials or wastes handled.

22 (f) The requirements of this section may be imposed by a munic-
23 ipality on a business or government agency that handles hazardous
24 materials or hazardous wastes outside of the boundaries of the munic-
25 ipality if a fire or other emergency involving the materials or wastes
26 would be

27 (1) likely to adversely affect persons or property in the
28 municipality; or

29 (2) responded to by emergency response personnel whose

1 service area includes all or a part of the municipality.

2 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
3 conduct inspections, and establish and impose penalties, necessary to
4 ensure compliance with reporting requirements adopted under AS 29.35.-
5 500 and placarding requirements adopted under AS 18.70.310.

6 Sec. 29.35.520. FEES. A municipality may impose appropriate
7 fees to fully or partially compensate for the cost of processing
8 reports and administering inspections under AS 29.35.500 - 29.35.510.

9 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
10 Department of Public Safety, division of fire prevention, at the
11 request of a business or government agency required to submit an
12 inventory under AS 29.35.500 or of a municipality, shall provide

13 (1) a descriptive summary of the hazardous materials and
14 hazardous wastes that are required to be included in an inventory; and

15 (2) inventory forms.

16 (b) The division of fire prevention, at the request of a busi-
17 ness or government agency required to submit an inventory under
18 AS 29.35.500 or of a municipality, shall provide a list containing the
19 chemical identity, product names, and common names of the hazardous
20 materials and hazardous wastes that are required to be included in an
21 inventory.

22 (c) The division of fire prevention may

23 (1) request copies of inventories submitted under AS 29.-
24 35.500; and

25 (2) provide educational materials related to hazardous
26 materials and hazardous wastes.

27 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
28 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
29 530 shall be made readily available to the public for inspection and

1 copying.

2 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

3 (1) "acutely hazardous waste" means a waste listed by the
4 administrator of the Environmental Protection Agency in accordance
5 with the criteria in 40 C.F.R. 261.11(a)(2);

6 (2) "handles" includes disposes of, generates, processes,
7 stores, treats, and uses;

8 (3) "hazard class" means a class of hazardous substance
9 under 49 C.F.R. 172.101(d);

10 (4) "hazardous material" means a toxic or hazardous materi-
11 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
12 stance determined by the division of fire prevention to pose a signif-
13 icant health and safety hazard; "hazardous material" does not include
14 consumer commodities in quantities of 1,000 pounds or less, or food,
15 drugs, cosmetics, tobacco, or tobacco products intended for personal
16 consumption; except for the hazard classes of "Poison A," "Poison B,"
17 "Class A Explosive," "Class B Explosive," "Flammable Solid (Dangerous
18 When Wet)," and "radioactive," "hazardous material" does not include
19 an aggregate quantity of hazardous materials, handled at any one time
20 and place, of 500 pounds or less per hazard class, and an aggregate
21 quantity for all hazard classes of 1,000 pounds or less;

22 (5) "hazardous waste" has the meaning given in 49 C.F.R.
23 171.8; "hazardous waste" does not include an acutely hazardous waste
24 in a quantity less than 2.2 pounds or another waste in a quantity
25 less than 220 pounds;

26 (6) "quantity" means the total amount of a material or
27 waste handled at a time and includes the aggregate of a material or
28 waste that is divided among multiple containers.

29 * Sec. 4. This Act takes effect January 1, 1987.

Introduced: 2/17/86
Referred: Community & Regional
Affairs and State Affairs

BY HURLEY, KOPONEN, DAVIS,
GOLI, POURCHOT, M.M. MILLER,
CLOCKSI, UEHLING AND GRUENBERG

1 IN THE HOUSE

2 HOUSE BILL NO. 647

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring municipalities to establish report
7 ing and inspection programs for hazardous materials
8 and hazardous waste; and providing for an effective
9 date."

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

11 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
12 in adopting this Act, to

13 (1) ensure the safety of emergency response personnel who re
14 spond to fires and other emergencies involving hazardous materials and
15 hazardous wastes, and to effectively contain these emergencies;

16 (2) permit the development of a chemical profile of municipal
17 ities in order to enable local elected officials and municipal agencies to
18 initiate actions necessary to prevent damage to the public health and to
19 property;

20 (3) protect the health and safety of residents of and visitors
21 to municipalities; and

22 (4) inform the public of the existence, location, and dangers of
23 hazardous materials and hazardous wastes.

24 * Sec. 2. AS 29.35 is amended by adding new sections to read:

25 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

26 Sec. 29.35.500. REPORTING: PLACARDING. (a) A municipality
27 shall require a person who handles hazardous materials or hazardous
28 wastes to submit annually to a designated person or office in the
29 municipality, on a form provided by the Department of Public Safety,

1 division of fire prevention, an inventory of the hazardous materials
2 and hazardous wastes the person handles.

3 (b) An inventory required under this section shall include at
4 least the following information about each of the hazardous materials
5 and hazardous wastes that the person handles:

- 6 (1) hazard class;
- 7 (2) maximum estimated quantity;
- 8 (3) general location;
- 9 (4) method of disposal.

10 (c) A municipality shall also require a person who handles
11 hazardous materials or hazardous wastes to report

12 (1) significant change in the location of hazardous mate-
13 rials or hazardous wastes within 24 hours after moving the materials
14 or wastes; and

15 (2) additions of hazardous materials or hazardous wastes
16 within 30 days after the addition is made.

17 (d) A municipality shall require a new business that handles
18 hazardous materials or hazardous wastes to submit an inventory under
19 this section within 30 days after applying for a business license from
20 the state. A municipality shall require other persons who handle
21 hazardous materials or hazardous wastes to submit an inventory under
22 this section within 30 days after the municipality's reporting re-
23 quirements take effect.

24 (e) A municipality may require a person who handles hazardous
25 materials or hazardous wastes to submit a federal Occupational Safety
26 and Health Administration (OSHA) form 20 (Material Data Safety Sheet)
27 or equivalent information for each of the materials or wastes the
28 person handles.

29 (f) A municipality shall require a person who handles hazardous

1 materials or hazardous wastes to post placards provided by the divi-
2 sion of fire protection or designed in accordance with guidelines
3 developed by the division of fire prevention under AS 29.35.530.

4 (g) The requirements of this section may be imposed by a munic-
5 ipality on a person who handles hazardous materials or hazardous
6 wastes outside of the boundaries of the municipality if a fire or
7 other emergency involving the materials or wastes would be

8 (1) likely to adversely affect persons or property in the
9 municipality; or

10 (2) responded to by emergency response personnel whose
11 service area includes all or a part of the municipality.

12 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
13 conduct inspections, and establish and impose penalties, necessary to
14 ensure compliance with reporting and placarding requirements adopted
15 under AS 29.35.500.

16 Sec. 29.35.520. FEES. A municipality may impose appropriate
17 fees to fully or partially compensate for the cost of processing
18 reports and administering inspections under AS 29.35.500.

19 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) In
20 order to assist a person who handles hazardous materials or hazardous
21 wastes to comply with the provisions of AS 29.35.500, the Department
22 of Public Safety, division of fire prevention, shall provide to a
23 person or to a municipality

24 (1) a descriptive summary of the hazardous materials and
25 hazardous wastes that are required to be included in an inventory;

26 (2) inventory forms; and

27 (3) warning placards designed in conjunction with the
28 Department of Labor and the Department of Environmental Conservation.

29 (b) The division of fire prevention may, at the request of a

1 municipality or a person required to submit an inventory under AS 29.-
2 35.500, provide a complete list containing the chemical identity,
3 product names, and common names of the hazardous materials and hazard-
4 ous wastes that are required to be included in an inventory.

5 (c) The division shall develop guidelines for the posting of
6 placards that will give adequate warning to the public and to emer-
7 gency response personnel of the type and location of hazardous mate-
8 rials and hazardous wastes.

9 (d) The division of fire prevention may

10 (1) request copies of inventories submitted under AS 29.-
11 35.500; and

12 (2) provide educational materials related to hazardous
13 materials and hazardous wastes.

14 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

15 (1) "acutely hazardous waste" means a waste listed by the
16 administrator of the Environmental Protection Agency in accordance
17 with the criteria in 40 C.F.R. 261.11(a)(2);

18 (2) "handles" includes disposes of, generates, processes,
19 stores, treats, and uses;

20 (3) "hazard class" means a class of hazardous substance
21 under 49 C.F.R. 172.101(d);

22 (4) "hazardous material" means a toxic or hazardous materi-
23 al or substance, as defined in 49 C.F.R. 171.8, and any other
24 substance determined by the division of fire prevention to pose a
25 significant health and safety hazard; "hazardous material" does not
26 include consumer commodities in quantities of 1,000 pounds or less, or
27 food, drugs, cosmetics, tobacco, or tobacco products intended for
28 personal consumption; except for the hazard classes of "Poison A,"
29 "Poison B," "Class A Explosive," "Class B Explosive," "Flammable Solid

1 (Dangerous When Wet)," and "radioactive," "hazardous material" does
2 not include an aggregate quantity of hazardous materials, handled at
3 any one time and place, of 500 pounds or less per hazard class, and an
4 aggregate quantity for all hazard classes of 1,000 pounds or less;

5 (5) "hazardous waste" has the meaning given in 49 C.F.R.
6 171.8; "hazardous waste" does not include an acutely hazardous waste
7 in a quantity less than 2.2 pounds or another waste in a quantity
8 less than 220 pounds;

9 (6) "quantity" means the total amount of a material or
10 waste handled at a time and includes the aggregate of a material or
11 waste that is divided among multiple containers.

12 * Sec. 3. This Act takes effect January 1, 1987.