

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2816 SRES SB 79

2516

The draft contains provisions which address the following:

- 1) Directs the Dept. of Labor (DOL) to develop a list of "hazardous and toxic substances" using the DOT, OSHA, and NIOSH lists. However, the intent would be for the DOL to use discretion in the formulation of the list and specifically to exclude: a) substances because of their amounts do not pose a health hazard and b) substances used for personal consumption (grocery store items, etc.)
- 2) Manufacturers would be required to supply material safety data sheets (MSDSs) or OSHA Form 20s or equivalent information on substances for wholesalers. Wholesalers, in turn, would be required to supply this same info to employers. Employers then would be required to supply the information to new employees (not applicants) and to other employees on request (not agents).
- 3) Employers would also be required to post info in workplace or other appropriate place.
- 4) Employers would be required to provide training for employees on the effects, safety precautions and exposure conditions of substances in workplace.
- 5) An employer would be allowed 30 days to provide info to employee upon request. After 30 days employee can not be made to work with substance.
- 6) DOL authorized to provide assistance to employers in obtaining info and developing training programs.
- 7) A report (not annual) is required to DOL by employers on the info on substances they use and the safety procedures and equipment they have.
- 8) The DOL is to issue regulations governing access to the info reports filed by employers to ensure access by employees subject to trade secrets protection.
- 9) The definitions include "employee" as one who works in other than a personal residence; and "employer" as one who conducts work in other than a personal residence and also includes the state and local governments.

Please review this draft and get your comments back to Pat Pourchot or Sandra Schubert by Monday, April 4. Based on the comments we will probably want to get together with as many concerned groups and persons as possible shortly thereafter to work out further problems and develop additional language.

Messrs. Pehler, Taylor, Frederick, Diessner and Chmielewski introduced--
S. F. No. 576 Referred to the Committee on Employment

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A bill for an act

relating to labor; providing for occupational health
and safety; providing for an employee right to know;
protecting trade secrets; providing penalties;
amending Minnesota Statutes 1982, section 182.651, by
adding subdivisions; 182.653, by adding subdivisions;
182.658; 182.66, subdivision 1; 182.661; 182.663,
subdivisions 2 and 5; 182.664, subdivisions 3 and 5;
182.666; 182.667, subdivision 2; and 182.668.

10

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

12 Section 1. Minnesota Statutes 1982, section 182.651, is
13 amended by adding a subdivision to read:

→ 14 Subd. 14. "Hazardous substance" means a substance or
15 mixture meeting the criteria of ANSI Z129.1-1982 (American
16 National Standards Institute Standard for the Precautionary
17 Labeling of Hazardous Chemicals) for any combustible liquid,
18 compressed gas, corrosive material, dangerously reactive
19 material, extremely flammable material, flammable material, high
20 toxic material, irritant, pressure-generating material,
21 pyroforic material, strong oxidizer, strong sensitizer, or toxic
22 material, if such substance or mixture may cause a significant
23 risk to safety or health during or as a proximate result of any
24 customary or reasonably foreseeable handling or use.

25 The following substances or mixtures are not hazardous
26 substances if they are:

exempting

27 (a) products intended for personal consumption by employees

1 in the workplace;

2 (b) consumer products packaged for distribution to, and
3 used by, the general public, including any product used by an
4 employer or the employer's employees in the same form,
5 concentration, and manner as it is sold to consumers, and to the
6 employer's knowledge, employee exposure is not significantly
7 greater than the consumer exposure occurring during principal
8 consumer use of the product;

9 (c) products labeled pursuant to the Federal Insecticide,
10 Fungicide and Rodenticide Act, as amended, and the Federal Food,
11 Drug, and Cosmetic Act, as amended;

12 (d) waste products labeled pursuant to the Resource
13 Conservation and Recovery Act;

14 (e) any substance received by an employee in a sealed
15 package and subsequently sold or transferred in that package, if
16 the seal remains intact while the substance is in the employer's
17 workplace;

18 (f) any article, including but not limited to, an item of
19 equipment or hardware, which contains a hazardous substance, if
20 the substance is present in a solid form which does not create a
21 health hazard as a result of being handled by an employee;

22 (g) any hazardous substance that is bound and not released
23 under normal conditions of work or in a reasonably foreseeable
24 occurrence resulting from workplace operations;

25 (h) products sold or used in retail food sale
26 establishments and all other retail trade establishments,
27 exclusive of processing and repair work areas;

28 (i) any substance, mixture, or product if present in a
29 physical state, volume, or concentration for which there is no
30 valid and substantial evidence that a significant risk to human
31 health may occur from exposure;

32 (j) products labeled pursuant to 6MCAR sections 4.9214 and
33 4.9216.

34 Sec. 2. Minnesota Statutes 1982, section 182.651, is
35 amended by adding a subdivision to read:

36 Subd. 15. Chapter 182 shall not apply to materials being

1 developed and used only in a research laboratory.

2 Sec. 3. Minnesota Statutes 1982, section 182.651, is
3 amended by adding a subdivision to read:

4 Subd. 16. "Trade secret" means information, including a
5 formula, pattern, compilation, program, device, method,
6 technique, or process, that derives independent economic value,
7 actual or potential, from not being generally known to, and not
8 being readily ascertainable by proper means by, other persons
9 who can obtain economic value from its disclosure or use, and is
10 the subject of efforts that are reasonable under the
11 circumstances to maintain its secrecy.

12 Sec. 4. Minnesota Statutes 1982, section 182.651, is
13 amended by adding a subdivision to read:

14 Subd. 17. "Data sheet" means a material safety data sheet
15 or other literature prepared pursuant to section 182.653,
16 subdivision 6.

17 Sec. 5. Minnesota Statutes 1982, section 182.651, is
18 amended by adding a subdivision to read:

19 Subd. 18. "Chemical name" means the designation of a
20 chemical in accordance with the nomenclature system developed by
21 the International Union of Pure and Applied Chemistry or the
22 Chemical Abstracts Service.

23 Sec. 6. Minnesota Statutes 1982, section 182.651, is
24 amended by adding a subdivision to read:

25 Subd. 19. "Designated representative" means any individual
26 or organization to whom an employee or former employee gives
27 written authorization to exercise the employee's rights under
28 chapter 182.

29 Sec. 7. Minnesota Statutes 1982, section 182.651, is
30 amended by adding a subdivision to read:

31 Subd. 20. "Manufacturer" means anyone who produces,
32 synthesizes, extracts, or otherwise makes, processes, blends,
33 packages, or repackages a hazardous substance or mixture.

34 Sec. 8. Minnesota Statutes 1982, section 182.653, is
35 amended by adding a subdivision to read:

36 Subd. 8. The manufacturer of any hazardous substance shall

1 safety and health standard promulgated under Laws 1973, Chapter
 2 732, any existing rule or regulation promulgated by the
 3 department, may be punished by a fine of not more than \$10,000
 4 or by imprisonment for not more than six months or by both;
 5 except, that if the conviction is for a violation committed
 6 after a first conviction of such person, punishment shall be a
 7 fine of not more than \$20,000 or by imprisonment for not more
 8 than one year, or by both.

9 Sec. 24. Minnesota Statutes 1982, section 182.668, is
 10 amended to read:

11 182.668 [TRADE SECRETS.]

12 Subdivision 1. [EMPLOYER CLAIM AS TRADE SECRET.] (a) If an
 13 employer or manufacturer receives a request for information that
 14 is a trade secret, the employer or manufacturer shall inform the
 15 requester that all or part of the requested information is a
 16 trade secret but shall provide any part of the requested
 17 information that is not a trade secret.

18 The claim of an employer or manufacturer that information
 19 is a trade secret is presumed to be valid. If the claim is
 20 challenged by the commissioner on his or her own initiative, or
 21 upon receipt of a request by an employer who is a purchaser of
 22 the hazardous substance which is the subject of the trade secret
 23 designation, the commissioner shall notify the manufacturer or
 24 employer of the challenge by certified mail.

25 (b) The employer or manufacturer of the hazardous substance
 26 shall have 15 days, exclusive of weekends and legal holidays,
 27 which time period can be extended by the commissioner for just
 28 cause, after receipt of notification to provide the commissioner
 29 with a complete justification and statement of the grounds on
 30 which the trade secret is being claimed. A claim by the
 31 employer or manufacturer that the justification and statement
 32 containing the trade secret information is a trade secret shall
 33 likewise be presumed to be valid. This justification and
 34 statement shall be submitted by certified mail.

35 (c) The commissioner shall determine whether the requested
 36 information is protected as a trade secret within 15 days,

1 exclusive of weekends and legal holidays, after receipt of the
 2 justification and statement, or if no justification and
 3 statement is filed, within 30 days, exclusive of weekends and
 4 legal holidays, of the original notice, and shall notify the
 5 employer or manufacturer and any party who has requested the
 6 data of that determination by certified mail. If the
 7 commissioner determines that the requested information is not
 8 protected as a trade secret, the final notice shall also specify
 9 a date, not sooner than 15 days, exclusive of weekends and legal
 10 holidays, after the date of mailing of the final notice, when
 11 the information shall be available upon request.

12 (d) Prior to the date specified on the final notice, an
 13 employer or manufacturer of the hazardous substance may
 14 institute an action in an appropriate court for a declaratory
 15 judgment as to whether the requested information is subject to
 16 protection under this act.

17 Subd. 2. [TRADE SECRET DISCLOSURE.] All information
 18 reported to or otherwise obtained by the commissioner or his
 19 representative in connection with any inspection or proceeding
 20 under Laws 1973, Chapter 732 which contains or which might
 21 reveal a trade secret shall be considered confidential except
 22 that such information may be disclosed to other officers or
 23 employees concerned with carrying out Laws 1973, Chapter 732 or
 24 when relevant in any proceeding under Laws 1973, Chapter 732.

25 Subd. 3. [PROTECTIVE ORDERS.] The commissioner shall issue
 26 such orders as may be appropriate to protect the confidentiality
 27 of trade secrets by allowing, upon the request of an employer or
 28 manufacturer, any authorized representative of employees in
 29 inspections of trade secrets areas or discussions involving
 30 trade secrets to be replaced by an employee authorized by the
 31 employer; by permitting the employer to screen out trade secret
 32 details where photographs are deemed essential to the
 33 investigation; and by allowing the employer to restrict samples
 34 to be taken where trade secrets might be exposed.

35 Subd. 4. [PENALTY.] Information provided to an employer,
 36 employee, or designated representative pursuant to section

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
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(907) 465-3834
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Senate

Committee on Resources

Memo

May 20, 1983

To: Senator Bettye Fahrenkamp
From: Senate Resources Committee Staff
Subject: Support for SB 79, "Right to Know" bill

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

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

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

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

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

STATE OF ALASKA
FISCAL NOTE

Revision Date June 20, 1983

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

N/A

IV. ANALYSIS: Attach a separate page for any analysis

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

Phone: 465-4870

Date: June 20, 1983

Approved by Commissioner: ^{NR} Jim Robison *Jim Robison*
Department: Labor

Date: June 20, 1983

LEG:B:9

Distribution:

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

3/8/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE

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

AGENCY AFFECTED: Department of Labor

Page 2

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

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

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

Assumptions:

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

Personal services are for 11 months in FY 1984.

Inflation rate of 6 percent per annum.

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

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

Effective date of July 1, 1983.

1.	POSITION TITLE Industrial Hygienist I				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV. DISAP.																																																																						
2.	TYPE OF POSITION PFT	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.																																																																							
3.	CONTINUATION LEVEL				ADDITION																																																																										
4.	TYPE OF EXPENDITURE			AMOUNT																																																																											
	1		2		3																																																																										
PERSONAL SERVICES																																																																															
5.	Salary		34,957																																																																												
6.	Benefits		5,608																																																																												
7.	Supplemental Benefits		2,143																																																																												
8.	Fixed Benefits		2,640																																																																												
9.	TOTAL PERSONAL SERVICES		01		45,348																																																																										
10.	Travel		02		15,000																																																																										
11.	Contractual		03		18,933																																																																										
12.	Commodities		04		1,000																																																																										
13.	Equipment		05		1,500																																																																										
14.	Other																																																																														
15.	TOTAL COST				81,781																																																																										
JUSTIFICATION																																																																															
<p>The hygienist will ascertain the effects a chemical/substance will produce, recommend remedial action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.</p> <p>Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.</p> <p>Travel funds include \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.</p> <p>Contractual services consist of \$4,793 for indirect support services, \$5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information and \$2,000 equipment rent and communications.</p> <p>The equipment cost is for personal protective equipment (\$1,500).</p>																																																																															
<table border="1"> <thead> <tr> <th colspan="2">RECEIPT CODE</th> <th colspan="2">FUNDING SOURCE</th> <th colspan="6"></th> </tr> </thead> <tbody> <tr> <td>16.</td> <td></td> <td>Federal Receipts</td> <td>1002</td> <td colspan="6"></td> </tr> <tr> <td>17.</td> <td></td> <td>G.F. Match</td> <td>1003</td> <td colspan="6"></td> </tr> <tr> <td>18.</td> <td></td> <td>General Funds</td> <td>1004</td> <td colspan="6">81,781</td> </tr> <tr> <td>19.</td> <td></td> <td>I-A Receipts</td> <td>1005</td> <td colspan="6"></td> </tr> <tr> <td>20.</td> <td></td> <td>Program Receipts</td> <td>1028</td> <td colspan="6"></td> </tr> <tr> <td>21.</td> <td></td> <td>Other</td> <td></td> <td colspan="6"></td> </tr> </tbody> </table>										RECEIPT CODE		FUNDING SOURCE								16.		Federal Receipts	1002							17.		G.F. Match	1003							18.		General Funds	1004	81,781						19.		I-A Receipts	1005							20.		Program Receipts	1028							21.		Other							
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4A KEY NUMBER																																																																															

13 REQUEST FOR
NEW POSITION

AGENCY labor

PROGRAM Workers' Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health

Page 1 of 2

Revised Date

FY 84

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8A	BARC. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 11	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION							
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position is necessary to provide support to the Industrial Hygienist to handle the increased activity that will occur as a result of implementing the provisions of Committee Substitute for Senate Bill 79.</p> <p>This position will type and file information under direction of the Industrial Hygienist and respond to inquiries from the public.</p> <p>Personal services calculations are based on the salary schedule that is currently awaiting approval for FY 1984.</p> <p>Contractual services costs consist of indirect support of \$2,000. Additionally, \$1,000 for a word processing data management package will be required to collate and facilitate the disseminating of hazardous substance information. Other costs include equipment rent, telephone, postage, and office consumables.</p>					
	1	2	3							
	PERSONAL SERVICES*									
5.	Salary	17,094								
6.	Benefits	2,713								
7.	Supplemental Benefits	1,047								
8.	Fixed Benefits	2,640								
9.	TOTAL PERSONAL SERVICES	01	23,494							
10.	Travel	02								
11.	Contractual	03	7,450							
12.	Commodities	04	1,000							
13.	Equipment	05	-0-							
14.	Other									
15.	TOTAL COST		31,944							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	31,944						
19.		I-A Receipts	1005							
20.		Program Receipts	28							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER										

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Workers' Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health

FY 84

Page 2 of 2

Revised Date _____



Alaska State Legislature

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

May 12, 1983

TO: Senator Bettye Fahrenkamp
Chair, Senate Resources Committee

FROM: Senator Joe P. Josephson *JPJ*

SUBJECT: Senate Bill 79, "An Act relating to toxic and hazardous substances in the workplace; and providing for an effective date."

Chair Fahrenkamp and members of the Senate Resources Committee:

I would like to express my sincere appreciation for this opportunity to once again address the issue of improved worker safety in Alaska. Since the introduction of SB 79 on January 27, I have been deluged with information, POMs and news articles applauding and criticizing the need for such legislation. I would like to commend you and your staff for enduring the long hours of testimony, negotiations and renegotiations needed to produce the committee substitute under consideration today.

CSSB 79 is a compromise bill without undue restrictions on red tape that affords Alaska workers the opportunity to make reasonable choices. The class of workers affected by this bill will be educated in the use and disposal of toxic and hazardous substances in their work environment. They will be able to ascertain accurate and up-to-date information about substances in their work environment without undue burdens or obstacles. And, probably the most significant aspect of the bill rests in the fact that the Alaska worker will know that the state is enhancing its commitment to worker safety. The role of the Department of Labor will be responsible for accumulating valuable information for worker inquiry. The Department will develop monitoring procedures to insure that the education programs provided by employers are adequate. The Department will be available to answer questions about particular occupations with respect to toxic or hazardous substances.

Madame Chair, the bill has come a long way this session and has seen quite a facelift, but I think that the major premise of "worker right to know" has been preserved and has been presented in a reasonable manner. I support the bill and encourage the committee to vote in favor of it.

JPJ/tl

STATE OF ALASKA
FISCAL NOTE

Revision Date May 10 1983

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Robert J. Bacolas, Sr.
Division: Labor Standards and Safety

Phone: 465-4870
Date: May 10, 1983

Approved by Commissioner: Jim Robison
Department: Labor

Date: May 10, 1983

LEG:B:9

Distribution:

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

3/8/83

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

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

AGENCY AFFECTED: Department of Labor

Page 2

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

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

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

Assumptions:

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

Inflation rate of 6 percent per annum.

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

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

Effective date of July 1, 1983.

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

LEG:B:5

1.	POSITION TITLE Industrial Hygienist I				RANGE/STEP 19A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER CS for SB 79	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION	X		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>The hygienist will ascertain the effects a chemical/substance will produce, recommend remedical action if required and communicate this information to requestor in understandable terminology. As the populace becomes better informed, there will undoubtedly be more requests for this agency to visit work/storage sites to monitor them for potentially hazardous conditions.</p> <p>Personal services calculations are based on the salary schedule that is currently awaiting approval for FY '84.</p> <p>Travel funds include \$2,500 in relocation and recruiting expense and \$15,000 for in-state travel because this position will be conducting training sessions and other workshops throughout the State.</p> <p>Contractual services consist of \$3,400 for rent, \$5,022 for indirect support services, 5,000 for increased laboratory costs, \$7,200 for printing and postage for hazardous information, and \$5,000 for basic operating expenses.</p> <p>The equipment costs are comprised of various scientific equipment (\$7,700), office equipment (\$1,500), and protective equipment (\$1,000).</p>					
	1	2	3							
	PERSONAL SERVICES*									
5.	Salary		38,135							
6.	Benefits		6,053							
7.	Supplemental Benefits		2,338							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01		49,406						
10.	Travel	02		17,500						
11.	Contractual	03		25,622						
12.	Commodities	04		1,500						
13.	Equipment	05		10,200						
14.	Other									
15.	TOTAL COST			104,228						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		104,228						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

AGENCY Labor

PROGRAM Workers' Protection

BRU Labor Standards and Safety

13 REQUEST FOR
NEW POSITION

FY 84

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

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

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

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

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

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Occupational Safety and Health Administration

FY 84

Page 2 of 2

Revised Date

13 REQUEST FOR
NEW POSITION

STATE OF ALASKA

WALT FURNACE, CHAIRMAN
RICK UEHLING, VICE CHAIRMAN
JOHN COWDERY
NIILO E. KOPONEN
HUGH MALONE
JOHN RINGSTAD
RON WENDTE



POUCH V
JUNEAU, ALASKA 99811
(907) 465-3892

HOUSE LABOR AND COMMERCE COMMITTEE

House Labor and Commerce Letter of Intent Committee Substitute for House Bill 197(L&C)

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

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

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

The bill authorizes the Department to identify substances to be covered by the bill. It is the intent of the Committee that this authority be used only on a case-by-case basis pursuant to the Administrative Procedure Act to cover a very few substances which might be of specific concern in the state but for some reason, such as bureaucratic delay, have not yet been identified on the federal level pursuant to OSHA regulation. It is not the intent of the Committee to direct the Department to engage in a major identification, testing or research program which would result in large numbers of additional substances or additional lists of substances beyond those identified in the bill.

It is specifically recognized that the sole reason for exempting goods in transit is that these goods are under strict regulation by the Interstate Commerce Commission and the Alaska Transportation Commission. It is the intent of the Committee that each individual transporting goods fully comply with the Federal and State laws and regulations relating to that transportation.

Alaska State Legislature

BETTYE FAHRENKAMP
CHAIRMAN
ROBERT H. ZIEGLER, SR.
VICE-CHAIRMAN
DICK ELIASON - PAUL FISCHER
VIC FISCHER - BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
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Senate

Committee on Resources

MEMO

To: Representative Al Adams, Chairman
House Finance Committee

From: Senator Bettye Fahrenkamp

Date: June 20, 1983

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

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

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

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

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

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

The group proceeded under the following assumptions and objectives:

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

Provisions of the CS

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

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

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

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

Alaska State Legislature

BETTYE FAHRENKAMP
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Senate

Committee on Resources

May 17, 1983

Memo

To: Senate Finance Committee Co-Chairman John Sackett
Senate Finance Committee Co-Chairman Don Bennett

From: Senator Bettye Fahrenkamp

Subject: Hearing May 19, SB 79, "Right to Know" bill

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

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

- Coverage of as many as 40,000 substances to be dealt with by employers.
- Inclusion of "household" substances like salt, sand, bug spray and others.
- Coverage of transportation industry where many break-in-transit handlings but no substance use were involved.
- Requirement of labeling of substance containers, piping systems.
- Reporting requirements to the State Department of Labor potentially involving extensive paperwork for employers and the state.
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However, most agreed that the basic intent of the legislation to communicate the identity, health hazards and proper handling methods for hazardous and toxic substances to employees by employers was desirable.

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Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
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Senate

Committee on Resources

June 22, 1983

Representative Terry Martin
Pouch V
Juneau, Alaska 99801

Dear Terry,

As you know, the House Finance Committee passed out CSSB 79, the so-called "Right to Know" bill dealing with hazardous and toxic substances in the workplace. I understand that you raised concerns at the meeting that the bill contained a "loophole" in that goods in transit were specifically exempted from coverage in the legislation.

Let me assure you that the Resources Committee did not intend that employees of the transportation industry receive less protections and information than provided other employees under the terms of SB 79. Rather, after long discussions and study it was concluded that existing federal and state law and regulation more than adequately covered employees and goods conveyed by truck, air and rail in the State.

Specifically, the Hazardous Materials Transportation Act and its implementing regulations (49 CFR 100-177) require explicit packaging, labeling, handling procedures, driver information and other requirements for hundreds of hazardous substances transported by truck and rail. The substances listed and the information to be provided to drivers goes beyond that required in SB 79. The federal Department of Transportation enforces these regulations for all carriers engaged in interstate commerce.

The State also has regulations which track the federal regulations (3AAC 62, Motor Carrier Safety Code, Sec. 500). The Alaska Transportation Commission enforces these regulations for hazardous materials shipped within the state.

In addition, the Federal Aviation Administration enforces an even stricter set of regulations for the air shipment of hazardous materials due to the special passenger dangers involved. The Alaska Railroad also has a separate enforcement program for hazardous materials shipped by rail in the state.

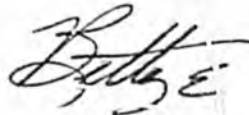
The Alaska Transportation Commission reports that based on their inspections, most drivers are aware of what hazardous goods they are carrying and what the safety precautions involved are. Thus, I feel that additional law governing goods in transit is unnecessary.

I hope this information is helpful to you and might assure you that all employees in the state will be receiving information on hazardous or toxic substances with which they may come in contact. If I can provide you addi-

tional information, please let me know. I hope that you might lend your support for this important legislation when it reaches the House floor.

With warm regards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bettye".

Bettye Fahrenkamp
Alaska State Senator



Alaska Health Project

P. O. Box 1037, Anchorage, Alaska 99510 (907) 272-8734

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NCSL COMPREHENSIVE TOXIC SUBSTANCES MANAGEMENT PROJECT:
PROGRESS REPORT TO THE NCSL NATURAL RESOURCES AND ENVIRONMENT COMMITTEE
April, 1983

I. INTRODUCTION

A toxic substance may be defined as any substance potentially harmful to human health or the environment and includes, but is not limited to: hazardous waste; chemicals used or manufactured in the workplace, homes or schools; chemicals transported or spilled in accidents; chemicals used or discarded in hospitals, etc. By the phrase "comprehensive substance management", we refer to the overall coordinated or intergrated management of toxics in air, land and water, and in occupational and public settings.

Rising awareness of toxic substances has resulted in increasing state legislative activity. States are assuming more responsibility for controlling, regulating, and enforcing chemical practices.

Exposure to toxic substances is most serious in the workplace--an estimated one in four workers is exposed either full or part-time to toxic substances regulated by the Occupational Safety and Health Administration. In addition, air and waste pollution, food additives, drugs and consumer products, and asbestos in schools and homes are substances that alarm the public.

The State legislative role in managing toxics has increased significantly as demonstrated by legislative actions in the following areas:

- Labeling of substances
- Any aspects of confidential business information
- Worker "right-to-know"
- Community "right-to-know"
- Victim compensation
- Any aspect of liability
- Statute of limitations on exposure
- Chemical-specific (e.g., asbestos legislation)
- Emergencies (e.g., spills)
- Information-gathering authorities (e.g., morality, morbidity, industry-reporting, or other monitoring)
- Institution of government/industry task forces, blue ribbon panels, etc. or any purpose of cooperation to control toxic substances
- Government organization or reorganization directed to control toxics (e.g., establishment of toxic spill coordination office, state "EPA", health department reorganization, etc.)
- Research authorizations or studies that address any or all of the above.

Many toxic substance control programs authorized by federal legislation require state action and states are faced with implementing many of these programs. States are aware, however, that duplicating federal government programs is expensive. Comprehensive management of state efforts, then, could be cost-effective, or maximize limited state resources.

II. NCSL PROJECT DESCRIPTION & ACTIVITIES

To help states avoid duplication of efforts and make some determination as to potential cost-effectiveness of comprehensive state management programs, the NCSL project aims to clarify the area of toxics management and develop background documents that focus on the potentials for cost-effective management. This project will also perform trend analysis on state activities that will be informative to the states.

Since the project began in September last year, NCSL undertook a preliminary, informal survey to identify the various entities in the legislatures that would have some authority over toxic substances. The purview was found to be extensive and includes:

- 1) Substantive Committees: Approximately 350 committees have review authority over various aspects of federal toxics laws; these committees' responsibilities may vary according to state predilections and do not necessarily correlate to congressional authorities over U.S. agencies;
- 2) Joint Review and Evaluation Committees: There are approximately 20 entities of this type formalized in the states whose common responsibility is to evaluate or otherwise analyze a state program or project; reviews may be conducted of executive or legislative branch programs or projects;
- 3) Fiscal Offices: Over 90 of these that perform a variety of oversight support functions;
- 4) Administration Rules and Regulations Committees: 42 legislatures have committees which are responsible for reviewing agency regulations.
- 5) Government Operations Committees: Approximately 40 (some overlap with other categories) responsible for the evaluation and maintenance of state functions.

If a similar survey had been conducted in 1970, the results would have revealed almost no activity in categories 2, 4, and 5 above. At least two conclusions can be drawn from this general survey: 1) state executive branches no longer have the complete say in matters of state governmental management; 2) oversight of management at the state level has become more diffuse in that more players are now involved at the legislative level. Virtually every entity in every category listed above would have some degree of responsibility or authority over toxics management. Taken together, the potential for state legislatures to involve themselves in toxics management is rather astonishing in light of the general perception that legislatures are non-management oriented bodies.

In light of the above, the remaining months of the project will be spent doing two things:

- 1) Performing a 50-state survey of all legislation introduced in the area of toxics for 1983:
- 2) Performing an assessment that will help determine:
 - a. Cost to the state of comprehensive vs. non-comprehensive programs,
 - b. Assistance states may need on any facet of toxics policies
 - c. Trends in state toxics policies.

The assessment will focus on selected groups in categories 2-5 mentioned above. A final summary will be prepared and available in July this year, prior to the NCSL Annual Meeting.

** For additional information contact: Rhett Spear, NCSL Project Manager
(303) 292-6600.

NATIONAL CONFERENCE OF STATE LEGISLATURES
POLICY ADOPTED APRIL 1983

COMMITTEE: Joint Transportation and Communications Committee and Natural Resources Committee

TRANSPORTATION OF HAZARDOUS MATERIALS

The transportation of hazardous materials (defined by U.S. DOT as a substance or material in a quantity and form which may pose an unreasonable risk to health and safety) by all modes is an essential activity in our technologically complex society, one upon which all sectors of the economy are highly dependent. There is, however, a growing concern among government officials, particularly at the state and local levels, reflecting a general public apprehension over the hazards that the transportation of these materials may entail.

U.S. DOT has estimated that each year more than 4.5 billion tons of hazardous materials are transported. Each day, more than 2.5 million hazardous materials shipments move through the United States by truck, air, rail, and pipeline. By the end of this decade, the total number of shipments is expected to double.

Recognizing the need to "protect the nation adequately against the risks to life and property inherent in the transportation of hazardous materials in commerce," Congress enacted the Hazardous Materials Transportation Act (HMTA) of 1976 and authorized the Secretary of Transportation to issue uniform regulations for all types of hazardous materials being transported in interstate commerce, and in intrastate commerce affecting interstate commerce. To carry out the Act, the Secretary created the Materials Transportation Bureau (MTB) to assume full responsibility for both issuing and enforcing regulations for all modes of transportation. Additionally, the Act preempts state and local regulations which are inconsistent with regulations promulgated under the Act.

NCSL is concerned that the HMTA fails to provide a clear definition of the roles and responsibilities of various levels of government. NCSL also believes that a serious lack of adequate federal financial and manpower resources has contributed to the inability of the federal government to prevent hazardous materials transportation incidents and to the inability of state and local governments to respond to such incidents.

For example, U.S. DOT reported that in 1980 of the 16,000 reported incidents involving hazardous materials, approximately 14,000 occurred on highways. However, in that same year U.S. DOT was able to commit only 47 federal personnel to highway inspection and enforcement nationwide.

NCSL is concerned about the following four interrelated issues:
1) the complexity of existing hazardous materials transportation regulations administered by various federal agencies (DOT, EPA, NRC) including the identification and definition of hazardous materials; 2) the lack of sufficient financial and manpower resources at the state and federal level to ensure necessary levels of cargo inspection and enforcement of laws and

regulations relating to hazardous materials transportation; 3) the lack of comprehensive and coordinated training programs and emergency planning and response; 4) the preemption of state and local laws and regulations designed to ensure adequate protection of public health and safety, in light of the federal government's lack of financial manpower resources need to effectively enforce federal regulations. Therefore, NCSL calls upon the Congress and the Administration to enact refinements to the Hazardous Materials Transportation Act. NCSL believes that the following principals should underlie amendments to the Act:

- o The role of U.S. DOT should be more clearly defined. Specifically, U.S. DOT should be mandated to promulgate technical standards and criteria for the manufacture of hazardous materials containers, hazardous materials classification and definition, description, packaging, marking, labeling, documentation, and placarding of equipment for transportation. These requirements should be nationally uniform, and U.S. DOT should be directed to assume full enforcement responsibility.
- o U.S. DOT should be directed to promulgate performance standards for hazardous materials shipments in commerce. This provision recognizes that unique local circumstances may justify the promulgation of certain state and local regulations. Such regulations should be allowed to stand if they meet the performance standards and do not impose an undue burden on commerce.
- o States are the proper level of government to assure the comprehensive enforcement of hazardous materials transportation regulations for shipments in commerce. However, if the federal government shifts this responsibility to the states, there must be an assurance of adequate and predictable financial assistance to support training of enforcement personnel and development of adequate state data systems.
- o The federal government should assure that adequate and predictable funding is available for the development of state and local emergency response programs and for the training of emergency response personnel.

NCSL believes that states must also take action to improve their capability in managing the transportation of hazardous materials. In order to assure a system which protects public health and safety, NCSL urges states to adopt federal regulations governing the transportation of hazardous materials which include:

- o uniform definition and identification of hazardous materials and
- o standards governing hazardous materials in commerce. Additionally, states should establish:
 - o authority to adequately enforce the regulations;
 - o a lead state agency for hazardous materials enforcement and emergency response efforts; and
 - o authority to develop a comprehensive emergency response plan and should encourage the private sector's involvement.

Finally, NCSL understands the need for the free flow of commerce and the need for state and local governments to strive for greater regulatory uniformity with respect to hazardous materials transportation. However, NCSL also believes that such strides will only be made by state and local governments, if they are assured that adequate and predictable financial resources will be made available to assure comprehensive enforcement of the regulations and the development of adequate emergency response programs.

NCSL also strongly believes that a study of the feasibility of and need for establishing a national prenotification system should be conducted by the federal government and should include: 1) an analysis of existing state prenotification systems; 2) an examination of the relationship between state prenotification systems and state's ability to carry out their responsibilities for inspection and enforcement, as well as for emergency response; and 3) the development of criteria for use in determining the types and quantities of hazardous materials for which prenotification should be required.

RIGHT TO KNOW

An Act Relating to Hazardous and Toxic Substances

A Comparison of House Bill 197 and Senate Bill 79

1. JURISDICTION

The House Bill includes language which may help clarify the jurisdiction of the proposed Senate legislation. The House bill excludes from hazardous and toxic substances definitions of A) substances that because of their physical state, volume or concentration do not pose a health risk upon exposure; and B) substances that are goods, drugs, cosmetics, or tobacco products intended for personal consumption.

2. ACCESS TO INFORMATION

Employee's representatives are excluded from requesting information in the proposed House bill. A collective bargaining agent, or the designated representative of the employee other than a physician would not have access to basic Material Safety Data Sheet (MSDS) information. The Senate bill allows the employer, the designated representative of the employer, or the collective bargaining agent access to the health hazard information.

3. LABELING

The proposed Senate legislation requires that containers and piping systems that contain toxic or hazardous materials be labeled with the chemical and common name of the substance, health hazards and symptoms, procedures to protect from overexposure, and treatment for overexposure. The label on these substances is similar in concept to labels required on all food products. In the case of hazardous and toxic substances, the label allows the user to know what he or she is being exposed to. No labeling is required in the House bill.

4. PUBLIC DISCLOSURE

In the House bill, the Department of Labor has the option of disclosing to the public information concerning hazardous or toxic substances and the circumstances under which the public might be affected. In other words, local fire and health departments responding to emergencies, neighboring residents who may be exposed, nor the family of the worker may not have access to basic MSDS information. This is public information in the Senate proposal except where protected by trade secret provisions.

5. EMPLOYEE ON-SITE PROTECTION

In the Senate bill, an employee, a designated representative, or the collective bargaining agent, may request a MSDS on a substance. The employer has five working days to provide this information. An employer who fails to provide this information may not require the requesting employee to be exposed to this substance until the information has been provided. This means that the employee would not have to work with the substance, but still be available for work. The House bill has no language protecting the employee in this manner.

6. WAIVERS VOID

A waiver of a provision of the bill by an employee or applicant for employment is against public policy and is void in the Senate legislation. The House bill does not discuss this issue.

DRAFT CS FOR SB 79

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

Purpose

The purpose of this act is to inform employees of the identify, health hazards, proper handling procedures and emergency treatments involving hazardous and toxic substances in the workplace through a communication and training program to be adcpcted by employers.

Substances Covered

The following chemicals shall be considered hazardous or toxic substances for purposes of this act:

- 1) Chemicals listed in 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, "General Industry Standards", Occupational Safety and Health Administration;
- 2) Chemicals listed in "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment", American Conference of Governmental Industrial Hygienists (Latest Edition);
- 3) Substances for which material safety data sheets are required under regulation by the the Occupational Safety and Health Administration; and
- 4) Substances identified by the state Department of Labor on a case-by-case basis pursuant to the Administrative Procedures Act [which pose a health hazard to employees]. ?

Excluded from the list of hazardous or toxic substances covered by this act are:

- 1) Substances that because of their physical state, volume, or concentration do not pose a health hazard upon exposure;
- 2) Substances that are goods, drugs, cosmetics, or tobacco products intended for personal consumption; (make sure "goods" covers foods, bug spray-- make sure "consumption" means "use" not just "eat").
- 3) Substances while in transit; and
- 4) Substances identified by the state Department of Labor on a case-by-case basis pursuant to the Administrative Procedures Act.

Importation of Substances

All hazardous or toxic substances covered by this Act imported to the state shall be accompanied by a material safety data sheet, Form 20 of the Occupational Health and Safety Administration or equivalent information.

If an MSDS or equivalent information has accompanied a previous shipment to the same "shipee" (consignee?) , such information is not required.

Employer to Provide Hazardous Substance Information

1. Employers shall post in a conspicuous place where similar notices are normally posted, such as where employees report for work, a notice approved by the state Department of Labor summarizing provisions of this Act and the employees' rights to information and training on hazardous and toxic substances.
2. Employers shall post in a conspicuous place where notices are normally posted, such as where employees report for work, material safety data sheets, OSHA Form 20s or equivalent information for each substance covered by this Act in the workplace to which the employee may be exposed
 - 1) under normal conditions of work; or
 - 2) during a reasonably foreseeable emergency, including equipment failure and rupture of containers.

At the option of the employer, instead of posting each MSDS he may post a notice of the chemical and product names of each substance to which an employee may be exposed to in the workplace and identify another location in which is accessible to the employee where he can inspect material safety data sheets, for each of the substances listed.

or near the work-place

or equivalent information

3. Employers shall institute a training program or incorporate into an existing training program for employees prior to an initial assignment or prior to changing assignments informing the employee of
 - 1) the location, properties, and known or suspected acute and chronic health effects of the hazardous or toxic substances to which the employee is routinely exposed in the workplace;
 - 2) the nature of the operations that could result in exposure to hazardous or toxic substances, as well as any necessary handling or hygienic practices or precautions; and
 - 3) the location, purpose, proper use, and limitations of personal protective equipment used in the workplace.

4. Employers shall provide MSDSs for any substance covered by this act to any employee upon request.

If MSDS information not available, the employer shall contact the manufacturer, ~~wholesaler~~ or Department of Labor within three working days (excluding Sat., Sun. and Holidays) for the information. *and/orally convey any information obtained*

If an MSDS or equivalent information in writing is not given the employee within 15 days, the substance shall be removed from the workplace.

This provision is not to in any way alter, deny or abrogate any rights of an employee to not work in a hazardous situation under existing law or regs.

The provision requiring removal of a substance from a workplace shall not apply in the case of substances for which MSDS or equivalent information is not required by OSHA regulations.

Department of Labor authorities, responsibilities

The Department of Labor authorized to issue regulations implementing the provisions and purposes of this Act.

- * The DOL shall compile and make available to employers ~~and the public~~ a listing of hazardous and toxic substances covered by this Act by the date of enactment.
- * The DOL shall compile and keep current MSDSs and other relevant information for all substances covered by this Act by the date of enactment.

The DOL is authorized to provide assistance upon request to employers in identifying and obtaining information on hazardous and toxic substances and in developing training programs required by the Act.

- * The DOL shall approve and make available a notice pursuant to Act by date of enactment.

Definitions

1. "Employer" means a person, including the state and political subdivisions of the state, who has one or more employees, but for purposes of this Act employer shall mean a person who employees persons in a place of employment other than a place that is primarily a personal residence.
2. "Employee" means a person who works for an employer, but for purposes of this Act, "employee" does not include a person employed in a place that is primarily a personal residence.
3. "Health hazard" means a chemical which, upon exposure, may result in the occurrence of acute or chronic health effects in employees. The term "health hazard" includes chemicals which are carcinogens, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, agents which damage the lung, cutaneous hazards or eye hazards.
4. "Workplace" means an establishment at one geographical location containing one or more work areas.
5. "Material Safety Data Sheet (MSDS)" means printed material concerning a hazardous or toxic chemical which is prepared in accordance with regulations of the Occupational Safety and Health Administration.
6. "in transit" means conveyed by a mode of transportation including trucks, railroad aircraft in a sealed or unopened container or package.

Enactment

This Act takes effect July 1, 1984.

- * We would like this information in advance of the effective date, such as January 1, 1983 or probably March 1 at the latest. But employers would not have to comply with information and training requirements before July 1, 1984.



Alaska Health Project

P. O. Box 1037, Anchorage, Alaska 99510 (907) 272-8734

January 13, 1983

Dear Pat,

I am enclosing a draft of bill on the right of workers and the community to know about their exposure to hazardous materials. You should also find some general articles about this subject enclosed.

There is great interest in this bill. Several Senators and Representatives are interested in sponsoring this bill. Labor, environmental and health agencies would like to see a Right to Know law enacted. I can fill you in on names and organizations as needed.

Betty Fahrenkamp has been recommended by Vic Fischer, Arliss Sturgulewski and others to be the first name on the ^{bill} in the Senate. Mick Hotrum of the District Council of Laborers in Fairbanks has been trying to reach Betty to see if she is interested in sponsoring this Right to Know bill. Mick, a friend of Betty's, has had a hard time trying to reach her now that she is in Juneau.

Could you see that she or the appropriate staff person (might it be you?) gets this information? This is an exciting and winnable piece of legislation.

I wish you luck down there. I will miss not seeing you as often. Is there a going-away guitar/singing send-off planned? Please let us know.

Take of yourself.

Steven Kadish

A BILL

For an act entitled: "An Act relating to hazardous or toxic substances; and providing for an effective date."

Definitions used in this Act:

"Department" means the Department of Labor.

"Employee" means any person currently or formerly employed by, or an applicant for employment with an employer, except domestic workers or casual laborers employed at the employer's place of residence.

"Employer" means any individual, partnership, corporation or association engaged in a business who has employees including the State and its political subdivisions.

The term "employer" does not include the employment of domestic workers or casual laborers employed at the place of residence of his or her employer. Where the employees of one employer are present at the workplace of another employer, pursuant to an agreement between the employers, "employer" means the employer having control or custody of the workplace.

"Workplace" means any location away from the employee's home where an employee performs a work-related duty in the course of his or her employment.

"CAS number" means the unique identification number assigned by the Chemical Abstracts Service to specific chemical substances.

"Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

"Exposure" or "Expose" means a situation arising from work operation or usage where an employee or purchaser may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous or toxic substance.

"Hazardous Substance" means a chemical that (a) is listed in the US Department of Transportation Hazardous Materials Table, 49 C.F.R. 172.101; and (b) meets one or more of the following criteria for hazard class:

- (i) is a combustible substance;
- (ii) is a compressed gas;
- (iii) is an explosive;
- (iv) is a flammable substance;
- (v) is an organic peroxide; or
- (vi) is an oxidizer, or

(c) is listed in a regulation adopted by the Department under AS 18.60.030(12);

"Toxic Substance" means a chemical that is (a) listed in the Toxic and Hazardous Substances section of the regulations of the Occupational Health and Safety Act in 29 C.F.R. Part 1910, Subpart Z; (b) listed in the most recent edition of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances; or (c) listed in a regulation adopted by the Department under AS 18.60.030(12).

The Department shall adopt regulation specifying the hazardous and toxic substances that are to be reported under this section.

DUTIES OF EMPLOYERS:

Every employer using a toxic or hazardous substance in the workplace shall provide to the Department a material safety data sheet setting forth the following information. The Department shall assist the employer in the development of this information. The employer shall file and update this information annually with the Department.

1. The Chemical Name, CAS Number, and the common name of the toxic and hazardous substance.
2. The trade name of the chemical and other commonly used name.
3. The permissible exposure-level issued under the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 651, et seq, or the National Institute of Occupational Safety and Health recommendation.
4. The known and suspected acute and chronic effects of exposure and reactivity of such substance.

5. The symptoms of the effects.
6. The potential for flammability, explosion and reactivity of such substance.
7. Appropriate emergency treatment.
8. Proper conditions for safe use and exposure to the toxic or hazardous substance.
9. Procedures for cleanup of leaks and spills of the toxic or hazardous substances.

10. The name and address of the manufacturer.
11. The month and year that the information was compiled.

The employer shall ensure that material safety data sheets for each toxic and hazardous substance or mixture are readily available upon request to employees for examination and copying.

Posting Requirements. Every employer shall post a sign in every workplace at the location or locations where notices to employees are normally posted, to inform employees that they or their collective bargaining agent or designated representative have a right to information from their employer regarding the toxic and hazardous substances found in the workplace and a description of the toxic and hazardous effects of these substances and the circumstance under which these effects are produced.

An alphabetical list by chemical and common name of all toxic and hazardous substances must be prominently displayed in the department where the substance is used or stored.

Information regarding the toxic and hazardous substances found in the workplace and a description of the toxic and hazardous effects of these substances and the circumstances under which these effects are produced shall be presented at the offer of employment for potential employees.

Trade Secret. When a manufacturer or employer considers the identity of or other information concerning toxic chemical substance to be a protectable trade secret ^{of which} ^{the employer's} ^{the employer} ~~whose~~ disclosure would compromise ~~his~~ competitive advantage, ~~he~~ may register this information with the Department provided that the information is already registered as a trade secret pursuant to any provision of Federal law or the information is not registered as a trade secret but is related to a proprietary process the disclosure of which would compromise the employers competitive position provided that where the ingredients of the substance may be ascertained by qualitative analysis then the registration provision herein shall not apply.

The Department shall inform employers, employees and their representatives as to the known and suspected toxic and hazardous effects and the circumstances under which these effects are produced of those toxic and hazardous substances whose identity has been registered as a trade secret with the Department.

In the event that toxic substance is registered with the Department as a component of trade secret or otherwise protected as a proprietary process, the employer pursuant to procedures established by the Department shall inform employees or their representatives as to the effects of this toxic substances and the circumstances under which these effects are produced but shall not be required to divulge the specific identity of the substance.

Labeling of Toxic and Hazardous Substances. Any manufacturer or user of toxic or hazardous substances must clearly label every container larger than one gallon that contains a toxic or hazardous substance, and must make certain that the label contains the following information:

1. the common and chemical name
2. the hazards and health risks associated with use of exposure to the substance
3. routes of exposure such as inhalation, orally or through the skin
4. symptoms of overexposure
5. potential for fire, explosion, reactivity with other chemicals

- 6. emergency procedures in case of overexposure
- 7. the need and proper use of personal protective equipment

The toxic and hazardous substances content of a piping system shall be identified by labels applied on the pipe body close to valves flanges, branches, and pipe reactors, and where pipes pass through walls or floors, or enter or leave the ground. On straight pipe runs, labels shall be applied in a manner which will ensure reasonable visibility to employees in the applicable work areas.

The employer shall ensure that each label required by this section is prominently affixed to the container or the piping system and displayed in such a manner that employees can easily identify the substances that are present.

Employee Information. Each employer shall provide the material safety data sheet information of the toxic and hazardous substances which he uses or produces in the manufacture of any item, product or material, or which he uses or produces for purposes or research, experimentation or treatment, for each of his new employees, during the first month of their employment.

All such information shall be provided to the extent practicable, in informal and readily understandable language. Each employer shall also provide such information for any employee who is transferred from one job to another by the employer, within one month of such transfer, if the the employee is exposed to additional toxic or hazardous substances in his new job.

Educational Program. Every employer shall institute an education and training program for employees exposed to toxic or hazardous substances.

~~The education and training program shall commence prior to initial assignment and shall be repeated at least annually thereafter.~~ Additional Instruction must be provided whenever the potential for exposure to toxic or hazardous substances is altered.

The education and training program shall include, but need not be limited to,

the following:

1. the chemical names, CAS Numbers, and common name of the toxic or hazardous substance,
2. the known and suspected acute and chronic effects of exposure to toxic or hazardous substance identified on the label
3. the symptoms of effects of exposure to toxic or hazardous substance identified of the label
4. appropriate emergency treatment
5. the potential for flammability, explosion and reactivity of substances
6. proper conditions for safe use and exposure to the toxic or hazardous substance
7. procedures for cleanup of leaks and spills of the toxic or hazardous substance
8. the location or toxic or hazardous substances to which the employee may be exposed
9. the nature of the operations that could result in exposure to these hazardous or toxic substances
10. Proper use, purpose, and limitation of personal protective equipment required by another occupational safety and health standard or otherwise used in the workplace.

The Department shall ensure that the employer shall institute an education and training program for employees exposed to toxic or hazardous substances, by requiring the employer to submit the program for approval and monitoring.

RESPONSIBILITIES OF THE DEPARTMENT. In addition to other duties the Department shall receive and maintain from the users and manufacturers of toxic or hazardous substances the following:

1. material safety data sheets of all toxic and hazardous substances

2. the location of use and storage of all toxic and hazardous substances
3. an alphabetical list of all toxic and hazardous substances.

The Department shall make available to the public, upon request, all information required to be submitted under the provisions of this ordinance except where disclosure is expressly prohibited.

The Department shall conduct periodic inspection of workplaces using or manufacturing toxic or hazardous substances. These inspections are to be performed

to ensure that workplaces meet the requirements of this act.

The Department shall have the authority to issue citation for any violations of this ordinance.

The Department shall also have the authority to respond to employee or citizen complaints under these provisions.

Upon request of an employer, the Department shall provide such employer with all the information concerning the employer's toxic substances which is available to the Department at the time of the request, and which is relevant to the information requirements of this act.

The Department shall develop a program to inform employers and employees of their duties and rights under this act.

The Department shall adopt regulations to implement this code.

EMPLOYEES' RIGHTS

Employees, their representatives, or the recognized or certified collective bargaining agent may request in writing and shall receive from employers all information relating to toxic or hazardous substances which the employer is required to maintain pursuant to this act.

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If an employee, or his representative, has made an request for information on such a substance, and the employer has not supplied such information within five working days, the employer shall not require the employee to work with the substance until the information has been provided to the employee.

No employer shall discharge, or cause to be discharged, or otherwise discipline, or in any manner discriminate against any employee or prospective employee because that person has exercised any right, made any claim or filed any complaint or suit or has instituted, or caused to be instituted, any proceeding under this act, or has testified or is about to testify, in any proceeding in his own behalf or on the behalf or others, nor shall any remuneration, position, seniority, or other benefits be lost for exercise of any right provided by this act.

An employee representative shall have the right to accompany the inspector during opening or closing conferences and to participate in the walkaround inspection.

Pay shall be provided for employees participating in the opening and closing conferences and in the inspection.

Complaint Procedure. Any employee who believes that he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of this act may *file a complaint with the Department.*

Any waiver by an employee, former employee, or applicant for employment of the benefits or requirements of this act is against public policy and is null and void.

* Employees or their representatives bringing suit under this act upon obtaining a favorable order or judgement of the court are entitled to an award of attorney fees costs and expenses incurred to specialists for time involved in preparing for and testifying at the trial of the cause.

RECORDS

All documents and records required by this act which are in the possession of the Department are public records, except as otherwise specifically provided in this chapter.

SEVERABILITY

If any provision of this code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end those provisions are severable.

This Act takes effect January 1, 1984.

Alaska State Legislature

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ROBERT H. ZIEGLER, SR.
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VIC FISCHER - BOB MULCAHY
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Senate

Committee on Resources

February 28, 1983

Memo

To: Bettye
From: Pat
Subject: Hearing on SB 79, "Right to Know" bill, Feb. 28, 3:00pm Beltz Rm.

This bill has been pushed by labor groups and is based on a national model legislation designed to protect workers who handle, transport, and use hazardous and toxic substances in the workplace. The premise is that if an employee knows what he is handling, how to handle it safely, and what to do in case of emergency we can improve the overall health of our workforce.

10 States have thus far enacted this legislation in one form or another. On the federal level, OSHA has proposed some draft regulations addressing this issue on a national level, but labor has strongly criticized them and implementation appears years away.

SB 79 requires an employer to provide a list to the Department of Labor of hazardous or toxic substances which he uses, stores or transports along with the effects, the conditions for safe use and exposure associated with the substances. This list shall be available to employees, including all applicants for employment, and their agents (unions). Employers utilizing a personal residence as a workplace would be excluded for coverage.

Hazardous and toxic substances would be defined as those listed by the US DOT, those in regs by OSHA and those on the National Institute for Occupational Safety and Health registry. No specific exemptions are given.

Containers of more than one gallon of the substances must be labeled by the name, hazards, exposure treatment, and safe handling procedures. Also, pipes and fixtures in workplace must be labeled.

Employers would be required to provide employees at least annual safety education programs including names, exposure treatment, cleanup procedures.etc.

QUESTIONS ON SB 79

Most of the controversy surrounding the bill stems from the following:

- Who should be responsible for information? SB 79 would have all employers responsible except using personal residences. HB 197 requires manufacturers to develop information and pass in on to wholesalers and then, in turn, to purchasers. Presumably this would only apply to Alaskan manufacturers?
- What substances should be covered? SB 79 starts with combined lists of substances from DOT, OSHA, and NIOSH lists. How many substances are on these lists? (NIOSH list reported to have 35,000-40,000 substances) HB 197 requires state DOL to issue regs identifying covered substances. Presumably they would only name substances pertinent to Alaska situations. HB 197 also exempts from coverage substances not considered health risks due to amounts, etc. and substances used for personal consumption. (foods, drugs, tobacco products, etc.) 3 states use OSHA reg list of 400, Calif. uses list of 700, N.Y. uses NIOSH list of 40,000.
- What substances and manufacturing businesses are there currently in Alaska which could represent significant worker or community health hazards? (asettling gas manufacture, dry cleaners, PCB use,)
- Should containers of substances be labeled as to their hazards, safe handling procedures, etc? SB 79 requires labeling of all containers of one gallon or more plus pipes and fixtures. HB 197 only requires posting in the workplace of substances used.
What labeling is currently being done on hazardous substances coming from Outside?
- Who should get information from employers? SB 79 would give information to employees, applicants for employment, and agents. Information on file with state DOL would presumably be available to public except for "trade secrets". HB 197 would give information only to new employees, to other employees on request, and would limit DOL information to employees, physicians and other specified concerned persons. DOL "may" make information available to public.
- How much would this legislation cost the State for enforcement and other actions (Fiscal note for \$128,400) and employers? (\$??)

COMPARISON BETWEEN SB 79 and PROPOSED OSHA STANDARD

<u>SUBJECT</u>	<u>SB 79</u>	<u>Proposed OSHA 1910.1200</u>
SCOPE-- APPLICABILITY	All employers	Employers in SICs 20-39 (manufacturing)
LABELING	Pipes, valves, exits and every container of one gallon or more	Placarding of area accepted instead of labeling. Does not address labeling of pipes
LABEL CONTENTS	Chemical name Hazards Symptoms of over exposure Procedures in case of over exposure Personal protective equipment needed	Chemical name Hazards
SAFETY EDUCATION HAZARD DETERMINA- TION AND COMMU- NICATION PROGRAM	Must be established DOL will monitor Annual training Employees must be informed of the data on the material safety data sheet (MSDS)	Must be established At initial assignment and whenever new hazar- dous chemical is introduced Employees must be informed of MSDS information and of the requirements of 1910. 1200
EMPLOYEE ACCESS TO MSDS	If copy not provided to employee within 5 days employee can refuse to work with the hazardous or toxic substance	Employees given the right to access to MSDS but no provisions for when employer fails to provide within reasonable time.
LABELING PRACTICE	No provision	Containers less than 10 gals need not be labeled if transferred from labeled container if intended for the immediate use of employee who performs the transfer.
TRADE SECRETS	No mention--covered by AS 18.60.099	Several provisions
DEFINITIONS	Hazardous and toxic substances defined	Hazardous chemicals and Health hazards defined

COMPARISON BETWEEN SB 79 AND PROPOSED OSHA STANDARD

SUBJECTSB79Proposed OSHA 1910.1200

RECORDKEEPING

Requires employer to provide department annually with material safety data sheets (MSDS)
Requires employer to keep MSDS to provide information to employees
Retention period not specified

Requires employer to make available to department and employees MSDS.
MSDS need only be retained as long as the substance is in the workplace.

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
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Senate

Committee on Resources

May 11, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: Hearing on SB 79, "Right to Know" legislation concerning hazardous and toxic substances in the workplace, May 11, 3:00pm, Beltz Room

Following hearings on the bill in Juneau and Fairbanks the Chairman asked staff to meet with concerned interest groups to try to work out problems which were widely acknowledged in the bill as originally drafted. Among these problems identified included:

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

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

Beginning in April a staff redraft of the bill was circulated to an ad hoc group of concerned individuals and interest groups. Following comments on this draft a meeting was held in Juneau May 2 and 3 with representatives from the following groups to try to arrive at consensus legislation:

Committee staff, Sen. Josephson's office, Alaska Environmental Lobby, Alaska Employer's Committee, Alaska General Contractors, Sohio, Arco, Alaska Health Project, Alaska District Council of Laborers, Alaska Department of Labor, Alaska Trucking Association.

The group proceeded under the following assumptions and objectives:

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

Provisions of the CS

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

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

FLOOR STATEMENT, SB 79, "RIGHT TO KNOW"

There is a Resources Committee Substitute
and a Resources Letter of Intent.

BACKGROUND

ORIGINAL BILL HAD LOTS OF PROBLEMS WITH NUMBERS AND TYPES OF SUBSTANCES COVERED, REPORTING REQUIREMENTS, POSSIBLE CONFLICTS WITH PENDING OSHA REGS, LABELING

WE SAT DOWN WITH ALL CONCERNED INTEREST GROUPS AND CAME UP WITH CONSENSUS CS WHICH WAS AGREED TO BY THE FOLLOWING INTERESTS:

- ALASKA EMPLOYERS COMMITTEE WHICH INCLUDES TRUCKING, MINING, TIMBER, OIL, DRY CLEANING, GENERAL CONTRACTORS, RETAILERS, SEAFOOD PROCESSORS AND OTHER INDUSTRIES AND EMPLOYERS.
- ALASKA ENVIRONMENTAL LOBBY
- ORGANIZED LABOR (DISTRICT COUNCIL OF LABORERS, PAINTERS, OTHERS)
- HEALTH ORGANIZATIONS (ALASKA HEALTH PROJECT)
- STATE DEPARTMENT OF LABOR

BILL'S PROVISIONS

- EMPLOYERS TO POST NOTICE OF TERMS OF ACT, HAZARDOUS AND TOXIC SUBSTANCES WHICH EMPLOYEES MAY BE EXPOSED TO.
- EMPLOYERS TO CONDUCT SAFETY TRAINING OF NEW AND TRANSFERRING EMPLOYEES ON PROPER USE, HARMFUL EFFECTS ON SUBSTANCES WHICH THEY HANDLE OR EXPOSED TO.
- NO REPORTING TO STATE REQUIREMENTS
- NO LABELING REQUIREMENTS
- GOODS IN TRANSIT EXEMPTED BECAUSE ALREADY COVERED UNDER EXISTING LAW
- SUBSTANCES TO BE COVERED ON WIDELY ACKNOWLEDGED LIST OF TRULY HAZARDOUS SUBSTANCES--ABOUT 600-700--SAME LIST AS CONTAINED IN PENDING OSHA REGS.
- NO PERSONAL USE ITEMS SUBSTANCES COVERED OR SUBSTANCES IN AMOUNTS NOT A HEALTH HAZARD.
- REQUIREMENTS WOULD NOT TAKE EFFECT UNTIL JULY 1, 1984 TO GIVE EMPLOYERS TIME TO COMPLY AND FOR STATE AND MANUFACTURERS TIME TO DEVELOP ALL REQUIRED INFORMATION FOR USE BY EMPLOYERS.
- REQUIREMENTS ALL TRACK PENDING OSHA REGS, NO DUPLICATION, CONTRADICTIONS

April 20, 1983

Honorable Joe P. Josephson
Alaska State Senator
Room 508, Capitol Building
Pouch V
Juneau, Alaska 99811

Dear Senator Josephson:

Enclosed is a Sea-Land position paper on Senate Bill No. 79, which was introduced by yourself, Senator Sturgulewski, Senator Fischer and Senator Fahrenkamp.

We, as Sea-Land, as well as the entire transportation industry are regulated by the Handling of Dangerous and Hazardous Materials Rules and Regulations of the United States Department of Transportation for Interstate and Foreign Commerce. This includes shipping, trucking, railroad and barge companies.

I have taken the liberty to enclose eight different attachments to explain the procedures that Sea-Land Service, Inc., uses in complying with the Federal Rules and Regulations. As you can appreciate, we are now required to comply with DOT; and if we were compelled to further comply with Senate Bill 79, the transportation industry would be forced to duplicate our work load to greater degree. One must remember the transportation industry is only transporting these products; we are not using them or are we using them to manufacture another substance.

It is our desire that the transportation industry be exempt from this Senate Bill 79 in Interstate and Foreign Commerce.

Thanking you in advance for taking the time to reconsider our position; and if there are any questions that you might have regarding our procedures, please feel free to call upon us.

Sincerely,

HLS:kt
Enclosures

SEA-LAND SERVICE, INC.'S POSITION ON SENATE BILL NO. 79: AN ACT RELATING TO TOXIC AND HAZARDOUS SUBSTANCES IN THE WORKPLACE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sea-Land is definitely of the opinion that transportation companies in the State of Alaska should be exempt from complying with SB 79.

Reason: United States Department of Transportation has in effect definite rules and regulations as to the handling of dangerous and hazardous materials in the transport of interstate and foreign commerce. These rules and regulations are for the truck, rail and water industries. Besides DOT, the water carriers who are involved in foreign traffic must abide by the International Maritime Consultative Organization (IMCO) rules and regulations. If the transportation companies in the State of Alaska were required to abide by the requirements in SB 79, as well as the DOT and IMCO, it would increase and considerably duplicate the workload which exists today. In the case of employees of transportation companies, they are not using or working with the substance as in manufacturing; only handling and transporting these substances under the rules and regulations of DOT.

Sea-Land Policy: We have a corporate Hazardous Commodities Review Committee at our headquarters that has the responsibility to set policy for our worldwide operations:

1. Keep all manuals pertaining to hazardous commodities up to date.
2. Update worldwide computer system and information relative to hazardous commodities.
3. Update corporate educational programs for all terminals.
4. Collect and distribute all new rules and regulations from DOT and IMCO to all terminals.

Sea-Land's Computer System for Hazardous Commodities:

- I. We are very proud of this system as it is kept up with the latest information on all commodities that we are allowed to transport under DOT and IMCO. The computer printout gives us the:

Reference Number
DOT Class
Name
IMCO Name
Notes (for stowage purposes)
DOT Label
IMCO Label

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Supplemental IMCO Instruction
DOT Placard
IMCO Class
Stowage Information
UN Number
CCFP
OCFP
Tanker
Reefer
ADR Class
Marginal Number
Number
Special Cargo
Properties of Material
Emergency Equipment Needed In Case
Emergency Action for Fire
Emergency Action for Spill
First Aid Instructions.

Attachment IA and IB (Actual copy of computer run of two hazardous commodities -- Sulphuric Acid and Chloroacetic Acid, Liquid).

- II. Corporate Procedure: Carriage of Hazardous Materials by Sea-Land. These are procedures to follow in our day to day operation showing which procedures to follow as to type of material.
Attachment II (actual copy).
- III. Corporate Procedure: Reporting of Hazardous Material Incidents.
Attachment III (actual copy).
- IV. Corporate Procedure: Booking of Hazardous Materials.
Attachment IV (actual copy).
- V. Corporate Procedure: Hazardous Materials Placards.
Attachment V (actual copy).
- VI. Corporate Procedure: Processing of Notice of Alleged Violation of the U.S. Hazardous Materials Regulations.
Attachment VI (actual copy).
- VII. Dangerous Cargo Manifest: This is made up for each voyage and copies are in the originating terminal, on board vessel, destination terminal, and in the master computer. We know exactly how many vanloads of hazardous material are aboard, what their contents are, where they are stowed, flash point, van number, stowage location, class name, quantity, type of packaging in van, and number of pounds in shipment.

Attachment VIIA (copy of ship's Dangerous Cargo Manifest for the Domestic (Alaska) Service (DOT)).

Attachment VIIB (copy of ship's Dangerous Cargo Manifest for the Foreign (Far East) Service (IMCO)).

- VIII. Placards Used on Vans Carrying DOT and IMCO Vans; When within the United States, all vans with hazardous materials in the load must be placarded with DOT placards; when a van is destined to a foreign country, it must carry the IMCO placards when they are loaded to a vessel. Reason: There are some differences in the placarding of the various materials, and the IMCO regulations are through a United Nations Treaty Agreement.

Attachment VIIIA (booklet showing DOT placards).

Attachment VIIIB (poster showing IMCO placards).

REF NO = 0066015 DOT CLASS = CORROSIVE MATERIAL PAGE=
NAME = SULFURIC ACID
DOT NAME = SULFURIC ACID
IMCO NAME = SULFURIC ACID
NOTES = STOWAGE: UNDER STOWAGE IN METAL DRUMS ONLY, AWAY
FROM FLUORIDES & ALL OTHER SUBSTANCES IN CLASS 8.0
EXCEPT NITRIC ACIDS & SULPHUR TRIOXIDE (RQ-1000)
DOT LABEL = CORROSIVE MATERIAL
IMCO LABEL = CORROSIVE
SUPL IMCO = NONE
DOT PLCRD = COR.M IMCO CLASS = 8.0 STOW INFO = 1*Q UN NO = 1830
CCFP = OCFP = TANKER = NO REEFER = UNK
ADR CLASS = 8 MARGINAL NO = 2801 NUMBER = 1C SPEC CARGO =
0066015 PROPERTIES PAGE=
SOLUBLE IN WATER; TOXIC; TOXIC VAPORS FROM DECOMPOSITION ON HEATING; REACTS
VIOLENTLY WITH ALKALI METALS AND ALKALI METAL HYDROXIDES; CORROSIVE ACID;
EXPLODES (AND DANGEROUS REACTIONS) WITH WATER (OR STEAM);

0066015 EMERGENCY EQUIPMENT PAGE=
POSITIVE PRESSURE DEMAND AIR PACK, PLASTIC OR RUBBER PROTECTIVE GLOVES, BOOTS,
COAT AND PANTS; LOW VELOCITY FOG APPLICATOR, EXPLOSION PROOF ELECTRICAL
EQUIPMENT; ABSORBENT MATERIAL (DIATOMACEOUS EARTH OR VERMICULITE); FACE AND EYE
PROTECTION; FIRE FIGHTING FOAM;

0066015 EMERGENCY ACTION FIRE PAGE=
USE DRY CHEMICAL. CO2 MAY WORK. IF WATER IS USED, USE LARGE AMOUNTS. CHEMICALS
REACT WITH WATER. ACIDS MAY BE NEUTRALIZED WITH WATER. ACIDS MAY BE NEUTRALIZED
WITH SODA ASH OR LIME. STOP VENTILATION. EXPLOSIVE MIXTURE - SEE PROPERTIES.

0066015 EMERGENCY ACTION SPILL PAGE=
REMOVE ALL SOURCES OF IGNITION. USE EXPLOSION PROOF EQUIPMENT ONLY. WASH
OVERBOARD WITH COPIOUS AMOUNTS OF WATER. ABSORB WITH DIATOMACEOUS EARTH. KEEP

PERSONNEL UPWIND, SHUTDOWN VENTILATION UNTIL SITUATION EVALUATED. SEE
PROPERTIES,

0066015 FIRST AID PAGE#
SKIN-CONTACT---FLUSH WITH LARGE AMOUNTS OF WATER, TREAT AS BURN; IN
EYES---FLUSH WITH LARGE AMOUNTS OF WATER (AT LEAST 15 MINUTES), CONTACT
DOCTOR AND LOOK UP SPECIFIC TREATMENT FOR CHEMICAL IN MEDICAL GUIDE BOOKS AS
NEEDED.

APR 28 1983



Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Senator Bettye Fahrenkamp
FROM: Cherie Shelley *CS*
Executive Director
DATE: April 27, 1983
SUBJECT: SB 79

The Alaska Public Employees Association supports your efforts to promote a safer workplace for all employees. The requirements of SB 79 are consistent with an enlightened view of employer - employee relations.

Employees should have ready access to information pertaining to potentially harmful substances found in the workplace. Passage of this legislation will increase the awareness of both employers and employees to safety hazards. The information disclosure and employee training provisions will undoubtedly help to prevent serious injury or death in the event of an accident.

All employees should know the potential hazards associated with their employment. This legislation will give employees the information necessary to deal with industrial accidents and promote safe working conditions.

CS/rm

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

I think the language
on page 1 & 3 language - helpful.
might be

AS IT DIES IN 02

Original sponsor: Rogers

Offered: 4/2/82
Referred: Finance

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 806 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 (12) adopt regulations further defining "hazardous substance"
11 (AS 18.60.105(11)) and "toxic substance" (AS 18.60.105(12)) and exclud-
12 ing from those definitions

13 (A) substances that because of their physical state,
14 volume, or concentration do not pose a health risk upon exposure;
15 and

16 (B) substances that are goods, drugs, cosmetics, or
17 tobacco products intended for personal consumption.

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

19 Sec. AS 18.60.051. MANUFACTURER TO PROVIDE HAZARDOUS OR TOXIC
20 SUBSTANCE INFORMATION. (a) The manufacturer of a hazardous or toxic
21 substance shall prepare and provide a person who purchases the hazardous
22 or toxic substance from the manufacturer with information specified in
23 (b) of this section that, to the best of the manufacturer's knowledge,
24 is current, accurate, and complete, based on information then reasonably
25 available to the manufacturer.

26 (b) The information that a manufacturer shall provide as required
27 in (a) of this section includes

28 (1) the chemical name, common name, and the CAS number of the
29 hazardous or toxic substance;

1 (2) the hazards or other risks in the use of the hazardous or
2 toxic substance, including

3 (A) the potential for fire, explosion, or reactivity;

4 (B) the known or suspected acute and chronic health
5 effects or risks from exposure;

6 (C) the potential avenues of exposure and symptoms of
7 overexposure;

8 (3) the proper precautions, handling practices, necessary
9 personal protective equipment, and other safety precautions in the use
10 of or exposure to the substance;

11 (4) the emergency procedures for spills, fire, disposal, and
12 first aid;

13 (5) a description in lay terms, if not otherwise provided, on
14 either a separate sheet or with the body of the information specified in
15 this section, of the specific potential health risks posed by the sub-
16 stance intended to alert a person reading the information;

17 (6) the month and year that the information was compiled and
18 the name and address of the manufacturer responsible for preparing the
19 information.

20 Sec. AS 18.60.052. WHOLESALER TO PROVIDE HAZARDOUS OR TOXIC SUB-
21 STANCE INFORMATION. (a) Except as provided in (b) of this section, a
22 wholesaler who sells a hazardous or toxic substance shall provide a
23 purchaser of the hazardous or toxic substance at the time of sale with a
24 copy of the most recent information listed under AS 18.60.051 unless the
25 purchaser indicates that

26 (1) he possesses that information; or

27 (2) he does not intend to use the substance in a workplace
28 frequented by persons other than the purchaser.

29 (b) The commissioner shall adopt regulations identifying the types

1 of hazardous or toxic substances that are required by federal law to be
2 labeled in a manner equivalent to the requirements of (a) of this sec-
3 tion. Those types of hazardous or toxic substances are excepted from
4 the provisions of (a) of this section.

5 Sec. 18.60.071. EMPLOYER TO PROVIDE HAZARDOUS SUBSTANCE INFOR-
6 MATION AND TRAINING. (a) An employer shall post in the workplace of
7 his employees the information listed in AS 18.60.051 if, as a result of
8 workplace operations, there is a hazardous or toxic substance present in
9 the workplace in a manner that employees may be exposed

10 (1) under normal conditions of work; or

11 (2) in a reasonably foreseeable emergency resulting from
12 workplace operations, including but not limited to equipment failure,
13 rupture of containers, or failure of control equipment, that may or do
14 result in a release of a hazardous or toxic substance into the work-
15 place.

16 (b) An employer required to comply with (a) of this section shall
17 furnish each new employee and, on request, any other employee with

18 (1) a copy of the information posted in accordance with (a)
19 of this section; and

20 (2) training at the employer's expense calculated to candidly
21 inform the employee of

22 (A) the location, properties, and known or suspected
23 acute and chronic health effects of the hazardous or toxic sub-
24 stances to which the employee is routinely exposed in the work-
25 place;

26 (B) the nature of the operations that could result in
27 exposure to these hazardous or toxic substances as well as any
28 necessary handling or hygienic practices or precautions;

29 (C) the purpose, proper use, and limitation of personal

1 protective equipment required by another occupational safety and
2 health standard or otherwise used in the workplace; and

3 (D) information required by AS 18.60.051.

4 Sec. 18.60.072. REPORTS TO BE FILED WITH DEPARTMENT. (a) A manu-
5 facturer, wholesaler, and employer who are subject to the requirements
6 of AS 18.60.051, 18.60.052, and 18.60.071, respectively, shall file with
7 the department an annual report that includes

8 (1) the information provided to purchasers and employees in
9 accordance with AS 18.60.051, 18.60.052, or 18.60.071 for each hazardous
10 or toxic substance specified by the department under (d) of this sec-
11 tion;

12 (2) the safety procedures and equipment actually used in the
13 workplace;

14 (3) the quantities of hazardous or toxic substances being
15 used or produced for those substances required by the department under
16 (d) of this section to be reported; and

17 (4) other information considered appropriate by the depart-
18 ment.

19 (b) A change in circumstances that would require modification of
20 the report filed under this section shall be immediately reported to the
21 department.

22 (c) The department shall comply with AS 18.60.099 to ensure pro-
23 tection of trade secrets divulged in the reports filed under this sec-
24 tion.

25 (d) The department shall adopt regulations specifying the hazar-
26 dous or toxic substances that are to be reported under this section.

27 Sec. 18.60.073. ACCESS TO RECORDS. (a) An employee, prospective
28 employee, or former employee of a manufacturer or employer subject to
29 AS 18.60.072 and physicians designated by any of these persons may

1 examine and copy a report filed with the department under AS 18.60.072
2 except for that information considered a trade secret under AS 18.60.-
3 099.

4 (b) An employee, prospective employee, former employee, a repre-
5 sentative of the commissioner, and physicians designated by any of these
6 persons may examine and copy exposure measurements taken to monitor
7 employee exposure to hazardous or toxic substances in the workplace.

8 (c) The department may require an employee or former employee of a
9 manufacturer or employer subject to AS 18.60.072 to furnish health and
10 exposure records and other information pertinent to an investigation by
11 the department of violations of AS 18.60.051, 18.60.052, or 18.60.071 -
12 18.60.073.

13 (d) The commissioner shall adopt regulations pertaining to access
14 to records and information that is required by AS 18.60.051, 18.60.052,
15 and 18.60.071 - 18.60.073. The regulations shall ensure that the depart-
16 ment, a purchaser of hazardous or toxic substances, and an employee
17 exposed to or who believes he is exposed to hazardous or toxic substances
18 have ready access to all information that is relevant to the purposes of
19 AS 18.60.051, 18.60.052, or 18.60.071 - 18.60.073 and not exempted from
20 disclosure as trade secrets.

21 Sec. 18.60.074. PUBLIC DISCLOSURE OF HAZARDOUS OR TOXIC SUBSTANCE
22 INFORMATION. The department may disclose to the public information
23 concerning hazardous or toxic substances and the circumstances under
24 which the public might be affected.

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

26 (6) "CAS number" means the unique identification number
27 assigned by the Chemical Abstracts Service to specific chemical sub-
28 stances;

29 (7) "chemical name" means the scientific designation of a

1 substance in accordance with the nomenclature system developed by the
2 International Union of Pure and Applied Chemistry or the system developed
3 by the Chemical Abstracts Service;

4 (8) "common name" means a designation or identification such
5 as code name, code number, trade name, or brand name used to identify a
6 substance other than by its chemical name;

7 (9) "expose" or "exposure" means a situation arising from
8 work operation or usage where an employee or purchaser may ingest,
9 inhale, absorb through the skin or eyes, or otherwise come into contact
10 with a hazardous or toxic substance;

11 (10) "manufacturer" means a person who produces, synthesizes,
12 extracts, or otherwise makes a hazardous or toxic substance in the
13 state;

14 (11) "hazardous substance" means a chemical that

15 (A) is listed in the United States Department of Trans-
16 portation Hazardous Materials Table, 49 C.F.R. 172.101; and

17 (B) meets one or more of the following criteria for
18 hazard class:

19 (i) is a combustible substance;

20 (ii) is a compressed gas;

21 (iii) is an explosive;

22 (iv) is a flammable substance;

23 (v) is an organic peroxide; or

24 (vi) is an oxidizer; or

25 (C) is listed in a regulation adopted by the department
26 under AS 18.60.030(12);

27 (12) "toxic substance" means a chemical that is

28 (A) listed in the Toxic and Hazardous Substances section
29 of the regulations of the Occupational Health and Safety Act in 29

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C.F.R. Part 1910, Subpart Z;

(B) listed in the most recent edition of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances; or

(C) listed in a regulation adopted by the department under AS 18.60.030(12);

(13) "wholesaler" means a dealer, distributor, or jobber who sells a hazardous or toxic substance in the state to a person for use in a workplace in a manner that subjects an employer to the requirements of AS 18.60.071 or to a person who sells, or intends to sell, directly to the consumer.

* Sec. 4. This Act takes effect January 1, 1983.

Bill No. Committee Substitute for House Bill 806

Date March 12, 1982

Title "An Act relating to hazardous or toxic substances."

Contact: Judy Knight *Judy Knight*
465-270

Richard Arab
Richard Arab
465-4856

As part of its occupational safety and health program, the Department of Labor enforces regulations to protect employees from certain hazardous and toxic substances, and provides consultation and training services to employers and employees on the safe handling and use of these substances. The department's occupational safety and health staff can presently only cover approximately seven percent of Alaska worksites during a year. Because it has historically been difficult to identify specific workplaces in the state where toxic and hazardous substances are present, the reporting provisions of this bill would enhance the department's efforts to direct its limited occupational safety and health resources to those workplaces where hazardous exposures actually exist.

Often employers and employees are not aware of the toxic or other harmful qualities of a particular substance being used or handled in the workplace. The labeling and training requirements provided in this bill would go a long way toward filling this void. This would, in turn, effect implementation of protective measures or controls by the employer to safeguard his employees.

Many employees would, no doubt, look to the Department of Labor for assisting them in providing the required training and in implementing effective protective measures. Accordingly, if this bill is passed, we would anticipate an increase in the demand for consultative and training services. A fiscal note is attached which reflects the costs associated with providing the increased services.

POSITION PAPER/Department of Labor

TWELFTH LEGISLATURE

FISCAL NOTE

REQUEST

Bill/Resolution No. Committee Substitute for House Bill 806

Title "An Act relating to hazardous or toxic substances."

Requested by House Labor and Commerce

Date 3/16/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Occupational Safety and Health

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	74.4	78.1	85.4	94.5	103.9
200 TRAVEL	0	9.3	4.8	5.3	5.8	6.4
300 CONTRACTUAL	0	23.9	26.3	28.9	31.8	35.0
400 COMMODITIES	0	2.0	2.2	2.4	2.7	2.9
500 EQUIPMENT	0	2.0	0	0	0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	111.6	111.4	122.5	134.8	151.2

FUNDING (Thousands of Dollars)

GENERAL FUND	0	111.6	111.4	122.5	134.8	151.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	2	2	2	2	2
PART TIME						
TEMPORARY						

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

Assumes that the intent of the bill is to minimize harmful exposures to toxic and hazardous substances in work places in the state, and that the Department of Labor is to take a lead role in this effort.

As a result of this bill, two positions, an industrial hygienist and a clerk typist, will be required.

This note assumes an effective date of July 1, 1982 and inflation rate of 10% per year.

POSITION PAPER
CS for House Bill No. 806 (L&C)

"An Act relating to hazardous or toxic substances."

House Bill No. 806 requires the manufacturer and seller of hazardous or toxic substances to provide to the purchasers of these substances complete information as to the characteristics and precautions required when using. Any employer utilizing a substance included under this act must post a copy of the information for the employees to review plus provide training and safety gear. The employer must file with the Department of Labor annually, complete disclosures with regards to his activities and usage of the hazardous and toxic substances.

This bill imposes reasonable guidelines concerning handling of toxic and hazardous substances in manufacture and selling.

Minor recommendations include the following:

- 1) Under Section 18.60.051 consider adding "significant levels of toxic impurities if they exist in a mixture."
- 2) Under Section 18.60.071 consider change of mandatory requirements depending on size of employer e.g. less than ten.
- 3) Under Section 18.60.105 consider substances manufactured outside of the State and shipped in.
- 4) Under Section 18.60.073c the confidentiality of medical records may be breached if it is left that the Department may "require."

The Department supports the passage of this Bill.

Recommended by: E. S. Rabreau
E. S. Rabreau, M.D., Director
Division of Public Health

Date: March 15, 1982

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 3-16-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House Bill No. 806
 Title "An Act relating to hazardous or toxic substances."
 Requested by Rogers Date 2-22-82

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected Communicable Disease Control/Epidemiology
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		0				
200 TRAVEL		3.0	3.3	3.6	4.0	4.4
300 CONTRACTUAL		3.0	3.3	3.6	4.0	4.4
400 COMMODITIES		3.0	3.3	3.6	4.0	4.4
500 EQUIPMENT		1.0	1.2	1.3	1.5	1.6
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		10.0	11.1	12.1	13.5	14.8

FUNDING (Thousands of Dollars)

GENERAL FUND		10.0	11.1	12.1	13.5	14.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

All inflation at 10%

This fiscal note covers the travel costs, training seminars, commodities and testing equipment that must be utilized by our Epidemiologists in investigating the effects of exposure in humans. As the petrochemical industry develops in Alaska more and more problems will develop, very little of the acute and chronic health effects will be known and when the risks are known they tend to be understated. As problems develop it will be incumbent upon the Epidemiologist to do in depth investigations.

The fiscal impact of this bill on the Department of Health and Social Services

ARCO Alaska, Inc.
Post Office Box 360
Anchorage, Alaska 99510
Telephone 907 277 5637



March 24, 1982

Nancy Lord
Administrative Assistant
c/o Representative Brian Rogers
Pouch V
Juneau, Alaska 99811

Dear Ms. Lord:

To follow-up on our March 17 conversation after the public testimony on HB 806 I believe we agree on many aspects of the bill. However, there are portions of the bill that require changes which will retain the objective(s) of this bill but limit the unnecessary burden that is present in this bill. Enclosed is a copy of the testimony that has been forwarded to the committee. As my attempt to document the items we discussed, the following points are forwarded. Please realize these points have not been reviewed by ARCO and should be considered as ideas for suggested changes and not an ARCO position. These comments are submitted to address the draft dated March 15, 1982.

1. Page #1, line #15 - I support the change made to the 3/15/82 draft. The 2/15/82 draft seemed to develop another definition for "hazardous."
2. Page #2, line #9 - Recommend you add a reference to OSHA form number twenty (20) or its equivalent as an item number seven (7). OSHA form #20 is a reasonable format to follow and that guidance could be added to the bill. I stress "or its equivalent" because several manufacturers use a similar form which is equivalent and there should not be a need to rewrite that information on one standard state or federal form.
3. Page #2, line #10 - This section requires issuance of a MSDS for all wholesale and retail sales transactions. I don't believe the purpose of this bill is to require a gas station or grocery store operator to supply the customer with a MSDS. Clarification of what is desired would be valuable to the bill.
4. Page #2, line #23 - The requirement to "post" this information is burdensome, potentially expensive, and marginally effective. A reasonable alternative is to require that the information be made available to the employees, (e.g. ...employer shall supply, or make otherwise available, in the workplace ...)

Nancy Lord
March 24, 1982
Page 2

5. Page #2, line #23 - My testimony on "workplace" applies.
6. Page #3, line #5 - The requirement to "furnish" this information "on an annual basis" is unnecessary. Suggest: ...shall furnish, by providing the information, training or similar method, each new...
7. Page #3, line #7 - If comment #4 above is added to the bill, a similar change will be needed here. E.g. ...the information described by section (a); and ...
8. Page #3, line #25 - What is desired by this annual report? As written the bill requires information that may have been previously submitted by the "manufacturer, seller and employer" and part of the information required may have been submitted by another manufacturer, seller or employer. I realize you want adequate reports but the bill doesn't provide intent nor direction in order to determine what is adequate.
9. Page #4, line #10 - The "prospective" employee language of the bill may authorize anyone to review the medical files of all individuals working in Alaska. Also, I believe section 073 needs to be modified to allow access only by "documented, need to know" language. The section seems to over stress "freedom of information" and inadequately addresses "confidentiality of personnel records" including employee health records.
10. Page #5, line #25 - The term "hazardous substance" is a very popular but ill-defined term. I believe the bill is designed to protect employees and should address only those items that apply to the employee work place. There are several lists available which could apply but this bill should be limited to documented occupational hazard(s). Adding the DOT regulations to this bill may be a quick answer to a definition but it is also an incorrect answer. I recommend that you delete section (11)(B) and add guidance and authorization for DOSH to develop a list that is important in Alaska.
11. Page #6, line #7 thru 13 - The first portion of this definition seems good but subsection (C), beginning on line #14, is basically a catch-all statement which distracts from rather than enhances this bill. Many chemicals induced in man or experimental animals can have an affect on either man or animal but the concentration,

Nancy Lord
March 24, 1982
Page 3

method of transfer, availability in the work place etc. aren't considered in this portion of the definition. I recommend you either delete subsection (C) or, if you believe it is necessary, expand on the idea so that it is interpretable by the employer and enforceable by DOSH.

Note on comments #10 & 11 - Words such as hazardous, toxic, environmental and subsistence are all terms that are constantly being used in Alaska. Unless meaning definitions are provided there is a good chance that misuse of these words will continue.

Sincerely,



Peter N. Hellstrom
Environmental Coordinator

PNH:jms

Enclosure

cc: Representative Terry Martin, Chairman
Representative Bernie Bylsma
Representative Terry Gardiner
Representative Dick Randolph
Representative Brian Rogers
Jeff Barry

TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 806 am. (L&C)

Title "An Act relating to hazardous or toxic substances."

Requested by House Labor and Commerce Committee Date 4/1/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Occupational Safety & Health

(Note: If more than one budget component is affected, sep. rate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	36.1	66.0	72.6	79.9	87.9
200 TRAVEL	0	6.9	5.2	5.7	6.3	7.0
300 CONTRACTUAL	0	12.6	24.2	26.7	29.3	32.2
400 COMMODITIES	0	1.0	1.7	1.8	2.0	2.2
500 EQUIPMENT	0	2.0	0	0	0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	58.6	97.1	106.8	117.5	132.3

FUNDING (Thousands of Dollars)

GENERAL FUND	0	58.6	97.1	106.8	117.5	132.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	1	1	1	1	1
PART TIME SEASONAL	0	1	1	1	1	1
TEMPORARY						

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

Assumes that the intent of the bill is to minimize harmful exposures to toxic and hazardous substances in work places in the state, and that the Department of Labor is to take a lead role in this effort.

As a result of this bill, two positions, an industrial hygienist and a seasonal (6 months) clerk typist, will be required.

This note assumes an effective date of January 1, 1983 and inflation rate of 10% per year.

IV. DATE 4/1/82

PREPARED BY Nico Bus

AGENCY Department of Labor

Original: Legislative Finance

PHONE 465-2720

cc: Budget and Management

Prime Sponsor (First Legislator Named)

1	POSITION TITLE Industrial Hygienist (Voluntary Compliance)			HAND/STEP 500	BARG. UNIT. LTC	LOCATION Anchorage	APPROV. GOV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 6	RP No. CSHB806 AM	PCN No. NOT ASSIGNED	PRIORITY	FORM 12 PAGE/LINE N/A	APPROV. LTC.	DISAPP.

3	TYPE OF EXPENDITURE	AMOUNT
	1	2
4	PERSONAL SERVICES:	
5	SALARY 3,146/month X 6 months	18,876
6	BENEFITS 15.92%	3,005
7	SBS	1,094
8	FIXED BENEFITS	960
9	TOTAL PERSONAL SERVICES 01	23,935
0	TRAVEL 02	6,875
1	CONTRACTUAL 03	7,850
2	COMMODITIES 04	500
3	EQUIPMENT 05	2,000
4	OTHER	
5	TOTAL COST	41,160

JUSTIFICATION:

The Industrial Hygienist will evaluate and follow-up on the data filed with the department under the provisions of AS 18.60.072; will conduct research into which hazardous and toxic substances should be covered by the bill and develop the necessary regulations to carry out the intent of the bill; and will respond in a timely manner to the increase in requests for consultation and training services that will be experienced as a result of the focus this bill places on toxic and hazardous substances.

Included in the contractual services costs are \$1,600 for space rent and 15.97% of salary for Management Services support.

One time costs are \$4,000 for moving expenses, \$500 in travel costs for training and \$2,000 for equipment.

RECEIPT CODE	FUNDING SOURCE	AMOUNT
5	FED RCPTS. 1002	
6	GF MATCH. 1003	
7	100 GEN. FUND 1004	41,160
8	I-A RCPTS 1005	
9	PGM RCPTS 1028	
0	OTHER	

1	CONTINUATION	
2	ADDITION	X

FOR B&M USE ONLY

4A-KEY NUMBER _____ COLUMN NO. _____

AGENCY Labor PROGRAM Worker Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

13 REQUEST FOR NEW POSITION.

FY 83

PREPARED BY Nico Rus
 AGENCY Department of Labor
 PHONE 465-2720

IV. DATE 4/1/82

Original: Legislative Finance
 Budget and Management
 cc: Prime Sponsor (First Legislator Named)

Clerk Typist, III

Seasonal 5 CS48806 Not Assigned

38 6 Anchorage GOV FORM 12 PAGE/LINE N/A

TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES:		
SALARY 1,530/month x 6	9,180	
UNEMPLOY. 15.92%	1,451	
SBG	563	
FIDEL BENEFITS	960	
TOTAL PERSONAL SERVICES		12,164
TRAVEL		
GENERAL AL		4,734
REPRODUCTION		500
POSTAGE		
OTHER		
TOTAL		17,398

JUSTIFICATION:
 A seasonal clerk typist position will be needed to process the reports and other documents which will result from this bill.

 Included in the contractual services costs are \$1,600 for space rent and 15.97% of salary for Management Services support.

EXP CODE	FUNDING SOURCE	AMOUNT
100	LEGISLATIVE	17,398
	GENERAL	
	TRAVEL	
	REPRODUCTION	
	POSTAGE	
	OTHER	

CONTINUATION ADIATION X FOR BGM USE ONLY

KEY NUMBER COLUMN NO.

cy Labor PROGRAM Worker Protection

BRU Occupational Safety & Health

COMPONENT Occupational Safety & Health

13 REQUEST FOR NEW POSITION.

M. R. 10/10

PREPARED BY Nico Rius
AGENCY Department of Labor
PHONE 465-2720

IV. DATE 4/1/82
Original: Legislative Finance
Budget and Management
cc: Prime Sponsor (First Legislator Named)

JAN 13 1981

SB 79



Resource Development Council for Alaska, Inc.

444 West 7th Avenue, Anchorage, Alaska 99501
Box 516, Anchorage, Alaska 99510 - 907/278-9615

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Dorothy Jones
John Kalsey
E. Thomas Pargeter

December 19, 1980

Dear Friend:

The controversy over production of chemicals is bound to become heated as projects for manufacturing petrochemicals in Alaska move forward.

Environmental groups and the Alaska Public Interest Group (AKPIRG) are marshalling forces to oppose such projects with time-worn scare tactics used to stop plant construction in other states.

It is important for those of us who have faith in technology and stringent environmental laws to be knowledgeable of the facts behind charges being leveled. We must be prepared to speak out at public hearings and other forums whenever necessary.

Herbert D. Doan, recipient of the 1980 Louis Pasteur Humanitarian Medal, chairman of Doan Resources Corporation and member of Dow Chemical's board of directors discusses the pros and cons of chemicals development in the enclosed speech.

Please let me know if you would like additional copies.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Paula P. Easley
Executive Director

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Alaska Health Project

P. O. Box 1037, Anchorage, Alaska 99510 (907) 272-8734

March 7, 1983

Pat Pourchot
Senator Bettye Fahrenkamp
Pouch V
Juneau, AK 99811

Dear Pat,

Enclosed please find a new draft of SB 79. This draft is based upon discussions with over 15 legislators and their aides, and the testimony at the hearing.

In the draft I have incorporated parts of both SB 79 and HB 197 in a form that more closely resembles HB 197.

I have also enclosed a two-page sheet with some of the questions and answers that were asked of me when I was in Juneau, a letter from the Anchorage Municipal Health Commission of their support of SB 79 and Right to Know, and a copy of OSHA form 20.

I hope that you find this information useful. I would be happy to discuss any of the enclosures with you at any time.

Please let me know if you need any more information.

Sincerely,

Steven Kadish
Executive Director

cc: John Kartle
Henry Lancaster



MECHANICAL CONTRACTORS

of Fairbanks, Inc.

P.O. BOX 74796 ☆ FAIRBANKS, ALASKA 99707-4796

MEMBERSHIP ROSTER

Bowell Mechanical
512 Trainer Gate Road
Fairbanks, AK 99701
456-2022

Burgess Plumbing & Heating
S.R. Box 30266
Fairbanks, AK 99701
479-6142

Chandler Plumbing & Heating, Inc.
P.O. Box 534
Fairbanks, AK 99707
456-5282

Nash Plumbing & Heating, Inc.
P.O. Box 92
Fairbanks, AK 99707
452-3945

Perfection Mechanical, Inc.
P.O. Box 60585
Fairbanks, AK 99701
456-5979

Roberts Plumbing & Heating
965 Aurora Drive
Fairbanks, AK 99701
452-3923

Sandstrom Plumbing
P.O. Box 2414
Fairbanks, AK 99707
452-3050

TCI, Ltd.
P.O. Box 1189
Fairbanks, AK 99707
452-1792

Tag, Inc.
P.O. Box 60489
Fairbanks, AK 99706
456-5371

Universal Mechanical
P.O. Box 2499
Fairbanks, AK 99707
456-7493

Western Mechanical, Inc.
P.O. Box 60067
Fairbanks, AK 99706
452-1831

Whitney Brothers Plumbing
P.O. Box 926
Fairbanks, AK 99707
479-3171

Wise Mechanical
3801 South Cushman
Fairbanks, AK 99701
456-7143

Yukon Services
P.O. Box 60129
Fairbanks, AK 99707
452-4474



HOME FURNISHINGS

501 E. Diamond Boulevard
Anderson, Idaho 83406
208 338 1573

March 10, 1983

TO: Senator Fahrenkamp

RE: Senate Bill No. 79

Let this letter serve to inform you of our company's opposition to Senate Bill No. 79 in its present form.

As an employer whose primary purpose for storing such items as might be covered under the "toxic and hazardous substances act" would be for janitorial or resale of common household care items, feel this bill is too far reaching in its application. Floor wax and furniture polish although combustible if improperly handled are no more or less hazardous through signing and annual reporting than observing the practice of use and storage suggestions provided on the manufacturer's label.

Yes, we share concern for employee and environmental safety, but the sweeping requirement of compliance in this bill goes beyond reasonable expectations. Retail concerns would bear considerable increased costs to comply which in turn would be included in prices to consumers for questionable benefit.

Respectfully submitted,

NERLAND'S HOME FURNISHINGS, INC.

Larry Snider
Vice President

SB - 79

Every year hundreds of thousands of workers become ill and die as a result of exposure to toxic substances on their jobs. Thousands are injured because of unhealthful or unsafe conditions that could have been prevented. Workers, particularly organized workers, are becoming more concerned about their working conditions and more aware of their rights to a safe, healthful workplace.

Since 1974, OSHA has issued ten health standards that include asbestos, fourteen cancer-causing chemicals, vinyl chloride, coke oven emissions, dibromochloropropane, (DBCP), acrylonitrile, arsenic, benzene, lead, and cotton dust. These regulations provide fewer worker rights and simply limit the total exposure to the worker by prescribing limits on the amount of airborne material or air pollution allowed in the workers' breathing zone. Thus the hazards from dust, solvents, fumes, gases, and mists on the job are regulated by comparing air samples in the workers breathing zone with the allowable limits listed in the safety and health regulations.

Unfortunately, the laws to protect workers from health hazards often take far too long to develop. In the interim, hundreds of workers may become ill from a chemicals' toxic effects. There are many hazardous substances for which there are no standards, and there are no requirements for environmental monitoring, worker education, physical examinations or labeling. Very few plastics, paints, or solvents which can cause damage to eyes, skin, and lungs have useful warning labels. Without enough information about the potential hazard of a material, a worker cannot take precautions.

Every employee has the right to know about hazardous materials and can obtain this information through Material Safety Data Sheets that are easily obtained by the employer from the manufacturer if the Material Safety Data Sheets are not already attached to the material. There is very little effort required by the employer to provide this information but history has proven time and time again that the employer will not voluntarily improve the safety or working conditions of his employees if there is any cost or time involved.