

LEG. FINANCE - BILLS 1985 - 1986 2292
SSH B 5 cont. - CS HB 7 2292

Honorable Joe P. Josephson
Page 2
March 7, 1984

Also enclosed is the U. S. Attorney General's Asbestos Liability Report to the Congress and it states "Congress has determined that 'medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to fibers' and 'the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials.'"

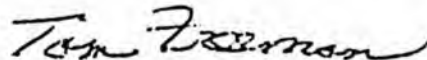
Enclosed is some medical research data which indicates that there are no safe lower limits of exposure. A letter from Mr. Wayne Tansil, Gobbell Hays Pickering, is enclosed which outlines encapsulation problems versus removal, and other information indicating the hazards of asbestos.

There are numerous reported examples of premature deaths from low-level exposure. Steve McQueen died of mesothelioma--his only reported exposure was a summer as a dock worker. A similar situation was reported with a Georgia Tech football coach. A Yale librarian was reported to have died of mesothelioma after seven years working in a library with deteriorating asbestos fireproofing above a dropped ceiling. A thirteen year old boy died of mesothelioma developed from exposure to asbestos while helping his father work on brake linings.

I believe the information contained within this booklet outlines the compounding health hazard to school children of asbestos exposure. This means children exposed to friable asbestos at an early age have the possibility of being affected by an asbestos-related disease in the prime of life, given the 20-30 year latency period of such diseases.

If I could be of further assistance, please let me know.

Sincerely,



L. T. Freeman
Assistant Superintendent
for Business Management

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BM5.33

Enclosure



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
Pouch 6-614
Anchorage, Alaska 99502
(907) 333-9561

RECEIVED

MAY 17 1984

Josephson,

May 14, 1984

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SUPERINTENDENT

E.E.(Gene) Davis, Ed.D.

The Honorable Joe P. Josephson
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Josephson:

The Anchorage School District has been monitoring the asbestos fibrous material that is located within 55 schools since 1979. This requirement was federally mandated by the Environmental Protection Agency (EPA). In June, 1983, we were again mandated by the EPA to post each school that contained asbestos and to notify all occupants of the building of its location.

The Anchorage School District structured a formal process by which prequalified bidders were selected and given the opportunity to bid on six abatement projects. Bartlett-Begich Junior/Senior High School was a separate item due to the magnitude of asbestos within the school. The five other schools were bid as a unit which includes West, East, and Dimond High Schools, Clark Junior High School, and Mt. Spurr Elementary School.

The bids were opened on Wednesday, May 9, 1984. The base bid for Bartlett had a low \$13,005,300 and a high of \$22,166,000. We received three bids for this project. We received two bids for the five school project with a high of \$1,980,000 to a low of \$1,538,240.

We will be approximately \$10 million short from awarding a contract for the removal of asbestos at Bartlett. At the present time the District is very appreciative of the approximately \$6.5 million which was awarded in HB 403.

Page 2
May 14, 1984

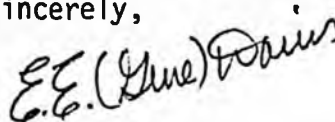
The low bid, if accepted, is \$14,543,540. This bid indicates that Bartlett would have to be closed for at least one semester. The District is analyzing some of the options for Bartlett's 2,000 students which would not impact on the educational program.

If Bartlett was to be completed over two summers, it would require an additional \$4 million. This, however, does not include storage for all of the furniture and equipment housed in Bartlett's 324,000 square feet.

The options available to us is to reject all bids, rebid the five schools by themselves, or reject Bartlett because of lack of funds. This question comes to the School Board on May 21, 1984, and it is imperative that the District receive the funding for this very important program.

We have appreciated all your efforts on behalf of the Anchorage community, its children, and their future.

Sincerely,



E. E. (Gene) Davis, Ed.D.
SUPERINTENDENT

cl
CIP.3

cc Bill Miles

P.S. Enclosed is an article from "What's Happening In Washington", published by The National PTA.

Asbestos: Still a danger in schools

by Elaine S. Knapp

For Phyllis Adams and Ann Gibbs the last year has been a frustrating one—trying to get their local school board to remove asbestos from the school their children attend.

"It's frustrating, our children are being poisoned and there's not anything we can do," Mrs. Gibbs declared. What the Lexington, Kentucky, housewife has done is work through the PTA, form a group of concerned parents, go door-to-door telling parents of the danger, gather hundreds of signatures on petitions, read volumes on asbestos, call and write federal agencies and confront the school administrator and board.

After a year of parental pressure being applied and at least a decade after school authorities knew of the asbestos hazard, Mrs. Gibbs said, "We don't think anything will be done until the government makes them (the school board)." School authorities maintain the asbestos will be cleaned up if money is available for renovation next year.

Ironically, the major government effort to control asbestos lies in Mrs. Gibbs and others like her. Telling parents and teachers that their school has asbestos and relying on them to rouse local action is the heart of the U.S. Environmental Protection Agency's (EPA) strategy to rectify the nationwide problem of asbestos in schools.

No effective federal program exists to protect schoolchildren from asbestos, state efforts vary widely and local schools often ignore the danger due to the cost of cleanup.

Asbestos dangers

Any exposure to asbestos involves some health risk, according to the Congress, the EPA and the scientific community. Children are especially vulnerable, according to the EPA guidance document on asbestos sent to schools. Their remaining life expectancy provides the 20 to 40 years it takes for disabling and fatal asbestos-related diseases to develop. Large numbers of children may be exposed in a contaminated school and exposure is continuous during the school year. Children are active and breathe more frequently than adults, possibly inhaling more asbestos fibers. Smoking can increase the cancer risk due to asbestos exposure.

Most hazardous is friable asbestos that can be crumbled. It sends deadly fibers into the air which may lodge in the lungs indefinitely, according to EPA's guidance document. Asbestos workers often develop a chronic and debilitating lung disease called asbestosis. Lower and shorter exposure can result in death many years later.

Asbestos diseases include: 1) asbestosis, a disease in which asbestos clogs the lungs, 2) pleural calcification, a deposit of calcium salts in the lung lining, 3) malignant tumors of the

lung, 4) mesothelioma, a rapid and fatal cancer of the lung and 5) intestinal and uterine cancers.

Hot potato

Asbestos in the schools has been a "hot potato" tossed among various levels of government and federal agencies. One reason is that removal of asbestos can be quite expensive, especially if large areas of buildings are affected. Funding is basically up to local schools as is asbestos detection and control. No federal funds are available and state aid varies.

The U.S. EPA requires schools to inspect for asbestos and notify parents and [school] employees of asbestos hazards. The EPA doesn't require removal or abatement. "The theory is that PTAs and employees would pressure local districts to take remedial action," said Terrell Hunt, assistant to EPA Deputy Administrator Alvin Alm.

However, a recent internal EPA report found that many schools did not meet EPA's June 1983 deadline for asbestos detection, record keeping and notification.

No federal funds

Federal funds of \$172 million authorized by the Asbestos School Hazard Detection and Control Act of 1980 were never appropriated. Grants were promised for schools to identify asbestos hazards and loans for mitigation of asbestos hazards. But funds were never requested by the Department of Education, reported John Bennett, aide to U.S. Representative George Miller, D-Calif., who sponsored the act. In 1983, a \$50 million recommendation by the House was omitted in a House-Senate conference.

The U.S. Department of Education had a task force which set standards for state grants in 1980, according to W. Stanley Kruger, deputy director for state and local programs. However, when the program wasn't funded, the department "deferred to EPA," Kruger said.

Under pressure from Congress, the department reactivated its task force in October 1983 and is gathering information on asbestos to send to chief state school officials, Kruger said. The department also reactivated its requirement that states file plans for asbestos in the schools' programs and report on their progress every six months. All but two states have filed.

EPA's program

The federal effort has largely been a requirement by the EPA that schools inspect for asbestos hazards, sample and analyze material to determine if asbestos is present, keep records of the inspection, post notices, and notify parents and employees if asbestos is found. Although schools were to comply with the rule by June 1983, the EPA doesn't know how many did. It does not require schools to report to it and must send federal inspectors to schools to check their records. EPA staff said when the EPA regulation was written that the administration op-

This is a reprint of a portion of an article appearing in State Government News, March 1984. It is authored by and printed with permission of Elaine S. Knapp, its editor.

posed imposing a data reporting requirement. The EPA recently doubled its field force of inspectors by adding 16 people through a contract with the American Association of Retired Persons, Hunt said. These include retired architects and engineers. Primarily, EPA staff look at school records and physically inspect some schools. However, there are not enough inspectors to cover but a small portion of the nation's schools.

In providing technical advice, EPA can help schools determine the best strategy for evaluating the risk and responding to asbestos, Hunt said. He said that anything short of removal is considered a short-term solution.

Connie Derocco, environmental protection specialist with EPA, said that out of 1,527 schools inspected in 468 districts, some 60 percent did not comply with EPA rules. Most failed to notify and warn PTAs and employees of asbestos materials [manufacturers]. Schools know they will be pressured once the word is out, and they are hesitant to deal with the asbestos problem, Derocco explained. After receiving a notice of non-compliance, schools have 30 days to act before the EPA files a civil complaint.

Labor union concern

An estimated 3.24 million schoolchildren and 648,000 school employees are potentially exposed to asbestos, according to Kitty Conlan, research analyst with the Service Employees International Union (SEIU).

The SEIU is lobbying Congress to fund the 1980 act for grants and loans to schools. Schools don't have the money to clean up on their own, Conlan said. "It's a nationwide problem which affects the health of millions of people."

SEIU is suing the EPA to require schools to clean up flaking asbestos. "Schools say if EPA thinks asbestos is so bad, then EPA would require them to get rid of it," Conlan commented.

EPA does give schools good technical advice on how to get rid of asbestos, Conlan noted. But some schools accept the lowest bid rather than follow EPA guidelines. If the cleanup is not done right, the asbestos danger can be worsened.

Conlan said SEIU doesn't think suing asbestos' manufac-

turers is worthwhile, citing lack of action on suits filed by asbestos workers. "We're hesitant to have our members litigate themselves to death," she said.

Conlan added that school districts can also be held responsible for asbestos. "They can face a big liability," she commented.

Lawsuits filed

A number of lawsuits on behalf of school boards and building owners in Kentucky, Mississippi, New Hampshire, Florida, South Carolina, Alabama and Tennessee have been filed by a South Carolina law firm.

Daniel Speights (a school board attorney) noted that legal theories available to school boards against manufacturers of asbestos include: contract (the products were not fit for the use intended), negligence (the manufacturers were negligent in informing users of the risks associated with the products), strict liability (manufacturers should be strictly liable for failing to warn of asbestos hazards), and restitution (manufacturers have a duty to abate the hazard).

A civil action filed on behalf of the Barnwell, South Carolina, school district notes that school districts and public officials could be held liable for failing to abate a health hazard.

A September 1981 report by the U.S. attorney general to Congress recommended that school authorities seek to recover asbestos abatement expenses from asbestos manufacturers. The report said federal litigation would be ineffective unless Congress imposed liability on asbestos manufacturers.

Asbestos manufacturers are being sued by at least 20,000 people on the grounds that the companies knew of asbestos hazards and covered them up, according to a September article in the *National Journal*.

A 1983 report from the Rand Institute says that asbestos litigation and compensation has cost an estimated \$1 billion over the past decade. Only 37 cents of every dollar went for actual compensation to plaintiffs. Estimates of the number of deaths due to asbestos over the next 30 years range from 74,000 to 265,000.

What you should do about asbestos in your school

Given current asbestos rules and regulations, PTAs should check on the following:

1. Was each school in your district inspected for friable asbestos? If not, request this action immediately.
2. Was an analysis of asbestos samples, using polarized light microscopy, conducted?
3. Are records of the asbestos inspection on file in the school district?
4. Does the PTA have a copy of the report in its records?

In schools where asbestos was found, has the school complied with the following:

1. Did the school district notify the children's parents, either directly or through the PTA?
2. Were school employees notified of the location of the materials?
3. Did the school post a standard form in administrative and custodial areas?
4. Are measures being taken, if not already completed, to remove asbestos in the school?
5. Did the school district provide maintenance and custodial employees with instructions for reducing exposure to asbestos?

If asbestos was found in your school, but corrective measures are not being taken, the following steps should be pursued:

1. The PTA should work with the school to affect removal or abatement. Invite parents, teachers, employees of the building, the school principal, and the superintendent to a PTA meeting. Request information about the degree of the asbestos problem and what plans are being developed for cleanup.
2. If plans are not under way or seem unsatisfactory, contact the school board to inform it of your concern. If informal discussions do not produce results, get the issue on the agenda of the next school board meeting. Be prepared to provide the facts, including the inspection reports and the cost of abatement, to school board members.
3. Meanwhile, inform your state legislature and the U.S. Congress about the problems and the degree of difficulty there is in terms of cleanup.
4. If the school board is unable or unwilling to ameliorate the problem, one resort would be a lawsuit. Be sure that you have tried every alternative before taking this step.



KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves
SUPERINTENDENT

ASBESTOS HAZARD ABATEMENT in the KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

INTRODUCTION:

Asbestos hazard abatement and rehabilitation of existing schools is a recognized need in Ketchikan. The situation leaves planners anxious to create safe and adequate abatement. Hazard abatement efforts require considerable financial backing. State involvement in funding efforts is an essential component of asbestos hazard abatement. The asbestos dilemma is a serious one, with no easy solution. Some Alaskan communities have experienced considerable expense in asbestos abatement programs. Excessive expense and unsafe removal are situations that Ketchikan wants to avoid.

PRUDENT PLANNING:

Good planning for asbestos removal is prudent, necessary and will allow for a variety of options to be investigated. The planning stage is a vital, necessary and cost saving effort. It is initially inexpensive when compared to the long term inconvenience of a poorly planned hazard abatement program.

COMMUNITY PRIORITY:

Education is a high priority in Ketchikan. Local taxpayers have recently passed a 16.9 million dollar bond issue which will enable the District to meet construction and maintenance needs.

Impending growth due to the anticipated opening of a new molybdenum mine near Ketchikan has forced the community to pay close attention to the current and future needs of public schools in Ketchikan, and make improvements as needed. The threat of asbestos means that state dollars are needed for study and subsequent asbestos hazard abatement.

BUDGET REQUIREMENTS:

A minimum of \$1.5 million will be required to begin hazard abatement procedures in the Ketchikan schools. Limited study of the asbestos problem indicates that asbestos is present in some schools. Continued investigation is required to fully identify the extent of the problem.

Some asbestos hazard abatement and code upgrades will be in order subsequent to the initial study. Administration of the study and subsequent remedy is also a necessary expense.

CONCLUSION:

State sponsored allocation of the necessary funds to put adequate plans in place will help provide for an organized plan for encapsulation, containment or removal of asbestos throughout School District facilities. Such action will put Ketchikan in a position to "plan for the future" and deal with asbestos in a well organized, safe manner.

FUND: 01
LOCATION: 190 - District Wide
FUNCTION: ASBESTOS ABATEMENT

310	MANAGERIAL.....	9,000
330	CLASSIFIED.....	3,000
351	INSURANCE.....	1,200
353	UNEMPLOYMENT.....	50
354	WORKMAN'S COMPENSATION.....	5
355	FICA.....	270
356	RETIREMENT - TRS.....	750
357	RETIREMENT - PERS.....	550
359	OTHER EMPLOYEE BENEFITS.....	150
400	PROFESSIONAL & TECHNICAL SERVICES.....	100,000
426	TRAVEL.....	925
502	BUILDINGS	
	502-1 ARCHITECTS/ENGINEERS.....	130,000
	502-2 CONTRACTORS.....	1,250,000
530	OTHER EXPENSES.....	4,100

\$1,500,000.00

ALASKA CHAPTER
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

Position Statement
on legislation establishing
AN ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM (CSSSHB5)

February 18, 1985

POSITION PAPER ON CSSSHB5

The Alaska Chapter, Associated General Contractors of America, Inc. (A.G.C.) represents more than 900 companies, including most of the general contracting companies engaged in Alaska's commercial construction. We appreciate the opportunity to comment on CSHB5.

The A.G.C. agrees with the intention of this bill - the abatement of asbestos health hazards. Many A.G.C. contractors are or have been involved in this very important safety effort. There is, however, a section of the bill that unnecessarily duplicates existing safety regulations and should, therefore, be deleted.

Before continuing it may be worth noting that the term certification is semantically incorrect. The correct term for government approval or permission is license. Webster's New World Dictionary defines license as: formal permission to do something; especially authorization by law to do some specified thing.

Specifically, we draw your attention to Section 18.28.030, Certification Programs. In this section, the Department of Labor is given authority to license contractors and employees who intend to conduct asbestos abatement.

What the bill essentially requires is a State license to do asbestos work. But is there a need for such a license? We think not.

There are literally thousands of potentially hazardous substances that are handled safely in today's workplace without a license. Asbestos should not be treated any differently than any of these substances.

Another serious concern that needs to be addressed is that of liability.

Asbestos work is plagued with lawsuits. The Government is frequently named as the defendant in these suits witness the recent Bartlett High School suit.

Through the proposed Department of Labor licensing program, the State may become party to these suits by licensing contractors, employees and labor organizations as competent to undertake this work, the State may have liability if an employer or employee is licensed improperly. We suggest an opinion from the attorney general's office be obtained prior to passage of this bill from committee.

Finally, in examining the fiscal requirements of this proposed licensing program, it appears that millions of dollars would be needed for its administration, rather than the proposed \$300,000. It is virtually impossible to competently administer the proposals contained in HB 5 for \$300,000. We suggest that an inadequately administered program is worse than no program at all. A realistic fiscal note must be developed so that lawmakers may assess the true costs of proposed legislation.

We believe once the true cost of this program is known, the question will arise: What does a licensing program provide that is not already enforceable under existing DOSH general safety code regulations? The answer is "nothing." Sufficient asbestos health standards already exist, including requirements for employer training and proper respirator usage.

In conclusion, we request this committee to thoroughly determine the fiscal costs of the proposed legislation, including potential State liability and to balance that cost against the benefits received. A.G.C. contends that for the licensing program, the dollar cost will be high and without significant benefit due to the existence of sufficient asbestos health standards presently exist.

We strongly urge the deletion of the licensing section of CSSSHB5.

WES/ec/85

ALASKA FEDERATION OF NATIVES, INC.
1984 ANNUAL CONVENTION

RESOLUTION NO. 84-32

TITLE: ASBESTOS ABATEMENT IN ALASKA SCHOOLS

WHEREAS, Believing that friable asbestos, similar to that which was discovered in schools in the Anchorage School District, exists in numerous other schools in school districts throughout the State; and

WHEREAS, Knowing that an Asbestos Technical Panel, convened in Anchorage by the Anchorage School Board, reviewed thoroughly health hazards associated with asbestos in Anchorage schools; and as a result, recommended that friable asbestos be removed from Anchorage schools as an unacceptable health hazard; and

WHEREAS, Believing that many Alaskan school children in school districts other than Anchorage may be exposed to health hazards from asbestos that are preventable,

NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives urges the Governor to form a special task force with representatives of the Department of Health and Social Services, Department of Labor, Department of Education, Department of Transportation and Public Facilities, Department of Environmental Conservation, appropriate federal agencies, parents of school children, and teachers to implement an asbestos abatement program in all Alaska schools, including those under Bureau of Indian Affairs jurisdiction, in accordance with recognized standard for asbestos abatement and

BE IT FURTHER RESOLVED that the Alaska Federation of Natives urges implementation of an asbestos abatement program which will include the following tasks:

1. Implement and insure completion of a comprehensive survey to identify and categorize asbestos in all Alaska schools.
2. Evaluate health hazards associated with any asbestos (friable asbestos and asbestos in other forms) discovered in the survey and make recommendations for appropriate medical surveillance of students, teachers and workers exposed to asbestos.

COMMITTEE REPORT
SENATE

4/18/85

FURTHER:

Date 5/10/85

Mr. President

The Committee on FINANCE considered CSSSHB 5(Fin) an establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

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

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

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS**

Rich Hildner

W. L. ...

...

Chairman

Chairman recommendation

Offered: 3/25/85
Referred: Rules

Original sponsors: Gruenberg, Goll,
Davis, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act establishing a program for the abatement of
7 asbestos health hazards in public schools and the
8 University of Alaska; providing for certification of
9 asbestos workers; and providing for an effective
10 date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 14.03.030 is amended to read:
13 Sec. 14.03.030. SCHOOL TERMS. A [THE] school term begins and
14 ends on the dates fixed by the governing body of a [THE] school dis-
15 trict. A school [HOWEVER, THE] term shall include not less than 180
16 days in session, except that, with [SUBJECT TO] the approval of the
17 commissioner,
18 (1) a day used for in-service training of teachers may be
19 substituted for a day in session, up to a maximum of 10 days; [AND]
20 (2) an "emergency closure day" may be substituted for a day
21 in session because of conditions posing a threat to the health or
22 safety of students; and
23 (3) a school board may adopt a school term of not less than
24 150 days for a school if the commissioner finds that
25 (A) the shorter term is necessary for abating asbestos
26 health hazards in the school; and
27 (B) the school board has submitted an acceptable plan
28 under which students will receive the approximate educational
29 equivalent of a 180-day term.

1 * Sec. 2. AS 18 is amended by adding a new chapter to read:

2 CHAPTER 28. ASBESTOS.

3 ARTICLE 1. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

4 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard
5 abatement program is established in the Department of Labor to coordi-
6 nate efforts of state departments and agencies to abate asbestos
7 health hazards in schools in the state. The program applies to all
8 work in public schools and the University of Alaska involving

9 (1) demolition, removal, encapsulation, salvage, repair,
10 transportation, disposal, storage, and containment of asbestos prod-
11 ucts;

12 (2) construction, alteration, repair, maintenance, or
13 renovation that will cause asbestos fibers to become airborne.

14 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to
15 abate asbestos health hazards from public schools and from the Univer-
16 sity of Alaska the Department of Labor shall

17 (1) in a school district or regional educational attendance
18 area that has not complied with Environmental Protection Agency asbes-
19 tos regulations (40 C.F.R. Part 763), inspect school buildings to
20 determine the presence of asbestos, take samples as needed, answer
21 inquiries on the subject, ensure quality control of asbestos sampling,
22 or enter into contracts for these purposes;

23 (2) distribute, retrieve, and store training materials
24 concerning inspection and sampling for asbestos;

25 (3) establish guidelines, in conformity with Environmental
26 Protection Agency asbestos regulations (40 C.F.R. Part 763), for
27 abating asbestos health hazards, for inspecting and collecting samples
28 of suspected asbestos, and for analyzing the samples;

29 (4) evaluate analysis results and distribute the results to

- 1 affected schools;
- 2 (5) coordinate efforts by state departments and agencies
3 and by school officials to identify and abate asbestos health hazards;
- 4 (6) cooperate with the Department of Education to adminis-
5 ter state money appropriated for the asbestos health hazard abatement
6 program;
- 7 (7) establish classifications of asbestos health hazards
8 according to the severity of the hazard and determine on the basis of
9 those classifications the order in which abatement projects should
10 proceed;
- 11 (8) review and approve all asbestos health hazard abatement
12 projects relating to respirator use and employee training, including
13 training materials;
- 14 (9) oversee an employee certification program;
- 15 (10) establish guidelines and procedures to prevent damage
16 to asbestos products in daily operations;
- 17 (11) whenever the department is informed of scheduled work
18 to abate an asbestos health hazard, inform the contractors and other
19 concerned persons of the health hazards of asbestos;
- 20 (12) assist the University of Alaska in its efforts to abate
21 asbestos health hazards; and
- 22 (13) adopt regulations necessary to implement the provisions
23 of this chapter.

24 Sec. 18.28.030. DUTIES OF THE DEPARTMENT OF EDUCATION. To
25 assist in implementing the asbestos health hazard abatement program,
26 the Department of Education shall

- 27 (1) cooperate with the Department of Labor, school dis-
28 tricts, and regional educational attendance areas to ensure inspection
29 of public schools for asbestos health hazards and to ensure that

1 identified asbestos health hazards are abated;

2 (2) maintain records, files, and reports on asbestos health
3 hazards in public schools;

4 (3) administer state money appropriated to finance reno-
5 vation contracts under AS 18.28.040(5);

6 (4) in accordance with priorities established by the Depart-
7 ment of Labor under AS 18.28.020(7), distribute grants to school
8 districts and regional educational attendance areas for the abatement
9 of health hazards in public schools; and

10 (5) inform the Department of Labor when renovation con-
11 tracts are awarded under AS 18.28.040(5), to enable the Department of
12 Labor to advise contractors and other concerned persons of the health
13 hazards of asbestos that may be encountered in the renovation project.

14 Sec. 18.28.040. DUTIES OF SCHOOL OFFICIALS. To assist in imple-
15 menting the asbestos health hazard abatement program, each city or
16 borough school district and each regional educational attendance area
17 shall

18 (1) maintain records of all inspections, including sample
19 dates, location, condition, and analysis of materials;

20 (2) notify school personnel of the location of asbestos
21 materials and ways to reduce exposure;

22 (3) notify the parents of students about the results of
23 asbestos inspections in their children's schools;

24 (4) either

25 (A) contract for the inspection of its school build-
26 ings in compliance with Environmental Protection Agency asbestos
27 regulations (40 C.F.R. Part 763) and in accordance with guide-
28 lines established by the Department of Labor and under the super-
29 vision of the Department of Labor; or

1 (B) notify the Department of Labor that the school
2 district or regional educational attendance area has not entered
3 and does not intend to enter into a contract for an inspection
4 for asbestos health hazards; and

5 (5) contract for renovating school buildings to abate
6 asbestos health hazards, and supervise and monitor the renovation
7 contracts, applying the standards in AS 18.60.075 to protect the
8 health of persons who renovate the school buildings.

9 Sec. 18.28.050. REPAYMENT OF GRANT FUNDS. A school district or
10 regional educational attendance area that receives a state grant for
11 the abatement of asbestos health hazards in schools shall repay the
12 grant from any money the district or the regional educational atten-
13 dance area recovers from asbestos manufacturers or other parties in a
14 claim for damages arising from the use of asbestos in a school.
15 Repayment shall be made after deducting legal fees and other costs
16 associated with the claim for damages.

17 ARTICLE 2. CERTIFICATION OF ASBESTOS WORKERS.

18 Sec. 18.28.200. CERTIFICATION PROGRAMS. (a) The Department of
19 Labor shall

20 (1) establish guidelines for employee training certifica-
21 tion programs, including respiratory and competency tests to be com-
22 pleted successfully, to ensure that a person who is employed to abate
23 asbestos health hazards is trained to do the work safely and is in-
24 formed about the danger of working with asbestos;

25 (2) review certification programs proposed by contractors,
26 labor organizations, public and private vocational training programs,
27 and others for persons who will be employed to abate asbestos health
28 hazards;

29 (3) approve proposed certification programs that meet the

1 department's guidelines under this subsection;

2 (4) assist in meeting the certification guidelines those
3 whose certification program proposals have been found unacceptable.

4 (b) Before a contractor may undertake work to abate an asbestos
5 related health hazard, the contractor shall

6 (1) propose to the Department of Labor a plan for the
7 certification of its employees as adequately trained to handle asbes-
8 tos in a safe and knowledgeable way;

9 (2) receive approval from the department of that plan; and

10 (3) certify that each person who will work on the abatement
11 of an asbestos health hazard is adequately trained to handle asbestos
12 in a safe and knowledgeable way.

13 (c) A person may not be employed to abate an asbestos health
14 hazard unless the person has been certified in a program approved by
15 the Department of Labor under (a) of this section.

16 (d) A contractor who violates (b) or (c) of this section is
17 subject to a civil penalty not to exceed \$1,000, as determined by the
18 commissioner of labor.

19 (e) A contractor who violates (b) of this section is guilty of a
20 class A misdemeanor.

21 (f) A contractor who violates (c) of this section is guilty of a
22 class B misdemeanor.

23 ARTICLE 3. MISCELLANEOUS PROVISIONS.

24 Sec. 18.28.500. DEFINITIONS. In this chapter

25 (1) "asbestos" means chrysotile, amosite, crocidolite,
26 fibrous tremolite, fibrous anthophyllite, and fibrous actinolite;

27 (2) "asbestos health hazard" means the presence of material
28 containing asbestos that carries a risk of releasing asbestos fibers
29 into the atmosphere;

1 (3) "asbestos product" means a product that produces air-
2 borne asbestos.

3 * Sec. 3. This Act does not apply to work involving asbestos or the
4 abatement of asbestos health hazards underway on October 1, 1985.

5 * Sec. 4. This Act takes effect October 1, 1985.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSSHB 5 (Fin)
Title: Establishing an asbestos health hazard abatement
Sponsor: Rep. Gruenberga
Requestor: _____
Date of Request: 3/21/85

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		70.7	28.3	29.4	30.4	31.4
200 TRAVEL		9.0	-0-	-0-	-0-	-0-
300 CONTRACTUAL		151.7	44.0	7.0	3.0	3.2
400 SUPPLIES		3.2	1.0	1.0	1.1	1.1
500 EQUIPMENT		14.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		248.6	73.3	37.4	34.5	35.7

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	188.6	73.3	37.4	34.5	35.7
FEDERAL FUNDS	60.0				
OTHER					
TOTAL					

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY		1				

ANALYSIS: Attach a separate page if necessary

The certification program will need 1 temporary industrial hygienist for 10 months to establish the program and a full-time clerk typist to handle the correspondence about the asbestos program. The school survey program will be handled by contract employees over a two year period.

Prepared By: Al Adams - Chairman Phone: 465-3706
Division: House Finance Committee Date: 3/21/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84
LABOR

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 5
Title: ... asbestos abatement...

FISCAL DETAIL

Agency Affected: Department of Education
Program Category Affected: K-12 Support

Sponsor: Rep. Gruenberg
Requestor: House HESS
Date of Request: 1/21/85

BRU, Program or Subprogram(s) Affected: Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact.

Prepared By: James E. Tozer
Division: Management, Law and Finance

Phone: 465-2865
Date: 1/21/85

Approved by Commissioner: Harold Reynolds, Jr.
Agency: Department of Education

Date: 1/21/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

Education



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

SENATE LABOR AND COMMERCE COMMITTEE LETTER OF INTENT
FOR CSSSHB 5 (FIN)am

It is the intent of the Legislature in passing CSSSHB 5(Fin)am that the terms and conditions of employment of affected school employees are not abrogated nor diminished. For employees who are members of a bargaining unit, any changes in employee working conditions caused by the plan will be addressed by a written agreement between the school board and the recognized bargaining unit.

SECTIONAL ANALYSIS

CSSSHB 5 (FIN) - An Act establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

Section 1 Allows the Commissioner of the Department of Education to designate a shorter school term, of at least 150 days, in a particular school for the sole purpose of abating an asbestos health hazard.

Section 2 18.28.010

Establishes the asbestos health hazard abatement program in the Department of Labor, applicable to public schools and the University of Alaska for all work involving asbestos products.

18.28.020

Provides that the duties of the Department of Labor are to: inspect and test for asbestos hazards in any school not in compliance with EPA regulations; establish guidelines for abatement; analyze and distribute test results; coordinate efforts of agencies and departments; establish classifications of identified hazards and make funding recommendations; review and oversee certification training programs; assist the University in abating asbestos hazards and adopt regulations.

18.28.030

Provides that the duties of the Department of Education are to: cooperate with the Department of Labor and inform them when asbestos projects are undertaken by schools; maintain records, files and reports; administer any state money appropriated for asbestos hazard abatement and distribute grants in accordance with the priority list established under 18.28.020.

18.28.040

Provides that the duties of school officials are to: maintain records and files; notify school personnel and parents of asbestos hazards; contract for inspection and testing in compliance with EPA regulations or inform the Department of Labor of their intent not to do the work so that it can be completed by the Department; contract for abatement work and monitor the work under existing worker safety laws.

18.25.050

Provides that districts shall repay any state funds received for asbestos abatement from any money recovered for damages from manufacturers or other parties after deducting costs and legal fees.

18.28.060

Provides that the duties of the Department of labor relating to employee certification programs are to: establish training program guidelines; review contractors' program proposals; approve those programs meeting their requirements and give assistance to those needing help in getting their programs approved.

Before contractors may begin an abatement project they must propose and receive approval for their training program and certify the training for each employee. A person cannot work with asbestos unless certified. Contractors who violate these provisions are liable for a civil penalty up to a \$1,000. A contractor who violates the training provisions is guilty of a class A misdemeanor, and a class B misdemeanor if a non-certified employee is hired.

18.28.500

Definitions

- Section 3 Provides that this act does not apply to projects underway on October 1, 1985.
- Section 4 Immediate effective date.

Bill No. Committee Substitute for Sponsor Substitute
for House Bill 5 (Finance) am

Date April 8, 1985

Title "An Act establishing an asbestos health
hazard abatement program."

Contact: Richard Arab
465-4856
Dr. Annette Thorn
465-2700

This bill is designed to assure safe and healthful abatement of asbestos hazards in the state, and it primarily focuses on Alaska's schools.

There is no longer any doubt that exposure to asbestos presents a serious and substantial threat to health; and the Department's understanding is that the results of recent surveys indicate that many school buildings in Alaska do contain asbestos materials.

Under the provisions of the bill, the Department of Labor would inspect school buildings to identify asbestos health hazards; classify the severity of the hazards and make recommendations as to the need for removal or encapsulation of asbestos; and certify employee training programs to assure that workers removing or encapsulating asbestos know how to do it safely.

In connection with the certification program, the Department of Labor would establish minimum requirements for asbestos abatement employee training programs, and review and approve specific training plans proposed by contractors, labor organizations, or other training persons who will be employed to abate asbestos health hazards. Contractors involved in asbestos health hazard abatement would then certify that each employee who will work on the project has been trained in accordance with the plan approved by the Department. Likewise, the bill prohibits a person from working on the abatement of asbestos health hazards unless the person has been certified in a program approved by the Department.

The certification program is essential, not only to prevent harmful exposure to workers who are required to work with materials containing asbestos, but to also assure that harmful exposures do not occur to school children and other building occupants as a result of removal or encapsulation work.

The Department supports Committee Substitute for Sponsor Substitute for House Bill 5 (Finance) am. The Department's fiscal note is attached.

APPROVED:



Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

Asbestos Abatement Fact Finding Committee

I Introduction

Commissioner Robison to satisfy many petitions to approve asbestos abatement training programs, such as described by the following excerpt from a "Request for Proposals" by the Municipality of Anchorage:

"Contractor shall provide notarized certification by name and social security (number) certifying that all employees involved in asbestos removal have been thoroughly instructed through an Asbestos Removal Training Program as approved by the State of Alaska Department of Labor in the hazards of exposure to asbestos fibers; proper care and use of protective clothing; decontamination procedures and all other conditions and requirements as reviewed under relevant DOSH, EPA, and OSHA standards."

and a response by the purchasing officer to the members of the request for proposal evaluating committee to wit: That eight of the nine proposers offered training programs of varying scope and strength. "Notwithstanding inferences to the contrary, no federal, state, or municipal guidelines exist against which specific training programs can be objectively evaluated. Absent such guidelines, the adequacy of individual programs remain in question."

The Commissioner recognizing the need as identified above and his responsibility to lead the way in this critical area of worker safety and health, appointed our industry (government, labor and management) task force to act as a fact finding committee for asbestos abatement and related problems.

The committee represents all aspects of this industry with over 125 years combined experience in asbestos-related work.

The committee includes:

1. Chair, Ambrose Bittner - State Director
U.S. Department of Labor - Bureau of Apprenticeship and Training; Member, Alaska Safety Advisory Council
2. Co-Chair, Ron Cunningham - Safety and Health Director
Alaska General Construction Company
Member AGC Safety Committee
3. Ray Jorgensen - Chief of Industrial Health Compliance
Alaska Department of Labor, Division of Labor Standards and Safety, Occupational Safety and Health Section

4. Dan Middaugh - Member Asbestos Workers Local 97
Joint Apprenticeship and Training Committee
Asbestos Abatement Instructor
President, Board of Directors, Alaska Health Project
5. Leonard Limtiaco - Occupational Safety & Health Manager
U.S. Department of Labor, Occupational Safety and
Health Administration
6. Joe Churchill - Manager
E. J. Bartell Company
Secretary - Asbestos Workers Joint Apprenticeship and
Training Committee
President, Alaska Chapter, Western Insulation
Contractors Association
Secretary-Treasurer - Western Insulation Contractors
Association
7. Les Lauinger - Training Director
AGC - Laborers Training Trust
Instructor - Asbestos Abatement
8. Nancy Cannington - Special Assistant to the Commissioner
Executive Assistant - Alaska Safety Advisory Council

The Committee in its collective wisdom did not attempt to reinvent a wheel, but rather outline and describe existing practices and procedures. The committee report outlines procedures and programs to deal with the safety and health concerns of those involved in an asbestos abatement project.

Our report follows.

II Scope

This report is intended to describe recommended rules which are in existence and to establish minimum content for an acceptable training program, provide for certification of trainers, recognition of trainers, and to establish the requirements for a presurvey and provide disposal procedures while performing demolition, removal, enclosure, remodeling and disposal of asbestos contaminated materials.

III Asbestos Abatement Safety and Health Standards, Rules and Regulations

A. Agencies

There are many regulations that must be followed to implement an effective asbestos abatement program. There are, for the most part, four agencies that are responsible for administering asbestos related regulation:

1. U.S. Environmental Protection Agency (EPA)
2. Alaska Department of Environmental Conservation (DEC)
3. U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)
4. Alaska Department of Labor, Labor Standards and Safety Division, Occupational Safety and Health Section (DOSHS)

B. Regulations

EPA and DEC regulation covers non-work related exposures, transportation and disposal of asbestos containing material. Municipalities have set up procedures and areas for the disposal sites. Virtually all of the OSHA regulations are mirrored by DOSHS regulation. The State Department of Labor has enforcement jurisdiction at most places of employment in Alaska (exceptions are navigable water ways and federal/military employees). The regulations and/or industry standards are:

1. EPA 40 CFR Part 61 Subpart M

The Environmental Protection Agency's 40 CFR Part 61 is the national emission standard for hazardous air pollutants. Subpart M is the national emission standard for asbestos.

2. Occupational Safety and Health Standards Subchapter 4, Article 1, Occupational Health and Environmental Control (OH & EC)

Occupational Safety and Health Standards Subchapter 4, Article 1, Occupational Health and Environmental Control (OH & EC) Section 04.0102 specifically lists the requirements to abate exposure to asbestos. It defines the permissible exposure to airborne concentrations of asbestos fibers, methods of compliance, monitoring and medical records.

3. Occupational Safety and Health Standards
Subchapter/General Safety and Health Code (GSC)
Articles/Section 01.0101 to Article 15

Occupational Safety and Health Standards
Subchapter/General Health Safety Code Articles/
Section 01.0101 to Article 15.15.0101(j)(14)
lists the requirements for establishing an
accident prevention program, work platforms,
hazardous materials and operations, personal
protective equipment including respiratory pro-
tection, medical and first aid, fire protection,
etcetera on to hazard communication (the right to
know and be informed of hazardous substances in
the work places).

4. 30 CFR Part II (37F.R. 6244, Mar. 25, 1972)

Provides for the approval of respirators by NIOSH.

5. Alaska Statutes (AS) Section 18.60.010-18.60.105

Alaska Statutes Secs. 18.60.010-18.60.105 Alaska
Department of Labor, Division of Labor Standards and
Safety "Prevention of Accident and Health Hazards".
This statute lists the duties of the Department
of Labor. Some of the duties described enable the
Department of Labor to (a) plan and execute
safety programs, including educational campaigns,
(b) establish and enforce occupational safety and
health standards, (c) participate in occupational
safety and health programs, and (d) assist employers
to identify and obtain information on toxic and
hazardous substances and develop employee education
programs.

6. Alaska Administrative Code (AAC) Title 8 8AAC60.010-
8AAC 80.010.

Alaska Administrative Code Title 8 8AAC60.010-
8AAC80.010 Alaska Department of Labor Division of
Labor Standards and Safety charge the division
with the responsibility and the authority to:

- a. Enforce all laws and lawful orders requiring
work and work places to be safe and healthful;
- b. Investigate disabling or fatal occupational
injuries and illnesses;
- c. Develop occupational safety and health standards
which, after adoption, have the affect of law
and,

- d. Establish special orders, or rules and regulations, to cover a specific place of employment or process or work.

Section 8 AAC 61.270 provides for the access to records of employee's past or present exposure to toxic substances or harmful physical agents and job duties or working conditions by the Department of Labor and employees or their representatives.

7. American National Standards (ANSI) 288.2-1969 and 1980 are adopted by reference in the GSC and OH & EC.

American National Standards 288.2 - 1969 and 1980 cover the use of respiratory protection.

288.2 - 1980 section 7.2 requires the respirator issuer and wearer be given adequate training by a qualified person and describes training subjects (topics).

288.2 - 1969 section 7.4 requires the supervisors and workers be so instructed by competent persons and lists minimum training (topics).

American National Standards 29.2 - 1971 addresses the design and operation of local exhaust systems required to control exposure to asbestos.

In addition to enforced regulations, the agencies have enforcement policies and regulation interpretations that affect the owner/operator, contractor/employer, and worker/employee of asbestos abatement/compliance programs.

IV Asbestos Abatement Project Responsibilities

A review of the standards and regulations in Section III of this report revealed a need for the assignment of specific responsibilities of owners/operators, contractors/employers and workers/employees prior to the initiation or commencement of work on any asbestos abatement project. Therefore, this Fact Finding Committee has determined that specific responsibilities be assigned:

A. Owners/Operators

1. Ensure that a survey is conducted to identify the presence of asbestos materials and the actual location of these materials prior to the preparation of bid specifications for the abatement project.

2. Include in the bid specifications the designated disposal site and methods/procedures for disposal.
3. Provide in the bid specifications the requirements for inspection and monitoring of the work performance during the abatement project.

B. Contractor/Employer

1. Provide a skilled workforce of qualified workers who have received safety and health training prior to commencement of any asbestos abatement work.
2. Provide adequate material and equipment to safely perform the asbestos abatement project such as: approved respirators, personal protective equipment and clothing, work clothing change rooms, disposal packaging materials and monitoring equipment. (Reference - Attachment 1)
3. Ensure that trainers/instructors and supervisors are familiar with Safety and Health Rules and Regulations and Environmental Protection Agency Standards.
4. Provide a written training program for workers and maintain documentation of the completed training of each worker.

C. Workers/Employees

1. Be familiar with and abide by Safety and Health requirements and procedures when working with asbestos materials.
2. Be familiar with personal protective equipment and ensure that equipment and protective clothing are used and worn when working with asbestos materials.

V Recommended Procedures for Abatement Projects

In Alaska, the magnitude of the asbestos problem is just now being uncovered. Recently, many of our schools, military structures, and other public and private buildings have been found to contain asbestos. Legislation has been introduced this year to determine in more detail the extent of the asbestos problem in Alaska. At issue is the actual and potential dangers from "intermittent" asbestos exposure Alaskan construction workers face as they remodel and/or demolish these structures. In order to combat this problem and prevent future unsuspected asbestos exposure to Alaskan

workers, a proper survey of any building and plant prior to remodel or demolition is the most important first step.

Such a survey would check all materials in a building or plant that are known to possibly contain asbestos. Materials found to contain asbestos would then be charted as to type and amount (percentage) of asbestos present. This would allow the survey personnel to recommend removal/handling techniques to keep exposure at a minimum. (Reference Attachment 2)

A. Owner/Operator

1. Have survey performed by appropriate agency.
(Reference Attachment 3)

Only properly trained personnel should pre-survey remodel/demolition operations for asbestos-bearing materials. Survey personnel must be familiar with building construction, as well as be acquainted with all materials that may contain asbestos. Such persons should be capable of locating the suspect materials, collecting bulk samples, checking the samples and following them through the lab procedure and making recommendation on how to handle these materials during demolition/remodel.

The training of survey technicians is very important. These persons are the key in preventing unnecessary exposure to asbestos. Survey personnel must be proficient in self protection, removal, encapsulation, monitoring, lab techniques, basic building construction and identification of asbestos bearing materials.

2. Disposal Site

It is recommended that each owner/operator be required to identify, in the bid specifications of all asbestos abatement projects, the location of the disposal site and provide disposal procedures to include as a minimum : (Reference Attachment 3)

- a. The geographical area or locale which the disposal facility will accept materials from.
- b. The time and dates that the facility will accept asbestos materials for disposal.
- c. Procedures for making arrangements for disposal to include contact points and telephone numbers.

- d. Procedures for packaging, transporting, labeling and processing of the materials for acceptance at the disposal facility.
3. Specifications for Worker Safety-Health and Environmental Concerns.

The following general specifications are recommended for demolition, removal, disposal, enclosure and remodeling of asbestos abatement projects. If these recommended specifications are incorporated into contracts and strictly enforced, the exposure of asbestos to both public and employees will avoid unsafe and unhealthful exposures. Contractors must receive training and must train their workers in safe work practices. Owners/operators of buildings must identify projects with asbestos contained materials prior to issuance of bids. (Reference Attachment 4)

- a. Regulations

Contractors shall comply with the requirements of the EPA regulations, OSHA regulations on asbestos, and any applicable State and Local Government regulations which are incorporated by reference.

- b. Scope of Work

1. The contractor shall furnish all labor, materials, services, insurance, and equipment necessary to carry out the operation in accordance with the EPA and OSHA regulations (and any applicable State and Local Government regulations).
2. The contractor shall be responsible for obtaining approval for a waste disposal site in compliance with section 61.25 of the EPA regulations.
3. Contractors shall post the EPA, OSHA, State DOSH and any applicable Local Government regulations at the job site.

- c. Workers Protection (any and all personnel entering contaminated area)

1. The contractor shall provide workers with approved respirators as determined by the exposure level (filtration or air supplied) as applicable. The contractor shall provide a sufficient quantity of filters approved for asbestos so that workers can change filters

during the work day. Filters shall not be used any longer than one (1) work day. The respirator filters shall be stored at the job site in the change room and shall be totally protected from exposure to asbestos prior to their use.

2. Workers shall always wear a respirator properly fitted on the face in the work area.
3. Contractors shall instruct and train workers in proper respirator use.
4. Workers shall wear disposable, full-body coveralls and disposable head and foot wear in the work area. Footwear may be disposable. Non-disposable footwear shall be left in the work area at all times until disposal at job completion.
5. The contractor shall set up a decontamination facility to include a shower outside of the work area. (Example: Reference Attachment 5)
6. All workers without exception shall:
 - a. Remove street clothes in the change room and put on the disposable coveralls and head covers and respirator before entering the work area.
 - b. Remove the disposable coveralls, head covers and footwear in the work area before leaving the work area. Still wearing their respirators, proceed to the showers and remove their respirators while showering with soap and water.
 - c. Shower at the end of each day's work before entering the change room to change into street clothes.
7. Workers shall not eat, drink, smoke, chew gum, or chew tobacco in the work area. To eat, drink or smoke, workers shall remove the disposable work clothes and footwear in the work area before leaving the work area. Still wearing their respirators, workers shall proceed to the showers and remove respirators while showering with soap and water. Workmen shall then dress into new, clean, disposable coverall to eat, smoke, or drink. The new coverall can be worn to reenter the work area.

8. The contractor shall provide a respirator and disposable coveralls, head cover, and footwear to any official representative who inspects the job site.
9. All persons entering the work area shall wear an approved respirator and disposable coveralls, head cover, and footwear.

d. Work Area Preparation

1. The Contractor shall set up a decontamination facility outside of the work area which will consist of a change room, shower area, and equipment area. (Reference Attachment 5)
2. The contractor shall isolate the work area for the duration of the work by completely sealing off all openings and fixtures in the work areas including, but not limited to, heating and ventilation ducts, doorways, corridors, windows, skylights, and lighting with plastic sheeting taped securely in place.
3. The contractor shall build double barriers of plastic sheeting at all entrances and exits to the work area so that the work area is always closed off by one barrier when workers enter or exit.
4. All floor and wall surfaces in the work area shall be covered with plastic sheeting taped securely in place to protect from water damage (or damage by sealants).
5. Before the work has begun, the contractor shall wet clean all removable items and equipment, remove them from the work area, and then return these items and equipment to the work area after the job has been completed and the area has been decontaminated.
6. The contractor shall cover all non-removable items and equipment in the work area with plastic sheeting taped securely in place.
7. After work area isolation the contractor shall take out detachable electrical heating, ventilation equipment, and other items located on the asbestos material, clean them before covering with plastic sheeting taped securely in place, and return them to their proper places after the job has been completed and the work area has been decontaminated.

8. The contractor shall remove all heating, ventilation, and air conditioning system filters, pack them in sealable plastic bags (6-mil minimum) for burial in the approved waste disposal site and replace them with new filters.
9. The contractor shall establish emergency and fire exits from the work area. Emergency procedures shall have priority.

e. Method of Removal

1. The asbestos material shall be sprayed with water containing a wetting agent to enhance penetration. A fine spray of the amended water shall be applied to reduce fiber release preceding removal of the asbestos material. The material shall be sufficiently saturated to prevent emission of airborne fibers in excess of the exposure limits prescribed in the OSHA and State regulations referenced in these specifications.
2. The asbestos material shall be removed in small sections by two-man teams on staging platforms. Before beginning the next section, the material shall be packed while still wet into sealable plastic bags (6-mil minimum) and placed into fiber or metal drums or skips for transport. Bags, drums, and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications. The outside of all containers shall be clean before leaving the work area.
3. All plastic sheeting, tape, cleaning material, clothing and all other disposable material or items used in the work area shall be packed into sealable plastic bags (6-mil minimum) and placed into metal or fiber drums or skips for transport. The drums and skips shall be marked with the OSHA/State DOSH label prescribed by the OSHA/State DOSH regulations referenced in these specifications.
4. The contractor shall transport the sealed drums or skips to the approved waste disposal site. The sealed plastic bags may be dumped from the drums into the burial site unless the bags have been broken or damaged. The damaged bags shall be left in the drum and the entire contaminated drum shall be buried. Uncontaminated drums may be recycled.

5. As a highly recommended engineering control method and as an industrywide practice whenever feasible, HEPA filtered air exhaust should be used to create a negative pressure and allow for thorough cleanup.

f. Decontamination of Work Area

1. The contractor shall completely decontaminate all tools before removal from work area. The contractor shall clean all surfaces with a HEPA filtered vacuum (HEPA - High Efficiency Particulate Absolute) and/or water. (HEPA vacuums fail when used on wet material.) After cleaning the work area, the contractor shall wait 24 hours to allow for settlement of dust and then wet-clean all surfaces in the work area. After completion of wet-cleaning and when all surfaces are completely dry, the contractor shall take two air samples, minimum six hours duration each, within 48 hours and 24 hours apart. Such air samples shall be taken while activities normal to the use of the area are simulated i.e., sweeping floor, dusting counters, vacuuming with standard vacuum, air handling system functioning, or any other air disturbing activity that would normally take place in the area after takeover by owner/operator.
2. If the air samples results show that the work area has not been decontaminated, the contractor shall repeat the cleaning and air monitoring until the work area is in compliance.
3. After the work area is found to be in compliance, all entrances and exits are unsealed and the plastic sheeting, tape, and any other trash and debris is disposed of in sealable plastic bags (6-mil minimum) and buried in the approved waste disposal site.

g. Air Monitoring

1. Air monitoring shall be conducted by a certified agency/laboratory to ensure compliance with the OSHA/State DOSH regulations.
2. Air monitoring will be conducted according to the method prescribed by OSHA/State DOSH regulations.

3. Air monitoring shall be performed to provide the following samples during the period of asbestos operations.

Area to be Sampled	Minimum Number of Samples for each Work Day	Each Sample Minimum Time
Work Area	2	6 Hrs.
Personnel	Each Job Title	6 Hrs.
Outside Building	1	6 Hrs.
Outside Work Area	1	6 Hrs.

B. Contractor/Employer

1. Provide Asbestos Abatement Training Program

The Committee recommends a minimum three-day asbestos training program, as outlined in Attachment 6.

2. Provide Qualified Supervisors and Instructors

The Committee recommends the following minimum requirements:

- a. Recognize distinction between legal vs. recommended practices.
- b. Capable of reading analyses between bulk and air samples.
- c. Know requirements of OSHA, State DOSH, EPA and DEC in regards to asbestos.
- d. Knowledge of jurisdictional issues between regulatory agencies listed in item C.
- e. Knowledgeable in respirator requirements.

C. Worker/Employee

1. The employee should receive instruction pertaining to aforementioned training. (Health effects, respirator program, abatement procedures, engineering controls, waste disposal, and any applicable regulations.)
2. Follow procedures outlined in the training program.
3. Participate in on-the-job safety meetings.
4. Work with the contractor to identify and participate in any corrective actions deemed necessary.
5. Avoid shortcuts in work procedures involving safety.
6. Be a productive and safe worker by following recommended practices.

VI. Conclusions - Committee Recommendations to the Commissioner

1. Require pre-surveys for asbestos containing materials in demolition and remodeling projects. Pre-survey should be performed by competent person using a check list of prominent asbestos containing materials.
2. Identify appropriate sites and provide operational guidelines for disposal of asbestos containing materials consistent with VA2, page 7.
3. Adopt minimum training standards for asbestos abatement (Reference Attachment 6)
4. Establish instructor qualifications for Asbestos Abatement training (Reference VB2, page 8)
5. Require workers to successfully complete minimum training program prior to employment in hazardous or contaminated work areas. (Reference VC2 Page 9)

We further recommend that the Commissioner adopt certification procedures for standards of training, instructor qualifications and worker skills.

Respectfully Submitted:

Ambrose Pittner II Chairman

Ronald E. Cunningham Co-Chairman

Daniel Middaugh Member

Joseph J. Hurst III Member

Robert H. Downing Member

Lemuel P. Buntacio Member

Ceymond L. Ferguson Member

Nancy E. Cunningham Member

Offered: 3/25/85
Referred: Rules

Original sponsors: Gruenberg, Goll,
Davis, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 5 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act establishing a program for the abatement of
7 asbestos health hazards in public schools and the
8 University of Alaska; providing for certification of
9 asbestos workers; and providing for an effective
10 date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 14.03.030 is amended to read:
13 Sec. 14.03.030. SCHOOL TERMS. A [THE] school term begins and
14 ends on the dates fixed by the governing body of a [THE] school dis-
15 trict. A school [HOWEVER, THE] term shall include not less than 180
16 days in session, except that, with [SUBJECT TO] the approval of the
17 commissioner,
18 (1) a day used for in-service training of teachers may be
19 substituted for a day in session, up to a maximum of 10 days; [AND]
20 (2) an "emergency closure day" may be substituted for a day
21 in session because of conditions posing a threat to the health or
22 safety of students; and
23 (3) a school board may adopt a school term of not less than
24 150 days for a school if the commissioner finds that
25 (A) the shorter term is necessary for abating asbestos
26 health hazards in the school; and
27 (B) the school board has submitted an acceptable plan
28 under which students will receive the approximate educational
29 equivalent of a 180-day term.

1 * Sec. 2. AS 18 is amended by adding a new chapter to read:

2 CHAPTER 28. ASBESTOS.

3 ARTICLE 1. ASBESTOS HEALTH HAZARD ABATEMENT PROGRAM.

4 Sec. 18.28.010. PROGRAM ESTABLISHED. The asbestos health hazard
5 abatement program is established in the Department of Labor to coordi-
6 nate efforts of state departments and agencies to abate asbestos
7 health hazards in schools in the state. The program applies to all
8 work in public schools and the University of Alaska involving

9 (1) demolition, removal, encapsulation, salvage, repair,
10 transportation, disposal, storage, and containment of asbestos prod-
11 ucts;

12 (2) construction, alteration, repair, maintenance, or
13 renovation that will cause asbestos fibers to become airborne.

14 Sec. 18.28.020. DUTIES OF THE DEPARTMENT OF LABOR. In order to
15 abate asbestos health hazards from public schools and from the Univer-
16 sity of Alaska the Department of Labor shall

17 (1) in a school district or regional educational attendance
18 area that has not complied with Environmental Protection Agency asbes-
19 tos regulations (40 C.F.R. Part 763), inspect school buildings to
20 determine the presence of asbestos, take samples as needed, answer
21 inquiries on the subject, ensure quality control of asbestos sampling,
22 or enter into contracts for these purposes;

23 (2) distribute, retrieve, and store training materials
24 concerning inspection and sampling for asbestos;

25 (3) establish guidelines, in conformity with Environmental
26 Protection Agency asbestos regulations (40 C.F.R. Part 763), for
27 abating asbestos health hazards, for inspecting and collecting samples
28 of suspected asbestos, and for analyzing the samples;

29 (4) evaluate analysis results and distribute the results to

1 affected schools;

2 (5) coordinate efforts by state departments and agencies
3 and by school officials to identify and abate asbestos health hazards;

4 (6) cooperate with the Department of Education to adminis-
5 ter state money appropriated for the asbestos health hazard abatement
6 program;

7 (7) establish classifications of asbestos health hazards
8 according to the severity of the hazard and determine on the basis of
9 those classifications the order in which abatement projects should
10 proceed;

11 (8) review and approve all asbestos health hazard abatement
12 projects relating to respirator use and employee training, including
13 training materials;

14 (9) oversee an employee certification program;

15 (10) establish guidelines and procedures to prevent damage
16 to asbestos products in daily operations;

17 (11) whenever the department is informed of scheduled work
18 to abate an asbestos health hazard, inform the contractors and other
19 concerned persons of the health hazards of asbestos;

20 (12) assist the University of Alaska in its efforts to abate
21 asbestos health hazards; and

22 (13) adopt regulations necessary to implement the provisions
23 of this chapter.

24 Sec. 18.28.030. DUTIES OF THE DEPARTMENT OF EDUCATION. To
25 assist in implementing the asbestos health hazard abatement program,
26 the Department of Education shall

27 (1) cooperate with the Department of Labor, school dis-
28 tricts, and regional educational attendance areas to ensure inspection
29 of public schools for asbestos health hazards and to ensure that

- 1 identified asbestos health hazards are abated;
- 2 (2) maintain records, files, and reports on asbestos health
3 hazards in public schools;
- 4 (3) administer state money appropriated to finance reno-
5 vation contracts under AS 18.28.040(5);
- 6 (4) in accordance with priorities established by the Depart-
7 ment of Labor under AS 18.28.020(7), distribute grants to school
8 districts and regional educational attendance areas for the abatement
9 of health hazards in public schools; and
- 10 (5) inform the Department of Labor when renovation con-
11 tracts are awarded under AS 18.28.040(5), to enable the Department of
12 Labor to advise contractors and other concerned persons of the health
13 hazards of asbestos that may be encountered in the renovation project.

14 Sec. 18.28.040. DUTIES OF SCHOOL OFFICIALS. To assist in imple-
15 menting the asbestos health hazard abatement program, each city or
16 borough school district and each regional educational attendance area
17 shall

18 (1) maintain records of all inspections, including sample
19 dates, location, condition, and analysis of materials;

20 (2) notify school personnel of the location of asbestos
21 materials and ways to reduce exposure;

22 (3) notify the parents of students about the results of
23 asbestos inspections in their children's schools;

24 (4) either

25 (A) contract for the inspection of its school build-
26 ings in compliance with Environmental Protection Agency asbestos
27 regulations (40 C.F.R. Part 763) and in accordance with guide-
28 lines established by the Department of Labor and under the super-
29 vision of the Department of Labor; or

1 (B) notify the Department of Labor that the school
2 district or regional educational attendance area has not entered
3 and does not intend to enter into a contract for an inspection
4 for asbestos health hazards; and

5 (5) contract for renovating school buildings to abate
6 asbestos health hazards, and supervise and monitor the renovation
7 contracts, applying the standards in AS 18.60.075 to protect the
8 health of persons who renovate the school buildings.

9 Sec. 18.28.050. REPAYMENT OF GRANT FUNDS. A school district or
10 regional educational attendance area that receives a state grant for
11 the abatement of asbestos health hazards in schools shall repay the
12 grant from any money the district or the regional educational atten-
13 dance area recovers from asbestos manufacturers or other parties in a
14 claim for damages arising from the use of asbestos in a school.
15 Repayment shall be made after deducting legal fees and other costs
16 associated with the claim for damages.

17 ARTICLE 2. CERTIFICATION OF ASBESTOS WORKERS.

18 Sec. 18.28.200. CERTIFICATION PROGRAMS. (a) The Department of
19 Labor shall

20 (1) establish guidelines for employee training certifica-
21 tion programs, including respiratory and competency tests to be com-
22 pleted successfully, to ensure that a person who is employed to abate
23 asbestos health hazards is trained to do the work safely and is in-
24 formed about the danger of working with asbestos;

25 (2) review certification programs proposed by contractors,
26 labor organizations, public and private vocational training programs,
27 and others for persons who will be employed to abate asbestos health
28 hazards;

29 (3) approve proposed certification programs that meet the

1 department's guidelines under this subsection;

2 (4) assist in meeting the certification guidelines those
3 whose certification program proposals have been found unacceptable.

4 (b) Before a contractor may undertake work to abate an asbestos
5 related health hazard, the contractor shall

6 (1) propose to the Department of Labor a plan for the
7 certification of its employees as adequately trained to handle asbes-
8 tos in a safe and knowledgeable way;

9 (2) receive approval from the department of that plan; and

10 (3) certify that each person who will work on the abatement
11 of an asbestos health hazard is adequately trained to handle asbestos
12 in a safe and knowledgeable way.

13 (c) A person may not be employed to abate an asbestos health
14 hazard unless the person has been certified in a program approved by
15 the Department of Labor under (a) of this section.

16 (d) A contractor who violates (b) or (c) of this section is
17 subject to a civil penalty not to exceed \$1,000, as determined by the
18 commissioner of labor.

19 (e) A contractor who violates (b) of this section is guilty of a
20 class A misdemeanor.

21 (f) A contractor who violates (c) of this section is guilty of a
22 class B misdemeanor.

23 ARTICLE 3. MISCELLANEOUS PROVISIONS.

24 Sec. 18.28.500. DEFINITIONS. In this chapter

25 (1) "asbestos" means chrysotile, amosite, crocidolite,
26 fibrous tremolite, fibrous anthophyllite, and fibrous actinolite;

27 (2) "asbestos health hazard" means the presence of material
28 containing asbestos that carries a risk of releasing asbestos fibers
29 into the atmosphere;

1 (3) "asbestos product" means a product that produces air-
2 borne asbestos.

3 * Sec. 3. This Act does not apply to work involving asbestos or the
4 abatement of asbestos health hazards underway on October 1, 1985.

5 * Sec. 4. This Act takes effect October 1, 1985.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/2/85

Date 17 April 85

Mr. President

The Committee on Labor & Commerce considered CSSSHB 5(Fin)am establishing a program for the abatement of asbestos health hazards in public schools and the University of Alaska; providing for certification of asbestos workers; efd.

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

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

MEMBERS SIGNING
DO PASS

1 [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 [Signature] No REC
 2 [Signature] No REC

1 [Signature]
 Chairman
Do Pass
 Chairman recommendation

Original sponsors: Herrmann, Binkley
and Wallis

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 7 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

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

10 * Section 1. AS 16.05.815(a) is amended to read:

11 (a) Except as provided in (b) of this section, records required
12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue, to the division of fish and wildlife protection, Department
26 of Public Safety, and to the Commercial Fisheries Entry Commission to
27 assist them in carrying out their statutory responsibilities;

28 (3) records or reports of the total value purchased by each
29 buyer to a municipality that [WHICH] levies and collects a tax on

1 fish, shellfish, or fishery products if the municipality

2 (A) requires records of the landings of fish, shell-
3 fish, or fishery products to be submitted to it for purposes of
4 verification of taxes payable; and

5 (B) maintains the confidentiality of reports and
6 records that [WHICH] it receives under this paragraph;

7 (4) such records and reports as necessary to be in confor-
8 mity with a court order; or

9 (5) on request, the report of a person to the person whose
10 fishing activity is the subject of the report.

11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

ST : OF ALASKA 1985 LEGISLATIVE SE. .ON
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No. (S) HB 7 (FIN)
 Title: DPS ACCESS TO CONFIDENTIAL RECORDS
 Sponsor: Rep. Herrmann
 Requestor: House Resources
 Date of Request: 1-17-85

FISCAL DETAIL
 Agency Affected: PUBLIC SAFETY
 Program Category Affected: FISH & WILDLIFE PROTECTION
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338
 Division: ADMINISTRATIVE SERVICES Date: 12-6-84

Approved by Commissioner: [Signature] Date: 12/6/84
 Agency: PUBLIC SAFETY

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Hein
2/1/85✓

KEY:
— new language

Original sponsors: Herrmann, Binkley
and Wallis

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 7 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the division of fish and
8 wildlife protection; and providing for an effective
9 date."

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

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13 by regulations of the department concerning the landings of fish,
14 shellfish or fishery products, and annual statistical reports of
15 buyers and processors required by regulation of the department are
16 confidential and may not be released by the department except that the
17 department may release

18 (1) any of its records and reports to the National Marine
19 Fisheries Service as required for preparation and implementation of
20 the fishery management plans of the North Pacific Fishery Management
21 Council within the fishery conservation zone; however, information
22 released to the National Marine Fisheries Service under this paragraph
23 may not disclose the identity of individual fishermen or their ves-
24 sels;

25 (2) any of its records and reports to the Department of
26 Revenue, to the division of fish and wildlife protection, Department
27 of Public Safety, and to the Commercial Fisheries Entry Commission to
28 assist them in carrying out their statutory responsibilities;

29 (3) records or reports of the total value purchased by each

1 buyer to a municipality that [WHICH] levies and collects a tax on
2 fish, shellfish, or fishery products if the municipality

3 (A) requires records of the landings of fish, shell-
4 fish, or fishery products to be submitted to it for purposes of
5 verification of taxes payable; and

6 (B) maintains the confidentiality of reports and
7 records that [WHICH] it receives under this paragraph;

8 (4) such records and reports as necessary to be in confor-
9 mity with a court order; or

10 (5) on request, the report of a person to the person whose
11 fishing activity is the subject of the report.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-

13 10.070(c).

SECTIONAL ANALYSIS HB 7

To: House Resources Committee Files
From: Janet Fries, Committee Aide
Date: 1/23/85

Section 1 (AS 16.05.815 (a))

This section reinstates permanently in Alaska Statutes the authority of the Department of Public Safety, Division of Fish and Wildlife Protection to access confidential information of the Department of Fish and Game to assist in their enforcement efforts.

The confidential records to which this bill refers are fish tickets.

C
22

from Resources Committee:

PROPOSED AMENDMENT FOR HOUSE BILL 7

House Bill 7 should be amended to include:

* Section 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

HISTORY OF HB 7

To: House Resources Committee Files
From: Janet Fries, Committee Aide
Date: 1/23/85

The need for a change in AS 16.05.815(a) arose when the Division of Fish and Wildlife Protection, which was formerly the enforcement arm of the Department of Fish and Game (ADF&G), was transferred to the Department of Public Safety (DPS). Prior to that time, all enforcement officers had full access to ADF&G confidential reports and records.

In 1982, the Alaska Legislature passed a Senate CS for House Bill 668, which provided the Division of Fish and Wildlife Protection with access to fish ticket information until July 1, 1984. This was done, presumably, so that it would come back to the Legislature for reconsideration.

Late in the Thirteenth Legislative Session, the Department of Public Safety approached the Senate Resources Committee with an amendment which would reinstate the Division's access to fish ticket information. The amendment was proposed for HB 404, an Administration housecleaning bill which would amend several sections of Title 16. HB 404 was then under consideration by the Committee. The bill was not amended, due primarily to concerns that fish ticket information regarding "hot fishing spots" might inadvertently leak from Division officers or clerical personnel to other fishermen in a given fishery.

The Division of Fish and Wildlife Protection officers have strict policies regarding the use of confidential information which preclude this type of "leakage". This is discussed in the attached memorandum from Lt. Seibel to Commissioner Sundberg. Because these officers are trained enforcement personnel who deal with confidential information continually, these policies are stringently enforced.

The attached background information regarding HB 7 contains a strong statement of support from Governor Bill Sheffield, who was planning to introduce a similar bill this session, had it not been introduced by a Legislator. Also included are resolutions which support the measure from the United Fishermen of Alaska, the Bering Sea Fishermen's Association, and the Naknek-Kvichak Fish and Game Advisory Committee. The Department of Fish and Game strongly supports this bill. The Bristol Bay Native Association and the Bristol Bay Borough both support the bill, as enforcement of the limited entry law and in-season fishing regulations are a serious problem affecting the livelihood of local fishermen in the Bristol Bay salmon fishery, the largest in the state.

This packet also contains information provided by the Department of Public Safety which demonstrates how fish ticket information is used by the Division of Fish and Wildlife Protection and why it is necessary for their officers to access this information in order to be effective in their enforcement of fishing laws and regulations throughout the state. For those not familiar with fish tickets, samples are attached.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

JAN 21 1985

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

January 18, 1985

The Honorable Adelheid Herrmann
Co-Chair, House Resources Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Herrmann:

Under the present language in Alaska Statute 16.05.815 (a), our Department's Division of Fish & Wildlife Protection is prohibited from viewing fish tickets without first having probable cause, and then obtaining a Court order. Providing ready access by the Division of Fish & Wildlife Protection to fish tickets is vital to our agency's efforts to effectively enforce the State's limited entry laws.

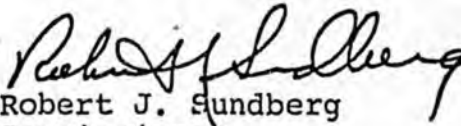
Our Division of Fish & Wildlife Protection utilizes the information from the fish tickets as evidence to substantiate that a violation of the State's limited entry laws, or other commercial fishing laws or regulations, did in fact take place.

The type of information contained on fish tickets can provide our Fish & Wildlife Protection Troopers with probable cause to believe that a violation of the State's limited entry laws has occurred.

Having ready access to the fish tickets and fish ticket information is absolutely essential if the Division of Fish & Wildlife Protection is to enforce limited entry. Access to fish tickets would: (1) Allow us to determine who were permit holders; (2) allow us to determine who was purchasing fish from non-permit holders; and (3) increase the apprehension of illegal commercial fishermen substantially.

Our Department strongly believes that having ready access to fish tickets and fish ticket information, as provided for in HB 7, is critical to our agency's effective enforcement of Alaska's limited entry and commercial fishing laws.

Sincerely,


Robert J. Sundberg
Commissioner

MEMORANDUM


State of Alaska

TO: Robert J. Sundberg
Commissioner
Dept. of Public Safety

DATE: January 21, 1985

FILE NO:

TELEPHONE NO: 465-4313

FROM: Lt. Conrad Seibel 
"B" Detachment Commander
Fish & Wildlife Protection
Juneau

SUBJECT: HB 7 - Fish Ticket Access

On January 18, 1985 I met with Ms. Janet Fr~~e~~is from Representative Adelheid Herrmann's office to discuss HB 7 pertaining to our Division's access to fish tickets and fish ticket information. During this meeting I offered to provide Representative Herrmann with some background history and some other important information that I believe is pertinent to this particular issue.

To give you an overview I have provided the following index:

- A. What is Fish Ticket?
- B. History
- C. Examples of Specific Cases Involving Fish Tickets
- D. Legislation Audit Report
- E. Confidentiality
- F. Summary

A. What is a Fish Ticket?

First of all, fish tickets are those records of delivery of fish caught for commercial purposes. Information on these tickets include the date the fish are landed, or sold; numbers or pounds of fish sold by species; name of the fisherman and his limited entry permit number, name of the buyer, ADF&G statistical area where the fish were caught, and may or may not include the price paid for the fish.

B. History

In 1972 the Protection Division was transferred from the Department of Fish & Game to the Department of Public Safety. Because the Protection Division had been a part of the Department of Fish & Game, restricting

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HB & - Fish Ticket Access
January 21, 1985
Page 2.

access to members of that Department still allowed exchange of these tickets, where it appeared a violation had occurred, between Fish & Game biologists and law enforcement personnel.

Increasingly in the years since the transfer of the Protection Division to Public Safety, access was restricted, based on opinions of State attorneys that Public Safety could not be allowed to have this information under the old statute. The Division was required to have sufficient probable cause to convince a court that a crime had been committed before looking at the fish tickets.

In many cases, it was the fish ticket information that was the initial indication that a violation had occurred, and therefore these tickets could not be reviewed by enforcement personnel, and also could not be obtained through the court. If a Fish & Game biologist or data clerk thought they had evidence of a violation they would have to follow through on it themselves, at least to a point where enough probable cause was developed to allow enforcement personnel to gain access to the tickets. This interfered with their work and was a source of concern to Fish & Game.

In some cases, because of the lack of access to fish tickets, cases could not be properly investigated, and persons violating fishery statutes or regulations could not be prosecuted.

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HB 7 - Fish Ticket Access
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Page 3

The Legislature enacted legislation that allowed access to fish tickets by Division personnel beginning in the summer of 1982 and extending for two years until July 1, 1984. Since July 1, 1984 the problems facing the Division of Fish & Wildlife Protection restricting it's access to the fish ticket information as experienced prior to the summer of 1982 have now, again, resurfaced.

C. Examples of Specific Cases Involving Fish Tickets

I believe that it is important, at this point, to cite examples of various investigations, where through the use of fish tickets, commercial fishing violators were apprehended.

1. The first case involves a 100 foot vessel Alaska Coast in June of 1983. A fish ticket and biological sample of the delivery allowed Fish & Wildlife Protection to compare crab weights from the F/V Alaska Coast with other deliveries and past survey data from the same ADF&G statistical area. Based on this comparative fish ticket information a search warrant was obtained and served. The vessel's logs confirmed that they were fishing more thanⁿ 350 miles inside the closed waters of the Bering Sea. The vessel was subsequently seized. This case involved receipt of \$197,000 by the defendants for delivery of brown king crab.

State Memorandum
HB 7 - Fish Ticket Access
January 21, 1985
Page 4

2. In the Dutch Harbor area from August 1982 to spring of 1984 Fish & Wildlife Protection initiated 132 cases involving fish tickets, resulting in judgements against 67 defendants and a net fine of \$67,850.
3. In the Bristol Bay case of State Vs. Monte Hughes (1983) access to the fish ticket information resulted in the defendant being charged with commercial fishing without a limited entry permit. This case resulted in a deferred prosecution with the following conditions:
 - a. Payment of \$25,000 plus interest to the State;
 - b. No commercial fishing as a skipper or crewman for three years;
 - c. Cooperation with State officials in the investigation of an additional offense by another person.
4. A fourth example pertains to a commercial fish buyer in Southeast. During the spring of 1984 Mr. Walter Rasmussen of Bar Harbor Seafoods was cited for several violations pertaining to his fish processing business in Ketchikan. He was cited for failing to imprint the fish tickets with the fisherman's limited entry permit number and other violations. He was fined a total of \$9,250 with \$4,950 suspended. Without having ready access to these fish tickets prosecution would have been difficult at best.

D. Legislative Audit Report

In 1981 a Legislative Audit report, concerning the Bristol Bay fisheries, stated that "the most efficient means of enforcing a limited fishery would be to allow Fish & Wildlife Protection access to fish tickets and fish ticket information".

E. Confidentiality

There is a concern by some individuals that the more people who review fish tickets increases the possibility of catch locations becoming public information. Fish & Wildlife Protection's responsibility for the confidentiality of the fish ticket information would be the same as ADF&G and Limited Entry.

As in any investigation by our Department's personnel, officer's that mis-used any information could be subject to reprimand, dismissal and/or possibly criminal charges being filed against them. Section 101.410 of the Department's Operating Procedures Manual states that "Employees shall not release information relative to any investigation or reports except in accordance with the written instructions of the Department of Public Safety relative to the confidentiality of certain records... No employees shall divulge information deemed as confidential to any unauthorized

State Memorandum
HB 7 - Fish Ticket Access
January 21, 1985
Page 6

person, whether obtained through the execution of departmental duties or other means."

Also an important fact to point out here is that compared to ADF&G, Limited Entry and Department of Revenue, Public Safety probably has the most stringent requirements for becoming a member of its Department by its use of employee background investigations and the use of the polygraph.

F. Summary

The Division of Fish & Wildlife Protection is the agency responsible for protection of the State's resources. This makes our agency an integral part of the overall management scheme. To restrict our access to fish ticket information severely hampers our efforts and ability to effectively enforce Alaska's statutes and regulations passed for the conservation and development of its fisheries resources.

CC: Col. Henderson

CS/lk

SERIES " A " FISH TICKET SAMPLE

DISTRIBUTION: PLACE WRAPAROUND COVER UNDER GOLDENROD COPY
 WHITE - PURCHASER PINK - SELLER
 YELLOW - FISH & GAME GOLDENROD - PURCHASER

PURCHASER
 ALASKA DEPARTMENT OF FISH AND GAME
 SALMON TICKET

DO NOT WRITE IN THIS SPACE
 A85069007

Vessel Name F/V Salmon Boat

Fishery 5 AAC 39.130.(8)(9) REQUIRES IMPRINTING OF THE CFEC PERMIT CARD HERE

TIME GEAR OPERATED IN HOURS
10

Name
 Permit Number

ADF&G NO
00000

Proc. Code F 0000 0 8/12/85 Date Fishing Begin

Company ADF&G CSS 8/13/85 Date Landed

Area Caught Point Retreat 111-50
SHOW NEAREST BAY OR HEADLAND STAT. CHART NO.

SPECIES	CODE	NUMBER OF FISH	NO. OR POUNDS	PRICE	AMOUNT
KINGS	410	2	50	1.50	75.00
REDS	420				
COHOS	430	10	100	1.10	110.00
PINKS	440	4	13	.25	3.25
CHUMS	450	1	15	.35	5.25
SALMON ROE	400		10	4.00	40.00
CHAR	520				
STEELHEAD	540				
WHITEFISH	580				
Sub-Total		17	188		233.50
Less Salmon Enhancement Tax			3%		- 7.01
TOTAL		17	188		226.49

Cash Advance 850.00 Fish Received by Mr. Salmon Buyer

NOT NEGOTIABLE * Capt. John Doe

REV 8/84 1118 © FISH DELIVERED HEREBY WERE CAUGHT IN COMPLIANCE WITH STATE LICENSING LAWS AND STATE LABOR LAWS AND REGULATIONS

(2) if the fish or game or part of fish or game is in a preserved condition whether frozen, smoked, canned, salted, pickled or otherwise preserved, or

(3) with respect to crab aboard a commercial crab fishing vessel, during the first full three days after the time when a taking is prohibited. (§ 26 art I ch 94 SLA 1959; am § 1 ch 42 SLA 1974)

Sec. 16.05.815. Confidential nature of certain reports and records. (a) Except as provided in (b) of this section, records required by regulations of the department concerning the landings of fish, shellfish or fishery products, and annual statistical reports of buyers and processors required by regulation of the department are confidential and may not be released by the department except that the department may release

(1) any of its records and reports to the National Marine Fisheries Service as required for preparation and implementation of the fishery management plans of the North Pacific Fishery Management Council within the fishery conservation zone; however, information released to the National Marine Fisheries Service under this paragraph may not disclose the identity of individual fishermen or their vessels;

(2) [Effective July 1, 1984] any of its records and reports to the Department of Revenue and to the Commercial Fisheries Entry Commission to assist them in carrying out their statutory responsibilities;

(3) records or reports of the total value purchased by each buyer to a municipality which levies and collects a tax on fish, shellfish, or fishery products if the municipality

(A) requires records of the landings of fish, shellfish, or fishery products to be submitted to it for purposes of verification of taxes payable; and

(B) maintains the confidentiality of reports and records which it receives under this paragraph;

(4) such records and reports as necessary to be in conformity with a court order; or

(5) on request, the report of a person to the person whose fishing activity is the subject of the report.

(b) Records or reports received by the department which do not identify individual fishermen, buyers, or processors or the specific locations where fish have been taken are public information. (§ 1 ch 117 SLA 1970; am § 1 ch 117 SLA 1974; am § 1 ch 66 SLA 1980; am §§ 1, 2 ch 72 SLA 1982)

Postponed amendment. — Until July 1, 1984, paragraph (2) of subsection (a) provides: "(2) any of its records and reports to the Department of Revenue, to the division of fish and wildlife protection, Department of Public Safety, and to the Commercial Fisheries Entry Commission

to assist them in carrying out their statutory responsibilities;"

Cross references. — For reporting of wholesale canned salmon prices, see AS 43.80.050 — 43.80.100.

Effect of amendments. — The 1980 amendment substituted "Except as pro-

vided in (b) of this section, records" for "Reports" at the beginning of present subsection (a), substituted "may" for "shall" preceding "not be released" near the end of the introductory paragraph of present subsection (a), deleted "in the form of individual records" following "not be released" near the end of the introductory paragraph of present subsection (a), added "that the department may release" at the end of the introductory paragraph of present subsection (a), restructured the former section into present subsection (a) and paragraphs (1) — (5), added all of the provisions contained therein except for paragraphs (2) and (4); in paragraph (2) of subsection (a),

added "any of its records and reports" at the beginning of the paragraph, and substituted "to assist them in carrying out their statutory responsibilities" for "or" at the end of paragraph (2); in paragraph (4) of subsection (a), added "such records and reports as necessary to be" at the beginning of the paragraph, and added "or" at the end of the paragraph.

Section 1, ch. 72, SLA 1982 inserted "to the division of fish and wildlife protection, Department of Public Safety" in paragraph (2) of subsection (a). Section 2 of ch. 72, effective July 1, 1984, deletes that language from paragraph (2).

Sec. 16.05.820. Research by the federal government. The Secretary of the Interior, the Secretary of Commerce or the Secretary of Agriculture of the United States and their authorized agents or other appropriate federal agencies may conduct fish cultural operations and scientific investigations in the state in the manner and at the times jointly considered necessary or proper by the Board of Fisheries and the secretary and their authorized agents. (§ 29 art I ch 94 SLA 1959; am § 14 ch 206 SLA 1975; am § 10 ch 208 SLA 1975)

Sec. 16.05.825. State upland game bird release program. (a) In addition to any other program for the stocking or propagation of game birds that the department has as of July 23, 1974, the department shall establish a special program for the raising, maintenance, and release of upland game birds in the state. Birds raised under this program may be released in an appropriate area of the state, at any time, but may be harvested only during regular hunting seasons, as specified by the board under AS 16.05.255(2). The board shall adopt regulations necessary to implement this section.

(b) The department shall establish an appropriate facility for the raising and maintenance of upland game birds to be located at an appropriate place, as determined by the commissioner, in interior Alaska.

(c) The department shall employ a method of tagging game birds released under this section, compile harvest statistics, and report its results and findings to the legislature annually.

(d) In this section, "upland game bird" means a game bird for which a season is established under AS 16.05.255(2) as of July 23, 1974, excluding waterfowl. (§ 1 ch 31 SLA 1974; am § 15 ch 206 SLA 1975)

Sec. 16.05.827. Sale of subsistence salmon roe. [Repealed. § 4 ch 99 SLA 1975.]

Sec. 16.05.830. Wanton waste. [Repealed. § 1 ch 73 SLA 1968.]

JAN 25 1985

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 109
DILLINGHAM, ALASKA 99570
PHONE (907) 843-5257 - 843-5258

January 25, 1985

Representative Adelheid Herrmann
Alaska State Legislature
Pouch V.
Juneau, Alaska 99811

Dear Adelheid:

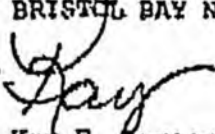
The Bristol Bay Native Association Executive Committee would like to take this opportunity to support House Bill No. 7 relating to the release of confidential records and reports to the Division of Fish and Wildlife Protection.

We feel that passage of this bill would greatly assist the enforcement division of Fish and Game in performance of their duties.

This bill would make sporting fisherman who use fake permits, illegal gear, duplicate permits, fish several vessels with one permit, and those people who fish several districts without bothering to officially transfer a simple process and would allow for immediate citation of those violators.

Sincerely,

BRISTOL BAY NATIVE ASSOCIATION


Kay E. Larson
Executive Director



UNITED FISHERMEN OF ALASKA

219 Seward Street, Suite #10
Juneau, Alaska 99801-1168
1987, 555-2820

Cass M. Parsons
Executive Director

RESOLUTION 84-19

WHEREAS the Department of Public Safety does not have legal access to fish tickets; and

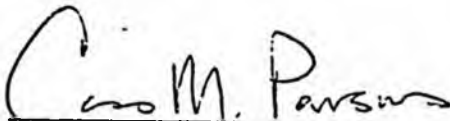
WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations; and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, and to name a few; and

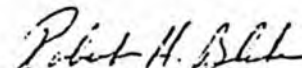
WHEREAS without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

NOW THEREFORE BE IT RESOLVED, that the United Fishermen of Alaska requests that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, and Commissioner Robert J. Sunberg of the Department of Public Safety.



Cass M. Parsons
UFA Executive Director



Robert M. Blake
President

Date: 11-16-84

BERING SEA FISHERMEN'S ASSOCIATION
RESOLUTION NUMBER 7

WHEREAS the Bering Sea Fishermen's Association represents over 1600 commercial salmon and herring fishermen in western Alaska and,

WHEREAS the Department of Public Safety does not currently have legal access to fish tickets, and

WHEREAS the Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

WHEREAS the Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS Without this access to fish tickets, the Department of Public Safety's efforts to enforce these regulations is severely hampered.

THEREFORE BE IT RESOLVED that the Association request that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets and,

BE IT FURTHER RESOLVED that copies of this resolution be sent to Members of the Boards of Fisheries, Commissioner Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Bristol Bay Advisory Committee, and members of the Nushagak Advisory Committee.

Motion Passed this 31 day of August, 1984 in Anchorage, Alaska.



HENRY IVANOFF
PRESIDENT - BERING SEA FISHERMEN'S ASSOCIATION

RESOLUTION 84-1

A RESOLUTION REQUESTING THE LEGISLATURE TO CONSIDER ALLOWING THE DEPARTMENT OF PUBLIC SAFETY ACCESS TO FISH TICKETS.

THE NAKNEK-KVICHAK FISH AND GAME ADVISORY COMMITTEE RESOLVES:

WHEREAS: The Department of Public Safety does not have legal access to fish tickets, and

WHEREAS: The Department of Public Safety has the responsibility of enforcing the regulations governing commercial fisheries operations, and

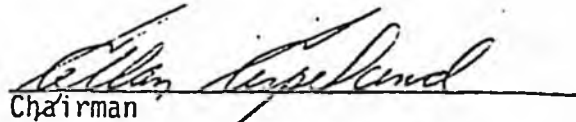
WHEREAS: The Department of Public Safety needs access to fish tickets in order to enforce regulations such as the 48-hour waiting period, the use of fraudulent limited entry cards, fishing in closed waters, and fishing in closed periods to name a few, and

WHEREAS: Without this access to fish tickets, the Department of Public Safety's effort to enforce these regulations is severely hampered.

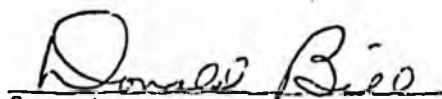
NOW THEREFORE BE IT RESOLVED, that the Naknek-Kvichak Fish and Game Advisory Committee requests that legislation be passed which would allow the Department of Public Safety accessibility to fish tickets.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Members of the Board of Fisheries, Commissioner Don W. Collinsworth of the Department of Fish and Game, Commissioner Robert J. Sunberg of the Department of Public Safety, members of the Iliamna-Lake Clark Advisory Committee, members of the Lower Bristol Bay Advisory Committee, and members of the Nushagak Advisory Committee.

Passed this 16 day
of August, 1984 by the Naknek-
Kvichak Advisory Committee


Chairman

Attested:


Secretary

Introduced: 1/14/85
Referred: Resources and Finance

BY HERRMANN, BINKLEY AND
WALLIS

1 IN THE HOUSE

2 HOUSE BILL NO. 7

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the division of fish and
8 wildlife protection."

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

10 * Section 1. AS 16.05.815(a) is amended to read:

11 (a) Except as provided in (b) of this section, records required
12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue, to the division of fish and wildlife protection, Department
26 of Public Safety, and to the Commercial Fisheries Entry Commission to
27 assist them in carrying out their statutory responsibilities;

28 (3) records or reports of the total value purchased by each
29 buyer to a municipality that [WHICH] levies and collects a tax on

1 fish, shellfish, or fishery products if the municipality
2 (A) requires records of the landings of fish, shell-
3 fish, or fishery products to be submitted to it for purposes of
4 verification of taxes payable; and
5 (B) maintains the confidentiality of reports and
6 records that [WHICH] it receives under this paragraph;
7 (4) such records and reports as necessary to be in
8 conformity with a court order; or
9 (5) on request, the report of a person to the person
10 whose fishing activity is the subject of the report.

COMMITTEE REPORT
SENATE

FURTHER:

2/26/85

Date 5/2/85

Mr. President

The Committee on FINANCE considered CSHB 7(Fin)

the release of confidential records and reports of the Department of Fish and Game.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 7(Res)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Rich Haglund

Paul Finkbeiner

Debra Nelson

John L. ...
Chairman

Debra Nelson
Chairman recommendation

Offered: 2/26/85
Referred: Finance

Original sponsors: Herrmann, Binkley,
Wallis and Taylor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 7 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

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

10 * Section 1. AS 16.05.815(a) is amended to read:

11 (a) Except as provided in (b) of this section, records required
12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue and to the Commercial Fisheries Entry Commission to assist
26 them in carrying out their statutory responsibilities;

27 (3) records or reports of the total value purchased by each
28 buyer to a municipality that [WHICH] levies and collects a tax on
29 fish, shellfish, or fishery products if the municipality

1 (A) requires records of the landings of fish, shell-
2 fish, or fishery products to be submitted to it for purposes of
3 verification of taxes payable; and

4 (B) maintains the confidentiality of reports and
5 records that [WHICH] it receives under this paragraph;

6 (4) such records and reports as necessary to be in confor-
7 mity with a court order; [OR]

8 (5) on request, the report of a person to the person whose
9 fishing activity is the subject of the report; and

10 (6) fish tickets and fish ticket information to the divi-
11 sion of fish and wildlife protection, Department of Public Safety.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).

14

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 7
Title: DPS ACCESS TO CONFIDENTIAL RECORDS
Sponsor: Rep. Herrmann
Requestor: House Resources
Date of Request: 1-17-85

FISCAL DETAIL

Agency Affected: PUBLIC SAFETY
Program Category Affected: FISH & WILDLIFE PROTECTION
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338
Division: ADMINISTRATIVE SERVICES Date: 12-6-84

Approved by Commissioner: [Signature] Date: 12/6/84
Agency: PUBLIC SAFETY

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

ANALYSIS FOR HOUSE BILL 7

An Act relating to the release of confidential records and reports of the Department of Fish and Game

Under current law, the Department of Fish and Games may only release records concerning the landings of fish, shellfish products or fishery products to the:

- 1) National Fisheries Service
- 2) Department of Commerce
- 3) Municipalities for tax purposes
- 4) Courts
- 5) Person of which the records are the subject.

This bill would add fish tickets and fish ticket information could also be released to the division of fish and wildlife protection in the Department of Public Safety.

There is no fiscal impact.

Offered: 2/8/85
Referred: Rules

Original sponsors: Herrmann, Binkley
and Wallis

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 7 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL .

6 For an Act entitled: "An Act relating to the release of confidential
7 records and reports of the Department of Fish and
8 Game; and providing for an effective date."

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

10 * Section 1. AS 16.05.815(a) is amended to read:

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12 by regulations of the department concerning the landings of fish,
13 shellfish or fishery products, and annual statistical reports of
14 buyers and processors required by regulation of the department are
15 confidential and may not be released by the department except that the
16 department may release

17 (1) any of its records and reports to the National Marine
18 Fisheries Service as required for preparation and implementation of
19 the fishery management plans of the North Pacific Fishery Management
20 Council within the fishery conservation zone; however, information
21 released to the National Marine Fisheries Service under this paragraph
22 may not disclose the identity of individual fishermen or their ves-
23 sels;

24 (2) any of its records and reports to the Department of
25 Revenue, to the division of fish and wildlife protection, Department
26 of Public Safety, and to the Commercial Fisheries Entry Commission to
27 assist them in carrying out their statutory responsibilities;

28 (3) records or reports of the total value purchased by each
29 buyer to a municipality that [WHICH] levies and collects a tax on

1 fish, shellfish, or fishery products if the municipality

2 (A) requires records of the landings of fish, shell-
3 fish, or fishery products to be submitted to it for purposes of
4 verification of taxes payable; and

5 (B) maintains the confidentiality of reports and
6 records that [WHICH] it receives under this paragraph;

7 (4) such records and reports as necessary to be in confor-
8 mity with a court order; or

9 (5) on request, the report of a person to the person whose
10 fishing activity is the subject of the report.

11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

COMMITTEE REPORT
SENATE

[Handwritten scribble]

2/19/85

FURTHER: FINANCE

Date 2/25/85

Mr. President

The Committee on RESOURCES considered CSHB 7(Fin)
the release of confidential records and reports of the Department of Fish
and Game; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CS for HB 7 (Res)
- new title
- same title and recommends DO PASS
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Arlis Stupler
Chairman
Do Pass
Chairman recommendation