

H B

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Original sponsors: Koponen, Davis,
Hurley and Goll

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 672 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for notice of hazardous materials."

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

8 * Section 1. AS 46.03 is amended by adding a new section to read:

9 Sec. 46.03.895. NOTICE OF HAZARIOUS MATERIALS. (a) A carrier
10 who transports hazardous materials into the state shall, within 48
11 hours after the materials arrive in the state, send to the Department
12 of Public Safety, division of fire prevention, a copy of the descrip-
13 tion of the hazardous materials that is required to be on the shipping
14 paper by the United States Department of Transportation under 49
15 C.F.R. 172.200 - 172.204.

16 (b) If a vehicle carrying a shipment of hazardous materials in
17 the state is delayed for one hour or more due to mechanical failure or
18 other circumstance, the operator of the vehicle shall give prompt,
19 oral notice to the Department of Public Safety, or an emergency ser-
20 vices provider designated by the Department of Public Safety, of the
21 location of the vehicle and the circumstances of the delay.

22 (c) A consignee of a shipment of hazardous materials from a
23 carrier from outside of the state shall, within 48 hours after receiv-
24 ing the shipment, send to the emergency services providers for the
25 service area in which the materials are to be used or stored

26 (1) a copy of the description specified in (a) of this
27 section; and

28 (2) a notice of the location at which the materials are to
29 be used or stored

1 (d) In this section

2 (1) "emergency services providers" means state and local
3 fire, rescue, and other public safety agencies that respond to hazard-
4 ous materials emergencies, as defined by the Department of Public
5 Safety;

6 (2) "hazardous materials" has the meaning given in 49
7 C.F.R. 171.8;

8 (3) "service area" means the geographical area served by an
9 emergency services provider.
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Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

POSITION PAPER--HB672

This bill has been introduced to address a particular area of public safety that will help emergency responders and others when confronted by events of unknown origin.

Throughout Alaska numerous hazardous materials are transported, processed, and stored. As Alaska grows the number and amount of these materials increases; as does the likelihood for incidents that threaten the public good.

This bill specifically addresses the areas of the state that lie outside organized boroughs. A consignee of a hazardous shipment will be required to send emergency service providers for the service area in which the materials are to be used or stored a description and location of the materials.

In addition to the foregoing, the implementation of this bill will create an inventory of hazardous materials that can be used to track their use, location, and ultimate desposition.

DEPARTMENT OF PUBLIC SAFETY

POSITION STATEMENT - HB 672

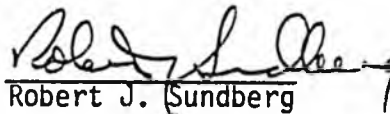
Support

March 21, 1986

HB 672 - "An Act providing for notice of hazardous materials."

This Department supports the requirement that receivers of hazardous materials from outside the state shall notify, within 48 hours after receiving the shipment, the emergency service providers in the service district in which the materials are to be used or stored.

The requirement will not impact the emergency services providers of this Department.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Representative KODONEN
 Requestor : House State Affairs
 Date of Request : 3/21/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fire Prevention
Alaska State Troopers
 Components : _____

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

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: K. Niles
 Kathy Niles, Admin Assistant
 Division: Commissioner's Office

Phone: 465-4336
 Date: 3/21/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 3/21/86

Distribution (by Agency preparing fiscal note):

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

POSITION PAPER

HOUSE BILL 672

"An Act providing for notice of hazardous materials."

This bill will require individuals who transport hazardous materials to supply the Department of Environmental Conservation and emergency providers a description of the materials within 48 hours of arrival in the State. The notification will entail a specific description of the materials requiring shipping papers under the U.S. Department of Transportation 49 C.F.R. 172.200 - 172.204 and where the materials are stored.

Position

The Department of Health and Social Services supports the general concepts HB 672 and feels that it will increase the ability of emergency personnel and health care providers to safely respond to life threatening situations. The public safety concepts of this bill are similar to HB 647, and it appears that the specificity of HB 647 will enhance the implementation and assure increased coordination between the responsible agencies.

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 3/3/86

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

Date: 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HR 677
 Title: An Act Providing for Notice of Hazardous Materials
 Sponsor: Rep. Koponen
 Requestor: State Affairs
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Health & Social Services
 BRU: State Health Services
 Components: P.H. Administrative Services

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-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Elizabeth Ward
 Elizabeth Ward, M.N., Director
 Division: Public Health

Approved by Commissioner: J.R.P.
 Agency: Health & Social Services

Phone: 465-3090
 Date: 2/27/86

Date: 3/6/86

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

HB 672

An Act Providing for
Notice of Hazardous Materials

This bill requires that any person who transports materials defined by the U.S. Department of Transportation as hazardous when transported, submit a copy of the description of the materials as shown on the shipping papers to the Department of Environmental Conservation (DEC) after the materials arrive in the state. The bill also requires that the recipient of the shipment submit a copy of the description of the materials and identify the location of use or storage in a submittal to local emergency services providers.

DEC would suggest that this bill be combined with HB 647. Both address community right to know issues. A combined bill would best advance the committee's interest in providing an appropriate role for local governments.

Looking at this legislation alone, the Department has no objection to the legislation. The intent is, however, unclear to us. The first subsection would require airlines, shipping lines, barge companies, truckers, and other shippers of hazardous materials to submit a report including shipping documents within 48 hours of entering the state. While the Department has extensive responsibility for hazardous wastes, the Department does not currently have any responsibility for hazardous materials. It would be helpful to clarify what actions DEC would be expected to take with regard to the information received.

The federal government regulates the carriers of interstate shipments of these materials. Their requirements may conflict with this reporting requirement.

The second subsection requires persons who store or use hazardous materials to submit information to local emergency services providers. HB 647 includes provisions that address the same topic by requiring inventories of hazardous materials and notice of shipments. The Department would recommend that the committee reconcile the two bills and establish one approach. Another option would be to delete this subsection, since CSHB 647 (C&RA) would require placarding of all businesses and government agencies that generate, process, treat, store, use, or dispose of hazardous materials or wastes.

The definition of hazardous materials is an appropriate one for transportation; however, there are considerable differences between the definitions of the terms hazardous materials, hazardous substances, hazardous wastes, and the various combinations of these terms, in the several bills under consideration by this Legislature. My staff will work with yours to ensure that the appropriate definition is established.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Niilo Koponen
 Requestor : State Affairs & Resources
 Date of Request : 3/10/86

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 : S.W. Hungerford Phone : 465-2666
 Division : Environmental Quality Date : 3/10/86

Approved by Commissioner : Bill Ross Date : 3/20/86
 Agency : Environmental Conservation

Distribution (by Agency preparing fiscal note):

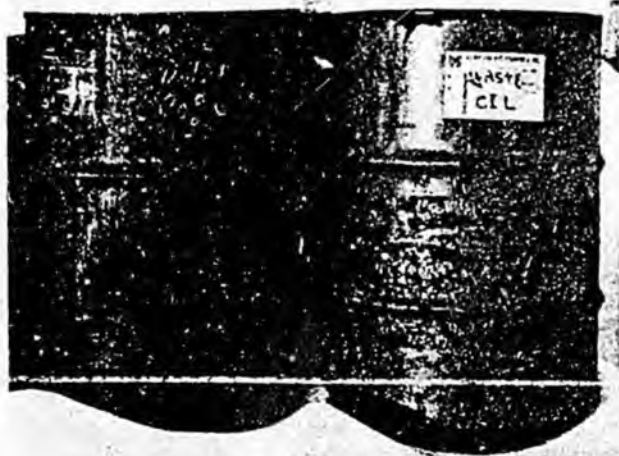
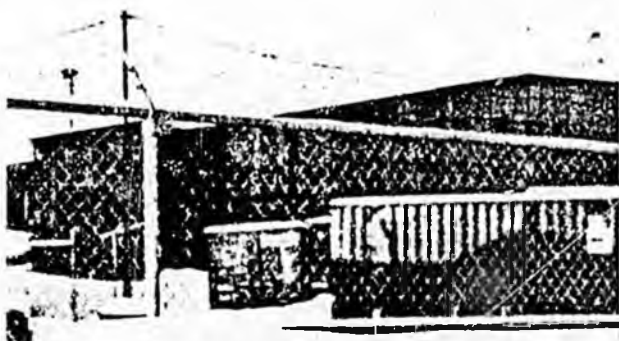
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

The Right to Know: A Fundamen

by David Wigglesworth



Is your community prepared to respond to emergencies involving hazardous materials?



Waste oil is often contaminated with other chemicals. Where do waste oils "go" in your community?

A fire sweeps through the sewer facility in Emmonak, igniting hazardous materials and spreading smoke throughout the village. Residents inadvertently inhale the smoke which contains phosgene gas, chlorine gas and mist from hydrochloric acid, all by-products of the sewage treatment process.

The emergency response team is unfamiliar with dealing with such an occurrence. Several people are injured and one hospitalized before the fire is brought under control.

It is a beautiful summer day in Ketchikan with sunny skies and a bit of a breeze blowing. Finally getting the weather they've been waiting for, a local company goes up on a rooftop in a residential part of town and sprays a wood preservative over the roof.

Living in a city which bears the distinction of receiving more rainfall per year than most Alaskan towns, it is important to protect materials from the weather.

Unfortunately, stronger winds pick up, carrying the vapors from the preservative, pentachlorophenol, all over the well-populated neighborhood. Residents exposed to the chemical spend the weekend coughing, vomiting, and complaining of stomach cramps. No one knows what is going on. They are not aware that a poisonous substance has been sprayed in their midst. No one warned them.

A truck carrying pesticides catches fire while passing through the heavily-trafficked downtown district of Anchorage. Emergency responders must combat the chemical fire, despite risk to themselves. One firefighter suffers eye injuries when some of the chemicals splash in his eyes. Two others are hospitalized from over-exposure to the toxic vapors.

Communities should have a right to know about harmful and dangerous industrial materials.

These accounts of incidents in Alaska underscore the most fundamental, and often least considered, issues associated with the proliferation of chemicals in our society. Communities should have a right to know about harmful and dangerous industrial materials.

Demonstrated need and broad-based community support moved Mayor Knowles to direct the

Community Right to Know Program for Anchorage

Copy

Hazardous Waste Task Force to develop a Community Right to Know Program for Anchorage. The Task Force is near completion of a final draft which will be subject to public review this fall.

The Need

Thousands of chemical substances, building materials and household products are manufactured annually. The public is in direct daily contact with most of these substances. Yet little information on the location and proper handling of these materials is available to our communities.

* Such information will enable public safety personnel to develop Community Chemical Profiles to help prevent dangerous situations. In addition, emergency responders, such as firefighters and police officers, will be better able to protect themselves when responding to such emergencies. They will also understand the resources and equipment necessary to respond to an emergency.

* Local officials and city planners can propose appropriate legislation to protect public health and safety.

Thousands of chemical substances...are manufactured annually. The public is in...contact with most of these substances. Yet little information on the location and proper handling of these materials is available to our communities.

Public safety personnel often do not have access to this information. Thus, firefighters and other emergency personnel must respond to community emergencies unaware of the hazards and unsure of proper protection for themselves and the community. Homeowners construct new homes with contemporary materials which have been treated with preservatives and utilize energy saving designs without full knowledge of their potentially harmful health effects.

Fast growing communities often fail to consider management of hazardous materials. Moreover, only recently has society witnessed the health problems of chemical products we once considered safe. Some cancers and many chronic illnesses are linked to chemical exposures in the workplace. These exposures easily cross the arbitrary boundary between "workplace" and "community" in the form of hazardous air emissions, toxic wastes, household products, hazardous materials spills and other such incidents.

The Benefits

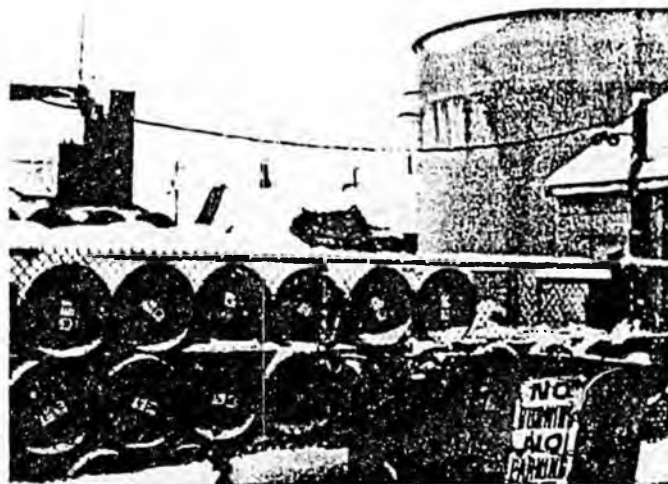
Communities are now realizing their lack of resources for hazardous materials emergencies. As a result, cities and towns across the country, including Anchorage, are now developing community right to know programs to allow public access to this information and promote safe community environments.

Typically, such programs require businesses to tell fire or health departments the type, quantity, location, and health hazards of the chemicals used in their business. This information is then kept on hand and made available to residents and community agencies and officials. The benefits of such a program are many. For example:

* Medical providers will be better able to diagnose and treat diseases and illnesses related to chemical exposures.

* Public access to this information will enable community members to become aware of toxic issues in their communities, and will result in more knowledgeable debate over proposed and existing community hazardous materials management plans.

Community Right To Know programs are not designed to regulate chemicals. Their fundamental purpose is to provide information about hazardous materials to community residents, government officials, public safety personnel, and others charged with protecting public health. Anchorage residents may soon benefit from a Community Right to Know Program.



Alaska's harsh climate easily corrodes hazardous materials containers resulting in leaks and potential environmental contamination.

David Wigglesworth is an occupational health specialist with the Alaska Health Project. He has worked on issues concerning hazardous materials in Alaska for several years.

Hazardous Materials Incidents Documented

by Lawrence Welas, Executive Director
Alaska Health Project

The image of Alaska as a relatively unblemished, pristine wilderness is rapidly eroding as increasing attention is being paid to the problems of hazardous materials throughout the state. In a recent study done by the Alaska Health Project, 1,330 incidents involving hazardous materials were documented during a one year period beginning July 1, 1983.

Until this study there was no one source listing the variety of incidents involving hazardous materials in Alaska. For example, an oil spill on the North Slope is buried in Department of Environmental Conservation (DEC) statistics, while a truck wreck involving spilled PCB's might be documented only in the newspapers. A worker who is burned by a caustic chemical is typically reported only in workers' compensation records.

Since all these known incidents involving hazardous materials are scattered throughout

the state in a few large data bases, and dozens of smaller ones, no one really knows the extent of the problem. The Alaska Health Project decided to collect these case histories of incidents from a variety of sources and put them all together in one unified data base, the Hazardous Materials Incidents Survey.

The survey is **not** comprehensive, but rather a first attempt to begin to realize the magnitude of the problem in Alaska, and to understand what types of incidents are happening and what types of hazardous materials are involved.

Information for the survey was gathered from a variety of sources, including the Anchorage Daily News and Anchorage Times, the Workers' Compensation Division of the Department of Labor, the DEC, the Epidemiology Office of the Department of Health and Social Services, and the Anchorage Fire Department.

Survey Highlights

** The incidents were not spread evenly throughout the state, but were predictably distributed along the major roadways and in the industrialized North, with nearly 80 percent of the incidents occurring in these areas.

** 47 incidents involved amounts of hazardous materials exceeding 1,000 pounds and/or 1,000 gallons.

** A total of 539,358 gallons, and 456,125 pounds of hazardous materials are documented in the incidents.

** The branch of industry with the largest number of gallons of hazardous materials involved in incidents is Water Transportation with 253,248 gallons.

** Southcentral East, principally the

Anchorage, Kenai Peninsula, and Kodiak area, logged the highest amounts of hazardous materials involved in incidents: 241,800 gallons, and 456,125 pounds.

** A "key word" search of the incident descriptions found that 56 incidents were recorded as being related to tanks, and 65 were specifically related to vehicles.

** The Oil and Gas Extraction industry had the largest number of recorded incidents by far with 327. Water transportation claimed a distant second with 145.

** The month of August recorded the highest number of incidents, with 137, while December had the lowest number with 82.

An Executive Summary is Yours for the Asking

A six page executive summary of the survey methods and results is available at no cost from the Alaska Health Project. Just send us a self addressed stamped envelope. The complete report including a printed list of all 1,330 incidents, computer-generated analysis, and

analysis of all the data bases used in the study is available. The cost is \$100. Private non-profit organizations, however, may be eligible for a discount. Please inquire. Call (907) 276-2864, or write AHP, 417 West 8th, Anchorage, AK 99501.

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Alaska Health Project, 417 West 8th Avenue, Anchorage, AK 99501 (907) 276-2864

Hazardous Materials

By MARK MICHAELS

Tanker Crash Ignites Inferno on Frisco Freeway



Photos Eric Chapman

The fire, involving 8000 gallons of gasoline, melted the double-trailer aluminum tanker.

The scenario: In the early-morning darkness, moments before thousands of commuters fill the freeway, a double-trailer tanker truck filled with 8000 gallons of gasoline crashes into the center divider on U.S. Highway 101, just south of the city limits of San Francisco, near a critical junction point with several other freeways. Both tanks are punctured, and the spreading pool of gas is ignited by a passing car. Luckily, the driver is able to crawl away from the wreck with only minor injuries, and no other vehicles are caught up in the inferno. But responding fire units must now contend with a huge blaze extending across the multi-lane freeway, fed by gas leaking out of the tanker at a rate of about 100 gallons per minute.

Fortunately, the incident occurs almost directly in front of the San Francisco International Airport. Crash rigs from the airport, carrying thousands of gallons of foam, respond to the scene in minutes and quickly stop the spread of the flaming fuel. The next step is obvious: apply foam to the tanker, pick up the debris when it cools and go back to business as usual.

Or is it?

Mark Michaels is a Firehouse correspondent based in Orinda, California.

when he was notified of the emergency. Says he: "We first got this as a plane crash behind the Western Airlines maintenance facility. The control tower saw the huge column of black smoke and assumed it was a plane."

Responding to the fire, Landi requested assistance from communities surrounding the airport and freeway, which are part of the city of San Francisco though they are located in San Mateo County. A strike team made up of fire units from San Bruno, South San Francisco, Millbrae, Redwood City and Burlingame was dispatched, along with a full assignment from San Francisco proper, consisting of three engines, two trucks and two chiefs.

Although he had more than enough resources, given the airport crash rigs, to extinguish the blaze within a few minutes, Landi decided to let the truck burn itself out. Explains he: "It's always a tough choice to not put a fire out. But if we'd gone ahead and done that, we would have been faced with a very dangerous situation. We had, in effect, two big bathtubs full of gasoline with holes in the bottoms. The fuel that was flowing out was being consumed at the rate it was leaking. The fire was equalized; it wasn't getting any bigger.

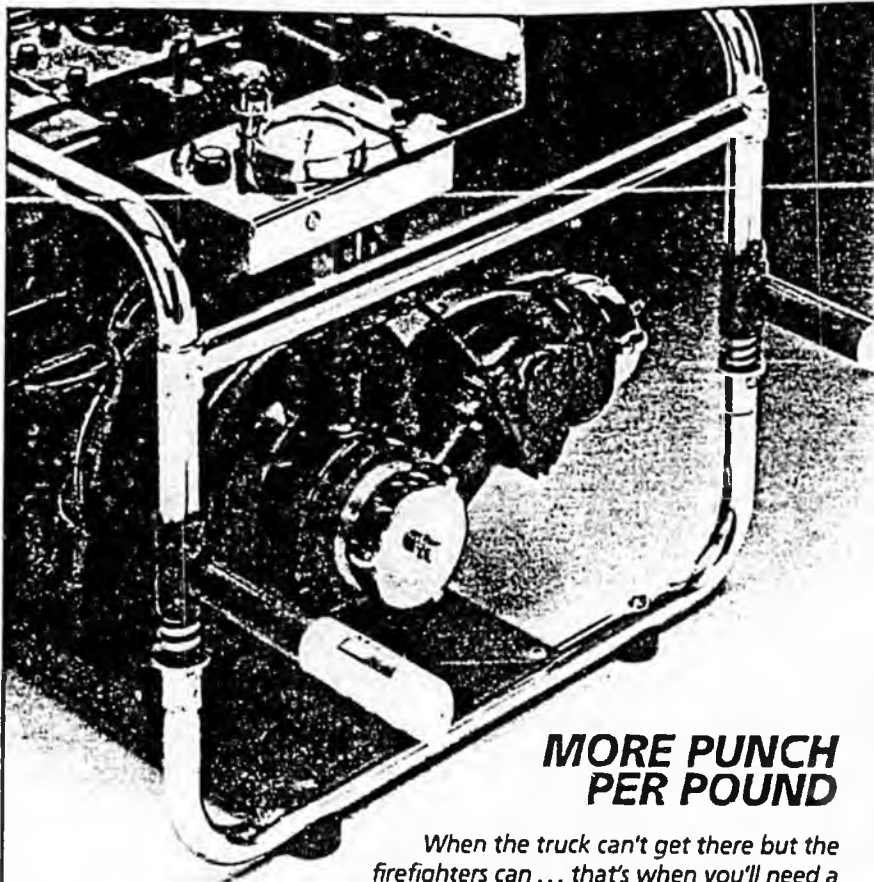
"Take the fire away, and you've still got the stuff leaking out, only now it's expanding into a bigger and bigger pool.

San Francisco International Airport Fire Chief Ray Landi was faced with the situation described above on January 7 of this year. The Airport FD is a division of the San Francisco Fire Department, that, although staffed by San Francisco firefighters, is in many ways a separate department, with its own budget, tactics and specialized equipment.

Landi was at home in San Francisco

The blaze was confined with AFFF and died down after burning for three-and-a-half hours.





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That would have required a diking operation, which would've meant that highway workers with loaders would be in close proximity to the pool. You get a spark in the wrong place and BOOM! There goes everybody—firefighters, highway workers—the whole works.

"Obviously, if there had been people trapped in the wreckage, or the possibility of a BLEVE, we would have reacted differently. But that wasn't the case," he notes.

In addition to the life hazard, Landi cites other reasons for letting the fire burn itself out. "From an environmental point of view," he says, "it was better to have the smoke column, which was carried out towards the ocean rather than inland, than to have gasoline get into sewer lines and into San Francisco Bay itself. And if we'd put it out and gotten it diked, there would still have been a four-hour wait for the special truck they use to syphon up the gas. From the financial end," Landi continues, "I was told that a diking and cleanup would have cost somewhere in the neighborhood of \$100,000."

Aside from the danger to personnel, one of Landi's primary concerns was the threat to exposures, particularly a section of an on-ramp under construction, which was several hundred feet long and a couple hundred feet from the crash. "The ramp consisted of heavy, unprotected timbers," says Landi. "If those timbers had gotten involved, it would have taken a major effort to put them out."

With the careful use of AFFF, crews were able to confine the flames to an area of about 500 square feet. As the fire progressed, the aluminum trailer tanks melted down into shriveled balls of metal; the only recognizable part of the truck remaining was the cab. After three-and-a-half hours, during which one of the largest traffic tie-ups in recent California history had formed, the fire died out. Firefighters moved in with handlines to cool down the debris, and Caltrans crews removed the wreckage and began making repairs to the roadway. The freeway was open in time for the evening commute. Sadly, one man who got caught in the tremendous traffic jam suffered a heart attack and was transported to a local hospital, where he later died.

"If this had happened only a half hour later," says Landi, "we could have had a major disaster, with many people killed or injured. As it was, it was a very scary situation. There were some people in the local media who couldn't see why we just didn't move in and get the thing cleared up, but, if we were faced with the same situation tomorrow, I'd do exactly what we did." 

Training for toxics accidents called lax

WASHINGTON (AP)—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 material 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," Ms. 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,"

Ms. 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."

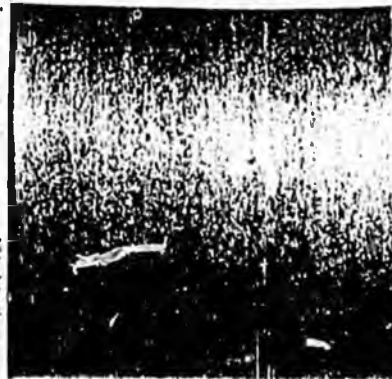
OTA recommended better training and a national license for operators of vehicles carrying hazardous substances in an effort to reduce the average of 11,462 accidents the Transportation Department

says occurred yearly between 1973 and 1983.

In most states, Ms. 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.

Ms. 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," said Ms. Page, adding that OTA found "substantial underreporting" in federal accident statistics.



Anchorage Ordinance

POSITION PAPER

TRANSPORTATION PRE-NOTIFICATION REQUIREMENT

ISSUE

Should a pre-notification requirement for movement of hazardous wastes be included in the draft Community Right-to-Know Ordinance?

SUMMARY OF REQUIREMENT

This provision in the draft Community Right-to-Know ordinance would require notification to the Fire Department 24 hours prior to the movement of hazardous wastes in the Municipality. Attached is the section with the revised requirements proposed for pre-notification.

PROS

- o A transporter of hazardous wastes cannot move hazardous wastes without first considering the safest route, best time of day, safeguards, and a response plan.
- o The public is extremely concerned about hazardous waste and wants to know how they are being moved in the community.
- o By knowing that a material is being moved, the Fire Department can better respond if an emergency occurs.
- o Since the quantities of hazardous wastes being moved in Anchorage are not large, the number of notifications expected would be manageable.
- o If an accident occurs for which no pre-notification was provided, the Municipality has the ability to take enforcement.

CONS

- o The movement of hazardous wastes is already regulated by the Department of Transportation and others.
- o A local pre-notification requirement may not be legal due to Federal pre-emption.
- o Hazardous material movement in Anchorage represents significant higher quantities and greater risks than hazardous waste transportation. Hazardous wastes are generally packaged and contained safer than most hazardous materials.
- o The Fire Department only has limited interest in knowing what hazardous wastes are being transported.

ADOPTED RESOLUTIONS OF ASMA

HAINES, ALASKA - 1985

562-2662

~~Adopted by the Alaska State Medical Association
House of Delegates at its Annual Meeting in
Haines, Alaska June 27, 1985~~

Resolution No. 85-1

Subject: Salute to Joseph Rude, M.D.

Whereas, Dr. Joseph Rude has recently celebrated his 90th birthday, and has also marked the milestone of 56 years of the practice of medicine in Alaska; and

Whereas, Joe Rude has enjoyed 64 years of devoted marriage to Amy, and this union has produced 4 children and 11 grandchildren, and 5 great-grandchildren; and

Whereas, "Doc" Rude has been an extremely active member of a wide variety of community groups, having been on the Board of his Lutheran Church for numerous years, been active in the Boy Scout movement for 50 years, and the Salvation Army Board for 40 years, a charter member of the Juneau Lions Club, and a member of the school boards in both Petersburg and Juneau; and

Whereas, in addition to the practice of medicine in Alaska, Dr. Rude has served the missions of the Lutheran Church; and

Whereas, "Doc" continues to be an active skier at Eagle Crest, continues to bag moose each year up the Taku River, and until recently, captained the "Doughboy" on numerous cruises; therefore be it

Resolved, that the Alaska State Medical Association salutes Dr. Rude on his many milestones; and be it further

Resolved, that the Alaska State Medical Association wishes him well and Godspeed with his continuing activities; and be it yet further

Resolved, that the rest of us will try to do better.

Resolution No. 85-3

Subject: Use of Pesticides

Whereas, some pesticides are highly toxic to humans and other non-target organisms, and

Whereas, the inappropriate use of some pesticides may endanger the public health, and

Whereas, present State regulations

- have not been revised in ten years,
- contain no guidelines for application of unrestricted pesticides,
- are silent regarding qualifications for commercial operators,
- are not specific regarding authority for search and seizure,
- provide no authority to ban specific compounds from use in Alaska,
- do not require registration of pesticides used in Alaska,
- directions for use on labels, therefore be it

Resolved, that the Alaska State Medical Association urges the Governor to appoint a task force to include representatives from the Alaska State Medical Association, Department of Environmental Conservation, Department of Health and Social Services, Municipal Health Departments, and other appropriate groups and agencies to review and, if necessary, to develop new regulations regarding the application of pesticides in urban and rural settings.

~~Resolution No. 85-4~~

~~Subject: Community Right-to-Know~~

Whereas, hundreds of thousands of gallons of hazardous substances are released into Alaskan Air, lands and water by hundreds of documented industrial and transportation accidents each year (1); and

Whereas, residents and entire communities may be exposed to these accidentally released hazardous substances and physical agents as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Whereas, the public health can be best served by a preventative approach whereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

Whereas, several states and municipalities have adopted or are considering for adoption community right-to-know legislation including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts (2); Therefore be it

Resolved, that the Alaska State Medical Association supports the establishment of statewide and local community right-to-know legislation with at least the following elements:

- a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic material physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and
- b. Full access by the general public, health care providers, and emergency responders to this public information; and
- c. An associated educational program for employers, the general public health care providers, emergency responders, and public health professionals and officials; and
- d. Sufficient funding for the legislation to be fully effective.

(1) Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.

(2) Worobec, MR, et al., Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984.

Resolution No. 85-6

Subject: Three Wheelers and Similar All Terrain Vehicles

Whereas, the use of three-wheeler, all-terrain vehicles by children and adults has contributed to unnecessary deaths and injuries in the State of Alaska; and

Whereas, the medical cost of 538 injuries over a period of two years exceeded \$1.6 million dollars and the cost of institutional care for those 6 brain damaged Alaskans injured in all-terrain vehicle accidents will exceed \$1.5 million if they live to age 65; and

Whereas, measures such as educational safety programs and mandatory helmet requirements have reduced injuries associated with bicycles, motorcycles, and snowmobiles; and

Whereas, Alaska has documented some of the most serious problems among all the states on this subject; therefore be it

Resolved, that the Alaska State Medical Association

urges the passage of legislation:

- (1) To require helmet use by all operators of ATVs and
- (2) To require ATV registration, and
- (3) To require successful completion of a mandatory safe driving course for all ATV drivers 16 years of age and younger, and be it further

Resolved, that the Alaska State Medical Association urges the Department of Health and Social Services to commit additional funds and professional positions to increase its efforts to investigate and prevent injuries in Alaska.

Resolution No. 85-9

Subject: Consulting Corporation

Resolved, that the Alaska State Medical Association further investigate the formation of a Consulting Corporation for broadly defined services to the business community and the professional community and the public at large, and "with specific recommendations reported to the winter council meeting."

Resolution No. 85-11

Subject: Dues Discount

Resolved, that the Alaska State Medical Association reduce an active member's dues by \$50 if dues are received by the office before January 1 of each year; and be it further

Resolved, that Alaska State Medical Association reduce an associate member's dues by \$25 if dues are received by the office before January 1 of each year.

Resolution No. 85-13

Subject: Extension of Medicare Fee Freeze Regulations

Whereas, the Medicare Fee Freeze was instituted in the face of voluntary action already being done by the AMA and physicians, and

Whereas, such federal regulations interfere with the proper patient-physician relationship; therefore be it

Resolved, that the Alaska State Medical Association oppose Health Care Financing Administration regulations which label as fraud physician benevolence to needy Medicare patients; and be it further

Resolved that the Alaska State Medical Association opposes the extension to the Medicare Fee Freeze regulations as a threat to the availability of medical

CHENA GOLDSTREAM VOLUNTEER FIRE DEPARTMENT

Box 80487
College, Alaska 99708
479-5672 479-5326
Emergency — 911

BARRY L. JENNINGS
Chief

CHUCK KALTENBACH
President

September 23, 1985

Gov. Bill Sheffield
Pouch A
Juneau, AK 99811

Dear Governor Sheffield,


Attached please find a copy of a resolution passed by the Board of Directors of the Chena-Goldstream Volunteer Fire Department on August 25, 1985.

The resolution addresses a serious deficiency in the Alaska statutes in that they do not require users or transporters of hazardous materials to notify local emergency service providers of their activities. Statutorial deficiencies of this nature in other states have led to serious injury and death among fire and medical service personnel.

Alaska has recognized the worker's right-to-know by enacting appropriate legislation. We feel strongly that the people who will be called on to help if those workers are caught in an emergency also have a right to know exactly what situation they are responding to. This prior knowledge will allow us to arrive with the proper gear and training; hence we will be in a better position to help.

Could you please help us by getting the appropriate legislation on the calendar this legislative session? Please contact me if you need further information on this matter, and thank you for your support.

Sincerely yours,


David M. Moll, Asst. Chief
Director of Fire Operations

cc: Sen. Fahrenkamp
Sen. Eliason
Rep. Koponen
Rep. Navarre

CHENA GOLDSTREAM VOLUNTEER FIRE DEPARTMENT

Box 80467

College, Alaska 99708

479-5672 479-5325

Emergency — 311

DAVID M. MOLL
Acting Chief

CHUCK KALTENBACH
President

RESOLUTION 86-1

HAZARDOUS & TOXIC MATERIALS

WHEREAS HAZARDOUS & TOXIC materials used in industry represent a threat to the life and health of all exposed to them, and

WHEREAS ALASKA STATUTES now require workers exposed to such substances to be informed of the dangers involved and proper procedures for handling these, and

WHEREAS FIRE, RESCUE, AND PUBLIC SAFETY PERSONNEL responding to emergencies are being exposed to hazardous and toxic materials in critical situations with no advance warning and without adequate information as to the type and quantities of substances involved.

THEREFORE BE IT RESOLVED that the COVFD Board of Directors request that the "Alaska Worker Right to Know" law be amended to require that fire, rescue, ambulance, and public safety agencies be informed prior to the arrival of hazardous and/or toxic materials and substances in their respective service areas, whether such materials are being transported, stored, or used in manufacture or processing within the service-area.

BE IT FURTHER RESOLVED that the COVFD Board of Directors request the support of the Alaska State Fire Chiefs Association and the Alaska State Fire Fighters Association for these changes in statute at their respective state conventions to be held in Sitka, Alaska in October 1985, and

BE IT FURTHER RESOLVED that the Fairbanks North Star Borough Assembly and Borough mayor be asked for their support and asked to urge the Alaska Municipal League to support the proposed amendment, and

THAT IT BE FURTHER RESOLVED that copies of this resolution be sent to: Gov. Bill Sheffield; Sen. Bettye Fairbanks, in her capacity as chair of the Senate Committee on Health, Education, & Welfare; Sen. Dick Eliason, in his capacity of the Senate Labor & Commerce Committee; Rep. Niilo Kosonen, in his capacity as co-chairman of the House Health, Education, & Social Service Committee; and Rep. Mike Navarre, in his capacity as chair of the House Labor & Commerce Committee.

HOUSE
COMMITTEE REPORT

(7)

Date referred: 2/17/86

FURTHER REFERRALS: RESOURCES

DATE: 4/2/86

The STATE AFFAIRS Committee has considered HB 672

"An Act providing for notice of hazardous materials."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB672 (SA) same title
- ne title

and recommends do pass

further referral to the _____ Committee

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

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Katie Hurley

D. D. [unclear]

Bette [unclear]

[unclear]

Mike [unclear]

[unclear]

Roger Jenkins No Rec

Katie Hurley
Chairman

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

§ 171.8

"Freight container" means a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation.

"Fuel tank" means a tank other than a cargo tank, used to transport flammable or combustible liquid, or compressed gas for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached, or for the operation of other equipment on the transport vehicle.

"Gross weight" means the weight of a packaging plus the weight of its contents.

"Hazardous material" means a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

"Hazardous substance", for the purposes of this subchapter, means a material, and its mixtures or solutions, that is identified by the letter "E" in Column 1 of the Table to § 172.101 when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels; or to a mixture or solution containing a material identified by the letter "E" in Column 1 of the Table to § 172.101 if it is in a concentration less than that shown in the following table based on the reportable quantity (RQ) specified for the materials in Column 2 of the Table to § 172.101:

RQ pounds	RQ kilograms	Concentration by weight	
		Percent	PPM
5000	2270	10	100,000
1000	454	2	20,000
100	45.4	0.2	2,000
10	4.54	0.02	200
1	0.45	0.002	20

"Hazardous waste", for the purposes of this subchapter, means any material that is subject to the hazardous waste manifest requirements of the EPA specified in 40 CFR Part 262 or would be subject to these requirements absent an interim authorization to a state under 40 CFR Part 123, Subpart F.

"Hermetically sealed" means closed by fusion, gasketing, crimping, or equivalent means so that no gas or vapor can enter or escape.

"IAEA" means International Atomic Energy Agency.

"IATA" means International Air Transport Association.

"ICAO" means International Civil Aviation Organization.

"IM Tank Table" means the table (with preface) listing hazardous materials approved by the Associate Director of HMR for carriage in IM portable tanks under special conditions specified therein.

"IMO" means International Maritime Organization.

"Intermodal container" means a freight container designed and constructed to permit it to be used interchangeably in two or more modes of transport.

"Intermodal portable tank" or "IM portable tank" means a specific class of portable tanks designed primarily for international intermodal use.

"Irritating material" See § 173.381.

"Limited quantity," when specified as such in a section applicable to a particular material, with the exception of Poison B materials, means the maximum amount of a hazardous material for which there is a specific labeling and packaging exception.

"Magnetic materials" See § 173.1020.

"Magazine vessel" means a vessel used for the receiving, storing, or dispensing of explosives.

"Marking" means applying the descriptive name, instructions, cautions, weight, or specification marks or combination thereof required by this subchapter to be placed upon outside containers of hazardous materials.

"Mixture" means a material composed of more than one chemical compound or element.

"Mode" means any of the following transportation methods; rail, highway, air, or water.

"Motor vehicle" includes a vehicle, machine, tractor, trailer, or semi-

trailer, or any combination thereof propelled or drawn by mechanical power and used upon the highways for the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

"MTB" means the Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

"Name of contents" means the proper shipping name as specified in § 172.101 or § 172.102 (when authorized).

"Navigable waters" means, for the purposes of this subchapter, waters of the United States, including the territorial seas.

"Net weight" means a measure of weight referring only to the contents of a package, and does not include the weight of any packaging material.

"N.O.S." means not otherwise specified.

"NPT" means an American Standard taper pipe thread in compliance with the requirements of Federal Standard F28, Part II, Section VII. S. § 171.7(d)(12).

"NRC (non-reusable container)" means a container whose reuse is restricted in accordance with the provisions of § 173.28.

"Occupied caboose" means a rail car being used to transport non-passenger personnel.

"Officer in Charge, Marine Inspection" means a person from the civil or military branch of the Coast Guard designated as such by the Commandant and who under the supervision and direction of the Coast Guard District Commander is in charge of a designated inspection zone for the performance of duties with respect to the enforcement and administration of Title 52, Revised Statutes, acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspection required thereby.

"Operator" means a person who controls the use of an aircraft, vessel, or vehicle.

"Organic peroxide" See § 173.151.