

COMMITTEE REPORT
SENATE

FURTHER:

5/7/86

Date 5/11/86

Mr. President

The Committee on FINANCE considered CSHB 647(Fin)am

establishing requirements for warning placards; establishing requirements and limiting liability for municipal report programs for hazardous materials and hazardous waste; efd.

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

do pass

do pass with attached amendment(s)

replace with/or adopt SCS for CSHB 647 (Fin)

new title

same title and recommends Do Pass

and attached a "LETTER OF INTENT" NEW FISCAL NOTE
33.6 P.S.

reports it back without recommendation

recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman
[Signature]
Chairman recommendation

#1 By: Fails

Amendments to House Bill 647

- 1) On page 3, delete lines 11 thru 14 and add the following:
 - "(2) chemical name;
 - (3) proper shipping name;
 - (4) maximum estimated quantity;
 - (5) location;
 - (6) method of disposal;
 - (7) United Nations (UN) or North American (NA) number."

- 2) On page 4, line 21 add the word "general" after the word "the" so that the line reads:
 - "(1) significant change in the general location of hazardous materials"

- 3) On page 4, delete line 25 and insert:

"meeting criteria for reporting hazardous materials or hazardous wastes as identified in (c) of this section on a monthly basis"

- 4) On page 7, line 8 delete the words "toxic or hazardous"

Offered: 5/2/86
Referred: State Affairs
and Finance

Original sponsors: Hurley, Koponen,
Davis, et al

Finance
BY THE ~~COMMUNITY AND REGIONAL~~
~~AFFAIRS COMMITTEE~~

1 IN THE HOUSE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (~~C&RA~~) *Finance*

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 plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 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 prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt the United States Department of Transportation
4 warning placards for hazardous materials and hazardous wastes. A
5 municipality that establishes a program for the reporting of hazardous
6 materials and hazardous wastes may, with the approval of the Depart-
7 ment of Public Safety, division of fire prevention, adopt and use an
8 alternative design for warning placards.

9 (c) The Department of Public Safety shall adopt regulations for
10 the posting of placards that will give adequate warning to the public
11 and to emergency response personnel of the type of hazardous materials
12 and hazardous wastes.

13 (d) The Department of Public Safety shall establish a fee sched-
14 ule to fully compensate for the costs of enforcement of, and placards
15 provided under, this section. Fees collected under this subsection
16 shall be deposited in the general fund. The commissioner of adminis-
17 tration shall account separately for fees collected and deposited
18 under this subsection. The annual estimated balance in the account
19 may be appropriated by the legislature to the Department of Public
20 Safety to carry out the purposes of this section.

21 (e) In this section, "handles," "hazardous material," and "haz-
22 arduous waste" have the meanings given in AS 29.35.590.

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

24 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
25 wastes).

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

27 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

28 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
29 program for the reporting of hazardous materials and hazardous wastes,

1 then the municipality shall require a business or a government agency
2 that handles hazardous materials or hazardous wastes to submit to a
3 designated person or office of the municipality, on a form provided by
4 the Department of Public Safety, division of fire prevention, an
5 inventory of the hazardous materials and hazardous wastes the business
6 or government agency handles.

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

- 10 (1) hazard class;
- 11 (2) proper chemical name;
- 12 (3) maximum estimated quantity;
- 13 (4) location;
- 14 (5) method of disposal.

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

- 19 (1) any quantity of a hazardous material of the hazard
20 class of
 - 21 (A) Poison A;
 - 22 (B) Poison B;
 - 23 (C) Class A explosive;
 - 24 (D) Class B explosive;
 - 25 (E) Flammable solid (dangerous when wet); or
 - 26 (F) Radioactive;
- 27 (2) a consumer commodity in a quantity of more than 1,000
28 pounds;
- 29 (3) other hazardous materials handled, stored, used,

1 processed, or disposed of at one time and place in an aggregate quan-
2 tity of more than

3 (A) 500 pounds of materials of a single hazard class;

4 or

5 (B) 1,000 pounds of materials of more than one hazard
6 class;

7 (4) acute hazardous waste in a quantity of 2.2 pounds or
8 more; and

9 (5) another hazardous waste in a quantity of 220 pounds or
10 more.

11 (d) A business or government agency required to submit an inven-
12 tory under this section shall submit the first inventory within 30
13 days after the municipality's reporting requirements take effect or
14 within 30 days after beginning to handle the hazardous materials or
15 hazardous wastes. Thereafter, the business or government agency shall
16 submit an inventory annually.

17 (e) A municipality that establishes a program for the reporting
18 of hazardous materials and hazardous wastes shall also require a
19 business or government agency that handles hazardous materials or
20 hazardous wastes to report

21 (1) significant change in the location of hazardous mate-
22 rials or hazardous wastes within 24 hours after moving the materials
23 or wastes; and

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

26 (f) A municipality that establishes a program for the reporting
27 of hazardous materials may require a business or government agency
28 that handles hazardous materials to submit a federal Occupational
29 Safety and Health Administration (OSHA) form 20 (Material Safety Data

1 Sheet) or equivalent information for each of the materials or wastes
2 handled.

3 (g) The requirement of this section may be imposed by a munic-
4 ipality on a business or government agency that handles hazardous
5 materials or hazardous wastes outside of the boundaries of the munic-
6 ipality if a fire or other emergency involving the materials or wastes
7 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 requirements adopted under AS 29.35.-
15 500 and placarding requirements adopted under AS 18.70.310.

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 - 29.35.510.

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

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

25 (2) inventory forms.

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

1 an inventory.

2 (c) The division of fire prevention, the Department of Environ-
3 mental Conservation, the Department of Health and Social Services, or
4 the Department of Labor may

5 (1) request copies of inventories submitted under AS 29.-
6 35.500; and

7 (2) provide educational materials related to hazardous
8 materials and hazardous wastes.

9 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
10 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
11 530 shall be made readily available to the public for inspection and
12 copying.

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

15 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
16 municipality of a program for the reporting of hazardous materials and
17 hazardous wastes does not increase the liability that may otherwise be
18 imposed on the municipality for damages resulting from hazardous
19 materials or hazardous waste.

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

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

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

29 (3) "handles" includes disposes of, generates, processes,

1 stores, treats, and uses hazardous materials or wastes, but does not
2 include the handling of hazardous materials or hazardous wastes while
3 they are in transit and before they reach the final destination indi-
4 cated on the shipping paper accompanying the shipment; in this para-
5 graph, "shipping paper" has the meaning given in 49 C.F.R. 171.8;

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

8 (5) "hazardous material" means a toxic or hazardous materi-
9 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
10 stance determined by the division of fire prevention, or by a munic-
11 ipality for purposes of its own reporting program, to pose a signif-
12 icant health and safety hazard; "hazardous material" does not include
13 food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco
14 products intended for personal consumption;

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

19 (7) "quantity" means the total amount of a material or
20 waste handled at a time and includes the aggregate of a material or
21 waste that is divided among multiple containers.

22 * Sec. 5. This Act takes effect January 1, 1987.

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

Revision Date : _____

REQUEST	FISCAL DETAIL
DRAFT	
Bill/Resolution No. : SCSCSHB 647 (C&RA)	Agency Affected : Public Safety
Title : An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials...	BRU : Fire Prevention
Sponsor : Representative Hurley	Components : _____
Requestor : Senate Community & Regional Affairs	
Date of Request : 5/1/86	

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						
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REVENUE		50.0	50.0	50.0	50.0	50.0
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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 Phone : 465-4331
 Division : Fire Prevention Date : 5/1/86

Approved by Commissioner : [Signature] Date : 5/1/86
 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. SCSCSHB 647 (C&RA)

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	<u>\$23.7</u>

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

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
	TOTAL SUPPLIES	<u>\$9.9</u>

REVENUE

5,000 placards per year X \$10.00	50.0
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DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SCSCSHB 647 (C&RA)

DRAFT

May 1, 1986

SUPPORT

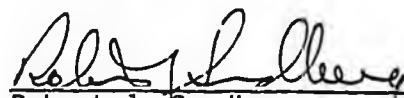
SCSCSHB 647 (C&RA) - "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports SCSCSHB 647 (C&RA).

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
Commissioner

By: Fairs

Amendments to House Bill 647

- Delete*
1. On page 2, line 3. Delete the words "the United States Department of Transportation"
 2. On page 3, delete lines 11 thru 14 and add the following:
 - (2) chemical name;
 - (3) proper shipping name;
 - (4) maximum estimated quantity;
 - (5) location;
 - (6) method of disposal;
 - (7) United Nations (UN) or North American (NA) number."
 3. On page 4, line 21. Add the word "general" after the word "the" so that the line reads:
 - (1) significant change in the general location of hazardous materials
 4. On page 4, line 24. Add the words "a new hazard class meeting criteria for reporting" after the word "of." The line would then read:
 - (2) additions of a new hazard class meeting criteria for reporting hazardous materials or hazardous wastes within 30 days after the addition is made.
 5. On page 7, line 8. Delete the words "toxic or hazardous"

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4/08/86

REQUEST Page 1 of 3

FISCAL DETAIL

Bill/Resolution No.: CSHR 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

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
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REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
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OTHER		33.6	35.3	37.0	38.9	40.8
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POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: Gordon F. Brunton
 Division: Fire Prevention

Phone: 465-4331
 Date: 4/08/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 4/8/86

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)

Page 2 of 3

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.

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	Safety Sheets on Micro Fiche	4.0

Total Contractual \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

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

Page 3 of 3

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
	Total Supplies	<hr/> 9.9

REVENUE

5,000 placards per year X \$10.00	50.0
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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.



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 17, 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.

Committee Substitute for
Bill No. 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

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

Support

March 19, 1986

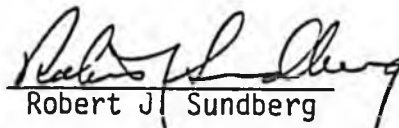
CSHB 647 (C&RA) - An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

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

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 *EH*
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 rule 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

(8)

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



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 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. Firelighters 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.

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

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-of-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.

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

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.

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



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

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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.

Offered: 4/10/86
Referred: Rules

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 647 (Finance) am

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; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing 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

1 regulations adopted by the department under this section.

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

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

10 (d) The Department of Public Safety shall establish a fee
11 schedule to fully compensate for the costs of enforcement of, and
12 placards provided under, this section. Fees collected under this
13 subsection shall be deposited in the general fund. The commissioner
14 of administration shall account separately for fees collected and
15 deposited under this subsection. The annual estimated balance in the
16 account may be appropriated by the legislature to the Department of
17 Public Safety to carry out the purposes of this section.

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

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

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

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

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
26 a program for the reporting of hazardous materials and hazardous
27 wastes shall require a business or a government agency that handles
28 hazardous materials or hazardous wastes to submit to a designated
29 person or office of the municipality, on a form provided by the

1 Department of Public Safety, division of fire prevention, an inventory
2 of the hazardous materials and hazardous wastes the business or gov-
3 ernment agency handles.

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

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

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

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

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

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the munici-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

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

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

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

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

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

21 (2) inventory forms.

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

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

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

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

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

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

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

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

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

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

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

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

28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, cosmetics, tobacco, or tobacco products intended
5 for personal consumption;

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

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

13 * Sec. 5. This Act takes effect January 1, 1987.

COMMITTEE REPORT

SENATE

FURTHER: ~~ELIMINATE~~

5/2/86

Date

5/9/86

Mr. President

The Committee on STATE AFFAIRS considered CSHB 647(Fin)am

establishing requirements for warning placards; establishing requirements and limiting liability for municipal report programs for hazardous materials and hazardous waste; efd.

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

~~do pass~~

do pass with attached amendment(s)

replace with/or adopt CS for _____

new title

same title and recommends _____

and attached a "LETTER OF INTENT"

NEW FISCAL NOTE

reports it back without recommendation

recommends referral to _____ Committee

MEMBERS SIGNING

DO PASS

Edna Kelly
J. T. Schum

MEMBERS HAVING

OTHER RECOMMENDATIONS

Bill Ray No Note

[Signature]

Chairman

[Signature]

Chairman recommendation

COMMITTEE REPORT

SENATE

FURTHER

FINANCE

4/16/86

Date

5/1/86

Mr. President

The Committee on C&RA considered CSHB 647(Fin)am

establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; efd.

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

[] do pass with attached amendment(s)

[X] replace with/or adopt CS for

CS HB 647 (C&RA)

[] new title

[X] same title and recommends

[] and attached a "LETTER OF INTENT"

NEW FISCAL NOTE

[] reports it back without recommendation

NO Same as House

[] recommends referral to

Committee

MEMBERS SIGNING

DO PASS

Handwritten signatures of committee members who support the bill.

MEMBERS HAVING

OTHER RECOMMENDATIONS

Blank lines for members with other recommendations.

Edwin W. Klein

Chairman

Handwritten signature for chairman recommendation.

Chairman recommendation