

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2817

SRES

SB 79

217

No one wishes their employees to become ill or injured, but economics are the ruling factors. Records show that both physicians and employers knew since the 1930's that asbestos causes cancer. Since 1900 they have known that asbestos can scar lung tissue. But it wasn't until 1973 that somewhat effective regulations were passed to limit worker exposure to asbestos on the job. Of the one million current and former asbestos workers in this country, more than 300,000 can expect to die from cancer.

I urge you to support SB79 as every worker has the right to know what he is working with and what precautions to take to protect himself if necessary.

George Mick Hotrum
Business Safety Representative
Alaska State District Council of Laborers
315 Barnette
Fairbanks, Alaska 99701



MECHANICAL CONTRACTORS

of Fairbanks, Inc.

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

State of Alaska
13th Legislature

Attention: Resources Committee

Subject: Senate Bill # 79
"An Act relating to hazardous and toxic substances; and
providing for an effective date."

We are extremely concerned about the ramifications of Senate Bill # 79. Although we wholly support the apparent intent of this bill (to assure the safety of Alaskan workers), the potential adverse effects appear to be enormous in terms of regulatory burden, litigation potential, time, and taxpayer expense.

In lieu of Senate Bill # 79, we recommend promulgation of the forthcoming Federal regulation.

Mechanical Contractors of Fairbanks

A handwritten signature in cursive script, reading 'Eugene R. Rutland', is positioned above the typed name.

Eugene R. Rutland,
President

Attachments: Membership Roster

cc/AGC

Municipality
of
Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 264-4111

TONY KNOWLES.
MAYOR

DEPARTMENT OF PLANNING

March 1, 1983

The Honorable Tony Knowles
Mayor, Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Mayor Knowles:

At the February 23, 1983 meeting, the Anchorage Municipal Health Commission voted to endorse Senate Bill 70, "The Worker Right-To-Know" as it currently reads.

The Municipal Health Commission believes that it is the right of every individual to know if he/she is exposed to any hazardous materials in the working environment.

We appreciate this opportunity to address this public health issue.

If we may be of any assistance, please let us know.

Sincerely,

Stephen P. Lesko
Stephen P. Lesko, Chairman *by [Signature]*
Municipal Health Commission

SPL: EMB: bd

FEB 28 1983

"Where Dependability is a Tradition!"

the Alaska Cleaners

TELEPHONE 274-8621

610 WEST FIREWEED LANE

ANCHORAGE, ALASKA 99503

February 23, 1983

Bettye Fahrenkamp, Chairman
Senate Committee on Resources
Pouch V
Juneau, Alaska 99811

Regarding: SB 79

Dear Bettye:

I want to thank you for your most welcome letter and your comments. I don't believe that any conscience employer could oppose the intent of SB 79 but there has to be a less burdensome way of meeting objectives.

As some examples:

If the State needs to identify "sources" and users of toxic & hazardous substances would not a simple submission of the chemical name be sufficient rather than the 10 items requested (on a yearly basis, no less?) per 18.60.065 (a) or a one time submittal of data with only yearly updates required for changes.

Paragraph (b) of 18.60.065 would require that all employees and applicants (why applicants?) be submitted documents regarding toxic and hazardous substances. It should be obvious that many employers have employees that would never be exposed to or come in to "contact" with any given toxic or hazardous substance that the employer might use; as an example an employer could have a process taking place in one building while several miles away he might have employees engaged in different tasks with the toxic and hazardous substances being maintained in only one building. Section 18.60.067 relating to education programs differentiates employees by specifying that only



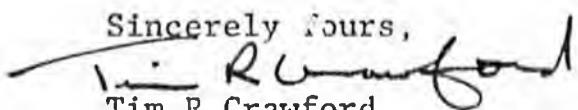
Bettye Fahrenkamp

those exposed or those who may be exposed. Could not paragraph (b) of section 18.60.065 do the same?

Section 18.60⁰₆₆ paragraph (a) relates to the labeling of toxic and hazardous materials. I believe this is the responsibility of the manufactures and it is my understanding that Federal Legislation is now in progress that would accomplish this goal. Even paragraph (b) presents some problems in that I do not believe it would be reasonable to request every employer who uses natural gas for example to have to place such "all encompassing" labels in so many different places along the pipe route.

18.60.105, paragraph (8) (A) really creates a broadness that I believe was not the intent of "you" the authors. By adopting the simple listing as used by the Department of Transportation any employer with motorized vehicles would be affected as would all grocery stores (as they have peroxides and bleechs (oxidizers) on their shelves; also caught in this broadness would be employers who have CO2 bottles for their soft drinks (a compressed gas). Paragraph 9 would seem to be closer to the objectives of this legislation and would accomplish same without the broadness of paragraph 8.

Bettye, I do hope that you can see some of these same problems as I do with the existing language of SB 79. I thank you also for taking the time to read this and look forward to a teleconference regarding this bill.

Sincerely yours,

Tim R Crawford
General Manager

cc: Joe Josephson
Vic Fisher
Arliss Sturgulewski

Amendments proposed.

18.60.065(a). Add a subsection which reads:

"The quantity and location of the substance."

Reason: The department and/or employees should make this information available to state and local fire and emergency agencies to enable them to preplan for potential accidents. It is important to know specifically where and how much substance may be involved.

In the same section add a subsection which reads:

"the nationally recognized procedures for controlling and extinguishing fires involving substances."

Reason: The majority of fire departments in Alaska are volunteer and should not be left to their own devices to deal with emergency incidents involving substances.

18.60.066(a) Page 2, line 27. Revise "one gallon or more" to incorporate some of the following substances and their appropriate measurements:

1. Explosives are often cylindrical "sticks", packaged in boxes. Blasting agents are pellets, packaged in sacks. Both are measured by weight.
2. Radioactive isotopes, utilized in medical facilities and by the petroleum industry are measured by weight. Thus the the term "gallon" is not a proper measure for all substances.

18.60.066(a) Page 5, line 25. Insert after (vi) as subsection:

"(vii) a radioactive material."

Jay Nelson, Exec. Dir.
Alaska Environmental
Lobby

MEMORANDUM

~~File 100~~
File: SB 79

TO: Pat Pourchot
Administrative Assistant
Senate Resources Committee
Alaska State Legislature

April 5, 1983

465-2700

FROM: Judy Knight
Special Assistant
Department of Labor

SUBJECT: Draft Committee
Substitute for
Senate Bill 79

The Department of Labor has reviewed the draft committee substitute for Senate Bill 79, and has the following comments.

1. The term "routinely" used in Section 18.60.071(b)(2)(A) should be deleted. Employees should be aware of the location, properties, health effects, etc., of all hazardous or toxic substances to which they will be exposed to in the workplace, whether or not the exposure is "routine." While adverse health effects may result only after prolonged or continuous exposure to certain substances, there are substances which can be harmful without a cumulative or routine exposure.
2. Section 18.60.072(a) requires that manufactures, wholesalers, and employers each submit to the department the material safety data sheet or its equivalent. It is not necessary that the department receive the same information from three sources. Our suggestion would be that only manufacturers and wholesalers provide this information; and that employers simply inform the department of the chemical names, CAS numbers, quantities, and safety procedures for hazardous and toxic substances in their workplaces. The department would be able to request a copy of the material safety data sheet, if for some reason it did not have it already on file. We have redrafted Section 18.60.072 to eliminate this duplication, and a copy is attached for your consideration.
3. The department is opposed to the definitions of "employee" and "employer" provided in AS 18.60.105(3) and (4); specifically the exclusion of persons employed in a place that is primarily a personal residence. The effects of exposure to hazardous and toxic substances are the same whether the exposure occurs in a commercial establishment or in a personal residence, and the department

feels that the exclusion of these workers is without justification. The department also takes exception to the provision relating to multi-employer worksites in the definition of "employer." This provision may render the provisions of this bill virtually unenforceable at multi-employer worksites, as each employer will disclaim that he has control of the workplace. Historically, the department has held each employer responsible for the health and safety of his employees; and a departure from this with respect to these particular requirements may result in extensive litigation in determining which employer has control of the worksite.

We would also point out that the statutes referenced in subsections (3) and (4) - AS 18.60.065 - 18.60.067 - are incorrect. These specific statutes are not contained in either the existing law or the draft bill.

We appreciate the opportunity to review and comment on this draft bill; and we would be pleased to meet with you to further explore the concerns we have expressed, if you wish.

Thank you.

JK:EP:knc
k:19

ALASKA SAFETY ADVISORY COUNCIL

Membership List

<u>Name/Address</u>	<u>Phone #</u>	<u>SS#</u>	<u>Represents</u>
Ker. Sheppard (Chairman) 2952 Wentworth Anchorage, AK 99503	277-7252	091-01-5184	Public
Danny Sanchez (Vice Chairman) North Star Borough Fairbanks, AK 99707	452-4761	574-20-9589	Local
Kenneth Burns (Secretary) 3160 West 71st Avenue Anchorage, AK 99509	248-2642 (work) 243-8442 (home)	587-42-0455	Industry
Bill Schneider (Treasurer) P.O. Box 4-2500 Anchorage, AK 99502	276-5354	517-58-7295	Industry
Donald A. Bell 111 Stedman Street Ketchikan, AK 99901	225-6114	533-07-3893	Industry
Robert M. Erickson 2042 Eastridge Drive Anchorage, AK 99501	276-4334	535-42-6833	Union
Jim Johnson 201 Behrends Avenue Juneau, AK 99801	586-3850 (work) 586-6052 (home)	507-28-8558	Union
Vacant	-----	-----	Labor
John E. Orbeck 1735 Bridgewater Drive Fairbanks, AK 99701	474-6793 (work) 456-3072 (home)	574-14-4670	Union
Dave Rasley SR 20220 Fairbanks, AK 99701	452-8731	476-28-8091	Union
Harold Ritchie 3111 "C" Street Anchorage, AK 99503	276-5111	453-16-8177	Industry
Laren Sickles 701 "C" Street Anchorage, AK 99513	271-4710	534-30-6384	Federal
Vern Smith 5331 Minnesota Drive Anchorage, AK 99502	276-2363	532-20-8181	Industry

Atlantic Richfield Company Public Affairs
Alaska State and Local Government Relations
Mailing Address: 134 Franklin Street
Juneau, Alaska 99801
Telephone 907 586 3680



Beverly Ward
Associate Director

March 31, 1983

Memo:

To: Senate Resources Committee Staff
From: Beverly Ward *BAW*
Subject: ARCO comments on draft CS SB 79
Attention: Pat Pourchot

Thank you for allowing me an opportunity to have some input into the draft committee substitute bill on hazardous and toxic substances in the workplace.

Comments Atlantic Richfield has made previously before the Senate Resources Committee should still be considered valid and representative of our company position. Specifically, I refer to the fact that our company believes that no state or local legislation should be passed until the federal OSHA regulations go into effect sometime this summer. As a large multi-state employer, we believe it imperative to have federal legislation rather than individual states' legislation in order for us to comply in an efficient manner. Following the enactment of federal regulations, we will be glad to work diligently with the State Legislature to produce legislation which will address any specific areas not covered in federal legislation which is necessary in Alaska.

With that in mind, we do have some comments which we would like to make about the draft committee substitute.

The draft represents a vast improvement over other versions of the bill, including HB 197. You have made a conscientious attempt to address the most onerous provisions which we pointed out. There are a few other areas we would like to address.

On page 3, line 2 of your draft, Section 18.60.071, EMPLOYERS TO PROVIDE SUBSTANCE INFORMATION AND TRAINING: We believe that more leeway should be given to the employer in where and how that information is to be presented. It would be impossible to post on a company bulletin board every Material Safety Data Sheet for every substance found in the workplace. Instead, a large notice advising employees where they may obtain that information is preferable. There will be hundreds if not thousands of MSDSs found in large companies such as ours. It simply would not be possible to permanently post all of them.

Memo to Senate Labor Committee Staff
March 31, 1983
Page 2

They properly should be filed in an easily accessible location and cross referenced for easy use. As a compromise, possibly any time a new MSDS is prepared or updated, it should be posted in the workplace for 30 days, then filed permanently with other such information.

On line 24 of the same page, where an employer who fails to provide the information within 30 days cannot require an employee to work. If the employer has requested the information from the manufacturer but has not received it within 30 days, the employer should be able to notify the State Department of Labor and the employee that the information has been requested but has not been received, and thus the company is unable to comply. That might spur the manufacturer to provide the information in a more timely manner or allow the State or the employer to obtain the information from another source.

On page 4, line 20, ACCESS TO RECORDS, we prefer the language found below:

If the identity by chemical name of a substance or of a hazardous component of a mixture is a trade secret, that fact shall be noted on the MSDS. Where specific chemical identity is withheld under a trade secret claim, the specific identity must be disclosed upon request from an employee's authorized physician when needed for medical treatment and under an appropriate confidentiality agreement with the physician.

It is most important to communicate the potential hazards of the industrial chemicals. Specific chemical identification is not always necessary to ensure effective hazards communications. Where disclosing specific chemical identities would jeopardize trade secrets, less revealing means of identifying substances can be equally effective, such as providing common, generic or trade name descriptions. Chemical Abstractive Service Numbers is a system which, due to its inherent limitations, is not useful for many hazard communication programs. In emergency situations, verbal agreements with physicians may be appropriate.

On page 5, line 15 (B), in the list of hazardous substances, we believe that those items should be defined. The terms "combustible substance" or "flammable substance" may mean different things to different people. Clearly defined terms, within the legislation, will save a lot of time and argument

Memo to Senate Resources Committee Staff

March 31, 1983

Page 3

later, as the Department of Labor establishes regulations. We will be glad to assist you in preparing a DEFINITIONS section of the bill, which should contain information such as the following definitions:

(ii) a compressed gas: means a gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70° F (21.1° C), or, regardless of the pressure at 130° F (54.4° C); or any flammable liquid having a vapor pressure exceeding 40 psi at 100° F (37.8° C), as determined by American National Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method), Z11.44-1973 (ASTM D323-72).

(vi) an oxidizer: means a chemical that promotes oxidation readily and on contact with combustible material may cause fire.

On page 5, line 22 (C), the Department of Labor can list in a regulation any other substance. We believe that there should be some guidelines set forth in the legislation to specify exactly what method or criterion DOL will use to establish that a substance is "hazardous." At a time when the Legislature is increasingly wary of administrative regulations and is seeking to ensure that the Legislature has oversight responsibilities of such regulations, it seems that it would be inappropriate to give unchecked authority to DOL to establish a list of hazardous substances.

On page 5, line 27, the draft bill includes the NIOSH registry, which contains 59,000 substances. As we have testified earlier, this list is much too inclusive, and contains such common items as salt, vitamin C, ink, straw, sugar, and sand. In your cover letter, accompanying the draft, you mention that the intent would be "For the DOL to use discretion in the formulation of the list and specifically to exclude a) substances which because of their amounts do not pose a health hazard and b) substances used for personal consumption." Although that would be the intent, it is not mentioned in the bill. It is our feeling that even a letter of intent which would accompany the legislation is not adequate. If the NIOSH list has been included in the legislation, some overly-zealous bureaucrat may someday try to enforce it to the letter.

With regard to the entire section dealing with a definition of hazardous and toxic substances, we do support inclusion of the

Memo to Senate Resources Committee Staff

March 31, 1983

Page 4

U.S. Department of Transportation Hazardous Materials Table, C.F.R. 172.101 and 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.

If you have any questions about this commentary or if you would like my assistance in preparing other language, please do not hesitate to call upon me. We all have obligation to make this legislation the best possible for everyone affected, and, to that end, we offer our utmost cooperation.

MEMORANDUM

TO: Senate Resources Committee Staff
FROM: Alaska Employers' Committee
DATE: April 4, 1983

The Alaska Employers' Committee (AEC) strongly disagrees with several statements contained in the March 24, 1983 Senate Resources Committee Staff memorandum. Detailed below are those portions of the memorandum with which we take exception.

MEMORANDUM

1. "Senator Fahrenkamp has acknowledged the problems in the current bill and directed staff to pursue a committee substitute with concerned interest groups under the assumption that most persons were in basic accord with the general intent and purposes of the legislation and that state law would not necessarily duplicate federal efforts."

COMMENT: The AEC contends state enacted legislation would either duplicate or conflict with federal regulation or legislation.

*Bill Schneider
576-5354*

MEMORANDUM

2. "It is our conclusion that existing federal OSHA law and regulation is quite limited to only setting workplace exposure levels to a very few toxic substances such as asbestos and does not deal with "right to know" provisions per se."

COMMENT: AEC contends the federal OSHA regulation is not limited. OSHA 29 CFR 1900.1200 Section (3) of the proposed regulation states: "Any mixture which is comprised of at least one (1) percent (by weight or volume) of any chemical determined to be hazardous shall also be considered hazardous for purposes of this section, unless the mixture has been evaluated as a whole and the data indicates it is not hazardous."

MEMORANDUM

3. "It was also concluded that proposed OSHA regulations may or may not be adopted this summer or by any other time certain."

COMMENT: Undersecretary of Labor for OSHA, Thorne Auchter, testified before the United States Senate Labor Appropriations Committee on March 2, 1983 that federal regulation will be published this summer. As head of the federal OSHA program, Auchter is in the best position to know the time frame for these regulations.

MEMORANDUM

4. "It was found, however, that federal and state law and regulations do require substantial labeling requirements for hazardous and radioactive substances which are shipped or transported."

COMMENT: SB 79 does not include any labeling requirements, rather Material Safety Data Sheets (MSDS). Under proposed federal regulations MSDS's must be provided by all manufacturers. Therefore, hazardous and toxic substances manufactured in the Lower 48 and shipped to Alaska will be covered with the federal regulations MSDS provisions. State regulations do not apply to manufacturers outside Alaska.

In conclusion, AEC recommends federal regulation as an eminent, practical, comprehensive means to improving safety and health in the Alaska workplace and thus state legislation should be delayed until federal regulations are published. Federal regulation includes all defined hazardous and toxic substances while state regulation applies only to those substances manufactured in the state.

REC 4-4-83



ECONOMICS LABORATORY, INC.
OSBORN BUILDING, ST. PAUL, MINNESOTA 55102

March 31, 1983

Ms. Sandra Schubert
Alaska State Senate Committee
on Resources
Pouch V State Capitol
Juneau, Alaska 99811

Dear Sandra:

I very much appreciated receiving your rough draft committee substitute for S.B. 79.

I am submitting comments on the right to know issue and primarily on behalf of Economics Laboratory and also on behalf of the 400 member Chemical Specialties Manufacturers Association.

Although Economics Laboratory does not have any plants or manufacturing facilities in Alaska, we do manufacture and distribute in Alaska cleaning products for institutional and industrial uses. We have close to 1,000 different products, most of which would be covered by a right to know law. Our interest is on behalf of our customers which would include restaurants, nursing homes, hospitals, dairies, food processing plants, manufacturing facilities with metal finishing and metal cleaning processes and numerous other businesses that have cleaning and sanitizing responsibilities.

I would like to offer some specific recommendations based on our experience in working with this issue in other states. Perhaps some of the specific language I can offer would be of assistance to you in hammering out a solution to your bill:

- 1) Your definition of "toxic substance" becomes very, very broad when you include the most recent addition of the National Institute for Occupational Safety and Health Registry. The NIOSH Registry contains in excess of 45,000 substances and being listed on the Registry does not necessarily mean they are toxic only that they have been tested for toxicity. Because the Registry includes things such as sugar, salt, aspirin, iodine, corn oil, cellophane and numerous other common substances found in virtually every workplace, this list alone will make virtually everything toxic. Your inclusion of the Subpart Z list under this definition is much more reasonable. The total number of substances covered is something in excess of 400 and will be much more manageable.

- 2) Your definition of "hazardous substances" makes sense particularly because you include specific criteria for determining what is hazardous. I would like to suggest that your differentiation between hazardous substance and toxic substance is somewhat arbitrarily defined. Toxicity is a single portion of the broader definition of hazardous.

I would like to suggest that you have one category of hazardous substance which would also include mixtures. This is important because you have not addressed the issue of how much of a hazardous substance has to be in a mixture before the whole mixture is hazardous. In many, many cases, hazardous mixtures will take on completely different qualities than the individual hazardous substances contained in them.

I think a good way of dealing with this is to have one definition of hazardous substance and I would like to suggest that you base it on the criteria as defined in the American National Standards Institute. I have enclosed some language that we have used in a bill in Minnesota that defines the criteria used in ANSI that applies to both acute and chronic health hazards. In addition, I have also included the exemptions that I think you might find useful so that you're not bringing too many substances and products under the preview of the bill that really shouldn't be included.

This portion of the bill is very important, but as I am sure you well know, it becomes very technical. I hope this particular section will be of some assistance to you.

- 3) Your requirements under "reports to be filed with the Department" may be difficult to implement as it appears to apply to manufacturers outside of the state of Alaska. Although we would fit that definition as a manufacturer and we probably could comply by sending you safety data sheets for virtually everything that we manufacture, you may have difficulty enforcing this with other companies that ship safety data sheets into your state. You may also have difficulty in requiring manufacturers to keep up with the quantities of hazardous or toxic substances that are shipped into the state. I am sure that we would have no idea what that number would be and I'm not sure that that would be of particular value to the Department. I would urge you to rethink the necessity of having these reports filed particularly because of the confusion they may cause.

Page 3
Ms. Sandra Schubert
March 31, 1983

- 4) Unless listed elsewhere, I do not see any reference to trade secret considerations. Depending on how much information we would have to give for a mixture that contains a hazardous substance, many companies will have reservations about providing all of the information about their products because of trade secret considerations unless the information is going to an authorized physician for medical care. I am also including some trade secret language that is being considered in Minnesota and I would urge you to consider this as part of your bill.

Perhaps one of your most important considerations in putting your bill together is to consider the greatest impact that laws like this will have on small employers and small businesses. Many of these provisions can apply to restaurants, gas stations, dry cleaners, nursing homes and a whole range of businesses that ordinarily are not considered manufacturers. Although their workers should have some measure of protection against legitimately hazardous substances, great care must be given to not overly burden the employer with unreasonable requirements.

I hope these suggestions will be of some assistance to you. If you have further questions regarding my suggested language, I would be happy to discuss these with you in greater detail. Although I rarely have occasion to get to Alaska, if you felt I might be able to assist you in further drafting, I would be happy to consider the possibility of joining you to do that. Thanks very much for your consideration.

Best regards,



Jeffrey K. Peterson, Manager
State Legislative Affairs

JKP/mv
Enclosure



- P. O. Box 73398
- 600 Driveway St.
- Fairbanks,
- Alaska 99707

- Telephone
(907) 452-1181
- Telex
090-35493

April 1, 1983

Senate Resource committee
State Capital
Pouch V
Juneau, Ak 99811

Ref: Ad hoc Review Committee for SB 79
March 24, 1983

Dear Senator Fahrenkamp:

My group and I have reviewed the referenced documents and find that we are still in disagreement with many of the provisions thereof. We feel that this is not the time for the State Of Alaska to try and create legislation that will not conflict with the legislation that is being promulgated by the Federal government.

We are an industry that is already regulated to the point of having to provide our employees and the general public with knowledge of all of the hazardous materials that we consume and transport. To overlay these regulations with a new set, that will have to be modified at a later date, will cause us the undue burden of having to establish a program to deal with your legislation and then in a short time have to establish a new program that will retrain our employees to bring them into compliance with the Federal Regulations.

The modifications that you have made to your bill are still such that they subject business, small and large, to a onerous bureaucratic burden. There are far too many items in your bill that are left open to subjective interpretation which require legal clarification that will result in delays in productivity. We feel that when the State Of Alaska is required to create legislation in this area it should attempt to protect the safety of the workforce and at the same time create conditions for business that will not allow indiscriminate interference with productivity- something your bill does not provide.

In closing, Senator, we would recommend that the time spent on this bill be brought to a close. Please do not report this bill out of committee but wait for the Federal government to provide leadership in this area.

If I can be of further assistance to you in this matter please do not hesitate to contact me.

Sincerely,


Larry Kelly

LK/1s

Alaska Transportation Since 1898

- General Commodities
- Bulk Commodities
- Household Goods
- Electronics

George Riley, Health and Safety Officer
University of Alaska, Fairbanks

474-6205

Two commercial companies already publish MSDS on all 400 OSHA chemicals (General Electric is one). Cost for a complete set is \$400. Suggests Dept. of Labor purchase a set and xerox requested MSDS for companies on request. (Xeroxing should be OK, cause GE's intent was to make the information public.) Thinks this would cover 98% of all requests.

Sec. 3 (c) "an employer who fails to provide information within 30 working days of a request may not require the employee to be exposed..."

Riley says that under existing DOL and OSHA regulations, the employee has the right to refuse to work with a substance (however, language isn't real clear, but it has been defended in court). Feels SB 79 shouldn't require that an employee wait 30 days, but that employer should be made to respond immediately. Employer could place a call to DOL for information so the employees can be taken out of risk immediately; then allow 30 days to actually get an MSDS to the employee.

Prefers annual report to DOL. It wouldn't be expensive or burdensome for an employer to submit a 1-page report if the MSDS are on file. Feels an annual report is necessary to keep the program active.

S. 4-4-83

APR 4 1983

alaska international air



P.O. Box 6769 • 6441 South Air Park Place • Anchorage, Alaska 99502

March 29, 1983

Senator Bettye Fahrenkamp
State of Alaska
Pouch V
Juneau, Alaska 99811 (Mail Stop 3100)

Dear Senator Fahrenkamp:

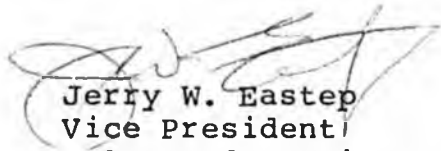
We have received a copy of Senate Bill 79 concerning toxic and hazardous substance safety. As Alaska's largest all cargo air carrier, AIA complies with all Federal regulations regarding, recognition, labeling and transporting of hazardous or toxic material by air - no small compliance matter itself. After reviewing SB 79, we note that the bill as written would impose a number of new requirements on Alaskan air carriers in addition to (and potentially in conflict with) those imposed on us by the Federal government.

As a result of this potential "double jeopardy" regulation of hazardous material, we see two major problem areas.

1. Hazardous material moved to Alaska from Outside for shipment beyond Anchorage or Fairbanks would have to conform with the proposed new State regulations before it could be accepted for shipment within the State. The additional labeling and packaging requirements would be costly, time consuming, and require additional man-hours, thereby increasing the cost to the consumer. The additional information required to be presented to anyone who may come in contact with toxic or hazardous material would increase the already burdensome paperwork requirements because of the literally hundreds of types of material handled.
2. We believe that these additional requirements and restrictions would encourage shippers to camouflage their hazardous materials as regular freight, thereby endangering personnel and equipment who would not know that they were transporting hazardous materials. These additional requirements would also impose an administrative burden on our sub-contractors in the Bush and could result in their refusal to haul hazardous material. This would place a hardship on people residing in Bush communities.

AIA feels that operating as an all cargo air carrier in accordance with existing Federal regulations provides for more than adequate safety for its personnel and equipment. Accordingly, we do not see the need for additional State regulation in this area and respectfully urge that you reconsider your position on Senate Bill 79.

Sincerely,



Jerry W. Eastep
Vice President
Sales and Services

s

alaska
state
hospital
association

APR 4 1983

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board
Ronald A. Pavellas
Humana Hospital Alaska
Anchorage

March 31, 1983

Chairman-Elect
Mark Hawkins
Sitka Community Hospital
Sitka

The Honorable Joe Josephson
Senator
Pouch V
Juneau, Alaska 99811

Subject: Senate Bill 79

Immediate Past Chairman
Tom Mingen
Fairbanks Memorial
Hospital
Fairbanks

Secretary/Treasurer
Edward Zeime
Cordova Community
Hospital
Cordova

Dear Senator Josephson:

The Alaska State Hospital Association has reviewed Senate Bill 79 and must respectfully inform you of our opposition.

Delegate to the American
Hospital Association
Al M. Camosso
Providence Hospital
Anchorage

Currently, hospitals are inspected by state licensure agencies and many of their clinical labs are inspected by the Joint Commission on the Accreditation of Hospitals and the College of American Pathologists. OSHA and Environmental Protection Agency regulations apply to the workplace and hazardous substances. Most health facilities as a protection against liability, conduct regular safety inspections, in conjunction with their malpractice and workers compensation carriers, to discover and eliminate potential hazards not only to the workforce, but to patients, visitors and the general public.

Alternate Delegate to the
American Hospital Assoc.
Michael Lockwood
Central Peninsula Hospital
Soldotna

Delegate to the American
Health Care Association
Jack Buck
St. Ann's Nursing Home
Juneau

Alternate Delegate to the
American Health Care
Association
Emma G. Ivy
Wrangell General Hospital
Wrangell

We believe the proposed reporting process will be expensive to administer, not only for the health facility, but also for the state. It has all the appearance of APOC, reams of reports, costly to produce and store, about which no one cares.

Delegate to the Association
of Western Hospitals
Michael Herring
South Peninsula Hospital
Homer

Alternate Delegate to the
Association of Western
Hospitals
Daniel Van Wieringen
Kodiak Island Hospital
Kodiak

The Alaska State Hospital Association believes that the passage of SB 79 would only serve to unnecessarily increase the operating budgets of health facilities and the State of Alaska without improving the place of employment for health facility employees. Thus we believe it ought not be enacted.

Trustee Delegate to the
American Hospital Assoc.
Moe Kadish
Trustee, Providence
Hospital
Anchorage

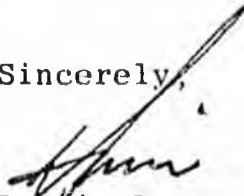
Alternate Trustee Delegate
to American Hospital
Association
Robert Jensen
Central Peninsula Hospital
Soldotna

Physician Member of
the Board
Keith Brownsberger, M.D.
Anchorage

President
Dennis L. DeWitt
Juneau

DLD:hb

Sincerely,


Dennis L. DeWitt
President

cc: Bettye Fahrenkamp, Chairman, (S) Resources Comm.
Alaska State Chamber of Commerce



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A.F.L.-C.I.O.

LOCAL UNION #1555

P.O. Box 1428

Fairbanks, Alaska 99707

(907) 456-5045

SHAWN A. MERRICK
Business Manager
Financial Secretary

March 30, 1983

APR 4 1983

Alaska State Legislature
Senate Committee on Resources
Pouch V
Juneau, AK 99811

ATTENTION: Bettye Fahrenkamp
Pat Pourchot
Sandra Schubert

RE: Rough Draft Committee
Senate Bill 79

Dear Committee:

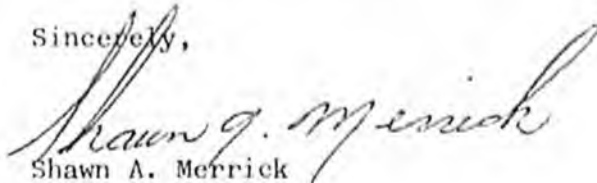
After reviewing the Rough Draft of SB 79, I have several problems with language and time requirements.

The first is Page 2, Cover Letter, Item 1(a), "Substances because of their amounts do not present health hazards." We believe this needs further definition as to the meaning of this sentence.

Second, Item 5, "An employer would be allowed 30 days to provide information upon request. After 30 days an employee cannot be made to work with a substance." We feel 30 days is too long and that possible damage from some substances could already be taking place. We feel perhaps 7 days would be a safer time limit.

Third, Page 4 of the Bill, Section 4(c), "The Department shall adopt regulations specifying the hazardous or toxic substances to be reported under this Section." We feel there should be some time table as to when this will be done.

Sincerely,


Shawn A. Merrick
Business Manager

SAM/gt



Alaska Health Project

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

APR 4 1983

March 31, 1983

Pat Pourchot
Senator Bettye Fahrenkamp
Pouch V
Juneau, AK 99811

Dear Pat,

I have reviewed the Senate Resource Committee draft of SB 79. My comments are as follows:

1. Sec. 18.60.071 Employer to Provide Hazardous Substance Information (b), page 3, line 11. Please change to: An employer required to comply with (a) of this section shall provide to each new employee, and to other employees annually and at other times necessary to assure that an employee remains adequately informed about dealing with the substances.

2. Sec. 18.60.071 Employer to Provide Hazardous Substance Information (d), page 3, line 29. Please include: "upon request", after the word "employers"

3. Sec. 18.60.072 Reports to be Filed with the Department.
I am concerned that there is no indication as to when these reports would be filed. These reports serve as one of the only voluntary checks on employers to assure compliance. Without regular reporting requirements included, the effectiveness of this section is severely diminished.

4. Sec. 18.60.072 Reports to be Filed with the Department (b), page 4, line 15. I suppose the word "promptly" is deliberately vague. However, there should be some indication in terms of days to define this concept.

5. Sec. 18.60.072 Reports to be Filed with the Department (c).
This section calls for the Department to adopt regulation specifying the hazardous or toxic substances to be reported. It is a crucial passage. Without specific details as to when and how these substances are specified by the Department, the adoption of this entire Act may become meaningless. I understand that the intent of this section is to allow for the flexibility to select those toxic and hazardous substances in use in Alaska. However, as this section is written, there is no requirement that any hazardous or toxic substance ever be specified.

I recommend language that requires the Department to review the lists of toxic and hazardous substances specified in this Act by a given time and set of criteria. For example, the Department would have 90 days to determine the procedure and criteria to specify the hazardous and or toxic substances which are to be covered by this Act. The Department would then have 180 days to review the Toxic and Hazardous Substances Section of the US Occupational Safety and Health Act (about 300 - 400 substances), and so on.

I appreciate the opportunity to comment. Please let me know how I can be of further assistance.

Sincerely,



Steven Kadish
Executive Director

cc: John Hartle
Henry Lancaster
Melissa Fouse
Ray Brown
Daryl Eygabroad
Art Robson
Mick Hotrum
Mike Andrews
Nina Mollett
Helen Myers
Jay Nelson
Deborah Williams

4/13/83

POSITION PAPER/TESTIMONY/ALASKA EMPLOYERS' COMMITTEE

Bill No.: House Bill 197

Title: "An Act relating to hazardous and toxic substances and providing for an effective date."

Contact: Bill Schneider
276-5354

T. J. Thrasher
276-1149

My name is Bill Schneider and with me today is T. J. Thrasher. We presently serve as Co-Chairmen of the Alaska Employers' Committee (AEC). The Alaska Employers' Committee represents over 5,000 employers, including:

- Associated General Contractors, Alaska Trucking Association, Alaska Retail Association, Alaska Seafood Processors, Alaska Loggers Association, Alaska Miners Association, Alaska Support Industry Alliance, Anchorage Laundry and Dry Cleaners Association, Resource Development Council, SQHIO and many individual Alaskan employers.

AFC has directed Ms. Thrasher and myself to be here today and present our Committee views on HB 197. We fully support the goal of this bill, that is, a safe and healthful Alaska workplace.

Unfortunately, this Bill creates many costly hurdles and pitfalls on the path towards worker safety.

More importantly, however, there is a key ingredient missing from this Bill -- common sense.

As someone who has spent over 12 years in the safety profession, I can tell you that the most important tool available in the prevention of accidents, on or off the job, is common sense. Allow me to briefly illustrate the absence of common sense from HB 197.

Most of the goods utilized in Alaska are shipped up from manufacturers in the Lower 48. Several thousand tons of different materials arrive annually by ship, plane and truck.

Under HB 197, over 40,000 of these substances will potentially be classified as toxic or hazardous.

Detailed scientific information must be provided on each of these substances: CAS numbers, chemical names, potential risks, etc.

Our Committee agrees that this information should be provided by the manufacturers as they are the experts on the substances they produce.

But, as we stated before, the manufacturers of almost all of the goods utilized in this state are not here but, rather they are located outside of Alaska and are consequently are not covered by this Bill.

There is an alternative course to follow on this path towards workplace safety. It makes sense and I encourage the Committee to give it serious consideration.

The Federal hazard communication regulations covering toxic and hazardous substances will go into effect this summer, according to Thorne Auchter, Undersecretary of Labor for OSHA.

These regulations will apply to all states and will require manufacturers to provide toxic information on their products.

According to the March 24, 1983 Bureau of National Affairs, Regulatory and Legal Developments, Newsletter the final draft of the federal regulations not only cover the manufacturers but, also the distributors of chemicals.

"All aspects of the supply chain" must be covered to make the rule effective, the agency (OSHA) said in defense of the new scope, which would apply the same duties to importers as it would to chemical manufacturers, and would require distributors to ship labeled containers and "provide downstream purchasers with access to an appropriate material safety data sheet."

Under HB 197, the Alaska employers would shoulder the burden of providing this information. And in most instances, the employer, lacking the expertise and

staff, would have to go back to the manufacturer to acquire this information. In other words, a costly, duplicative route could easily be avoided by adopting the federal regulations into our State codes.

With this in mind the Alaska Employer's Committee urges you to closely scrutinize the proposed federal regulations and if you believe that adjustments are necessary they can be dealt with after the federal regulations have been adopted. The Alaska Employer's Committee stands ready to assist the Committee in any manner appropriate.

Thank you for your time and I am available for any questions that the Committee might have.

Norstar, with assets of about \$3.5 billion and deposits of about \$2.9 billion is the eleventh-largest banking organization in New York. Northeast, which is the third-largest banking organization in Maine, has assets of about \$551 million and deposits of \$465 million. The transaction is valued at about \$51 million.

The Fed's March 21 order points out that both Maine and New York recently have passed laws which allow out-of-state bank holding companies to enter the state. Maine's law allows acquisition of a banking institution in Maine by a bank holding company that controls a bank located in another state as long as that other state authorizes the acquisition of a financial institution in that state by a Maine bank holding company under terms no more restrictive than those imposed under Maine law. New York has a similar provision.

The Fed ruled that conditions for approval of such acquisitions under New York law are not more restrictive than those provided under the Maine statute and consequently approved the application.

The acquisition will not eliminate any existing competition in the Maine market, the Fed said, and is unlikely to have any significant adverse effects on probably future competition in Maine. The Fed pointed out that there are a number of probably future entrants into the Maine market from out-of-state institutions. There are about 20 New York institutions that might enter the market, and about five Massachusetts banking organizations that could be considered as future entrants.

Massachusetts recently passed a law that allows out-of-state banks to enter the state, but only if the out-of-state organizations are located in New England.

The Fed also ruled that Norstar could acquire Northeast Consumer Services Corp., which is Northeast's credit-card issuing, financing and servicing subsidiary, and Northeast Data Processing Corp., the holding company's data processing subsidiary.

- 6 -

JOB SAFETY: OSHA'S DRAFT LABELING RULE TIGHTENS TRADE SECRET PROVISIONS

A draft Occupational Safety and Health Administration final rule on hazard communication would depart from the agency's March 1982 proposal by tightening trade secret provisions, widening industry coverage to include chemical distributors and importers, and strengthening the agency's position that state rules will be pre-empted by the federal action.

Procedures for hazard determination, preparation of material safety data sheets, and container labeling, as well as the rule's effective dates, also would be changed from those enumerated in the proposal. The draft final rule, shown to BNA, was prepared by agency staff and was submitted to OSHA Administrator Thorne Aucher. If approved by Aucher, it will be sent on to the Labor Department and the Office of Management and Budget for review, according to an agency spokesman.

Many provisions, such as those governing employee training, the obligation of chemical companies to label their products and provide users with material safety data sheets, and the right of employees to gain access to the data sheets, remained essentially unchanged from the March proposal for a flexible, performance-oriented rule.

Trade secret provisions in the draft final rule, however, would eliminate a proposed exception for certain narrowly defined "high-hazard" chemicals, such as carcinogens, mutagens, and teratogens, the identities of which the proposal said must be disclosed under any circumstances. Recognizing that "chemical identity information can constitute bona fide trade secret," the draft rule extends protection to any chemical identity that the manufacturer can substantiate as a trade secret, regardless of the hazard posed.

Unlike the proposal, however, which granted trade secret access only to treating physicians with a need to know, the draft rule would allow trade secret disclosure to "any

health professional" involved in providing occupational health services. Confidentiality agreements may be required. These agreements may require the health professional to state the occupational health purpose for the information, but they may not require posting of penalty bonds or payment of liquidated damages, unless the party requesting the data agrees to their imposition.

In conducting hazard evaluations for chemicals, employers must find hazardous in any occupational setting those chemicals already regulated by OSHA standards or listed in the American Conference of Governmental Industrial Hygienists table of threshold limit values. Suspected or confirmed carcinogens identified by the International Agency for Research on Cancer and the National Toxicology Program similarly must be listed as carcinogens.

In an attempt to answer testimony at hearings last summer that the rule provided no guidance to employers on what constitutes a "scientifically well-established hazard" that must be listed in warning information, the draft rule included two mandatory appendices. One discussed the difficulty in definitely identifying all possible health effects and indicated the broad hazard determination approach intended by the rule, and gave definitions for certain acute hazards.

The other appendix listed reference sources for hazard data and would specify that both human and animal data should be used in determining a chemical's hazard. The appendix stated, "If an available study indicates that an adverse health effect is likely to occur, and that study is conducted according to scientific principles and results in statistically significant findings, the employer is required to report it whether he agrees with the finding or not." The listing need not imply the employer's approval or disapproval of the study, however.

Procedures for evaluating a mixture in cases where it has not been evaluated as a whole were changed to require disclosure of all ingredients posing physical hazards. Health hazards of a mixture component need be disclosed only if the component constitutes 1 percent or more of the total—0.1 percent or more of the total if a carcinogen—or may be released under normal conditions of use in such a way that even a small quantity exceeds an OSHA permissible exposure limit or otherwise poses a hazard.

In another departure from the proposal, the draft final rule would extend coverage to importers and distributors of chemicals. "All aspects of the supply chain" must be covered to make the rule effective, the agency said in defense of the new scope, which would apply the same duties to importers as it would to chemical manufacturers, and would require distributors to ship labeled containers and "provide downstream purchasers with access to an appropriate material safety data sheet."

Laboratories, which were excluded in the proposal, were included in the draft final rule only to the extent that they must maintain labels on incoming containers, keep data sheets they have received, and train employees in hazard recognition and avoidance.

A brief section on pre-emption expressly would limit state responsibility in hazard communication to enforcement of rules promulgated under state plans as detailed in Section 18(b) of the Occupational Safety and Health Act. This presumably would rule out state jurisdiction in the six states under federal OSHA that have enacted right-to-know laws. Approximately nine others without state plans are considering or have considered passing their own legislation.

Effective dates in the draft final rule were pulled back by a year, with manufacturers expected to comply within two years of final publication and users within 30 months.

- 0 -

BANKING: LaFALCE PUSHES FOR HIGHER PERCENTAGE OF EXPORTS FOR TRADING COMPANIES

Bank-affiliated export trading companies should not conduct 49 percent of their business in imports but should only import incidentally to their main business, House Banking



Northern Alaska Environmental Center

218 DRIVEWAY
FAIRBANKS, ALASKA 99701
(907) 452-5021

April 6, 1983

Senate Committee on Resources
Pat Pouchot
Pouch V
State Capital
Juneau, Ak. 99811

Dear Pat,

The Northern Alaska Environmental Center would like to endorse Helen Myers' letter to you regarding the draft Committee Substitute for SB 79, and add the following comments.

We feel that the committee substitute is drastically and unnecessarily watered down from the original bill. We are particularly concerned about the removal of requirements for labelling containers; and about the thirty day period an employer would have to supply information on hazardous substances BEFORE an employee could refuse to work with them. The problem with these substances is that many of them could do a good deal of harm in that 30 day period. No employee should be asked to work with any toxic material until he or she is fully informed as to its composition and possible effects. The original section requiring that applicants for jobs be informed about hazardous materials they may be asked to work with should also be reinstated, so that the applicants can make an informed judgment as to whether they want the job.

In general, the only reasonable criticisms which were made of the original SB 79 bill had to do with certain materials which it seemed unnecessary to include, and perhaps with the paperwork problem. The memo on the draft Committee Substitute stating that "most persons testified in support of the basic intent and purposes," but "expressed concern" with the "unreasonable economic and bureaucratic burdens on employers and the state" is misleading. There WAS a majority in strong support of the bill; there were also a number of employers who expressed "agreement" with the concept but with none of the provisions, and who, it seemed fairly clear, had no interest in any right-to-know legislation with teeth. Our main fear, that this testimony would result in a compromise without teeth, will be realized unless the draft committee substitute is revised to something much closer to the original bill.

Thank you very much.

Yours truly,
Nina Mollett
Nina Mollett
Associate Director

APR 7 1983

SR Box 40027
Fairbanks, AK, 99701
2 April 1983

Bettye Fahrenkamp, Chairman
Senate Committee on Resources
Pouch V
Juneau, Alaska, 99811

Dear Senator Fahrenkamp:

I have been asked by the Northern Alaska Environmental Center to comment on Draft CSSB 79 (RES) sent to the center for review. However, I am not a member of the Center; my point of view is primarily that of a health professional, thus the changes I am suggesting are aimed at preventive measures for protecting safety and health. In general I find the draft to be a very positive response to comments such as were presented at the hearing in Fairbanks.

Section 18.60.051

I feel that there should be some sort of labelling on containers of toxic and hazardous materials to alert users to the dangers of the substances and to proper handling. I think this is particularly important in remote regions such as will be encountered in Alaska, where material data safety sheets may not always be readily accessible. Perhaps existing legislation already covers this problem adequately for Alaskan manufacturers. I do not think all the material in the safety sheets necessarily needs to be on the label, however.

Move the descriptions of the symptoms of overexposure from part (c.2.C) to part (b.5). This will result in a description anyone can understand, and should be more useful.

I concur with the omission of minimum exposure levels from the data sheets. Practically speaking, the information is of little use if the levels at the workplace cannot be measured. Anyone in possession of the instruments needed to measure exposure levels would most likely also have access to the minimum exposure data. Such a person would have to be consulted if safe exposure levels became a question.

Section 18.60.052

Having gone to great lengths to protect employees from exposure, I see no reason to not provide similar protection to any user such as a purchaser. Therefore, change the wording of part (a) after "unless" to:

(1) the purchaser indicates the purchaser already possesses the information; or

(2) the information is provided on a label.

Section 18.60.071

Part (a). If this wording does not include the substances under Sec. 18.60.052.(b), it should.

Part (b). Information should also be available to union or management safety officers upon request. An employee may fear being fired if he himself requests the information, particularly if he intends to pursue the action available to him under Part (c) of this section.

Part (b.2). Training is an essential part of the intent of the protection provided under this bill. For instance, an employee who diligently reads all labels and acts appropriately is in a better position to protect himself from the mishandling of substances by other employees if he is aware of the potential hazards which may affect him but are not under his direct control. It may be worthwhile to consider whether the successful passing of a test demonstrating knowledge of the effects and proper use of substances can substitute for the necessity of an employee attending a training session. As written, this part does not specify the frequency of training sessions. In the absence of proficiency testing, I would recommend yearly intervals or testing whenever there has been a 50% turnover in the work force at risk.

Part (c). Damaging exposure to some of the substances affected by this bill can occur in the space of hours or less. There-

fore, if the proper label or material safety data sheet is not available to a concerned user, he should not be required to handle the substance. Having the worker use the substance in ignorance for any period of time can defeat the purpose of prevention of mishaps. One purpose this bill can serve is to make sure the information necessary for safe handling is always readily available, so that exposure can be prevented, not reacted to. To reduce abuse of this provision, some wording permitting verbal communication with an authoritative source of information to suffice could be written in. If this Act does not take effect until January of 1984 employers should have adequate time to assemble the material safety data sheets they need.

In this respect, also, I feel having as much information on labels as is practicably possible will help to avoid abuse of the provision not to have to work with the substance in the absence of adequate information.

Section 18.60.105(3)

The provision in the original version of the bill, which voided waivers of the provisions of the bill, should be retained. While an individual employee may not be concerned about his own health, the protection of the health of coworkers is also at stake.

I sincerely appreciate the attention given to these comments, and hope they prove to be of assistance in the development

of what I consider to be a very commendable piece of legislation.

Sincerely,

Helen Anne Myers

Helen Anne Myers, PhD
Asst. Prof. of Medical
Sciences
Board Member, Alaska
Health Project

(These comments should not be taken to represent the opinion of either the WAMI Program or the Alaska Health Project)

*I do want to be of further help.
Could you send material to me at the
above address? - it would be quicker than
via the Environmental Center. Phone: 456-1676 home
474-7731 work.*



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



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

28 February 1983

TO: Senate Resources Committee
FROM: Jay W. Nelson, Executive Director AEL
SUBJECT: SB-79 "Worker Right to Know"

The AEL would like to come out strongly in support of SB-79. We commend Senator Josephson for sponsoring and committee members for co-sponsoring this important piece of legislation.

While I am sure that the specifics of this bill will change as it wends its way through the legislative process, it is the basic thrust of this bill that all parties must keep in mind——Workers have a fundamental Right to Know what chemicals they are working with and the dangers of exposure to those chemicals.

It is essential that this fact remain central to all discussions of this legislation. We are trying to protect workers by providing them with the knowledge to protect themselves.

Many of the chemicals covered under this legislation are extremely (and immediately) toxic. However many chemicals are insidious in their health effects ——effects which may result in disease or disability days, months and even years later. Without specific information on the dangers of such hazardous and toxic substances, workers have no way to know the dangers. For this reason alone a "Right to Know" bill is essential.

I will not go through further reasons for supporting this piece of legislation——because that would cloud the central issue——Health and Safety of Workers.

I would, however, like to address one other point on this topic, the role of state government in this issue. You may hear it said, "Just wait for the Federal government regulations". To this I would say, "Why? These are Alaskan workers you are trying to protect". It is important to pass this bill and protect these workers now.

Recently the State of Alaska went through a process of reevaluating its relationship with the federal government. In a series of recommendations the Alaska Statehood Commission repeatedly stressed the need for Alaska to seize the initiative from the federal government and exercise all of the powers of a sovereign state. "Worker Right to Know" legislation represents a clear case where the state can and should exercise its power to protect the rights and interests of Alaskan citizens. The State of Alaska should not passively wait for a federal government "solution".

The hazardous and toxic materials problem is occurring now. The time to act is now.



APR 25 1983

Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

April 21, 1983

To: Members of the Alaska Senate.

From: Jay Nelson, Executive Director
David Wigglesworth, Issues Specialist

Subject: Senate Bill 79, an act relating to hazardous substances in the workplace.

Enclosed are two articles concerning SB 79. SB 79 requires that the use and composition of certain hazardous and toxic materials found in the workplace are made known to the workers exposed to them, so that preventive health measures can be taken.

To date, nine (9) states and several major cities have passed right-to-know laws similar to SB 79. Right-to-know legislation has been introduced into thirteen other states this year. Public officials are taking action on worker safety because of their lack of confidence in the federal government's ability to protect the health of workers.

Some of you may know that the US Occupational Safety and Health Administration (OSHA) is just now preparing to reintroduce health and safety standards for workers. While a step in the right direction, the proposed federal legislation would cover only 5% of Alaskan workplaces disregarding the workers in transportation, agriculture, construction, and other non-manufacturing occupations. Furthermore, the proposed federal regulations would not make it mandatory that employers obtain and maintain information on the toxic and hazardous materials used by their businesses.

Support for SB 79 covers a wide range of the Alaska public including the Department of Labor, the Alaska Jaycees, the Sheffield Administration, the Alaska Public Employees Assoc., the Alaska Health Project, the Alaska League of Women Voters, the Asbestos Workers Union, the Inland Boatmans Union, the Anchorage Municipal Health Commission, the Alaska Environmental Lobby, the Anchorage Environmental Health Advisory Committee, the Alaska Public Health Association.

It is the fundamental right of workers to know about the types

(over)

of hazardous materials to which they are exposed to in the workplace. The legislature needs to act now to protect Alaskan workers.

We are available at any time to discuss this piece of legislation.

ment by the Field brothers has altered nor diminished our long-term plans for continued improvements in the newspaper and we remain as steadfast as ever in providing our readers with the best newspaper that talent and en-

ests." Marshall Field noted that the family has owned newspapers in Chicago since 1941. The statement said the company "anticipates that The Chicago Sun-Times will be one of the assets offered for

Daily News April 16, 1983 - SATURDAY

Bill asks employer's danger advice

By ROBERTA GRAHAM
Daily News business reporter

Gov. Bill Sheffield has said he strongly favors a bill that would require employers to advise workers of the presence of cancer-causing chemicals in the workplace and to label hazardous substance containers, according to Department of Labor Commissioner Jim Robinson.

Robinson, attending a forum Friday on safety and health in the workplace, announced Sheffield's endorsement of the Senate amended version of the bill nicknamed the right-to-know legislation.

Robinson said the governor asked the labor department to take the lead in ensuring the bill is passed.

"He's asked us to lobby Anchorage and Kenai and Fairbanks legislators. He's asked us to push for the bill," Robinson said.

The legislation is currently being opposed by business, which prefers more lenient, proposed federal standards, and supported by labor and consumer groups.

It calls for a manufacturer or a wholesaler, when selling a hazardous or toxic substance, to provide the purchaser a list of those chemicals.

Under the bill, that information must then be posted in the workplace, such as the lunchroom or on an employee billboard. Additionally, it would require the employer, within 30 days, to provide the information to any worker.

Federal agencies have identified some 65,000 cancer-causing agents. But the bill would require the state labor department to draw up a list of only those chemicals used in Alaska. It specifically exempts foods, cosmetics, drugs, tobacco or substances used for personal consumption because most of these items already are regulated by federal statutes.

The employer would be required to train all employees as to the hazards of the chemicals, the potential long-term effects and how to properly handle them.

And, it would give an em-

ployee, who believes he has been exposed to toxic chemicals, access to corporate records.

The syndicate, headquartered in Irvine, Calif., distributes columns, cartoons and features worldwide to more than 2,000 dailies and weeklies.

The news service was

pendent Press Service.

The Senate Resources Committee has held several hearings on S.79 and recently has drafted a substitute bill — the version which the governor likes.

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motion. The tuner
record four programs
two-week period.

next to Chuck E. Cheese

Speaker calls for healthy workplace

By ROBERTA GRAHAM
Daily News business reporter

Local and state governments need to become more active in promoting health and safety in the workplace and not rely on the federal government to do the work, said Eula Bingham, keynote speaker at a safety forum sponsored Friday by the Alaska Health Project.

Bingham, administrator of the Occupational Safety and Health Administration under former President Jimmy Carter and now professor of environmental health, University of Cincinnati, said she was pessimistic about future involvement of federal agencies in promoting healthy workers and a safe working environment.

But she stressed that consumer and activist groups can push for a stronger federal involvement by pressing political candidates for their views before election day.

"We're just not getting the strong federal support we need," she said.

Citing drastic budget cuts of federal enforcement agencies and cutbacks of public health officials, Bingham said workplace accidents are occurring at increasing levels.

"It has been estimated that there are approximately 12,000 deaths associated with occupational exposure. There have been 5,000 respiratory cancer deaths — including leuke-

[] Gov. Sheffield favors an Alaska bill that would require employers to advise workers of cancer-causing agents they may be handling. See Bill, Page B-6

mia, colon and bladder cancer, and 16,000 heart attacks all associated with occupational exposure," she said.

"And these numbers don't include early retirements, belated cancer deaths, skeletal diseases or reproductive failures," she said.

"The government is acting as if there are no diseases and if we look at what's happened over the past two years, it's apparent we're turning our backs on workers — on diseased workers. And we may be ignoring future generations," she said.

Specifically, Bingham criticized the Reagan Administration for its lax attitude toward implementing standards that would govern a worker's right to know what cancer-causing substances are present in the workplace — standards which she worked for two years to develop.

"Delay is the name of the game," she said.

Bingham proposed that state or local governments adopt generic standards to protect workers including:

- A regular medical inspection of the workplace;

- Medical removal protection standards allowing a worker overexposed to chemicals to take another job in the same business;

- Building codes that require health and safety plans, and

- A generic monitoring standard for chemicals in the workplace.

The seminar, sponsored by the Alaska Health Project and the Alaska Humanities Forum, drew more than 100 representatives of business, labor and consumer organizations.

"Environmental questions of the workplace has become as important as those environmental issues involving land and water resources," said Steven Deutsch, University of Oregon professor and specialist in the field of worker health and safety.

"We're at a point now in our society where most people suffer anxiety over whether they're going to keep their jobs," he said. "And problems with stress in the workplace is heightened when a community goes through rapid growth as Anchorage is doing now."

Competition for jobs will increase at the same time technology is replacing 2 percent of all office workers per year, he said.

"You think that you can get a jump on solving these problems by looking at what other communities have done. But to date, Alaska has done nothing and the time is upon you," he said.

Unemployment drops in Alaska

ALASKA STATE CHAMBER OF COMMERCE

MAR 2 1983

TESTIMONY ON SB 79
2/28/83

SENATE RESOURCES COMMITTEE

Madam Chairman, members of the committee, my name is J.P. Tangen, and I am an attorney in Juneau with the firm of Robertson, Monagle, Eastaugh & Bradley. I am also a Vice Chairman of the Alaska State Chamber of Commerce and Chairman of its legislative committee. I am here today representing the State Chamber, Alaska's largest federation of businesses with over 500 members across the State.

It would be no exaggeration to state that the State Chamber represents virtually every major employer in Alaska, and a large portion of the smaller employers. I cannot think of a single one who would be in favor of SB 79.

This is not because employers lack concern for the employees health and safety, but because most are overburdened with existing State and Federal regulations and a new set of OSHA regulations covering this same area of toxic and hazardous material will be out shortly. Employers do not need duplicative regulations.

Even if SB 79 were adopted, there is no evidence that it will accomplish the promotion of health and safety. There is plenty of evidence that it will create an unfair burden of administrative reporting, greatly increasing the cost of business, which as you know eventually must be passed on to the consumer. The price of goods and services in Alaska is high enough as it is.

The bill is simply too burdensome on employers. There are too many substances involved and it would be impossible to ask any employer, large or small, to keep track of the thousands of substances named, and insure that those he stores, ships, or sells are properly labeled with proper notices posted.

Madam Chairman, in short, because of its duplicative nature, and tremendous administrative overkill, I strongly urge your committee to mark SB 79 do not pass.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Give to Bettye

ALABAMA STATE DEPARTMENT OF HEALTH
MONTGOMERY, ALABAMA 36104

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MONTGOMERY, ALABAMA 36104

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Bill No. Senate Bill 79

Date February 3, 1983

Title "An Act relating to toxic and hazardous substances in the workplace"

Contact: Judy Knight
465-2700

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. 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 may 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 employees.

It should be noted however that in the absence of a federal law that requires manufacturers to provide the information required in this bill, Alaska employers may not be able to obtain and provide it to the Department or to employees (most toxic and hazardous substances are not manufactured in Alaska). Accordingly, the Department's recommendation would be that the bill be amended to hold wholesalers, rather than employers, responsible for obtaining the information from the manufacturers and providing it to buyers. Since there are more wholesalers in the state than there are manufacturers, this amendment would effect a larger universe for compliance with the provisions of the bill. We would also point out that the existing language in the bill, as well as the amendment we are proposing in this regard, may pose legal questions with respect to interstate commerce.

The department also recommends that Sec. 18.60.066(a)(5) and 18.60.067(b)(9) be amended to clarify that these provisions specifically relate to personal protective equipment.

If this bill is passed many employers will, no doubt, look to the Department of Labor for assistance in providing the required training and in implementing effective protective measures. Accordingly, 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.

APPROVED BY

Jerry Robinson

DATE

2/22/83

POSITION PAPER/Department of Labor

STATE OF ALASKA
FINAL STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill 79 Date on Bill: February 3, 1983
 Title: "An Act relating to toxic and hazardous substances in the workplace"
 Sponsor: Josephson, Sturgulewski, Fischer
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		120.4	114.0	120.9
TOTAL				

b. Revenues:

Revenue	FY 83	FY 84	FY 85	FY 86

2. Source of funds to offset fiscal impact of bill:

N/A

3. 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.

4. This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: ^{NB} Robert J. Bacolas Phone: 465-4856
 Division: Labor Standards and Safety Date: February 22, 1983

Approved by Commissioner: ^{NB} Jim Robison Date: February 22, 1983
 Department: Labor

Reviewed by OMB: _____ Date: _____
 Phone: _____

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor
- ✓ Copy to Requestor

Detail Analysis for House Bill 79

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 Hygenist 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 hygenist.

In addition to the Personal Services costs associated with the Industrial Hygenist and the clerical position there will be a need to increase the department's current contract for laboratory services (\$5,000), as well as it's management services and rent allocation (\$7,479 and \$6,800 respectively). All other costs in Contractual Services are normal operating costs. Additionally, the Industrial Hygenist position will require various scientific measuring and sampling equipment (\$7,700), as well as basic office equipment. The travel budget for FY '84 includes \$7,500 for recruiting and relocation expenses for the hygenist position and \$5,000 needed for extensive in-state travel to visit Alaskan work sites.

Line item costs are as follows:

	<u>FY '84</u>
Personal Services	\$ 71,550
Travel	12,500
Contractual	29,525
Commodities	1,500
Equipment	<u>13,300</u>
TOTAL:	\$128,375

One time items are \$13,300 for equipment and \$7,500 for travel.

*from Rosa King
AGC*

DOES THE INFORMATION BELOW MEAN ANYTHING TO YOU?

IF NOT, YOU HAVE TWO CHOICES:

1. VOTE NO ON SB 79 AND HB 197, OR
2. LEARN. THESE ARE ONLY A FEW OF THE 39,000 TOXIC SUBSTANCES THAT ALASKA EMPLOYERS MUST RECOGNIZE IF SB 79 OR HB 197 IS PASSED.

GRID I 10

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH RTECS JULY 1982

scu-mus LD50:17500 ug/kg ARZNAD 17,305,67

11525000. CARVACROL, 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)-, BENZYLATE, HYDROCHLORIDE
UPDATE: 7907 CAS NUMBER: 73790-26-8 MOLECULAR WEIGHT: 440.45 MOLECULAR FORMULA: C23-H30-Cl-N-O3 .Cl-H
SYNONYMS: 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)CARVACRYL BENZYLATE HYDROCHLORIDE * WV 843 *
TOXICITY AND DATA REFERENCES:
scu-mus LD50:30 ug/kg ARZNAD 17,305,67

11525000. CARVACROL, 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)-, 1,5-NAPHTHALENE DISULFONATE
UPDATE: 7907 CAS NUMBER: 73771-66-1 MOLECULAR WEIGHT: 588.18 MOLECULAR FORMULA: C16-H26-Cl-N-O2 .Cl-H
SYNONYMS: 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)CARVACROL 1,5-NAPHTHALENE DISULFONATE * WV 798 *
TOXICITY AND DATA REFERENCES:
scu-mus LD50:50 ug/kg ARZNAD 17,305,67

11550000. CARVACROL, 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)-, 3,4,5-TRIMETHOXYBENZYLATE
HYDROCHLORIDE
UPDATE: 7907 CAS NUMBER: 73771-67-2 MOLECULAR WEIGHT: 506.69 MOLECULAR FORMULA: C26-H36-Cl-N-O6 .Cl-H
SYNONYMS: 5-(2-(N-(2-CHLOROETHYL)-N-ETHYLAMINO)ETHOXY)CARVACROL 3,4,5-TRIMETHOXYBENZYLATE HYDROCHLORIDE * WV 799 *
TOXICITY AND DATA REFERENCES:
scu-mus LD50:25 ug/kg ARZNAD 17,305,67

11575000. CARVACROL, 5-(2-(DIMETHYLAMINO)ETHOXY)-, ACETATE (ester)
UPDATE: 8108 CAS NUMBER: 54-32-0 MOLECULAR WEIGHT: 279.42 MOLECULAR FORMULA: C16-H25-N-O3
SYNONYMS: 6-ACETOXYTHYMOL 2-(DIMETHYLAMINO)ETHYL ETHER * ((6-ACETOXYTHIMOXY)ETHYL)DIMETHYLAMINE * (2-(4-ACETOXY-2-ISOPROPYL-5-METHYLPHENOXY)ETHYL)DIMETHYLAMINE * ARLYTENE * 4-(2-(DIMETHYLAMINO)ETHOXY)CARVACROL * 5-(2-(DIMETHYLAMINO)ETHOXY)CARVACROL ACETATE * 4-(2-(DIMETHYLAMINO)ETHOXY)-5-ISOPROPYL-2-METHYLPHENYL ACETATE * 4-(2-(DIMETHYLAMINO)ETHOXY)-2-METHYL-5-ISOPROPYLPHENYL ACETATE * MOXILITE * MOXISLYT * MOXISLYTE * OPILON * PHENOL, 4-(2-(DIMETHYLAMINO)ETHOXY)-2-METHYL-5-(1-METHYLETHYL)-, ACETATE (ester) (9CI) * SYMPAL * THYMOXAMINE * VASOKLIN *
TOXICITY AND DATA REFERENCES:
orl-mus LD50:208 mg/kg 12VXAS 0,105,64
scu-mus LD50:160 ug/kg ARZNAD 17,305,67
ivn-mus LD50:38200 ug/kg ARZNAD 17,305,67

11600000. CARVACROL, 5-(2-(N,N-DIMETHYLAMINO)ETHOXY)-, ACETATE, HYDROCHLORIDE
UPDATE: 8108 CAS NUMBER: 964-52-3 MOLECULAR WEIGHT: 315.28 MOLECULAR FORMULA: C16-H25-N-O3 .Cl-H
SYNONYMS: 5-(2-(N,N-DIMETHYLAMINO)ETHOXY)CARVACROL ACETATE HYDROCHLORIDE * MOXISLYTE HYDROCHLORIDE * OPILON HYDROCHLORIDE * THYMOXAMINE HYDROCHLORIDE * WV 365 *
TOXICITY AND DATA REFERENCES:
orl-mus LD50:255 mg/kg JPPHAD 32,209,60
scu-mus LD50:160 ug/kg ARZNAD 17,305,67

11650000. CARVACROL, 5-(2-(N,N-DIMETHYLAMINO)ETHOXY)-, BENZYLATE, HYDROCHLORIDE
UPDATE: 7907 CAS NUMBER: 73771-68-3 MOLECULAR WEIGHT: 377.95 MOLECULAR FORMULA: C21-H27-N-O3 .Cl-H
SYNONYMS: 5-(2-(N,N-DIMETHYLAMINO)ETHOXY)CARVACROL BENZYLATE HYDROCHLORIDE * WV 835 *
TOXICITY AND DATA REFERENCES:
scu-mus LD50:1000 ug/kg ARZNAD 17,305,67

3627

TOXICITY DATA HAS NOT BEEN EVALUATED.
OMISSION OF A SUBSTANCE OR NOTATION DOES NOT IMPLY ANY RELIEF FROM REGULATORY RESPONSIBILITY.

MAR 3 1983

"Where Dependability is a Tradition!"

the Alaska Cleaners

TELEPHONE 274-8621

610 WEST FIREWEED LANE

ANCHORAGE, ALASKA 99503

February 28, 1983

Bettye Fahrenkamp, Chairman
Senate Committee on Resources
Pouch V
Juneau, Alaska 99811

REGARDING: SB #79

Reference: My previous letters dated 2/8/83 & 2/23/83

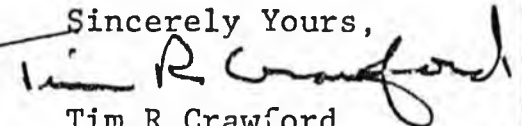
Dear Bettye:

I just learned that AS 18.60.105, Section 9, Part (B) which refers to substances listed in the NIOSH Register of Toxic Effects of Chemical Substances would cover some 39,000 substances including salt and sand. WOW-somebody has got to be kidding around just a little.

It is my understanding that OSHA'S proposed regulations covering the same area of intent as "your" bill will only cover some 500/600 substances.

Rather than building another bureaucratic monster eating tons of paperwork and at great cost to the consumer would it not be much more prudent to wait for the Federal Regulations and then create additional legislation if required?

Sincerely Yours,



Tim R Crawford
General Manager

cc: Joe Josephson
Vic Fisher
Arliss Sturgulewski





Louisiana-Pacific Corporation

Ketchikan Division

Post Office Box 6600
Ketchikan, Alaska 99901 U.S.A.
Telephone: 907-225-2151
Telex: 099-55-251
Answer back: KAYPULCO KET

February 25, 1983

MAR 1 1983

The Honorable Robert Ziegler
Alaska State Senate
Pouch V
Juneau, Alaska 99801

The Honorable Ron Wendte
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99801

The Honorable Jack McBride
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99801

RE: SENATE BILL NO. 79

Dear Bob:

In reference to Senate Bill No. 79, "an Act relating to Toxic and Hazardous Substances in the Work Place; and providing for an effective date," as amended in Sec. 18.60.065 to read Toxic and Hazardous Substance Safety information, Louisiana-Pacific Ketchikan Division would like to submit the following brief statement:

Louisiana-Pacific Corporation has always maintained that the Health and Safety of its employees is a first and foremost concern in its operations. We are all aware of the increased cost of medical attention, costs incurred in lost production, and the economic impact of an industrial injury or illness. We are extremely concerned over the introduction of Senate Bill No. 79.

It is our contention that the Act is redundant. Existing state and federal agencies already have regulations implemented covering the intent of the provisions of the Act.

The Honorable Robert Ziegler
The Honorable Ron Wendte
The Honorable Jack McBride
February 25, 1983
Two

Re: Senate Bill No. 79

Our industry is one of the more over-regulated industries in the country. It appears to us that the manpower and money resources of our state could and should be spent in areas more productive and that excessive over-regulation should be avoided.

Sincerely,

Martin

Martin P. Pihl, Controller
and Administrative Assistant
to the General Manager

akt

cc Honorable Betty Fahrenkamp ✓
Alaska State Senate
Pouch V
Juneau, Alaska 99801

Wally Kubley
Room 602, Baranof Hotel
Juneau, Alaska 99801

TESTIMONY

SB 79

LEGISLATURE, STATE OF ALASKA

13TH LEGISLATURE

FIRST SESSION

FEBRUARY 23, 1983

Interstate Commerce

Title of the Bill: "An Act relating to toxic and hazardous substances in the workplace and providing for an effective date".

Sponsors: Josephson, Sturgulewski, Fischer, Fahrenkamp.

Introduced: 1/27/83

Referred by: Resource Committee

Good afternoon. My name is Bill Schneider and with me today is T. J. Thrasher. We presently serve as Co-Chairmen of the Alaska Employers' Committee. The Alaska Employers' Committee represents over ⁴⁰⁰⁰ ~~2000~~ Alaskan employers, including:

2500 Associatd General Contractors, Alaska Trucking Association, Alaska Retail Association, ^{Pacific} ~~Alaska~~ Seafood Processors, ^{Assoc.} Alaska Loggers Association, Alaska Miners Association, Alaska Support Industry Alliance, Anchorage Laundry and Dry Cleaners Association, *Coal, operators and other workers.*

A.E.C. has directed Ms. Thrasher and myself to be here today and present our committee's views on SB 79. We understand the intention of this bill is to promote safety and health in the Alaska workplace. We fully support and endorse this concept. However, upon closely examining SB 79, we find no evidence that the bill will accomplish its intention. Instead, the bill provides a massive regulatory burden, additional bureaucracy and unreasonable expense to Alaska's taxpayers. We have noted a few of the bill's provisions that illustrate some of the more obvious pitfalls.

1. SB 79 covers over 39,000 substances listed as toxic in the NIOSH Register of Toxic Effects of Chemical Substances or RTECS. Included in this list are such items as salt, ^{sugar} sand, and portland cement. SB 79 also includes the DOT CFR hazardous list that includes wet hair as a hazardous item.
2. Record-keeping requirements are mandated by SB 79 for all employers who manufacture, transport, store or use a toxic or hazardous substance in the state. Annual reports must be filed with the State Department of Labor. For illustration purposes, we have chosen sand, which is defined as a toxic substance by RTECS and is, therefore, under SB 79 and see how the record-keeping requirements would apply to sand.

To begin with, there will be five different classes of employers, the

1. manufacturer
2. transporter (air, water, rail, truck)
3. warehouse
4. retailer
5. user

who handle, and accordingly, would be required to keep and file identical material safety data sheets, MSD's, containing the following information: (1) chemical name, chemical abstract service number and common name of sand; (2) the trade name of sand; (3) the known or suspected acute or chronic effects of exposure to sand; (4) the potential flammability of sand; (5) the potential explosiveness of sand; (6) the appropriate medical treatment to be applied in an emergency involving sand; (7) the procedures for cleanup of leaks or spills of sand; and (8) the name and address of the manufacturers of sand.

Magnify this record-keeping burden by the 39,000 substances covered in this bill, and then multiply it by the thousands of Alaskan employers, and the result is tons upon tons of paperwork.

In summary, the Alaska Employers' Committee feels that SB 79 generates unnecessary expense to the State's consumers, taxpayers and employers without commensurate health protection in the workplace. We have been informed by federal OSHA that federal regulation covering this same area will go into effect this year. Therefore, SB 79 would provide a duplicate set of regulations and conflicts would be inevitable. The few states that have passed their own toxic bills are presently experiencing this very problem. We strongly advocate that the state promulgate the federal regulation. Employee protection will be uniformly provided.

We appreciate the Committee's time and we are available for any questions the Committee might have.

Testimony of
ATLANTIC RICHFIELD COMPANY
Before the
Alaska Senate Resources Committee
on SB 79
February 28, 1983

Madam Chairman, members of the Committee, I am Beverly Ward, associate director, state and local government relations, for Atlantic Richfield Company. Thank you for inviting me to share with you some of the views of my Company on SB 79, "An Act relating to toxic and hazardous substances in the workplace; and providing for an effective date."

Atlantic Richfield recognizes the importance of identifying hazards and disseminating necessary information on precautionary measures to both state and private sector employees.

We believe that an effective program should contain three important elements:

- (1) There should be a uniform program instead of many overlapping and potentially incompatible federal, state and local laws and regulations.
- (2) Any program should be based on risk assessment and the communication of identified hazards; and

- (3) Standards should be performance-based to maximize flexibility, effectiveness, and to reduce unnecessary costs.

Unfortunately, SB 79 is deficient in all of these key areas.

The Need for a Uniform Program

On March 19, 1982, the Occupational Safety and Health Administration proposed a hazards communication rule on which extensive comment has been received from all sectors of the public. When made final later this year, OSHA's rule is expected to result in requirements that we believe will adequately address the majority of hazards communication issues. Atlantic Richfield Company fully supports OSHA's efforts to promulgate a federal hazards communication rule. As a multistate employer, we believe a federal rule is necessary in order to avoid the confusion and unnecessary costs of duplicative and conflicting requirements at the state and local level. In addition to industry costs, Alaska taxpayers would bear the unnecessary costs of administering a new program that requires a great deal of paperwork.

A proliferation of conflicting and technically inconsistent requirements at the federal, state or local levels presents significant difficulties for compliance at the expense of effective hazards communication. Thus, enactment of an Alaska law now would be premature because of the potential for redundancy or inconsistency with federal requirements.

As an example of this potential for inconsistency, SB 79 requires a material safety data sheet (MSDS) which is similar, but not identical, to the OSHA Form 20. (Section 1 of the bill, amending Section 18.60.065(a)). Atlantic Richfield believes that SB 79 should allow the use of the OSHA Form 20, or an equivalent form, for the MSDS.

Moreover, SB 79 requires that an employer provide an MSDS to each employee, or a collective bargaining agent or designated representative of the employee, within five working days of a request for the information. (Section 1 of the bill, amending Section 18.60.065(b)). This section should either be deleted or should include an alternative solution for the employer who makes a good faith effort, upon request, to obtain the MSDS from the manufacturer and does not receive it within 30 days. After 30 days, the employer should be required only to notify the state and the employee that no MSDS has been received.

Another troublesome inconsistency between SB 79 and the federal rule is in the area of trade secret protection. In developing its proposal, OSHA acknowledged the need to resolve the potential conflict between hazards communication and trade secret protection. Atlantic Richfield Company believes that trade secret information should be protected, except when special emergency circumstances warrant disclosure to physicians or other health or safety personnel. SB 79 does not provide for such protection. In fact, by requiring that an employer provide each employee and applicant for employment a copy of every MSDS for substances to which the employee may be exposed, the bill creates a definite risk that trade secrets would be divulged. (Section 1 of the bill, amending Section 18.60.065(b)).

The Importance of Risk Assessment

An effective hazards communication program should be based on risk assessment and the communication of identified hazards. In SB 79 (Section 5 of the bill, amending Section 18.60.105 (8)(A) a full definition should then be given for each of the physical properties listed, such as "A strong oxidizer: A chemical that promotes oxidation readily and on contact with combustible material may cause fire."

Guidance in the form of a full definition should also be given for what is "defined as a hazardous substance by the department" (subsection (8)(B)) and for what is "defined as a toxic substance by the department" (subsection (9)(C)). Otherwise, the department could interpret literally any substance as "hazardous" or "toxic."

The bill specifies that materials in the "Registry of Toxic Effects of Chemical Substances" published by the National Institute for Occupational Safety and Health be designated as "toxic substances" (subsection (9)(B)). However, this is inappropriate because the registry lists over 168,000 chemicals, including many common substances which are toxic or hazardous only at high doses, but which frequently are present in the workplace only at levels that are insignificant or that create no risk to the employee. Sodium chloride (table salt), sucrose (sugar) and ascorbic acid (vitamin C) are examples of such substances.

Mandatory identification of all chemicals in a workplace, regardless of the degree of risk involved, would likely result in ineffective communication or non-communication. Employers should be required to warn or inform employees about the hazards of a chemical only when that chemical is known to be in the workplace in a physical state, volume, or concentration which may cause substantial injury or illness during normal use or in a foreseeable emergency.

Additionally, there should be a provision exempting employers from providing an MSDS for hazardous waste. The contents of hazardous waste vary greatly, and MSDSs are already required for products utilized in processes that generate the waste.

The Advantages of a Performance-Based Standard

OSHA advocates a "simple performance-oriented standard," and many companies already have in place effective hazards communication programs. The attached Atlantic Richfield Company position on hazards communication outlines some of the elements an effective performance-oriented hazards communication program could include.

As OSHA states, "There may be many ways to reach the goal of adequate hazards communication." Unfortunately, SB 79 does not allow for this performance-oriented approach.

For example, SB 79 requires that an MSDS for each toxic or hazardous substance be submitted annually to the department. (Section 1 of the bill, amending Section 18.50.065(a)). This is a duplicative and costly requirement. New MSDSs should only be required when revisions to them are made by the manufacturers. Under subsection (b), they should be "made available," not "provided" to employees. Also, an employer who sells toxic or hazardous substances should be required to make MSDSs available. The seller may be the only source of an MSDS, in some instances.

Subsection (d) of the same section requires that an employer prominently display signs in the workplace notifying employees of the provisions of this section. Atlantic Richfield believes that it would be more helpful to post signs at the place where employees report to work, due to the scattered and diverse nature of the oil industry in its daily operation.

A particularly burdensome provision of SB 79 is the labeling section (Section 1 of the bill, amending Section 18.60.066). It would require extensive labeling of toxic and hazardous substances in containers as small as one gallon and on complex piping systems. Atlantic Richfield has serious concerns about this provision. First, during the course of a day different product streams can flow through the same piping system. How do you label this kind of a system -- with different labels different times of the day, or with labels that include every conceivable product? How does the employee respond in an emergency, if the system contains all the labels?

Secondly, the information required on the label is also required on the MSDS, so repeating it would be burdensome and duplicative. Moreover, a refinery may have as many as 2,500 valves and 1,000 feet of flanges, making it impossible to label them all; and, labels on exterior piping would be difficult to maintain in harsh weather conditions.

Atlantic Richfield Company believes that the labeling provision should either be deleted, or that labels should be required only on containers holding no less than 55 gallons or 500 pounds. Also, labels should be required not in every area, but in the nearest area where a list could be posted and maintained.

Another inconsistency with a performance-based program is found in the employee safety education program section (Section 1 of the bill, amending 18.60.067). Atlantic Richfield believes that instead of instructing employees on each toxic and hazardous substance, generic instruction could be given for groups of similar materials. Also, a limit should be put on requirements for the program.

Finally, in the definition of "employer" (Section 4 of the bill, amending 18.60.105 (4)), state employers appear to be exempt. Atlantic Richfield believes that state employees are entitled to the same degree of protection and hazards information as private employees.

Summary

Atlantic Richfield Company recognizes its responsibilities to its employees. As a multistate employer, we are concerned about the many conflicting federal, state, and local laws and regulations covering the identification and labeling of chemicals. We agree with OSHA that the most effective hazards communication program would be a uniform program at the federal level. It should be based on risk assessment and the communication of identified hazards, and the standards should be performance-based.

Therefore, we strongly oppose the enactment of a bill such as SB 79 prior to the promulgation of the final OSHA rule.

CBC:cam

Govt. Relations/Govt'l Issues

2/28/83

POSITION STATEMENT OF
ATLANTIC RICHFIELD COMPANY
ON HAZARDS COMMUNICATION
TO EMPLOYEES

The number and types of chemical substances manufactured, processed, and used in the United States have been increasing steadily in recent years. Since many of these substances may pose health and safety risks, the Atlantic Richfield Company recognizes the importance of identifying hazards and disseminating necessary information on precautionary measures to employees and consumers.

There already are many differing federal, state and local laws and regulations covering the identification and labeling of chemicals. Atlantic Richfield, a multistate employer, is concerned that further adoption of state and/or local hazards communication legislation and regulation will result in additional conflicting and technically inconsistent requirements among governing bodies. Such a situation would present significant difficulties for compliance without a noteworthy increase in protection. Further, resources required to meet a variety of unique and differing hazards communication requirements could actually detract from the orderly development and updating of basic health and safety information. Finally, states in which a number of local governing bodies develop their own hazards communication regulations could discourage industrial growth by multistate employers. The following points represent Atlantic Richfield Company's views on the composition of an effective, uniform hazards communication program.

HAZARDS COMMUNICATION TO EMPLOYEES

Atlantic Richfield Company acknowledges and supports regulatory efforts to ensure employee protection and believes the most effective program would be a performance-based rule at the federal level. State and local efforts to enact employee hazards communication laws should be deferred until the Federal Occupational Safety and Health Administration (OSHA) finalizes its hazards communication rule.

However, if state and local governments believe it is necessary to proceed with their own programs, they should:

- o strive for consistency with any existing local, state and federal laws, regulations and proposals;
- o limit initial coverage to specific, high priority concerns;
- o include provisions for reconsidering the need for their own programs if a governing entity with broader authority, such as OSHA, adopts similar regulations.

Any regulation should be based on a performance standard. Effective and enforceable performance standards should state a specific goal or end result to be achieved so that the regulated know what performance is expected and the regulators have a standard against which to measure achievement of the end result. A performance-based rather than a specification-language rule has the following advantages:

- o The most effective method or methods can be selected to alert employees about the varying hazards associated with chemical and physical agents in a particular workplace and to provide specific handling instructions.
- o An effective hazards communication program, which already may have been developed to meet the needs of a specific workplace, can continue to be used, encouraging a more efficient use of manpower resources and maximizing cost effectiveness.

An effective performance-oriented hazards communication program for employees could consist of some or all of the following elements:

1. Identification of Risk

- (a) Identify the chemical substances and physical agents in the workplace and the potential for exposure to the employee under normal work conditions and foreseeable emergencies. The potential for exposure could be characterized by a number of criteria, such as the route of exposure and presently available control measures.
- (b) In conjunction with (a), obtain from a supplier the inherent hazards of the substance or enough information on the properties of any purchased chemical substance, consistent with protection of trade secrets, to enable an employer's technical experts to assess adequately the material's hazards.
- (c) Systematically evaluate the inventoried substances to determine the risks they present in the workplace. This evaluation of risk should be based on the hazards and exposure information developed and collected by the employer and should recognize the varying relationships between the degree of hazard and the potential for exposure as well as the evolving nature of scientific evidence for establishing adverse effects.
- (d) Keep workplace risk evaluations, with supporting documentation, current and accurate. This could be accomplished by reviewing: significant new information from suppliers, the results of company testing and auditing programs, and published scientific data. Keep workplace inventories current and accurate in consideration of the industry and processes involved.

2. Communication to Employees

- (a) Communicate to employees the nature of the hazards and the safe handling procedures for substances found in the workplace. This process should allow for the use of one or more communication techniques to transmit effectively the potential seriousness of the hazard and the potential for harmful exposure.

Communication techniques could include, but not be limited to, training programs, direct oral instructions by supervisors, and written material such as Material Safety Data Sheets (MSDS's), labels, placards, alphanumerical codes, color codes, pictures, drawings, and/or symbols.

- 3 -
- (b) Employees should have access to information concerning the identity, general characteristics and harmful properties of the substances to which they may be exposed. When substances are known to have harmful effects and are classified as trade secrets, employees should be provided with enough information to ensure they know how to handle the substances safely and are aware of the harmful effects of exposure to the substances.
 - (c) Notify affected employees of new hazards information within a reasonable time.
 - (d) The confidentiality of trade secret information should be protected. However, it is recognized that there will be situations where disclosure to health professionals will be necessary. Special emergency circumstances may warrant disclosure to physicians or other health or safety personnel. However, confidentiality agreements will be required from third parties, where appropriate, in order to protect a company's trade secret information.

3. Education and Training of Employees

- (a) A program should be developed to educate and train employees about hazards warning systems in the workplace, employee rights under applicable hazard communication laws and regulations, and the availability of hazards information concerning the substances and physical agents to which they are or may be exposed. This education and training program may include, or expand as necessary, existing company efforts.
- (b) Records should be kept documenting the training sessions that are conducted. These records could include information about each training session such as attendees, subjects covered, copies of handouts, training aids, and date of session.
- (c) Procedures should be established for updating educational and training programs in a timely manner.

4. Hazards Communication Program Review

- (a) The Hazards Communication Program should be available for review by employees and regulatory bodies, such as the federal OSHA or comparable agencies at the State level.
- (b) In addition, the Hazards Communication Program should undergo periodic internal review by employers to ensure its effectiveness. Records documenting employee training programs should be included in the review. Procedures for conducting such review should be developed, allowing for employee input and feedback.

HAZARDS COMMUNICATION TO CUSTOMERS

When selling to companies for workplace use, manufacturers should provide enough information on the properties of a chemical substance or product, consistent with protection of trade secrets, as discussed in Section 2(d),

to enable the purchaser's technical experts to assess adequately the hazards posed by the material and to determine the necessary precautions that must be taken to minimize any risks associated with the identified employee exposure to such materials.

Govt. Relations / Govt'l Issues
5/05/82

February 28, 1983

WRITTEN TESTIMONY REGARDING SENATE BILL 79 by Sen. JOE JOSEPHSON

Senator Fahrenkamp and members of the Resources Committee:

I appreciate your scheduling of the hearing today on Senate Bill 79.

As you know, SB 79 would require that Alaska workers be warned about hazardous and toxic substances in the work environment, trained in the use of these substances, and given a measure of protection -- for later medical treatment and diagnostic reference, if necessary -- through provision for employer reports of the presence and quantity of hazardous and toxic substances.

Because the HESS Committee, which I chair, is meeting at the same time as your Committee, I am today submitting written testimony. I understand that in another hearing of the Resources Committee on this bill, I may have the opportunity to discuss with you any questions or concerns which any of you may have regarding any provision of SB 79.

In brief, I have sponsored SB 79 because Alaska is changing rapidly. Alaska has entered the industrial age. Studies have identified scores of sites where hazardous and toxic substances are found.

In fact, since the last legislature adjourned in 1982, we have witnessed in Alaska several incidents which point towards the need for SB 79.

On the Parks Highway, a truck carrying transformers containing PCBs, a cancer-causing substance, created a health hazard when the transformers began to leak. The boxes in

in which the transformers had been put were not labeled so as to indicate the contents or health hazards of PCB exposure.

In Ketchikan, the use of a wood preservative on a rooftop, on a windy day, caused residents of one neighborhood to spend their weekend vomiting, coughing, and complaining of stomach cramps.

Near Livengood, a truck transporting a class 8 poison, MMT, caught fire. The driver had no information about, or training in, the handling of the poison. The haul road was closed for 7 hours, and three Alaskans suffered serious pulmonary disorders.

We cannot prevent the use of hazardous or toxic substances in the Alaskan economy. But we can, and must, warn Alaskan workers of the presence of these substances, train them in their use and handling, and provide a record for future reference when exposure has occurred.

It may be asserted to you that Alaska should do nothing, and await the promulgation of rules by OSHA, the Occupational Safety and Health Administration of the federal government. It is correct that OSHA has held hearings on "right to know" standards. And I would certainly support a national standard in the interests of uniformity in interstate commerce.

But the OSHA hearings only concerned manufacturing-- a

very small portion of the Alaska workforce. And in this field, as in many others, national rules-- assuming their adoption-- would not necessarily preclude states from adopting rules that are no less stringent than the federal ones. Even if OSHA proceeds to promulgate rules that have been the subject of its hearings, the fact is that at least 60 million American transportation, agricultural, construction, and other workers would not be covered by the OSHA approach.

Moreover, the Alaska legislature, in considering SB79, is not breaking new ground for state action. At least nine states, and several major cities, have passed right-to-know laws, and at least 13 other states are considering similar measures in 1983.

The Department of Labor has endorsed legislation, and I welcome that support.

I would like to say a word about the fiscal note. The Department correctly reported about the cost of the measure to the Department as an agency which would administer a statute. But savings to the State, as a government, and to the Alaska economy, through fewer health emergencies, fewer law suits, fewer road closures, lost work-days, Medicaid and general medical assistance claims, workers' compensation proceedings, and through higher productivity, could not be recorded on the fiscal note format. I hope that the Committee will keep these positive economic effects in mind as you consider SB79.

As I noted, events between legislative sessions point up the need for action now. It has been estimated that OSHA regulations, even if adopted, and even if adequate, may not be in place for years. In fact, I am indebted for that estimate not to the supporters of SB 79 who come from the labor movement, and not to the supporters of SB 79 who come from the environmental or health communities, but to a trade magazine, Chemical Week.

SB 79 has broad public support. It is my hope that this session will include the passage of right-to-know legislation as one of its achievements.

I will be pleased to work with you and your staff in the coming days on any technical details, so that a version of SB 79 can reach the Senate floor soon, and with the broadest possible support consistent with the objectives I have mentioned.

Thank you, Madame chairman, for the opportunity to present this testimony today.

Joe Josephson
Senator

IN REFERENCE TO SENATE BILL 79, "AN ACT RELATING TO TOXIC AND HAZARDOUS SUBSTANCES IN THE WORK PLACE, AND PROVIDING FOR AN EFFECTIVE DATE" AS AMENDED IN SEC. 18.60.065, TO READ TOXIC AND HAZARDOUS SUBSTANCE SAFETY INFORMATION, LOUISIANA-PACIFIC KETCHIKAN DIVISION WOULD LIKE TO SUBMIT THE FOLLOWING BRIEF STATEMENT...

"LOUISIANA-PACIFIC CORPORATION HAS ALWAYS MAINTAINED THAT THE HEALTH AND SAFETY OF ITS EMPLOYEES IS A FIRST AND FOREMOST CONCERN IN ITS OPERATIONS. WE ALL ARE AWARE OF THE INCREASED COST OF MEDICAL ATTENTION, COSTS INCURRED IN LOST PRODUCTION, AND THE ECONOMIC IMPACT OF AN INDUSTRIAL INJURY OR ILLNESS. WE ARE EXTREMELY CONCERNED OVER THE INTRODUCTION OF SENATE BILL 79. IT IS OUR CONTENTION THAT THE ACT IS REDUNDANT. EXISTING STATE AND FEDERAL AGENCIES ALREADY HAVE REGULATIONS IMPLEMENTED COVERING THE INTENT OF THE PROVISIONS OF THE ACT.

OUR INDUSTRY IS ONE OF THE MORE OVER-REGULATED INDUSTRIES IN THE COUNTRY. IT APPEARS TO US THAT THE MANPOWER AND MONEY RESOURCES OF OUR STATE COULD AND SHOULD BE SPENT IN AREAS MORE PRODUCTIVE AND THAT EXCESSIVE OVER-REGULATION SHOULD BE AVOIDED.

SINCERELY,

s/MARTIN R. PHIL, CONTROLLER

AND ADMINISTRATIVE ASSISTANT TO THE GENERAL MANAGER.

Louisiana Pacific Corp.

March 31, 1983

APR 11 1983

Senator Bettye Fahrenkamp
Chairman of Senate Committee on Resources
Pouch B
Juneau, AK 99811

RE: Committee Substitute for SB 79

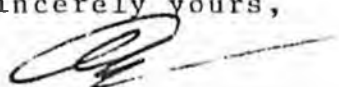
Dear Bettye:

I have received the redraft of SB 79 and in general I agree that it is a work that should meet all the objections with no problem at all. There are two areas in which I have reservation. The first area is the provision that a person may be forced to work thirty days with a substance before being told what it is which is found in the new AS 18.60.0710 (c). In the stronger bill as originally drafted, there were enough protections where this would not present a problem. In the bill as it is drafted now, it would appear that all hazardous substances can be placed in the work place and no material safety data sheet has to be provided until thirty days after the first employee protest.

My second observation relates to the area of labeling. This is much more fairly covered under the proposed redraft than the Alaska Health Project provided and I am enclosing a xerox of that to see what sort of labeling or availability of the MSDS should be covered in the bill. Maybe even the sensible thing to do would be to let the labor department determine this. In any event, unless something radical is done with response to my two observations, I think that the issue will no longer be any more controversial than mothers and apple pie.

Congratulations!

Sincerely yours,


ARTHUR LYLE ROBSON
Prepaid Legal Services

ALR:SMJ

cc: Steven Kadish



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

3 April 1983

To: Senate Resources Committee Staff
From: Jay Nelson, Executive Director, AEL *JAN*
Subject: SB-79, "Worker Right to Know"

You are to be commended for the time and effort being made to reach a consensus on this legislation. Also, I thank you for the opportunity to comment upon the 24 March draft of SB-79.

The legislation seems to be making progress in many areas but one eliminated item, that I feel strongly should be included, is the labeling requirements. Both workers and emergency personnel will find this section critical under certain circumstances. The key, of course, is to require labeling without making it too burdensome, bureaucratic or expensive. The implicit question is, "Do workers have a right to know, and what are the costs we are willing to bear to protect those workers?"

Certainly some middle ground must exist on this issue. I understand the problems with excessive labeling requirements, but perhaps the threshold limits could be raised (ie. only quantities over 40 gallons and 50 pounds). Attached are the sections of a previous SB-79 draft that I feel need reworking, not elimination. I would like to discuss this further with you.

Thank you for including me in this and future discussions on SB-79. I appreciate your time.

Section 18.60.069. LABELING OF TOXIC AND HAZARDOUS SUBSTANCES.

(a) A manufacturer or wholesaler in the state shall affix in a prominent place on each container that contains 40 gallon or more or 50 pounds or more of the substance a label containing the following information:

- (1) the common and chemical names of the substance;
- (2) the hazards and health risks associated with use of or exposure to the substance;
- (3) the symptoms of overexposure to the substance;
- (4) the appropriate procedures to follow in case of overexposure to the substance; and
- (5) the need for and instructions for the proper use of equipment to protect a person from overexposure to the substance.

(b) An employer shall identify toxic or hazardous substances that are contained in piping systems in the workplace by affixing labels prominently on the pipe body or by posting in common areas labeling charts that can be easily coordinated to match the proper piping systems. The choice of labeling methods may be based upon economic considerations. Locations of labels shall include

- (1) valve, flanges, branches and
- (2) pipes in walls, floors,

(3) walls, floors and the ground where workers congregate regularly or where they may be expected to congregate on a daily basis.

(c) In an area where toxic or hazardous substances are stored or used an employer shall prominently display an alphabetical list of the chemical and common names of the substances.



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

April 13, 1983

Pat Pourchot
Senator Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Pat,

The enclosed comments should be considered as a supplement to the comments that I made regarding SB 79. David Wigglesworth has been following the development of regulations concerning hazardous and toxic substances in Alaska for approximately one year. He is now employed by the Alaska Environmental Lobby and will be following the Right-To-Know legislation. Thank you for allowing him to comment at this time.

Sincerely

A handwritten signature in cursive script that reads "Jay Nelson".

Jay Nelson
Director Alaska Environmental Lobby



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

General Comments Concerning the Rough Draft Committee Substitute for SB 79

April 13, 1983

Pat Pourchot
Senator Bettye Fahrenkamp
Pouch V
Juneau, Alaska 99811

Dear Pat,

I have reviewed the Committee Substitute for SB 79. My comments are as follows:

So long as we continue to use hazardous materials in our daily lives, we must all vigorously insist that the health and safety of Alaskan workers be protected. SB 79 shows an effort to reach this goal, but the Committee Substitute draft has some problems, as well. For example:

1. Sec. 18.60.071 (line 11, b). New language should be added to include the following: An employer required to comply with (a) of this section shall provide to each new employee and, to any other employee at least once per year and in the native language of the employee,...
2. Sec. 18.60.071. An additional requirement should be added after line 23 (c). This amendment would read as follows: (d) Resources where the employee may obtain more information about the hazardous and toxic materials associated with his or her workplace.
3. Sec. 18.60.272. There seems to be no time requirement for filing a report with the Dept. of Labor. This section should include language that requires annual

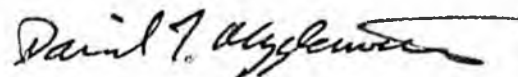
reports be filed with department. Perhaps, an easy way to do this would be to include such information on applications for business licenses.

4. Sec. 18.60.272 part 4(c). This section should include a time limit on how long the department has to adopt regulations specifying the hazardous and toxic substances to be reported. The regulations should include those substances found on the DOT, OSHA, and NIOSH lists (except those excluded by section 18.60.030 of SB 79).
5. *The Substitute Draft does not include discussions on labeling. Hazardous substances should be labeled in the workplace.*

Thank you for allowing me a grace period for my comments on the new senate draft. Two questions that come to mind when looking at the new developments with the OSHA Bill is whether the federal legislation will cover present and future workplaces in Alaska and whether the Bill addresses the nature of hazardous and toxic chemicals in Alaska-specific workplaces and environments ?

I look forward to discussing my comments with you and the workgroup.

Sincerely,



David Wigglesworth
Environmental Lobby

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SATURDAY



Anchorage Daily News

ANCHORAGE, ALASKA, SATURDAY, JUNE 25, 1983

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Governor expected to OK hazardous materials bill

By ROBERTA GRAHAM
Daily News business reporter

Gov. Bill Sheffield is expected to sign into law a bill requiring employers to inform workers of the presence of hazardous materials in the workplace and how those chemicals might affect them.

The final draft of the measure was supported by industry, labor unions and environmentalists.

The Senate version of the bill was approved by the House on a 39-0 vote. If signed the law would become effective July 1, 1984.

The measure would require the Department of Labor to draw up a list of 800 known carcinogens from a roster of more than 60,000 known can-

cer-causing substances kept by the federal Occupational Safety and Health Administration and the American Conference of Governmental Industrial Hygienists.

All products containing chemicals on the list and coming into the state would be required by law to have an accompanying data sheet listing known hazards.

Employers would be required to post notices declaring the presence of the substances in the workplace. They would have to supply a data sheet to workers within 20 days of a request for one.

The labor department also would be required to help

See Back Page, HAZARDOUS



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of talks with go

causing changes in the homosexual communities across the United States and arousing new fears of homosexuals.



savings account," Erickson said. The hearing is permanent for Jay Hammond. Zobel.

Hazardous materials bill is expected to win Sheffield's approval

Continued from Page A-1

employers come up with a training program on the proper use in handling the substances.

But the new law would exempt all substances in transit — those chemicals transported in a sealed or unopened container already covered by the federal Hazardous Materials Transportation Act.

It also would exempt all food, drugs, cosmetics and tobacco products intended for personal consumption.

"This bill is the product of a lot of work by everyone including industry," said Anchorage Sen. Joe Josephson, author of the Senate version. "I think the vote in the House shows that consensus."

"The governor supports the bill, and I would think he will sign it without any problem at all," Department of Labor Commissioner Jim Robinson said. "We're really

kind of excited about it and really appreciate all the hard work that went into it. There were times when the groups weren't communicating with each other, but once they sat down and worked things out, it went very smoothly."

An early version was opposed by companies because they said it was too complicated and would have overlapped with other state laws governing hazardous chemicals.

Industry lobbyists said that since legislation was about to be passed by Congress, federal rather than state standards should govern how employers inform and train workers to recognize cancer-causing chemicals in the workplace.

But the bill was reworked by a consortium of business and environmental representatives to exempt transportation firms already covered by the hazardous transportation law and to ensure that only those chemicals used in

Alaska were included on the mandatory list of 800.

Bill Schneider, president of the Associated General Contractors, a group that opposed the initial bill, labeled the final version "manageable for those businesses who have to implement it, and useful to workers who need to know."

Steve Kadish, executive director for the Alaska Health Project and avid supporter of the measure, said it is significant for two reasons.

"It not only talks about the 800 substances that both workers and employers will have to know the effects of, but it also brings about a whole new era of how chemicals in the workplace could affect your health.

"The other significant thing is that it demonstrates how labor can work with management in a coalition to pass landmark legislation."

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"I don't know how much time said.

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Sheffield

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ens to eliminate his package.

The governor said it appeared the legislature's capital budget would be from \$550 million to \$600 million, a figure he said was reasonable in light of improved revenue forecasts. House and Senate sources said the budget could be as high as \$625 million.

Among the governor's biggest concerns is the possible elimination of several of his projects to improve the economic climate of western Alaska. He proposes spending \$10.4 million for two harbors in the Pribilof Islands to develop an emerging bottom-



Syrians send Arafat packing

Continued from Page A-1

capital, Arafat said his expulsion was "part of a Syrian-Libyan plot against the Palestinian revolution." He charged that Syrian forces had encircled his guerrillas in the Bekaa and asked, "Are the Palestinians going to be victims of a new carnage after Beirut?"

The immediate effect of the expulsion of Arafat and Wazir from Syria and the Bekaa will be to leave their supporters there leaderless. Wazir had been personally supervising efforts to contain the rebels in the Bekaa Valley.

In an interview broadcast

his Al Fatah guerrilla faction became overt.

Although the Syrian army occupies Tripoli and north Lebanon, thousands of pro-Arafat Fatah guerrillas are stationed in the area, and the city's largest Lebanese Muslim militia is anti-Syrian. Since it is on the coast, Arafat and his supporters would have to go through Damascus to reach it.

SANA, the official Syrian news agency, said Arafat was expelled because of his accusations that Syrian tanks helped the mutineers in his Fatah guerrilla faction overrun loyalist positions in