

LEG. FINANCE - BILLS 1983 - 1984 2013

SB 78 cont. - SB 79 2013

I. REQUEST

Bill/Resolution No.: CS SB 78 (Hess)
 Title: Teachers' Collective Bargain Agmts
 Sponsor: Health, Educ. & Social Serv.
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Independent Oper
 BRU, Program of Subprogram(s) Affected:
Labor Relations Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-0-	-0-	0-	-0-	-0-	-0-
200 TRAVEL	-0-	7.5	4.7	4.7	4.7	4.7
300 CONTRACTUAL	-0-	27.6	17.3	17.3	17.3	17.3
400 COMMODITIES	-0-	0.4	0.3	0.3	0.3	0.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	35.5	22.3	22.3	22.3	22.3
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	35.5	22.3	22.3	22.3	22.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

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

None

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Ken Ryals *Ken Ryals*
 Division: Administrative Services

Phone: 465-2277
 Date: 4/21/83

Approved by Commissioner: Lisa Rudd *LJR*
 Department: ADMINISTRATION

Date: 4/21/83

Distribution:

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- Copy to Office of Management and Budget (for Legislature introduced bills)
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3/8/83

- A. Assumptions: Since this bill will make the three member State Labor Relations Agency (LRA) serve as the majority of the new, five member Educational Employees Labor Relations Agency (EELRA), it will add to the LRA's workload. Our experience with implementation of the Public Employment Relations Act leads us to believe that the workload increase will be most pronounced during the first year of operation under the new law, as bargaining units are set up and representation elections conducted. Subsequent years' workloads will be permanently higher than present, since a larger client group will permanently be served, but the lasting impact on workload will be significantly less than the initial impact. We have assumed a 40% workload increase (above present) for the first year; subsequent years' workloads are assumed to be 25% higher than the present.

While serving as the EELRA, travel and per diem costs will be proportionately higher, since five members will be participating instead of the present three.

- B. Program Summary: Present Labor Relations Agency services include bargaining unit determination; conducting representation elections, investigation and conciliation of complaints, holding hearings, and issuing orders and decisions. A larger client group - educational employees, their representatives, and school boards - will receive these services. No new positions will be required; none presently are authorized. Since office and legal services are contracted for, there will be a significant increase in contractual services. Travel and per diem will also increase with the size and workload of the Agency.

- C. Computations: 1. First year under CS SB 78 - FY84

200 Travel: Funded @ \$11.2 for FY83. This is for three members (\$3.7 ea.) with an assumed workload of 1.00. If workload is increased to 1.40 and five members participate in the new case load, the increase in travel funding requirements will be:

Three existing members: $\$11.2 \times .40 = \4.5
 Two new members: $\$3.7 \times .80 = 3.0$

Total FY84 Travel Increase \$7.5

300 Contractual: Funded during FY83 at \$69.0. Increase of .40 = \$27.6

400 Commodities: Funded during FY83 at \$1.0. Increase of .40 = \$.4

Total FY84 Increase \$35.5

2. Subsequent years under CS SB 78 - FY85-88

200 Travel:

Three existing members: $\$11.2 \times .25 = \2.8
 Two new members: $\$3.7 \times .50 = \1.9

Total FY85-88 Travel Increase \$4.7

300 Contractual: $\$69.0 \times .25 = \17.3

400 Commodities: $\$1.0 \times .25 = \$.3$

Total FY85-88 Increase \$22.3

COMMITTEE REPORT
SENATE

1/26/83

FURTHER: FINANCE

Date: May 9, 1983

Mr. President:

The Committee on HESS has had SB 79

Making the Public Employment Relations Act applicable to employees of school districts; efd

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

do pass do not pass

do pass with attached amendments(s)

replace with CS for SB 78 (HESS) same title new title

and recommends ~~SB 78~~

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation with Senate Com. Report

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

1 Joseph M. ...
Joe Joseph ...

2 Rick Hallford NO REC

Joe Joseph
CHAIRMAN

SENATE COMMITTEE REPORT (HESS) - CSSB 78

Mr. President:

For years, the representatives of certificated school employees have asked for a change in the way disputes between their bargaining groups and school districts are resolved.

The matter is important to the public for several reasons. Alaska needs to attract and retain qualified school personnel. Alaska should avoid disruptions in the school year. An orderly and fair way to resolve disputes should be provided for.

The administration recommended that school boards be given the right to choose among three procedural options -- granting employees the right to strike, submitting to mediated arbitration, or granting employees the right to "limited strike" (strike for a limited time period).

The administration proposed that school boards be allowed to exercise these options after a dispute has arisen.

Your Committee preserves the idea of the school boards' right to select procedural options, but the Committee Substitute would require that the school boards make their respective option choice within 90 days after enactment of the bill, or thereafter from time to time but not while a dispute is in progress. The so-called "limited strike" option is removed, since testimony showed no compelling reason for its inclusion and indicated that this option would rarely, if ever, be chosen.

The Committee Substitute introduces the "last best offer" approach to mediation and arbitration. The Committee Substitute reflects the belief that by requiring the arbitrator to select between the settlement package proposed by management and the settlement package proposed by the employees, both sides will be induced to narrow the differences between them and to adopt reasonable positions.

The Committee Substitute expressly retains the boards' right to make final decisions on educational policies.

At present, there exists within the Department of Administration the State Labor Relations Agency. In school employee matters, this agency would serve as part of the educational employees labor relations agency. The agency would consist of three members of the State Labor Relations Agency augmented by two additional members to be selected by the Governor, one from a list submitted by the National Education Association-Alaska, and one selected from a list submitted by the Alaska Association of School Boards.

Among the educational employees labor relations agency's functions would be the determination of appropriate negotiation units; determinations as to the need for elections to resolve questions of representation in a negotiation unit; the determination of the eligibility of voters in such elections and the rules governing elections.

Sectional Analysis:

14.20.540. Declares the policy supporting collective bargaining in the public schools.

14.20.550. Includes noncertificated employees in the requirement that school boards negotiated with employees on matters pertaining to their employment, in good faith; defines "certificated employees" to include teachers, counselors, principals, assistant principals, and 'other certificated administrative personnel', but excludes superintendents, assistant superintendents, and other 'certificated executive administrative personnel who the educational employees labor relations agency determines to be inappropriate members of an employee negotiating unit.'

14.20.555(a). Corrects language in the existing law to address the new provisions for negotiations with noncertificated personnel in REAAS.

14.20.560. Provides that the educational employees labor relations agency will decide the appropriate unit for purposes of negotiation, and sets out criteria or factors to be used by the agency.

14.20.560(b). Contains procedures for representation elections within a proposed negotiation unit.

14.20.560(c). Prohibits a representation election in a negotiating unit if a valid election has been held within the preceding 12 months.

14.20.560(d). Permits a school board to recognize an employees' organization as the employees' exclusive representative, by consent of the board.

14.20.560(e). Limits the agency's power to direct an election to the 90-day period before the expiration date of the employer-employee agreement, except upon a petition of persons in the negotiating unit, who are not parties to the agreement, if more than three years have elapsed since the execution of the agreement or the last timely renewal of the agreement.

14.20.560(f). Permits noncertificated employees, or certificated administrated personnel groups, to decide by secret ballot to negotiate independently of other school personnel. Requires the educational employees labor relations

agency to conduct a representation election in such circumstances, upon petition of 25 percent of the employees in a proper negotiating unit.

14.20.565. Requires the school board, on request of an employee bargaining organization, to meet with the organization's representatives within 20 days after the request. Reciprocally, requires the employee bargaining organization to meet with a school board or its representatives within 20 days after its request.

14.20.565(b). Permits negotiation meetings to be in executive session, except that all final agreements shall be made at a public meeting of the school board.

14.20.570(a). When an employee bargaining agency or a school board certifies that the parties cannot agree on an independent private mediator, and that good faith negotiations have terminated in an impasse, and the requesting party asks for mediation from the U. S. Federal Mediation and Conciliation Service, the requesting party must notify the educational employees labor relations agency. This paragraph deletes provisions requiring a mediator to reduce "all the agreed terms, conditions and other items to a written contract" within 30 days "of the initial meeting of the parties (unless the parties mutually agree to extend the period)." This paragraph also deletes language in present law governing the size of the negotiating team that appears before the mediator.

14.20.580. Requires the mediator to notify the educational employees labor relations agency either when the parties reach agreement or when the mediator determines that they are at impasse. Provides for a 10-day cooling-off period following mediation.

14.20.581. Provides the "local option", i.e., the school board's right by resolution adopted following public hearing to decide "whether last best offer mediated arbitration or the right to strike shall follow the mediation procedure." However, the board's resolution shall be adopted before the "mediation process begins." (However, the parties may mutually agree to modify the option selected originally by the board).

14.20.582. Provides that where a school board has taken the right-to-strike option, a strike may occur if a majority of the employees in the bargaining agency elect to strike. Provides that where the employees vote not to strike, the school board shall not be required to participate in arbitration. Provides that "an aggrieved person" may apply to the Superior Court to enjoin a strike, and an injunction can issue if the strike "threatens the health, safety, or welfare of the public." If a strike is enjoined by the Court, after considering "the total equities", and an impasse still

remains, the parties shall submit to arbitration. Provides that elections under this section will be conducted by the educational employees labor relations agency.

14.20.583. Provides for arbitration if the school board's "local option" is the non-strike option, or if arbitration arises after a Court injunction against a strike, or where a strike has occurred in a district which permits strikes and a majority of the employees in the bargaining agency have elected to strike. Provides that the educational employees labor relations agency may direct the parties to use the services of and comply with the procedures of the Federal Mediation and Conciliation Service or the American Arbitration Association, if the parties are unable to otherwise agree upon a mutually selected arbitrator.

14.20.582(b). Provides for mediated arbitration. The parties are to submit evidence to support their respective positions before the arbitrator. Each party can respond to the other's evidence. The arbitrator may propose compromises. The arbitrator, on his own motion or the request of either party, may call for a public meeting to allow the parties to present and explain their "last best offer(s)". Before final submission to the arbitrator for decision, the arbitrator shall allow each party "to revise its last best offer."

14.20.582(c). Sets out the factors which the arbitrator will take into consideration.

14.20.582(d). Requires the arbitrator to adopt "without modification" the last best offer of either of the parties.

14.20.582(3). Requires the parties to share the cost of the arbitrator equally.

14.20.584. Provides for the confirmation by the Court of the arbitrator's award, and provides for Court vacation of an award in certain circumstances similar to those applicable under the Alaska Arbitration Act.

14.20.585. Provides for modification or correction of an award, under circumstances similar to those applicable in the Alaska Arbitration Act where modification or correction is provided for.

14.20.590. Requires grievance procedures and a definition of "grievances" in all agreements. Requires each agreement to provide a method for the selection of an arbitrator to resolve grievances.

14.20.600. Requires the educational employees labor relations agency to set forth procedures to safeguard the rights of "nonassociation" of employees having "bona fide religious convictions."

14.20.605. Establishes the educational employees labor relations agency, as explained above. Members of the agency receive no compensation, but are entitled to per diem and travel expenses. The agency may employ staff to implement the provisions of the chapter.

14.20.606. Functions set out in AS 23.40.120 - 23.40.180 are to be performed by the educational employees labor relations agency, as well as specific functions set out in this chapter. The school board and the employee organization alike are prohibited from "unfair labor practices", as described in AS 23.40.110.

14.20.610. Reiterates the power of school boards to "make final decisions on educational policies."

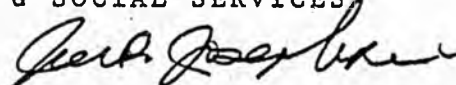
Sec. 13. (Temporary Provision). School Boards must make their initial local option decision between last best offer mediated arbitration and the right-to-strike within 90 days after enactment of the chapter.

Sec. 14. (Temporary Provision). "Grandfather" clause for existing negotiating units and negotiating agreements.

Sec. 15. (Temporary Provision). The effective date is to be immediate.

Respectfully Submitted,

COMMITTEE ON HEALTH, EDUCATION
& SOCIAL SERVICES


By: Joe P. Josephson, Chair

Request office 4-21-83

I. REQUEST

Bill/Resolution No.: CS SB 78 (Hess)
 Title: Teachers' Collective Bargain Agmts
 Sponsor: Health, Educ. & Social Serv.
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Independent Oper
 BRU, Program of Subprogram(s) Affected:
Labor Relations Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-0-	-0-	0-	-0-	-0-	-0-
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FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

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

None

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Ken Ryals *Ken Ryals*
 Division: Administrative Services

Phone: 465-2277
 Date: 4/21/83

Approved by Commissioner: Lisa Rudd *L.R.*
 Department: ADMINISTRATION

Date: 4/21/83

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3/8/83

A. Assumptions: Since this bill will make the three member State Labor Relations Agency (LRA) serve as the majority of the new, five member Educational Employees Labor Relations Agency (EELRA), it will add to the LRA's workload. Our experience with implementation of the Public Employment Relations Act leads us to believe that the workload increase will be most pronounced during the first year of operation under the new law, as bargaining units are set up and representation elections conducted. Subsequent years' workloads will be permanently higher than present, since a larger client group will permanently be served, but the lasting impact on workload will be significantly less than the initial impact. We have assumed a 40% workload increase (above present) for the first year; subsequent years' workloads are assumed to be 25% higher than the present.

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2. Subsequent years under CS SB 78 - FY85-88

200 Travel:

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300 Contractual: $\$69.0 \times .25 = \17.3

400 Commodities: $\$1.0 \times .25 = \$.3$

Total FY85-88 Increase \$22.3

I. REQUEST

Bill/Resolution No.: SB 78
 Title: Educational Employees Negotiations
 Sponsor: Kerttula, V. Fischer, Josephson,
 Requestor: _____ et al

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Gen. Admin Svcs
 BRU, Program of Subprogram(s) Affected:
 Labor Relations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING:						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0
	0	0	0	0	0	0

POSITIONS:

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

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Guy E. Strington
 Division: Labor Relations

Phone: 465-4404
 Date: 4-26-83

Approved by Commissioner: Lisa Rudd
 Department: ADMINISTRATION

Date: 4/26/83

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3/8/83

Offered: 5/11/83
Referred: Finance

Original sponsors: Kerttula, V. Fischer,
Josephson, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 78 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to teachers' collective bargaining
7 agreements; and providing for an effective date."

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

9 * Section 1. AS 14.20 is amended by adding a new section to Article 6
10 to read:

11 Sec. 14.20.540. DECLARATION OF POLICY. The legislature finds
12 that all public school employees are entitled to participate in for-
13 mulating decisions that pertain to their employment and to the ful-
14 fillment of their professional duties. Effective and responsive
15 administration of public schools is most readily obtained through the
16 negotiation of labor agreements that incorporate both managerial and
17 employee perspectives. The legislature further finds that providing
18 for harmonious and cooperative relations between school boards and
19 employee organizations will promote public education in the state.
20 Accordingly, the legislature declares that it is in the best interest
21 of the state to guarantee all educational employees the opportunity to
22 form employee organizations and to negotiate with respect to the terms
23 and conditions of their employment.

24 * Sec. 2. AS 14.20.550 is amended to read:

25 Sec. 14.20.550. NEGOTIATION WITH [CERTIFICATED] EMPLOYEES. (a)
26 Each city, borough and regional school board, shall negotiate with its
27 certificated and noncertificated employees in good faith on matters
28 pertaining to their employment and the fulfillment of their profes-
29 sional duties.

1 (b) In AS 14.20.540 - 14.20.610, "certificated employees" in-
2 cludes teachers, counselors, principals, assistant principals, and
3 other certificated administrative personnel, but does not include
4 superintendents, assistant superintendents, and other certificated
5 executive administrative personnel who the educational employees labor
6 relations agency determines to be inappropriate members of an employee
7 negotiating unit.

8 * Sec. 3. AS 14.20.555(a) is amended to read:

9 (a) Negotiations between the [CERTIFICATED] employees of the
10 regional educational attendance areas and the respective regional
11 school boards shall be conducted by one team representing all the
12 [CERTIFICATED] employees [, ONE TEAM REPRESENTING ALL THE CERTIFICATED
13 ADMINISTRATIVE PERSONNEL IF THEY HAVE JOINED TOGETHER TO NEGOTIATE
14 INDEPENDENTLY AS PROVIDED IN AS 14.20.560(f),] and one team represent-
15 ing all the participating regional school boards. If administrative
16 personnel or noncertificated employees have joined together to negoti-
17 ate independently as provided in AS 14.20.560(f), a team representing
18 the independent employee organizations shall participate in the nego-
19 tiations.

20 * Sec. 4. AS 14.20.560 is repealed and reenacted to read:

21 Sec. 14.20.560. NEGOTIATING UNIT. (a) The educational employ-
22 ees labor relations agency shall decide in each case, in order to
23 assure to employees the fullest freedom in exercising the rights
24 provided under AS 14.20.540 - 14.20.610, the unit appropriate for the
25 purposes of negotiation, based on such factors as community of inter-
26 est, wages, hours, and other working conditions of the employees in-
27 volved, the history of negotiating, and the desires of the employees.
28 Negotiating units shall be as large as is reasonable and unnecessary
29 fragmenting shall be avoided.

1 (b) Upon petition for certification by 25 percent of the employ-
2 ees in a proposed negotiation unit and if the educational employees
3 labor relations agency has reasonable cause to believe that a question
4 of representation exists, the agency shall provide for an appropriate
5 hearing upon due notice. If the educational employees labor relations
6 agency finds that there is a question of representation, the educa-
7 tional employees labor relations agency shall direct an election by
8 secret ballot to determine whether or by which organization the em-
9 ployees desire to be represented and shall certify the results of the
10 election. This section does not prohibit the waiving of hearings by
11 stipulation for the purpose of a consent election or voluntary certi-
12 fication in conformity with the regulations of the educational employ-
13 ees labor relations agency or an election in a negotiating unit agreed
14 upon by the parties. The educational employees labor relations agency
15 shall determine who is eligible to vote in an election and shall adopt
16 rules governing the election. In an election in which none of the
17 choices on the ballot receives a majority of the votes cast, a runoff
18 election shall be conducted. The ballot in the runoff election shall
19 provide for selection between the two choices receiving the largest
20 and the second largest number of valid votes cast in the election. If
21 an organization receives the majority of the votes cast in the elec-
22 tion, it shall be certified by the educational employees labor rela-
23 tions agency as the exclusive representative of all the employees in
24 the negotiating unit.

25 (c) An election may not be held in a negotiating unit or in a
26 subdivision of a negotiating unit if a valid election has been held
27 within the preceding 12 months.

28 (d) This section does not prohibit recognition of an organiza-
29 tion as the exclusive representative by a board by mutual consent.

1 (e) An election may not be directed by the educational employees
2 labor relations agency in a negotiating unit in which there is in
3 force a valid agreement, except during the 90-day period preceding the
4 expiration date of the agreement. However, an agreement may not bar
5 an election upon petition of persons in the negotiating unit but not
6 parties to the agreement if more than three years have elapsed since
7 the execution of the agreement or the last timely renewal, whichever
8 was later.

9 (f) This section does not prohibit noncertificated employees or
10 certificated administrative personnel groups from choosing by secret
11 ballot to negotiate independently of other personnel. If noncer-
12 tificated or certificated administrative personnel seek to negotiate
13 independently of other certificated employees, the educational employ-
14 ees labor relations agency shall review the submitted representation
15 petition and, if 25 percent of the employees in a proper negotiating
16 unit sign the petition, the agency shall conduct a representation
17 election.

18 * Sec. 5. AS 14.20 is amended by adding a new section to read:

19 Sec. 14.20.565. NEGOTIATION MEETINGS. (a) A school board
20 shall, upon the written request of an employee bargaining organiza-
21 tion, meet with the representative of the organization within 20 days
22 after the request at a time and place to be mutually agreed upon. In
23 the same manner, representatives of an employee bargaining organiza-
24 tion are required to meet with a school board or its representatives
25 within 20 days after receiving a written request.

26 (b) Notwithstanding AS 44.62.310, a negotiating meeting may be
27 held in executive session upon mutual agreement of both parties, but
28 all final agreements shall be made at a public meeting of the school
29 board.

1 * Sec. 6. AS 14.20.570(a) is amended to read:

2 (a) Upon the written request for mediation by an employee bar-
3 gaining agency or a school board, and upon certification by the re-
4 questing party that the parties cannot agree on an independent private
5 mediator and that good faith negotiations have terminated in an im-
6 passe, the following shall occur [OCCURS]:

7 (1) Within seven days of the certification the requesting
8 party shall ask the United States Federal Mediation and Conciliation
9 Service to serve as the agency to resolve the dispute. The requesting
10 party shall notify the educational employees labor relations agency
11 that the parties have requested a mediator.

12 (2) The mediator shall chair all mediation meetings between
13 the disputing parties and attempt to resolve the differences between
14 the disputing parties and reach common acceptance of terms and condi-
15 tions or other items in dispute wherever possible.

16 [(3) WITHIN 30 DAYS OF THE INITIAL MEETING OF THE PARTIES
17 TO THE DISPUTE THE MEDIATOR SHALL HAVE REDUCED ALL THE AGREED TERMS,
18 CONDITIONS AND OTHER ITEMS TO A WRITTEN CONTRACT. IF MUTUALLY AGREED
19 THE PERIOD FOR REPORTING THE CONTRACT TO BOTH PARTIES MAY BE EXTEND-
20 ED.]

21 (3) [(4)] Each party to the dispute may select a team [OF
22 NOT MORE THAN FIVE PERSONS] to present the evidence, thinking, and
23 position of the group they represent [,] to the mediator.

24 * Sec. 7. AS 14.20.580 is repealed and reenacted to read:

25 Sec. 14.20.580. CONTINUED IMPASSE. The mediator shall notify
26 the educational employees labor relations agency when the parties
27 jointly agree, or when the mediator independently determines, that
28 further mediation would not promote resolution of the dispute. Fol-
29 lowing mediation, the parties shall observe a 10-day cooling-off

1 period.

2 * Sec. 8. AS 14.20 is amended by adding new sections to read:

3 Sec. 14.20.581. LOCAL OPTION. (a) A school board after public
4 hearing shall by written resolution decide whether last best offer
5 mediated arbitration or the right to strike shall follow the mediation
6 procedure described in AS 14.20.570. The resolution shall be adopted
7 before the mediation process begins.

8 (b) A resolution adopted in accordance with this section is
9 binding until an agreement is reached. However, the parties may
10 mutually agree to modify the option selected under this section.

11 Sec. 14.20.582. EMPLOYEE STRIKES. (a) If the board adopts a
12 resolution that authorizes employees to engage in a strike, the
13 employees may engage in a strike if a majority of the employees who
14 are members of the bargaining agency elect to do so.

15 (b) If the employees elect not to strike, the school board is
16 not required to participate in arbitration. This subsection does not
17 prohibit the parties from requesting continued assistance from the
18 educational employees labor relations agency in the resolution of the
19 dispute.

20 (c) During a strike described in (a) of this section, an
21 aggrieved person may apply to the superior court in the judicial
22 district in which the strike is occurring for an order enjoining the
23 strike. A strike may not be enjoined unless it can be shown that it
24 threatens the health, safety, or welfare of the public. A court, in
25 deciding whether to enjoin the strike, shall consider the total equi-
26 ties in each particular case. Total equities includes the impact of a
27 strike on the public as well as the extent to which employee organiza-
28 tions and public employers have met their statutory obligations. If
29 an impasse or deadlock still exists after the issuance of an

1 injunction, the parties shall submit to arbitration under AS 14.-
2 20.583.

3 (d) The educational employees labor relations agency shall
4 establish procedures under which the bargaining agent shall conduct
5 the election described in this section.

6 Sec. 14.20.583. ARBITRATION. (a) The parties shall submit to
7 last best offer mediated arbitration if the board adopts a resolution
8 under AS 14.20.581 that precludes an employee strike, or if
9 arbitration results under AS 14.20.582(a) or (c). An agreement
10 between a board and an employee group shall include a procedure to
11 promptly select an arbitrator. If the parties are unable to agree on a
12 contractual provision that provides for the selection of an
13 arbitrator, the educational employees labor relations agency shall
14 direct the parties to use the services of and comply with the
15 procedures of the Federal Mediation and Conciliation Services or the
16 American Arbitration Association in the selection of an arbitrator.
17 An arbitrator selected under this subsection shall be a resident of
18 the state.

19 (b) In last best offer mediated arbitration under this section
20 each party shall submit a final offer on all issues in dispute. Each
21 party shall submit to the arbitrator oral or written evidence in
22 support of its position and shall be given an opportunity to respond
23 to the presentation of evidence by the other party. The arbitrator
24 may propose compromises to points in dispute. At the request of
25 either party, or on the motion of the arbitrator, the arbitrator may
26 conduct a public meeting for the purpose of allowing the parties to
27 present and explain their positions and final offers. The arbitrator
28 shall allow each party to revise its last best offer before final
29 submission to the arbitrator for decision.

1 (c) The decision of the arbitrator shall take into consideration
2 (1) the history of negotiations between the parties before
3 entering arbitration;

4 (2) the public interest and financial abilities of the
5 school district;

6 (3) the interest and welfare of the employee group;

7 (4) changes in the cost of living;

8 (5) the existing employment conditions of the employee
9 group compared with those of similar groups; and

10 (6) the salaries, fringe benefits and other conditions of
11 employment prevailing in the state labor market.

12 (d) The arbitrator shall without modification adopt the last
13 best offer of one of the parties and issue a final and binding
14 decision not more than 10 days after the parties have presented their
15 last best offer.

16 (e) The parties shall share the cost of the arbitrator equally.

17 Sec. 14.20.584. ARBITRATION AWARD. (a) On application of a
18 party, the superior court shall confirm an award unless grounds are
19 urged for vacating, modifying, or correcting the award.

20 (b) On application of a party, the court shall vacate an award
21 if

22 (1) the award was procured by fraud or other undue means;

23 (2) there was evident partiality, corruption, or misconduct
24 by an arbitrator prejudicing the rights of a party;

25 (3) the arbitrator exceeded its powers;

26 (4) the arbitrator refused to postpone the hearing upon
27 sufficient cause being shown for postponement, refused to hear evi-
28 dence material to the controversy, or otherwise conducted the hearing
29 to substantially prejudice the rights of a party.

1 (c) The fact that the relief ordered by an arbitrator could not
2 or would not be granted by a court is not ground for vacating or
3 refusing to confirm the award.

4 (d) An application to the superior court under this section
5 shall be made within 90 days after delivery of a copy of the award to
6 the applicant. However, if the application is predicated upon cor-
7 ruption, fraud, or other undue means by either the opposing party or
8 an arbitrator, it shall be made within 90 days after the grounds are
9 known or should have been known.

10 (e) In vacating an award the court may order a rehearing before
11 a new arbitrator chosen as provided in the agreement, or in the ab-
12 sence of a provision in the agreement, as provided under AS 14.20.583.
13 If the award is vacated on grounds set out in (b)(3) or (4) of this
14 section, the court may order a rehearing before an arbitrator who made
15 the award or before a successor appointed as provided in this sub-
16 section. The time within which the original agreement of the parties
17 requires an arbitration award to be made is applicable to the rehear-
18 ing and commences from the date of the order requiring a rehearing.

19 (f) If the application to vacate is denied and a motion to
20 modify or correct the award is not pending, the court shall confirm
21 the award.

22 Sec. 14.20.585. MODIFICATION OR CORRECTION OF AWARD. (a) On
23 application of a party made within 90 days after delivery of a copy of
24 the award to the applicant the superior court shall modify or correct
25 the award if

26 (1) there was an evident miscalculation of figures or an
27 evident mistake in the description of a person or real or personal
28 property referred to in the award;

29 (2) an arbitrator has made an award concerning a matter not

1 submitted to the arbitrator and the award may be corrected without
2 affecting the merits of the decision upon the issues submitted; or

3 (3) the award is imperfect in a matter of form not affect-
4 ing the merits of the controversy.

5 (b) If the application of a party under this section is granted,
6 the court shall modify and correct the award to effect its intent and
7 shall confirm the award as modified and corrected. If the application
8 is denied, the court shall confirm the award as made.

9 (c) An application to modify or correct an award may be joined
10 in the alternative with an application to vacate the award.

11 * Sec. 9. AS 14.20.590 is amended to read:

12 Sec. 14.20.590. GRIEVANCE PROCEDURES. Negotiations agreements
13 executed after July 1, 1975, shall define "grievances" and provide for
14 grievance procedures [FOR THE CERTIFICATED STAFF]. The grievance
15 procedures shall provide that the final step in the procedure shall be
16 binding arbitration. The negotiations agreement shall provide a
17 method for the selection of an arbitrator to resolve grievances.

18 * Sec. 10. AS 14.20.600 is amended to read:

19 Sec. 14.20.600. INDIVIDUAL RIGHTS [CASES]. (a) Nothing in
20 AS 14.20.550 - 14.20.590 prohibits an employee from addressing a
21 school board, as an individual, through the regular procedures of the
22 school board for hearing individual cases.

23 (b) The educational employees labor relations agency consistent
24 with the purposes of AS 14.20.540 - 14.20.610 shall set forth proce-
25 dures to safeguard the rights of nonassociation of employees having
26 bona fide religious convictions.

27 * Sec. 11. AS 14.20 is amended by adding new sections to read:

28 Sec. 14.20.605. EDUCATIONAL EMPLOYEES LABOR RELATIONS AGENCY.

29 (a) There is established an educational employees labor relations

1 agency which consists of five members. The three members of the state
2 labor relations agency (AS 23.40) are members of the educational
3 employees labor agency. The governor shall appoint two additional
4 members to the agency one each from lists of nominees submitted by the
5 National Education Association of Alaska and the Alaska Association of
6 School Boards, each of whom must have at least three years experience
7 in matters relating to education in Alaska. The two gubernatorial
8 appointees to the educational employees labor relations agency serve
9 at the pleasure of the governor.

10 (b) Members of the educational employees labor relations agency
11 receive no compensation for their services, but are entitled to per
12 diem and travel expenses authorized for boards and commissions.

13 (c) The educational employees labor relations agency may employ
14 staff assistance as it considers necessary to implement the provisions
15 of AS 14.20.540 - 14.20.610.

16 Sec. 14.20.606. POWER TO IMPLEMENT NEGOTIATIONS. (a) The
17 educational employees labor relations agency shall perform the func-
18 tions described in AS 23.40.120 - 23.40.180 to carry out the provi-
19 sions of AS 14.20.540 - 14.20.610.

20 (b) The prohibition of unfair labor practices, as described in
21 AS 23.40.110, applies to a school board and an employee organization.

22 * Sec. 12. AS 14.20.610 is amended to read:

23 Sec. 14.20.610. LEGAL RESPONSIBILITIES OF BOARDS. Nothing in
24 AS 14.20.540 - 14.20.600 [14.20.550 - 14.20.600] may be construed as
25 an abrogation or delegation of the legal responsibilities, powers, and
26 duties of the school board including its right to make final decisions
27 on educational policies.

28 * Sec. 13. An existing school board shall make the local option deci-
29 sion between last best offer mediated arbitration or the right to strike

1 required under AS 14.20.581(a) added by sec. 8 of this Act within 90 days
2 after the effective date of this Act.

3 * Sec. 14. This Act does not modify or terminate a negotiating unit or
4 agreement in existence on the effective date of this Act.

5 * Sec. 15. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).

Offered: 5/13/83
Referred: Finance

Original sponsors: Josephson, Sturgulewski,
V.Fischer and Fahrenkamp

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 79 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to toxic and hazardous substances in
7 the workplace; and providing for an effective date."

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

9 * Section 1. AS 18.60.030 is amended by adding new paragraphs to read:

10 (12) annually publish a list of toxic and hazardous
11 substances;

12 (13) maintain a current set of OSHA form 20's or equivalent
13 information for toxic and hazardous substances, and other information
14 relevant to toxic and hazardous substances;

15 (14) assist employers, upon request, to identify and obtain
16 information on toxic and hazardous substances and develop employee
17 safety education programs.

18 * Sec. 2. AS 18.60 is amended by adding new sections to read:

19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.
20 Toxic and hazardous substances imported into the state shall be accom-
21 panied by a federal Occupational Safety and Health Administration
22 (OSHA) form 20 or equivalent information. This requirement does not
23 apply to a substance for which the in-state purchaser has already
24 received the most current information.

25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
26 employer shall conduct a safety education program for an employee
27 before the employee performs a new work assignment that may result in
28 the employee being exposed to a toxic or hazardous substance for which
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the
3 employee of

4 (A) the location, properties, and known or suspected
5 acute and chronic health effects of the hazardous or toxic sub-
6 stances to which the employee is exposed in the workplace;

7 (B) the nature of the operations that could result in
8 exposure to hazardous or toxic substances, as well as any neces-
9 sary handling or hygienic practices or precautions; and

10 (C) the location, purpose, proper use, and limitations
11 of personal protective equipment used in the workplace.

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)
13 An employer shall make available to an employee on request a copy of
14 the most recent OSHA form 20 or equivalent written information for a
15 toxic or hazardous substance to which the employee may be exposed. If
16 the employer does not have the copy or information requested, the
17 employer shall request a copy from the department or the manufacturer
18 of the substance within three state government working days after
19 receiving the request.

20 (b) If the copy or information requested under (a) of this
21 section is not made available to the employee within 15 calendar days
22 after the request is received, the employer shall take measures to
23 assure that employees are not exposed to the substance to which the
24 copy or information pertains until the copy or information is made
25 available to the employee who made the request. This subsection
26 applies only to substances for which an OSHA form 20 or equivalent
27 information is required under OSHA regulations. This subsection does
28 not alter, deny, or abrogate any right an employee may have under law
29 to refuse to work under hazardous circumstances.

1 Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The
2 department shall print and make available to employers posters that
3 contain notice of the provisions of this chapter relating to toxic and
4 hazardous substances.

5 (b) An employer whose employees are or may be exposed in the
6 workplace to a toxic or hazardous substance shall display the
7 following information in a manner designed to notify the employees:

8 (1) a poster printed by the department under (a) of this
9 section; and

10 (2) an OSHA form 20 or equivalent information for each
11 toxic or hazardous substance to which an employee may be exposed in
12 the workplace

13 (A) under normal conditions of work; or

14 (B) during a reasonably foreseeable emergency, includ-
15 ing equipment failure and rupture of containers.

16 (c) Instead of posting the information required under (b)(2) of
17 this section, an employer may post a list of the chemical name and
18 product name of each toxic or hazardous substance to which an employee
19 may be exposed in the workplace, together with an identification of a
20 location, in or near the workplace and accessible to employees, where
21 an employee may inspect the information listed under (b)(2) of this
22 section.

23 * Sec. 3. AS 18.60.105 is amended by adding new paragraphs to read:

24 (6) "be exposed" means to ingest, inhale, or absorb through
25 the skin or eyes a substance, or fumes or other potentially harmful
26 aspect of a substance;

27 (7) "OSHA" means the federal Occupational Safety and Health
28 Administration;

29 (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,
2 Toxic and Hazardous Substances, "General Industry Standards",
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for
5 Chemical Substances and Physical Agents in the Work Environment",
6 American Conference of Governmental Industrial Hygienists (Latest
7 Edition);

8 (C) a substance for which an OSHA form 20 or
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in
11 accordance with the Administrative Procedure Act (AS 44.62), to
12 be a health hazard to an employee who is exposed to the
13 substance, including a carcinogen, reproductive toxin, irritant,
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,
15 agent that acts on the hematopoietic system, agent that damages
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,
19 volume, or concentration do not pose a health hazard upon expo-
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-
25 tainer by a mode of transportation.

26 * Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-
28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

2 (2) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees
4 working in a place not used primarily as a personal residence.

5 (3) "health hazard" means a substance capable of causing
6 acute or chronic adverse effects to health;

7 (4) "workplace" means a place of employment other than a
8 place used primarily as a personal residence.

9 * Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in
10 accordance with AS 01.10.070(c).

11 * Sec. 6. Section 2 of this Act takes effect July 1, 1984.

REVISED

STATE OF ALASKA
FISCAL NOTE

Revision Date June 20, 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79
Title: "...hazardous & toxic substances"
Sponsor: Senate Labor & Commerce
Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor
Program Category Affected: Worker Protection
BRU, Program of Subprogram(s) Affected:
Labor Standards & Safety, Occupational
Safety & Health.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		68.8	79.5	84.3	89.4	94.8
200 TRAVEL		15.0	10.6	11.2	11.9	12.6
300 CONTRACTUAL		26.4	22.7	24.1	25.5	27.0
400 COMMODITIES		2.0	2.1	2.2	2.4	2.5
500 EQUIPMENT		1.5	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		113.7	114.9	121.8	129.2	136.9

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		113.7	114.9	121.8	129.2	136.9
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

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

N/A

IV. ANALYSIS: Attach a separate page for any analysis

Prepared By: ^{RB} Robert J. Bacolas, Sr.
Division: Labor Standards and Safety

Phone: 465-4870
Date: June 20, 1983

Approved by Commissioner: ^{RB} Jim Robison
Department: Labor

Date: June 20, 1983

LEG:B:9

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

TITLE: "An Act relating to hazardous and toxic substances."

AGENCY AFFECTED: Department of Labor

Page 2 .

Under this bill the Department of Labor will be responsible for collecting and disseminating information regarding hazardous chemical and/or substances at work or storage sites in Alaska. The first year will include an intensive employer training program at locations throughout the State.

An Industrial Hygienist position in Anchorage will be required to review and respond to requests about the effects of hazardous chemicals or substances, recommend remedial action if required, and communicate this information to the requestor. In addition, one clerical position will be required to provide support for the hygienist and organize, cross reference, and provide information to the public; particularly employers.

In addition to the personal services cost associated with the Industrial Hygienist and clerical position, the Department will need to contract for laboratory services (\$5,000) for testing hazardous substances, the indirect support services, and increase its printing and postage allocations for distribution of posters, and safety data sheets. The travel budget for FY 1984 includes \$15,000 for extensive in-state travel to conduct training sessions and hazardous substance seminars throughout the State for the first year.

Assumptions:

The Department will collect and disseminate information regarding hazardous chemicals and/or substances to the general public, and as a result will also be making increased work-site inspections.

Personal services are for 11 months in FY 1984.

Inflation rate of 6 percent per annum.

The equipment costs of \$1,500 are one-time items.

\$5,000 of the in-state travel is a one-time item (informational visits).

Effective date of July 1, 1983.

1.	POSITION TITLE Industrial Hygienist I				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES*		
5.	Salary	34,957	
6.	Benefits	5,608	
7.	Supplemental Benefits	2,143	
8.	Fixed Benefits	2,640	
9.	TOTAL PERSONAL SERVICES	01	45,348
10.	Travel	02	15,000
11.	Contractual	03	18,933
12.	Commodities	04	1,000
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		81,781

JUSTIFICATION

The hygienist will ascertain the effects a chemical/substance will produce, recommend remedial action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.

Travel funds include \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.

Contractual services consist of \$4,793 for indirect support services, \$5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information and \$2,000 equipment rent and communications.

The equipment cost is for personal protective equipment (\$1,500).

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	81,781
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Workers' Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health

FY 84

Page 1 of 2
Revised Date _____

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DIS/PP.
2.	TYPE OF POSITION PET	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES*								
5.	Salary	17,094							
6.	Benefits	2,713							
7.	Supplemental Benefits	1,047							
8.	Fixed Benefits	2,640							
9.	TOTAL PERSONAL SERVICES	01		23,494					
10.	Travel	02							
11.	Contractual	03		7,450					
12.	Commodities	04		1,000					
13.	Equipment	05		-0-					
14.	Other								
15.	TOTAL COST			31,944					
RECEIPT CODE FUNDING SOURCE									
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		31,944					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER									

This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of Committee Substitute for Senate Bill 79.

This position will type and file information under direction of the Industrial Hygienist and respond to inquiries from the public.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.

Contractual services costs consist of indirect support of \$2,000. Additionally, \$1,000 for a word processing data management package will be required to collate and facilitate the disseminating of hazardous substance information. Other costs include equipment rent, telephone, postage, and office consumables.

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Workers' Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health

Page 2 of 2
Revised Date

FY 84

SENATE LETTER OF INTENT CSSE 79(Res)

The purpose of this legislation is to inform employees of the identity of and the health hazards and proper handling procedures for hazardous and toxic substances in their workplace through a communication and safety education program adopted by employers. While this legislation is designed to cover most employers in the state utilizing substances defined in the bill, it is not the intent to require employers to be responsible for the generation or creation of the information required to be posted or communicated to employees. Rather, the bill is designed under the assumption that federal regulations will be promulgated in the near future by the Occupational Safety and Health Administration (OSHA) which will require manufacturers to develop and distribute information for all the substances covered by the bill. The provision requiring that such information accompany substances imported into the state and the provision requiring the State Department of Labor to keep information on file for all substances covered by the bill are designed to aid employers in readily obtaining the required information.

It is the intent of the Committee that the Department of Labor play an active role in informing employers of the requirements of this bill and aiding them in meeting the requirements. Among the tasks required of and intended that the Department undertake are: the development of a poster outlining the provisions and employee rights under the bill and the printing of sufficient copies for all applicable employers; the compilation of all relevant information on the various substances covered by the bill and formulation of an information retrieval system capable of answering telephone inquiries by employers and employees on various substances and products; the compilation and printing of a list of the various substances identified in the bill as hazardous and toxic for use by employers; the provision of assistance to employers upon request in developing safety education programs; and the surveying of various employers or industries to identify the types of substances used and problems being encountered. In this last task it is intended that such surveys be made in cooperation with business and industry groups or associations.

It is the intent of the Committee that the Department complete the specific tasks identified in section 1 of the bill at least several months in advance of the July 1, 1984 effective date for section 2 of the bill requiring posting and training by employers.

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the

state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

By The Resources Committee

Adopted in the Senate, May 31, 1983.

The following individuals may testify on SB 79:

Senator Joe Josephson, or staff

Senator Bettye Farenkamp, or staff

Commissioner Robison, Department of Labor, or his representative

STATE OF ALASKA
FISCAL NOTE

Revision Date May 10 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79
 Title: "...hazardous & toxic substances"
 Sponsor: Senate Labor & Commerce
 Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRU, Program of Subprogram(s) Affected: Labor Standards & Safety, Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		75.0	79.5	84.3	89.4	94.8
200 TRAVEL		17.5	10.6	11.2	11.9	12.6
300 CONTRACTUAL		37.5	39.8	42.2	44.7	47.4
400 COMMODITIES		2.5	1.6	1.7	1.8	1.9
500 EQUIPMENT		12.7	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		145.2	131.5	139.4	147.8	156.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		145.2	131.5	139.4	147.8	156.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Bacolas, Sr. Phone: 465-4870
 Division: Labor Standards and Safety Date: May 10, 1983

Approved by Commissioner: Jim Robison Date: May 10, 1983
 Department: Labor

LEG:B:9

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

TITLE: "An Act relating to hazardous and toxic substances."

AGENCY AFFECTED: Department of Labor

Page 2

Under this bill the Department of Labor will be responsible for collecting and disseminating information regarding hazardous chemicals and/or substances at work or storage sites in Alaska.

An Industrial Hygienist position in Anchorage will be required to review and respond to requests about the effects of hazardous chemicals or substances, recommend remedial action if required, and communicate this information to the requestor. In addition, one clerical position will be required to provide support for the hygienist.

In addition to the personal services cost associated with the Industrial Hygienist and clerical position, the Department will need to increase the current contract for laboratory services (\$5,000), the indirect support services and rent allocations (\$7,479 and \$6,800 respectively), and its printing and postage allocations, distribution of posters, and safety data sheets. All other costs in Contractual Services are normal operating costs (\$7,200). Additionally, the Industrial Hygienist position will require various scientific measuring and sampling equipment (\$7,600), as well as basic office equipment. The Travel budget for FY 1984 includes \$2,500 for recruiting and relocation expenses for the hygienist position and \$15,000 for extensive in-state travel to conduct training sessions and hazardous substance seminars throughout the State for the first year.

Assumptions:

The Department will collect and disseminate information regarding hazardous chemicals and/or substances to the general public, and as a result will also be making increased work-site inspections.

Inflation rate of 6 percent per annum.

The equipment costs of \$12,700 are one-time items.

\$5,000 of the in state travel is a one time item (informational visits) and \$2,500 of the travel for relocation/recruiting expenses is a one-time item.

Effective date of July 1, 1983.

\$1,000 of the first year's supply costs is a one-time item.

LEG:B:5

1.	POSITION TITLE Industrial Hygienist I				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS for SB 79	PCN. NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE									
	1	2	3							
PERSONAL SERVICES										
5.	Salary		38,135							
6.	Benefits		6,053							
7.	Supplemental Benefits		2,338							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01	49,406							
10.	Travel	02	17,500							
11.	Contractual	03	25,622							
12.	Commodities	04	1,500							
13.	Equipment	05	10,200							
14.	Other									
15.	TOTAL COST		104,228							
RECEIPT CODE FUNDING SOURCE										
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.	100	General Funds	1004	104,228						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

The hygienist will ascertain the effects a chemical/substance will produce, recommend remedical action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.

Travel funds include \$2,500 in relocation and recruiting expense and \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.

Contractual services consist of \$3,400 for rent, \$5,022 for indirect support services, 5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information, and \$5,000 for basic operating expenses.

The equipment costs are comprised of various scientific equipment (\$7,700), office equipment (\$1,500), and protective equipment (\$1,000).

AGENCY Labor
PROGRAM Workers' Protection
BRU Labor Standards and Safety

FY 84

13 REQUEST FOR NEW POSITION

1.	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS FOR SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION	XX	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	18,647							
6.	Benefits	2,960							
7.	Supplemental Benefits	1,143							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	25,630						
10.	Travel	02	0						
11.	Contractual	03	11,856						
12.	Commodities	04	1,000						
13.	Equipment	05	2,500						
14.	Other								
15.	TOTAL COST		40,986						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.	100	General Funds 1004		40,986					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							

This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of House Bill 197.

This position will type and file information under direction of the Industrial Hygienist.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.

Contractual services costs consist of equipment rent, management services support of \$2,456, and space rent of \$3,400. Additionally, \$1,000 for a word processing data management package will be required to collate, and facilitate the disseminating of hazardous substance information. All other costs are normal operating costs.

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Worker Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health Administration

Page 2 of 2
Revised Date _____

FY 84

LEG:B:7

Alaska State Legislature

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ROBERT H. ZIEGLER, SR., Vice Chairman
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Senate

Committee on Resources

Memo

May 20, 1983

To: Senator Bettye Fahrenkamp

From: Senate Resources Committee Staff

Subject: Support for SB 79, "Right to Know" bill

On May 2 and 3, 1983 staff met with representatives from the following interests and organizations with expressed purpose of redrafting SB 79 dealing with hazardous and toxic substances in the workplace:

Alaska Employer's Committee (William Schneider, T.J. Thrasher)
Associated General Contractors (Resa King, William Schneider)
Alaska Trucking Association (T.J. Thrasher)
Sohio (Bob Straus)
Arco (Beverly Ward)
Alaska District Council of Laborers (Mick Hotrum)
Alaska Health Project (Steve Kadish)
Alaska Environmental Lobby (Jay Nelson, David Wigglesworth) -
Alaska State Dept. of Labor (Judy Knight, Richard Arab)
Senator Josephson's Office (Henry Lancaster)

At the end of the two days of meeting, all participants concurred in the general provisions of the draft subject to reviewing the language and consulting with their organizations.

Following the meeting staff worked with Legal Division in formally drafting a committee substitute. All participants were sent a copy of the draft for review and staff contacted each for comments. After a redrafting all participants verbally approved the committee substitute.

At a Resources Committee hearing on the bill on May 11 testimony was received from T.J. Thrasher representing the Alaska Employers Committee, from Commissioner Robison of the State Department of Labor and Mike Andrews representing the International Brotherhood of Painters and Allied Trades. All testified in support of the committee substitute for SB 79. Prior to the hearing and following the hearing specific support for the committee substitute was formally received from the Alaska Environmental Lobby, the Alaska Health Project, the Alaska District Council of Laborers and individual members of the Alaska Employers Committee including The Alaska Cleaners. Additional support has been received from the Golden Valley Electric Association. At this date the committee substitute is still being reviewed by Arco and no approval or disapproval has been received.

The Alaska Employers' Committee includes over 5,000 Alaskan employers in the following organizations:

- Associated General Contractors
- Alaska Trucking Association
- Alaska Retail Association
- Alaska Seafood Processors
- Alaska Loggers Association
- Alaska Miners Association
- Alaska Support Industry Alliance
- Anchorage Laundry and Dry Cleaners Association
- Resource Development Council
- Sohio

Attached is a list of the Board of Directors of the Alaska Health Project and its Professional Resources Committee Members.



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Jan Bolt, R.N., B.S.N., C.C.R.N., Health Educator, Thermal Unit, Providence Hospital

Michael Carroll, M.D., Oncologist

Chancy Croft, Attorney, Croft, Thurlow and Duggan

Neil Fried, Labor Economist, Alaska Department of Labor

Stan Godsoe, Chief of Consultation and Training, Alaska Department of Labor, Occupational Safety and Health Section

Owen Hanley, M.D., Internist

Ray Jorgenson, Chief Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

Tom Kosatsky, M.D., Medical Epidemiologist, State of Alaska

Bob Landau, Assistant Attorney General, State of Alaska

Leonard Limtiaco, Industrial Hygienist, U.S. Occupational Safety and Health Administration

Wayne Myers, M.D., Director, WAMI Program, University of Alaska, Fairbanks

Eric Olson, Attorney

Stacie Pascal, Loss Control Representative

George Riley, Safety Officer, University of Alaska, Fairbanks

Art Robson, Attorney

Eric Shortt, Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

John Sims, Director, Office of Mineral Development

Deborah Williams, Attorney, Smith and Gruening

Daniel Bacon, Environmental & Industrial Hygiene Analyst, Chemical & Geological Labs

Bill Blythe, Industrial Hygienist, Alaska Department of Labor, Occupational Safety and Health Section

Doris Heilman, MD, Obstetrician, Fairbanks Clinic

Joe O'Connell, Attorney, Alaska Legal Services

Danny Sanchez, Safety Officer, Fairbanks North Star Borough

John Middaugh, MD, State Epidemiologist, Department of Health & Social Services

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Senate

Committee on Resources

MEMO

To: Representative Al Adams, Chairman
House Finance Committee

From: Senator Bettye Fahrenkamp

Date: June 20, 1983

Subject: June 21 Hearing on SB 79, "Right to Know" bill

Thank you for scheduling a hearing on this important legislation. I am a co-sponsor of the bill and would strongly commend to you the committee substitute which unanimously passed the Senate Resources Committee.

Following Resources Committee hearings on the bill this session in Juneau and Fairbanks, I asked staff to meet with concerned interest groups to try to work out problems which were widely acknowledged in the bill as originally drafted. Among these problems were:

- Coverage of as many as 40,000 substances to be dealt with by employers.
- Inclusion of "household" substances like salt, sand, bug spray and others.
- Coverage of transportation industry where many break-in-transit handlings but no substance use were involved.
- Requirement of labeling of substance containers, piping systems.
- Reporting requirements to the State Department of Labor potentially involving extensive paperwork for employers and the state.
- Possible duplication and conflicts iwth federal OSHA regulations to be promulgated in the near future.

However, most agreed that the basic intent of the legislation to communicate the identity, health hazards and proper handling methods for hazardous and toxic substances to employees by employers was desirable.

A meeting was held in Juneau May 2 and 3 with representatives of the following groups to try to arrive at consensus legislation: Committee staff, Sen. Josephson's office, Alaska Environmental Lobby, Alaska Employer's Committee, Alaska General Contractors, Sohio, Arco, Alaska Health Project, Alaska District Council of Laborers, Alaska Department of Labor and Alaska Trucking Association.

The group proceeded under the following assumptions and objectives:

- that it was desirable to pursue legislation this session.
- that federal OSHA regulations would probably be published around July 1 of this year.
- that while federal OSHA regulations would cover several aspects of this legislation most employers in Alaska would not be covered.
- that it was desirable and possible to cover most Alaskan employers in a manner which would not duplicate or conflict with federal OSHA regulations.
- that any legislation pursued this session should represent a basic, simplified employer-to-employee communication system involving a minimum of paperwork or expense.

Provisions of the CS

The group agreed to a draft CS containing the following general provisions:

- The CS tracks the proposed OSHA regulations for the substances covered. Two basic lists of chemicals for which study and exposure limits have been set would be covered plus additional substances which would be covered by OSHA regulation following performance-based testing. The combined lists (large overlap) would cover approximately 600-700 chemical substances to be considered "hazardous" or "toxic" under the bill.
- Employers would be required to post a notice of hazardous and toxic substances in their workplaces with information on health hazards, handling procedures, and other information. Employers would also be required to provide safety training on these substances to new employees and reassignment of employees for substances they would be exposed to.
- The information required to be supplied by employers would be in the same form as required under OSHA regulation. This information would not have to be produced by employers but would come from manufacturers as required by the OSHA regs, would be required on all substances imported into Alaska (to cover middleman wholesalers not covered by federal regs), and would be on file with the state Department of Labor. In fact, information on most, if not all, the substances covered by the bill is currently available.
- No labeling or reporting requirements are included in the CS. Labeling will be required of all manufacturers under OSHA regulations and the reporting requirements were determined not to be critical to the basic communication to employees of substance information.
- Substances while in transit are exempt from the provisions of the bill. Current federal transportation of hazardous substances regulations were determined to be sufficient.
- Household items such as food, drugs, goods used for personal use are exempted as are substances in small quantities not representing a health hazard. Thus, no substances like salt or bug spray off the shelf are included. However, some items like sand (silicates) are on the list when used in concentrations (like sandblasting) which have been shown to represent real health hazards, but not for most common situations.
- Although the technical assistance activities and pre-implementation tasks of the Department of Labor would take effect immediately, employers would not be required to comply before July 1, 1984, to ensure that information is available.

At a hearing of the Resources Committee on May 11 representatives of business, labor and the Administration testified in support of the committee substitute.

Either I or a member of my staff will be available to present testimony or to answer any questions you or the Finance Committee may have when it considers the bill. Please let me know if I can be of further assistance.

SENATE LETTER OF INTENT CSSE 79(Res)

The purpose of this legislation is to inform employees of the identity of and the health hazards and proper handling procedures for hazardous and toxic substances in their workplace through a communication and safety education program adopted by employers. While this legislation is designed to cover most employers in the state utilizing substances defined in the bill, it is not the intent to require employers to be responsible for the generation or creation of the information required to be posted or communicated to employees. Rather, the bill is designed under the assumption that federal regulations will be promulgated in the near future by the Occupational Safety and Health Administration (OSHA) which will require manufacturers to develop and distribute information for all the substances covered by the bill. The provision requiring that such information accompany substances imported into the state and the provision requiring the State Department of Labor to keep information on file for all substances covered by the bill are designed to aid employers in readily obtaining the required information.

It is the intent of the Committee that the Department of Labor play an active role in informing employers of the requirements of this bill and aiding them in meeting the requirements. Among the tasks required of and intended that the Department undertake are: the development of a poster outlining the provisions and employee rights under the bill and the printing of sufficient copies for all applicable employers; the compilation of all relevant information on the various substances covered by the bill and formulation of an information retrieval system capable of answering telephone inquiries by employers and employees on various substances and products; the compilation and printing of a list of the various substances identified in the bill as hazardous and toxic for use by employers; the provision of assistance to employers upon request in developing safety education programs; and the surveying of various employers or industries to identify the types of substances used and problems being encountered. In this last task it is intended that such surveys be made in cooperation with business and industry groups or associations.

It is the intent of the Committee that the Department complete the specific tasks identified in section 1 of the bill at least several months in advance of the July 1, 1984 effective date for section 2 of the bill requiring posting and training by employers.

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the

state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

By The Resources Committee

Adopted in the Senate, May 31, 1983.

Introduced: 1/27/83
Referred: Resources

BY JOSEPHSON, STURGULEWSKI,
V. FISCHER AND FAHRENKAMP

1 IN THE SENATE

2

SENATE BILL NO. 79

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to toxic and hazardous substances in
the workplace; and providing for an effective date."

7

8

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

9

* Section 1. AS 18.60 is amended by adding new sections to read:

10

Sec. 18.60.065. TOXIC AND HAZARDOUS SUBSTANCE SAFETY INFORMA-

11

TION. (a) An employer who manufactures, stores, uses, or transports

12

a toxic or hazardous substance in the state shall, with the assistance

13

of the department, provide to the department annually a material

14

safety data sheet for each substance setting forth the following

15

information:

16

(1) the chemical name, CAS number, and the common name of

17

the substance;

18

(2) the trade name of the chemical and other commonly used

19

names;

20

(3) the permissible exposure level established under the

21

Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.),

22

as amended, or recommended by the National Institute of Occupational

23

Safety and Health;

24

(4) the known or suspected acute or chronic effects of

25

exposure to the substance;

26

(5) the potential flammability, explosiveness, and reactiv-

27

ity of the substance;

28

(6) the conditions of safe use and exposure to the sub-

29

stance;

1 (7) the appropriate medical treatment to be applied in an
2 emergency involving the substance;

3 (8) the procedures for cleanup of leaks or spills of the
4 substance;

5 (9) the name and address of the manufacturer of the sub-
6 stance; and

7 (10) the month and year the employer compiled the informa-
8 tion listed in (1) - (9) of this subsection.

9 (b) An employer shall make available a copy of the information
10 provided in (a) of this section to an employee, or a collective bar-
11 gaining agent or designated representative of the employee, within
12 five working days of a request for the information. An employer shall
13 provide to each employee or applicant for employment a copy of the
14 information in (a) of this section that relates to substances to which
15 the employee may be exposed in the course of employment, and an expla-
16 nation of the information in language the employee is likely to under-
17 stand.

18 (c) An employer who fails to provide information under (b) of
19 this section within five working days of a request may not require the
20 requesting employee to be exposed to a substance about which informa-
21 tion was requested until the information has been provided.

22 (d) An employer shall prominently display signs in the workplace
23 notifying employees of the provisions of this section.

24 Sec. 18.60.066. LABELING OF TOXIC AND HAZARDOUS SUBSTANCES. (a)
25 An employer who manufactures, stores, uses, or transports a toxic or
26 hazardous substance in the state shall affix in a prominent place on
27 each container that contains one gallon or more of the substance a
28 label containing the following information:

29 (1) the common and chemical names of the substance;

1 (2) the hazards and health risks associated with use of or
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate procedures to follow in case of overex-
5 posure to the substance; and

6 (5) the need for and instructions for the proper use of
7 equipment to protect a person from overexposure to the substance.

8 (b) An employer shall identify toxic or hazardous substances
9 that are contained in piping systems in the workplace by affixing
10 labels prominently on the pipe body. Locations of labels shall in-
11 clude

12 (1) valve flanges, branches, and pipe reactors; and

13 (2) pipe exit and entry points in walls, floors, and the
14 ground.

15 (c) In an area where toxic or hazardous substances are stored an
16 employer shall prominently display an alphabetical list of the chemi-
17 cal and common names of the substances.

18 Sec. 18.60.067. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
19 employer shall establish an employee safety education program for
20 employees exposed to toxic or hazardous substances. Instruction for
21 dealing safely with toxic or hazardous substances to which an employee
22 may be exposed shall be given to each employee annually and at other
23 times as necessary to assure that an employee remains adequately
24 informed about dealing safely with the substances.

25 (b) An employee safety education program shall include instruc-
26 tion in the following aspects of each toxic and hazardous substance to
27 which an employee may be exposed:

28 (1) the chemical names, common names, and CAS numbers of
29 the substance;

1 (2) the known or suspected acute or chronic effects of
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate medical treatment to be applied in an
5 emergency involving the substance;

6 (5) the potential flammability, explosiveness, and reactiv-
7 ity of the substance;

8 (6) the conditions of safe use and exposure to the sub-
9 stance;

10 (7) the procedures for cleanup of leaks or spills of the
11 substance;

12 (8) the location of the substance; and

13 (9) the purpose, proper use, and limitations of personal
14 equipment required to protect a person from harmful exposure to the
15 substance.

16 (c) The department may establish additional requirements for an
17 employee safety education program. The department shall monitor the
18 program to assure compliance with this section.

19 * Sec. 2. AS 18.60 is amended by adding a new section to read:

20 Sec. 18.60.101. WAIVERS VOID. A waiver of a provision of
21 AS 18.60.010 - 18.60.105 by an employee or applicant for employment is
22 against public policy and is void.

23 * Sec. 3. AS 18.60.105(3) is amended to read:

24 (3) "employee" means a person who works for an employer;
25 but for purposes of AS 18.60.065 - 18.60.067, "employee" does not
26 include a person employed in a place that is primarily a personal
27 residence;

28 * Sec. 4. AS 18.60.105(4) is amended to read:

29 (4) "employer" means a person, including the state and

1 political subdivisions of the state, who has one or more employees;
2 but for purposes of AS 18.60.065 - 18.60.067, "employer" means an
3 individual, partnership, corporation, or association in the state who
4 has persons employed for the purpose of manufacturing, storing, using,
5 or transporting toxic or hazardous substances in a place of employment
6 other than a place that is primarily a personal residence; but where
7 an employee of one employer is present at the workplace of another
8 employer by agreement between the employers, "employer" means the
9 employer that has control of the workplace;

10 * Sec. 5. AS 18.60.105 is amended by adding new paragraphs to read:

11 (6) "CAS number" means the identification number assigned
12 to a substance by the Chemical Abstracts Service;

13 (7) "chemical name" means the scientific name of a sub-
14 stance in the nomenclature developed by the International Union of
15 Pure and Applied Chemistry or by the Chemical Abstracts Service;

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

17 (A) listed in the United States Department of Trans-
18 portation hazardous materials table (49 C.F.R. 172.101) and is
19 any of the following:

20 (i) a combustible substance;

21 (ii) a compressed gas;

22 (iii) an explosive;

23 (iv) a flammable substance;

24 (v) an organic peroxide; or

25 (vi) an oxidizer; or

26 (B) defined as a hazardous substance by the depart-
27 ment;

28 (9) "toxic substance" means a substance that is

29 (A) listed in the "toxic and hazardous substances"

1 section of regulations adopted under the Occupational Safety and
2 Health Act (29 C.F.R., Part 1910, subpart Z);

3 (B) listed in the "Registry of Toxic Effects of Chemi-
4 cal Substances" published by the National Institute for Occupa-
5 tional Safety and Health; or

6 (C) defined as a toxic substance by the department.

7 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
8 10.070(c).

Offered: 5/13/83
Referred: Finance

Original sponsors: Josephson, Sturgulewski,
V. Fischer and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 79 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to toxic and hazardous substances in
7 the workplace; and providing for an effective date."

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

9 * Section 1. AS 18.60.030 is amended by adding new paragraphs to read:

10 (12) annually publish a list of toxic and hazardous
11 substances;

12 (13) maintain a current set of OSHA form 20's or equivalent
13 information for toxic and hazardous substances, and other information
14 relevant to toxic and hazardous substances;

15 (14) assist employers, upon request, to identify and obtain
16 information on toxic and hazardous substances and develop employee
17 safety education programs.

18 * Sec. 2. AS 18.60 is amended by adding new sections to read:

19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.
20 Toxic and hazardous substances imported into the state shall be accom-
21 panied by a federal Occupational Safety and Health Administration
22 (OSHA) form 20 or equivalent information. This requirement does not
23 apply to a substance for which the in-state purchaser has already
24 received the most current information.

25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
26 employer shall conduct a safety education program for an employee
27 before the employee performs a new work assignment that may result in
28 the employee being exposed to a toxic or hazardous substance for which
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the
3 employee of

4 (A) the location, properties, and known or suspected
5 acute and chronic health effects of the hazardous or toxic sub-
6 stances to which the employee is exposed in the workplace;

7 (B) the nature of the operations that could result in
8 exposure to hazardous or toxic substances, as well as any neces-
9 sary handling or hygienic practices or precautions; and

10 (C) the location, purpose, proper use, and limitations
11 of personal protective equipment used in the workplace.

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)
13 An employer shall make available to an employee on request a copy of
14 the most recent OSHA form 20 or equivalent written information for a
15 toxic or hazardous substance to which the employee may be exposed. If
16 the employer does not have the copy or information requested, the
17 employer shall request a copy from the department or the manufacturer
18 of the substance within three state government working days after
19 receiving the request.

20 (b) If the copy or information requested under (a) of this
21 section is not made available to the employee within 15 calendar days
22 after the request is received, the employer shall take measures to
23 assure that employees are not exposed to the substance to which the
24 copy or information pertains until the copy or information is made
25 available to the employee who made the request. This subsection
26 applies only to substances for which an OSHA form 20 or equivalent
27 information is required under OSHA regulations. This subsection does
28 not alter, deny, or abrogate any right an employee may have under law
29 to refuse to work under hazardous circumstances.

1 Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The
2 department shall print and make available to employers posters that
3 contain notice of the provisions of this chapter relating to toxic and
4 hazardous substances.

5 (b) An employer whose employees are or may be exposed in the
6 workplace to a toxic or hazardous substance shall display the
7 following information in a manner designed to notify the employees:

8 (1) a poster printed by the department under (a) of this
9 section; and

10 (2) an OSHA form 20 or equivalent information for each
11 toxic or hazardous substance to which an employee may be exposed in
12 the workplace

13 (A) under normal conditions of work; or

14 (B) during a reasonably foreseeable emergency, includ-
15 ing equipment failure and rupture of containers.

16 (c) Instead of posting the information required under (b)(2) of
17 this section, an employer may post a list of the chemical name and
18 product name of each toxic or hazardous substance to which an employee
19 may be exposed in the workplace, together with an identification of a
20 location, in or near the workplace and accessible to employees, where
21 an employee may inspect the information listed under (b)(2) of this
22 section.

23 * Sec. 3. AS 18.60.105 is amended by adding new paragraphs to read:

24 (6) "be exposed" means to ingest, inhale, or absorb through
25 the skin or eyes a substance, or fumes or other potentially harmful
26 aspect of a substance;

27 (7) "OSHA" means the federal Occupational Safety and Health
28 Administration;

29 (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,
2 Toxic and Hazardous Substances, "General Industry Standards",
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for
5 Chemical Substances and Physical Agents in the Work Environment",
6 American Conference of Governmental Industrial Hygienists (Latest
7 Edition);

8 (C) a substance for which an OSHA form 20 or
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in
11 accordance with the Administrative Procedure Act (AS 44.62), to
12 be a health hazard to an employee who is exposed to the
13 substance, including a carcinogen, reproductive toxin, irritant,
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,
15 agent that acts on the hematopoietic system, agent that damages
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,
19 volume, or concentration do not pose a health hazard upon expo-
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-
25 tainer by a mode of transportation.

26 * Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-
28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

2 (2) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees
4 working in a place not used primarily as a personal residence.

5 (3) "health hazard" means a substance capable of causing
6 acute or chronic adverse effects to health;

7 (4) "workplace" means a place of employment other than a
8 place used primarily as a personal residence.

9 * Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in
10 accordance with AS 01.10.070(c).

11 * Sec. 6. Section 2 of this Act takes effect July 1, 1984.

COMMITTEE REPORT
SENATE

FURTHER:

5/13/83

Date: 5/19/83

Mr. President:

The Committee on FINANCE has had SB 79

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

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

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

and recommends DO Pass

AND attaches a ^{Resources} "Letter of Intent" New Fiscal Note

reports it back without recommendation ^{2 Fiscal Notes}

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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CHAIRMAN

LETTER OF INTENT, SB 79

The purpose of this legislation is to inform employees of the identity of and the health hazards and proper handling procedures for hazardous and toxic substances in their workplace through a communication and safety education program adopted by employers. While this legislation is designed to cover most employers in the state utilizing substances defined in the bill, it is not the intent to require employers to be responsible for the generation or creation of the information required to be posted or communicated to employees. Rather, the bill is designed under the assumption that federal regulations will be promulgated in the near future by the Occupational Safety and Health Administration (OSHA) which will require manufacturers to develop and distribute information for all the substances covered by the bill. The provision requiring that such information accompany substances imported into the state and the provision requiring the State Department of Labor to keep information on file for all substances covered by the bill are designed to aid employers in readily obtaining the required information.

It is the intent of the Committee that the Department of Labor play an active role in informing employers of the requirements of this bill and aiding them in meeting the requirements. Among the tasks required of and intended that the Department undertake are: the development of a poster outlining the provisions and employee rights under the bill and the printing of sufficient copies for all applicable employers; the compilation of all relevant information on the various substances covered by the bill and formulation of an information retrieval system capable of answering telephone inquiries by employers and employees on various substances and products; the compilation and printing of a list of the various substances identified in the bill as hazardous and toxic for use by employers; the provision of assistance to employers upon request in developing safety education programs; and the surveying of various employers or industries to identify the types of substances used and problems being encountered. In this last task it is intended that such surveys be made in cooperation with business and industry groups or associations.

It is the intent of the Committee that the Department complete the specific tasks identified in section 1 of the bill at least several months in advance of the July 1, 1984 effective date for section 2 of the bill requiring posting and training by employers.

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the

state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS for SB 79 (Res)
 Title Toxic waste and hazardous substances in the workplace
 Requested by Senate Finance Committee Date May 19, 1983

II. FISCAL DETAIL
 Agency Affected Department of Environmental Conservation
 Program (Category) Affected Hazardous Waste
 BRU, Program, or Subprogram(s) Affected Laboratory Monitoring Support
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				


FUNDING (Thousands of Dollars)

GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER (Specify Fund Source)	0	0				

POSITIONS

FULL TIME	0	0				
PART TIME	0	0				
TEMPORARY	0	0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE May 19, 1983 PREPARED BY 
 AGENCY Don Bennett, Co-chairman
 PHONE Senate Finance Committee
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

3714

STATE OF ALASKA
FISCAL NOTE

Revision Date May 10 1983

I. REQUEST

Bill/Resolution No.: CS for SB 79 (Res)
 Title: "...hazardous & toxic substances"
 Sponsor: Senate Labor & Commerce
 Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRU, Program of Subprogram(s) Affected: Labor Standards & Safety, Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		75.0	79.5	84.3	89.4	94.8
200 TRAVEL		17.5	10.6	11.2	11.9	12.6
300 CONTRACTUAL		37.5	39.8	42.2	44.7	47.4
400 COMMODITIES		2.5	1.6	1.7	1.8	1.9
500 EQUIPMENT		12.7	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		145.2	131.5	139.4	147.8	156.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		145.2	131.5	139.4	147.8	156.7
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: ^{PK} Robert J. Bacolas, Sr.
 Division: Labor Standards and Safety

Phone: 465-4870
 Date: May 10, 1983

Approved by Commissioner: Jim Robison
 Department: Labor

Date: May 10, 1983

LEG:B:9

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

TITLE: "An Act relating to hazardous and toxic substances."

AGENCY AFFECTED: Department of Labor

Page 2

Under this bill the Department of Labor will be responsible for collecting and disseminating information regarding hazardous chemicals and/or substances at work or storage sites in Alaska.

An Industrial Hygienist position in Anchorage will be required to review and respond to requests about the effects of hazardous chemicals or substances, recommend remedial action if required, and communicate this information to the requestor. In addition, one clerical position will be required to provide support for the hygienist.

In addition to the personal services cost associated with the Industrial Hygienist and clerical position, the Department will need to increase the current contract for laboratory services (\$5,000), the indirect support services and rent allocations (\$7,479 and \$6,800 respectively), and its printing and postage allocations, distribution of posters, and safety data sheets. All other costs in Contractual Services are normal operating costs (\$7,200). Additionally, the Industrial Hygienist position will require various scientific measuring and sampling equipment (\$7,600), as well as basic office equipment. The Travel budget for FY 1984 includes \$2,500 for recruiting and relocation expenses for the hygienist position and \$15,000 for extensive in-state travel to conduct training sessions and hazardous substance seminars throughout the State for the first year.

Assumptions:

The Department will collect and disseminate information regarding hazardous chemicals and/or substances to the general public, and as a result will also be making increased work-site inspections.

Inflation rate of 6 percent per annum.

The equipment costs of \$12,700 are one-time items.

\$5,000 of the in state travel is a one time item (informational visits) and \$2,500 of the travel for relocation/recruiting expenses is a one-time item.

Effective date of July 1, 1983.

\$1,000 of the first year's supply costs is a one-time item.

LEG:B:5

1.	POSITION TITLE Industrial Hygienist I			RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	COL.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEC.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES*								
5.	Salary	38,135							
6.	Benefits	6,053							
7.	Supplemental Benefits	2,338							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	49,406						
10.	Travel	02	17,500						
11.	Contractual	03	25,622						
12.	Commodities	04	1,500						
13.	Equipment	05	10,200						
14.	Other								
15.	TOTAL COST		104,228						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.	100	General Funds 1004		104,228					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

The hygienist will ascertain the effects a chemical/substance will produce, recommend remedial action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.

Travel funds include \$2,500 in relocation and recruiting expense and \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.

Contractual services consist of \$3,400 for rent, \$5,022 for indirect support services, 5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information, and \$5,000 for basic operating expenses.

The equipment costs are comprised of various scientific equipment (\$7,700), office equipment (\$1,500), and protective equipment (\$1,000).

13 REQUEST FOR NEW POSITION

AGENCY Labor
PROGRAM Workers' Protection
BRU Labor Standards and Safety
COMPONENT Occupational Safety and Health Administration

FY 84

Page 1 of 2
Revised Date

1.	POSITION TITLE Clerk Typist III			RANGE/STEP BA	BARG. UNIT GGU	FORM 12	PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS FOR SR 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION	XX	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES*									
5.	Salary	18,647								
6.	Benefits	2,960								
7.	Supplemental Benefits	1,143								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	25,630							
10.	Travel	02	0							
11.	Contractual	03	11,856							
12.	Commodities	04	1,000							
13.	Equipment	05	2,500							
14.	Other									
15.	TOTAL COST		40,986							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		40,986						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of Committee Substitute for Senate Bill 79.

This position will type and file information under direction of the Industrial Hygienist.

Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.

Contractual services costs consist of equipment rent, management services support of \$2,456, and space rent of \$3,400. Additionally, \$1,000 for a word processing data management package will be required to collate, and facilitate the disseminating of hazardous substance information. All other costs are normal operating costs.

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health Administration

FY 84

13 REQUEST FOR NEW POSITION

Page 2 of 2
Revised Date

Offered: 5/13/83
Referred: Finance

Original sponsors: Josephson, Sturgulewski,
V. Fischer and Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 79 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to toxic and hazardous substances in
7 the workplace; and providing for an effective date."

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

9 * Section 1. AS 18.60.030 is amended by adding new paragraphs to read:

10 (12) annually publish a list of toxic and hazardous
11 substances;

12 (13) maintain a current set of OSHA form 20's or equivalent
13 information for toxic and hazardous substances, and other information
14 relevant to toxic and hazardous substances;

15 (14) assist employers, upon request, to identify and obtain
16 information on toxic and hazardous substances and develop employee
17 safety education programs.

18 * Sec. 2. AS 18.60 is amended by adding new sections to read:

19 Sec. 18.60.065. IMPORTATION OF TOXIC AND HAZARDOUS SUBSTANCES.
20 Toxic and hazardous substances imported into the state shall be accom-
21 panied by a federal Occupational Safety and Health Administration
22 (OSHA) form 20 or equivalent information. This requirement does not
23 apply to a substance for which the in-state purchaser has already
24 received the most current information.

25 Sec. 18.60.066. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
26 employer shall conduct a safety education program for an employee
27 before the employee performs a new work assignment that may result in
28 the employee being exposed to a toxic or hazardous substance for which
29 the employee has not received safety instruction as provided under (b)

1 of this section.

2 (b) An employee safety instruction program shall inform the
3 employee of

4 (A) the location, properties, and known or suspected
5 acute and chronic health effects of the hazardous or toxic sub-
6 stances to which the employee is exposed in the workplace;

7 (B) the nature of the operations that could result in
8 exposure to hazardous or toxic substances, as well as any neces-
9 sary handling or hygienic practices or precautions; and

10 (C) the location, purpose, proper use, and limitations
11 of personal protective equipment used in the workplace.

12 Sec. 18.60.067. INFORMATION PROVIDED ON EMPLOYEE'S REQUEST. (a)

13 An employer shall make available to an employee on request a copy of
14 the most recent OSHA form 20 or equivalent written information for a
15 toxic or hazardous substance to which the employee may be exposed. If
16 the employer does not have the copy or information requested, the
17 employer shall request a copy from the department or the manufacturer
18 of the substance within three state government working days after
19 receiving the request.

20 (b) If the copy or information requested under (a) of this
21 section is not made available to the employee within 15 calendar days
22 after the request is received, the employer shall take measures to
23 assure that employees are not exposed to the substance to which the
24 copy or information pertains until the copy or information is made
25 available to the employee who made the request. This subsection
26 applies only to substances for which an OSHA form 20 or equivalent
27 information is required under OSHA regulations. This subsection does
28 not alter, deny, or abrogate any right an employee may have under law
29 to refuse to work under hazardous circumstances.

1 Sec. 18.60.068. POSTING OF INFORMATION IN WORKPLACE. (a) The
2 department shall print and make available to employers posters that
3 contain notice of the provisions of this chapter relating to toxic and
4 hazardous substances.

5 (b) An employer whose employees are or may be exposed in the
6 workplace to a toxic or hazardous substance shall display the
7 following information in a manner designed to notify the employees:

8 (1) a poster printed by the department under (a) of this
9 section; and

10 (2) an OSHA form 20 or equivalent information for each
11 toxic or hazardous substance to which an employee may be exposed in
12 the workplace

13 (A) under normal conditions of work; or

14 (B) during a reasonably foreseeable emergency, includ-
15 ing equipment failure and rupture of containers.

16 (c) Instead of posting the information required under (b)(2) of
17 this section, an employer may post a list of the chemical name and
18 product name of each toxic or hazardous substance to which an employee
19 may be exposed in the workplace, together with an identification of a
20 location, in or near the workplace and accessible to employees, where
21 an employee may inspect the information listed under (b)(2) of this
22 section.

23 * Sec. 3. AS 18.60.105 is amended by adding new paragraphs to read:

24 (6) "be exposed" means to ingest, inhale, or absorb through
25 the skin or eyes a substance, or fumes or other potentially harmful
26 aspect of a substance;

27 (7) "OSHA" means the federal Occupational Safety and Health
28 Administration;

29 (8) "toxic or hazardous substance" includes

1 (A) a chemical listed in 29 CFR Part 1910, Subpart Z,
2 Toxic and Hazardous Substances, "General Industry Standards",
3 Occupational Safety and Health Administration;

4 (B) a chemical listed in "Threshold Limit Values for
5 Chemical Substances and Physical Agents in the Work Environment",
6 American Conference of Governmental Industrial Hygienists (Latest
7 Edition);

8 (C) a substance for which an OSHA form 20 or
9 equivalent information is required under OSHA regulations; and

10 (D) a substance determined by the department, in
11 accordance with the Administrative Procedure Act (AS 44.62), to
12 be a health hazard to an employee who is exposed to the
13 substance, including a carcinogen, reproductive toxin, irritant,
14 corrosive, sensitizer, hepatotoxin, nephrotoxin, neurotoxin,
15 agent that acts on the hematopoietic system, agent that damages
16 the lungs, a cutaneous hazard and an eye hazard;

17 (9) "toxic or hazardous substance" does not include

18 (A) substances that because of their physical state,
19 volume, or concentration do not pose a health hazard upon expo-
20 sure;

21 (B) substances that are goods, food, drugs, cosmetics,
22 or tobacco products intended for personal consumption; or

23 (C) substances in transit;

24 (10) "transit" means conveyed in a sealed or unopened con-
25 tainer by a mode of transportation.

26 * Sec. 4. AS 18.60.105 is amended by adding a new subsection to read:

27 (b) In AS 18.60.030(14), 18.60.065 - 18.60.068, and 18.60.105-

28 (a)(9)

29 (1) "employee" means a person who works for an employer,

1 but not in a place used primarily as a personal residence;

2 (2) "employer" means a person, including the state and a
3 political subdivision of the state, who has one or more employees
4 working in a place not used primarily as a personal residence.

5 (3) "health hazard" means a substance capable of causing
6 acute or chronic adverse effects to health;

7 (4) "workplace" means a place of employment other than a
8 place used primarily as a personal residence.

9 * Sec. 5. Sections 1, 3, and 4 of this Act take effect immediately in
10 accordance with AS 01.10.070(c).

11 * Sec. 6. Section 2 of this Act takes effect July 1, 1984.

Assumptions:

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

Introduced: 1/27/83
Referred: Resources

BY JOSEPHSON, STURGULEWSKI,
V. FISCHER AND FAHRENKAMP

1 IN THE SENATE

2 SENATE BILL NO. 79

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to toxic and hazardous substances in
7 the workplace; and providing for an effective date."

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

9 * Section 1. AS 18.60 is amended by adding new sections to read:

10 Sec. 18.60.065. TOXIC AND HAZARDOUS SUBSTANCE SAFETY INFORMA-
11 TION. (a) An employer who manufactures, stores, uses, or transports
12 a toxic or hazardous substance in the state shall, with the assistance
13 of the department, provide to the department annually a material
14 safety data sheet for each substance setting forth the following
15 information:

16 (1) the chemical name, CAS number, and the common name of
17 the substance;

18 (2) the trade name of the chemical and other commonly used
19 names;

20 (3) the permissible exposure level established under the
21 Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.),
22 as amended, or recommended by the National Institute of Occupational
23 Safety and Health;

24 (4) the known or suspected acute or chronic effects of
25 exposure to the substance;

26 (5) the potential flammability, explosiveness, and reactiv-
27 ity of the substance;

28 (6) the conditions of safe use and exposure to the sub-
29 stance;

1 (7) the appropriate medical treatment to be applied in an
2 emergency involving the substance;

3 (8) the procedures for cleanup of leaks or spills of the
4 substance;

5 (9) the name and address of the manufacturer of the sub-
6 stance; and

7 (10) the month and year the employer compiled the informa-
8 tion listed in (1) - (9) of this subsection.

9 (b) An employer shall make available a copy of the information
10 provided in (a) of this section to an employee, or a collective bar-
11 gaining agent or designated representative of the employee, within
12 five working days of a request for the information. An employer shall
13 provide to each employee or applicant for employment a copy of the
14 information in (a) of this section that relates to substances to which
15 the employee may be exposed in the course of employment, and an expla-
16 nation of the information in language the employee is likely to under-
17 stand.

18 (c) An employer who fails to provide information under (b) of
19 this section within five working days of a request may not require the
20 requesting employee to be exposed to a substance about which informa-
21 tion was requested until the information has been provided.

22 (d) An employer shall prominently display signs in the workplace
23 notifying employees of the provisions of this section.

24 Sec. 18.60.066. LABELING OF TOXIC AND HAZARDOUS SUBSTANCES. (a)
25 An employer who manufactures, stores, uses, or transports a toxic or
26 hazardous substance in the state shall affix in a prominent place on
27 each container that contains one gallon or more of the substance a
28 label containing the following information:

29 (1) the common and chemical names of the substance;

1 (2) the hazards and health risks associated with use of or
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate procedures to follow in case of overex-
5 posure to the substance; and

6 (5) the need for and instructions for the proper use of
7 equipment to protect a person from overexposure to the substance.

8 (b) An employer shall identify toxic or hazardous substances
9 that are contained in piping systems in the workplace by affixing
10 labels prominently on the pipe body. Locations of labels shall in-
11 clude

12 (1) valve flanges, branches, and pipe reactors; and

13 (2) pipe exit and entry points in walls, floors, and the
14 ground.

15 (c) In an area where toxic or hazardous substances are stored an
16 employer shall prominently display an alphabetical list of the chemi-
17 cal and common names of the substances.

18 Sec. 18.60.067. EMPLOYEE SAFETY EDUCATION PROGRAMS. (a) An
19 employer shall establish an employee safety education program for
20 employees exposed to toxic or hazardous substances. Instruction for
21 dealing safely with toxic or hazardous substances to which an employee
22 may be exposed shall be given to each employee annually and at other
23 times as necessary to assure that an employee remains adequately
24 informed about dealing safely with the substances.

25 (b) An employee safety education program shall include instruc-
26 tion in the following aspects of each toxic and hazardous substance to
27 which an employee may be exposed:

28 (1) the chemical names, common names, and CAS numbers of
29 the substance;

1 (2) the known or suspected acute or chronic effects of
2 exposure to the substance;

3 (3) the symptoms of overexposure to the substance;

4 (4) the appropriate medical treatment to be applied in an
5 emergency involving the substance;

6 (5) the potential flammability, explosiveness, and reactiv-
7 ity of the substance;

8 (6) the conditions of safe use and exposure to the sub-
9 stance;

10 (7) the procedures for cleanup of leaks or spills of the
11 substance;

12 (8) the location of the substance; and

13 (9) the purpose, proper use, and limitations of personal
14 equipment required to protect a person from harmful exposure to the
15 substance.

16 (c) The department may establish additional requirements for an
17 employee safety education program. The department shall monitor the
18 program to assure compliance with this section.

19 * Sec. 2. AS 18.60 is amended by adding a new section to read:

20 Sec. 18.60.101. WAIVERS VOID. A waiver of a provision of
21 AS 18.60.010 - 18.60.105 by an employee or applicant for employment is
22 against public policy and is void.

23 * Sec. 3. AS 18.60.105(3) is amended to read:

24 (3) "employee" means a person who works for an employer;
25 but for purposes of AS 18.60.065 - 18.60.067, "employee" does not
26 include a person employed in a place that is primarily a personal
27 residence;

28 * Sec. 4. AS 18.60.105(4) is amended to read:

29 (4) "employer" means a person, including the state and