

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2820 SRES SB 79 - SB 101

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

pendent Press Service. The syndicate, headquartered in Irvine, Calif., distributes columns, cartoons and features worldwide to more than 2,000 dailies and weeklies. The news service was

Times: Field Electronic Publishing, established in 1981 to develop and test the first commercial teletext experiment approved by the Federal Communications Commission.

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 Denali 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 affects 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 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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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 Lula 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-8

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.

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Opinion

A good bill surfaces

Right-to-know legislation to ensure that workers are made aware of hazardous and toxic substances they handle comes before an Alaska Senate committee today in hearings on what has been described as one of the major emerging public health issues of the 1980s.

Bills introduced in both houses of the Alaska Legislature would require companies to inform workers of hazardous substances used in the workplace — thus providing both employees and employers with the necessary information to prevent serious health risks. Information about hazards, health risks, permissible exposure levels, preventive measures, proper cleanup procedures and emergency medical treatment is generally readily available from manufacturers; all employers would have to do is to take an inventory of relevant substances, request that information, and supply it to workers.

Similar legislation has been adopted in 10 states and is under consideration in 13 more. The state's administrative cost is estimated in the neighborhood of \$100,000 — almost a negligible figure against the clear and present health risk caused by substances whose hazards can, and should, be known to all concerned.

'Right to know' laws on hazardous substances necessary

By STEVEN KADISH

The recent PCB spill in the port area of Anchorage was a dramatic reminder of the community's exposure to hazardous and toxic materials. PCB or polychlorinated biphenyls is a known cancer-causing substance. Since the late 1970s, the use of PCBs has been banned for most purposes in the United States. Hundreds of hazardous and toxic substances are used in Anchorage every day. Although most are not as dangerous as PCBs, these substances can seriously affect the health of those exposed to them.

Workers are in the front line of potential exposure to these hazardous substances. For example, carpenters, roofers, cement finishers, carpet layers and others use various kinds of possibly toxic adhesives and glues. Many businesses including printing, metal manufacturing, laundries and others use potential-

ly hazardous solvents for cleaning purposes. Mechanics can be exposed to hydraulic and other lubricating fluids that are harmful. The grisly story of those exposed to asbestos is well-known.

The disturbing fact is that many workers in many occupations are unknowingly exposed to substances that are hazardous to their health. Few companies presently inform workers or community residents about the identity of the chemicals they are exposed to, or about the possible hazards from those chemicals.

Some statistics help describe the magnitude of the problem. Nationally, there are 300,000 to 400,000 new cases of occupationally-related diseases each year. The U.S. Department of Labor has estimated that "nearly 80 percent of the total number of recorded occupational illnesses are related to chemical exposures." Annually 100,000



die of job-related disease. To put these figures in perspective the National Safety Council estimates approximately 52,000 motor vehicles deaths in 1979, a typical year. 59,000 Americans died in the Vietnam War.

In addition to the human suffering, unnecessary and dangerous exposures to hazardous substances mean production losses, lost wages, health care payments, and higher workers' compensation costs.

The "right to know" about hazardous substances that workers and communities are exposed to is developing into one of the biggest public health issues of the 1980s. Nine states and several major

cities have already passed "right to know" laws. At least 12 more states will have legislation introduced this year.

"Right to know" legislation is designed to help reduce the incidence of job-related disease and to guard communities against health hazards from nearby companies that use dangerous substances. Last year a "right to know" bill was introduced in the Alaska State House.

"Occupational cancer can be prevented," said Philip Landrigan, MD of the National Institute of Occupational Safety and Health in "Cincinnati Enquirer" article. "Unlike multiple sclerosis or many cases of diabetes, the causes of a number of occupational cancers are known. Prevention can therefore be achieved by reducing the exposure of workers to the substances which are known to cause those cancers," he added.

With "right to know" employees and employers could begin to take the necessary preventive measures to eliminate or reduce exposures to toxic and hazardous materials. In communities, residents and health officials could have access to information that would help them deal more effectively with illnesses and accidents resulting from hazardous substances.

The U.S. Occupational Safety and Health Administration (OSHA) has just recently concluded public hearings on its version of "right to know," known as the Hazard Communication Standard. While a step in the right direction, there are some major problems with the proposed regulations. The 60 million workers in transportation, agriculture, construction and other sectors are not covered.

Also, the proposed regulation may not be any help for many years to come. Labor,

management, government officials and the health and science communities have not been able to agree on a federal standard. "As a result of all this dissatisfaction, OSHA's standard will undoubtedly be hamstrung by court battles for years before it can be implemented," notes "Chemical Week."

State and local "right to know" legislation provides an option for action now. "There will be a real need, practically speaking, to protect people during the next five years," says Peg Seminnario an industrial hygienist with the AFL-CIO.

Our newly elected governor and legislature should take note. They have an opportunity to prevent unnecessary illness, production losses, health and insurance payments and human suffering.

□ Steven Kadish is executive director of the Alaska Health Project.

Some questions and answers about SB 79 as amended.

1. Where does an employer find Material Safety Data Sheet (MSDS) information?

All the toxic and hazardous substances to be regulated by this legislation are required by federal laws to have MSDS prepared by the manufacturer. Nothing in this act is construed to require an employer to conduct studies to develop new information.

To obtain MSDS information, the employer simply has to request this information from the manufacturer. Employers could also request assistance from the state Department of Labor (DOL) to prepare MSDS information. The Poison Control Center at Providence Hospital in Anchorage has over 200,000 listings of chemical substances and product brand names complete with much of the information required for the MSDS. The Public Health Service Hospital in Bethel and the Fairbanks Memorial Hospital have similar services. Employers and interested others could contact these agencies for needed information.

2. How does an employer know if the substances in his or her workplace are regulated?

There are many Alaskan workplaces (retail stores, restaurants, etc.) that will not be affected by this legislation and many other workplaces that use only a handful of products containing toxic and hazardous substances. In fact, very few workplaces will have 15 or more regulated substances. While thousands of toxic and hazardous substances may be regulated, employers should only be concerned with those in use in their shop to assure compliance.

Goods, drugs, cosmetics or tobacco products intended for personal consumption are exempt. Substances that because of their physical state, volume, or concentration do not pose a health risk upon exposure are also exempt.

Employers will be able to contact the state with specific questions about the products in use in their workplace. Employers should also contact the manufacturer of a product or one of the agencies mentioned above if more information is desired or requested. A letter with the name of the product and a simple description of the information needed is usually all that is needed to receive a MSDS from the manufacturer.

3. Why is labelling important?

Labelling refers to information about the health hazards and risks, appropriate procedures to follow in the case of overexposure, and the use of personal protective equipment to be affixed in a prominent place on containers and piping systems.

Labelling is particularly important in case of emergencies, including spills, fires, equipment failure, and rupture of containers so that appropriate measures can be taken immediately from readily available information. Some products already have adequate labelling to exempt them from additional labelling under this legislation. The Commissioner of DOL shall adopt regulations exempting from the labelling provision certain substances that already have equivalent label information in

Questions and answers on SB 79, page 2.

accordance with federal regulations. Those products labelled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act are an example of adequately labelled products.

4. What if an employer is unable to make available a copy of MSDS information within 5 working days of a request?

In other states, this provision has been interpreted to be based on the "good faith effort" of the employer. Presumably contacting the state, the manufacturer, the federal agency regulating the substance, and local health agencies to obtain the MSDS information would be a "good faith effort".

5. Are new chemical substances regulated in this legislation?

Only substances listed in the US Department of Transportation hazardous materials table, adopted under the OSHA (29, CFR, Part 1910, subpart Z), listed in the most recent edition of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances, or adopted by DOL regulation shall be regulated. Most of the over 3,000 new chemicals used in the workplace every year will not be affected by this legislation.

6. What are the employee education provisions of this legislation and where can an employer receive consultative assistance for employee education programs?

An employee safety education program shall include instruction about the location, properties, known or suspected acute and chronic health effects, the nature of the operations that could result in exposure, the proper use of personal protective equipment, appropriate medical treatment in case of overexposure, and the procedure for clean-up of spills and leaks of the toxic or hazardous substances. This information is to be provided for each toxic and hazardous substance to which an employee may be exposed in the course of employment. Presumably similar information about different substances could be grouped, rather than repeated. The information presented in this training session is almost equivalent to MSDS information.

The DOL would be available on request to assist in preparing employee training information. NIOSH and other federal, state and local agencies would also be able to provide assistance.

7. Are trade secrets protected?

The provision for trade secrets under existing Alaska statutes are not effected.

8. Do proposed Federal regulations make state legislation redundant?

Proposed federal regulations only address manufacturers. The DOL estimates that about 5% of Alaska's employers are manufacturers. Thus, 95% of Alaska employers would not be covered if federal regulations were adopted. At this time it not clear when and if federal regulations would take affect.

APPENDIX B

LABELING SERIOUS CHRONIC HAZARDS

[This appendix did not appear in the 1976 ANSI Z129.1 Standard.]

(This appendix is not a part of the American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1981, but is included for information purposes only.)

B.1 General

Until consensus definitions and test protocols for chronic effects are established, precautionary label texts for serious chronic effects should be used only when there is generally accepted, well-established evidence that such serious chronic effects exist or when required by law.

A chronic effect is an effect from exposure to a hazardous chemical resulting in either of the following:

- (1) a persistent illness or injury that develops over time from a single exposure, or

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- (2) a persistent illness or injury that develops from prolonged or repeated exposure under conditions that do not produce the effect from a single exposure.

8.2 Labeling Carcinogens

Chemicals known to cause cancer in humans should be labeled with one of the following statements of hazard or equivalent:

CANCER HAZARD

OVEREXPOSURE MAY CREATE CANCER RISK

CANCER SUSPECT AGENT (as required by Government Regulation)

Chemicals known to cause cancer in animals and not known to cause cancer in humans, but where the animal data suggest that the chemicals would probably cause cancer in humans should be labeled with the following statements of hazard or equivalent:

CANCER HAZARD BASED ON TESTS WITH

LABORATORY ANIMALS

OVEREXPOSURE MAY CREATE CANCER RISK

Chemicals known to cause cancer in animals, but not known to cause cancer in humans, should be labeled with one of the following statements of hazard or equivalent:

POSSIBLE CANCER HAZARD BASED ON TESTS WITH
LABORATORY ANIMALS
OVEREXPOSURE MAY CREATE CANCER RISK

B.3 Labeling Reproductive Toxins

Chemicals known to be reproductive toxins should be labeled with the following statement of hazard or equivalent:

POSSIBLE REPRODUCTIVE HAZARD
OVEREXPOSURE MAY CAUSE (FEMALE, MALE)
REPRODUCTIVE DISORDER(S)¹

B.4 Labeling Other Serious Chronic Effects

When there is generally accepted, well-established evidence that a chemical causes a serious chronic effect other than carcinogenicity or reproductive toxicity the

¹Add the phrase "BASED ON TEST WITH LABORATORY ANIMALS" if only animal data are available to substantiate the chronic effect.

chemical should be labeled with one of the following statements of hazard or equivalent:

OVEREXPOSURE MAY CAUSE (Specify the organ[s])
DAMAGE²

OVEREXPOSURE MAY CAUSE (Specify the
disease[s])³

B.5 Labeling Mixtures

If a mixture contains more than one chemical capable of causing a serious chronic effect, the potential effects of each should be combined in one statement of hazard.

B.6 Signal Words Applicable to Serious Chronic Effects

When a combination of acute and serious chronic effects exists for a chemical, the signal word required for the acute hazards should be used. Where a chemical presents only serious chronic effects, no signal word need be used.

B.7 Precautionary Measures Applicable to Serious Chronic Effects

Statements of hazard for serious chronic effects necessarily require appropriate precautionary measures

²Ibid.

³Ibid.

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for avoidance of exposure. The precautionary measures shown in Table 1 for the most severe hazards of contact, inhalation and skin absorption should be used for protection against serious chronic effects. Additional useful precautionary measures may be found in 4.8.

B.8 Placement of Statements of Hazard for Serious Chronic Effects

Statements of hazard for serious chronic effects should be placed after (below) any statements of hazard for which the signal word DANGER is required by Section 4.1 and before (above) any statement of hazard for which the signal words WARNING or CAUTION is required by Section 4.1.

Statements of hazard for carcinogenicity or reproductive toxicity should be placed before (above) any statements of hazard pertaining to other serious chronic effects. If the chemical is both a carcinogen and an embryotoxin, the statement of hazard pertaining to carcinogenicity should take precedence.

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HAZARDS:

Known to Cause Cancer in Humans
Irritant, Eye and Skin

CANCER HAZARD

OVEREXPOSURE MAY CREATE CANCER RISK

WARNING: CAUSES IRRITATION

Do not get in eyes, on skin, on clothing.
Do not breathe (dust, vapor, mist, gas.)*
Keep container closed.
Use only with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes
with plenty of water for at least 15 minutes. Call a
physician. Flush skin with water. (Wash clothing
before reuse.)**

*Select applicable word or words.

**Use phrase when appropriate.

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HAZARDS:

Corrosive, Eye and Skin
Known to Cause Cancer in Laboratory
Animals but not Known to Cause
Cancer in Humans

DANGER! CAUSES BURNS
POSSIBLE CANCER HAZARD BASED ON TESTS
WITH LABORATORY ANIMALS
OVEREXPOSURE MAY CREATE CANCER RISK

Do not get in eyes, on skin, on clothing.
Do not breathe (dust, vapor, mist, gas.)*
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: In case of contact, immediately flush eyes
or skin with plenty of water for at least 15 minutes
while removing contaminated clothing and shoes. Call
a physician. Wash clothing before reuse. (Destroy
contaminated shoes.)** (Thoroughly clean shoes before
reuse.)**

*Select applicable word or words.

**Use phrase when appropriate.

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<p>HAZARD:</p> <p>Known to Cause Cancer in Humans</p>
<p>CANCER HAZARD OVEREXPOSURE MAY CREATE CANCER RISK</p> <p>Do not get in eyes, on skin, on clothing. Do not breathe (dust, vapor, mist, gas.)* Keep container closed. Use only with adequate ventilation. Wash thoroughly after handling.</p>

*Select applicable word or words.

<p>HAZARD:</p> <p>Known to Cause Male Sterility in Humans</p>
<p>REPRODUCTIVE HAZARD OVEREXPOSURE MAY CAUSE MALE REPRODUCTIVE DISORDER</p> <p>Do not get in eyes, on skin, on clothing. Do not breathe (dust, vapor, mist, gas.)* Keep container closed. Use only with adequate ventilation. Wash thoroughly after handling.</p>

*Select applicable word or words.

100000 Hazardous Chemicals
Dept. of Transportation

Foreword

(This Foreword is not a part of American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1976.)

This American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1976, has been developed by a committee, national in scope, functioning under the procedures of the American National Standards Institute.

The Labels and Precautionary information (LAPI) Committee of the Manufacturing Chemists Association (MCA) was established in 1944. This committee produced the first published guide to precautionary labeling for hazardous chemicals (Manual L-1) in 1946, and there have been six revisions. This manual has served as a voluntary standard.

The need for an official standard for the precautionary labeling of hazardous chemicals used in industrial occupations has been recognized and is filled by American National Standard Z129.1-1976.

Suggestions for improvement of this standard will be welcome. They should be sent to the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

The following organizations recognized as having an interest in the standardization of precautionary labeling of hazardous industrial chemicals were contacted prior to the approval of this standard. Inclusion in this list does not necessarily imply that the organization concurred with the submittal of the proposed standard to ANSI.

- American Chemical Society
- American Conference of Governmental Industrial Hygienists
- American Federation of Labor & Congress of Industrial Organizations
- American Industrial Hygiene Association
- American Institute of Chemical Engineers
- American Insurance Association
- American Iron and Steel Institute
- American Mutual Insurance Alliance
- American Occupational Medical Association
- American Petroleum Institute
- American Society for Testing and Materials
- American Society of Agricultural Engineers
- American Society of Safety Engineers
- Associated General Contractors of America
- Can Manufacturers Institute
- Chemical Specialties Manufacturers Association
- Compressed Gas Association
- Electric Light and Power Group
- Factory Insurance Association
- Factory Mutual System
- Food and Drug Administration
- General Services Administration
- International Association of Governmental Labor Officials
- International Chemical Workers Union
- National Fire Protection Association
- National Institute for Occupational Safety and Health
- National Paint and Coatings Association
- National Safety Council
- Oil, Chemical, and Atomic Workers International Union
- Society of Toxicology
- Synthetic Organic Chemical Manufacturers Association
- Tag and Label Manufacturers Institute
- Underwriters Laboratories
- U.S. Coast Guard
- U.S. Consumer Product Safety Commission
- U.S. Department of Commerce
- U.S. Department of Defense
- U.S. Department of Labor
- U.S. Department of Transportation
- U.S. Public Health Service

American National Standard

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QJM376/6

American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals

Introduction

The development of new chemicals and the introduction of chemical processes into ever widening fields have accentuated a need to furnish information for the guidance of every person who, in his occupation, uses, handles, or stores hazardous industrial chemicals.

The dissemination of this information shall include appropriate precautionary statements expressed as simply and briefly as possible on labels affixed to containers of hazardous chemicals. The wording on precautionary labels cannot be expected to cover the complete information on the properties of a material or the complete details of its proper handling under all conditions. Such information may be found in the producers' technical bulletins or in other literature.

Precautionary labeling shall be used only when and to the extent necessary. The language shall be practical — not based alone upon the inherent properties of a product, but directed toward the avoidance of hazards resulting from such occupational use, handling, and storage as may be reasonably foreseeable. Many products present no hazard in normal handling and storage. For these products, no precautionary statements are required on the label.

1. Scope

This standard applies to the precautionary labeling of hazardous chemicals, as defined herein, used under industrial occupational conditions. It does not apply to compressed gases.

2. Glossary of Terms

The following terms are used throughout this standard. The definitions given apply specifically to the use of these terms in arriving at appropriate precautionary statements for the labels of the immediate containers of hazardous industrial chemicals. In this respect, these terms serve only as a guide for the application of the principles of labeling set forth in this standard.

adequate ventilation. A condition falling within either of the following categories:

(1) Ventilation to reduce levels of air contaminant below that which causes personal injury or illness.

(2) Ventilation sufficient to prevent accumulation of significant quantities of vapor-air mixtures in concentration over one-fourth of the lower flammable limit.

antidote. Specific therapeutic measures that may or may not require the services of a physician.

combustible liquid. Any liquid having a flash point at or above 100°F (37.8°C) but less than 200°F (93.3°C), except any liquid mixture having one or more components with a flash point at or above the upper limit which make up 99% or more of the total volume of the mixture. (For test method, see *flash point*.)

compressed gas. Any 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 70°F (21.1°C), having an absolute pressure exceeding 104 psi 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), Z 39-74-1973 (ASTM D 323-72).

corrosive chemical. A chemical that in contact with living tissue causes destruction of the tissue by chemical action. This term shall not refer to action on inanimate surfaces.

dangerously reactive chemical. A chemical that is able to undergo a violent self-accelerating exothermic chemical reaction with common materials, or by itself.

dust. Solid particles generated by handling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc. Dusts can be dispersed in air but settle under the influence of gravity.

extremely flammable liquid. See *flammable chemical*.

first aid. General measures that can be taken by the victim or other persons, using materials generally avail-

able. First aid is aimed principally at terminating the exposure.

flammable chemical. A substance falling within any of the following categories:

flammable liquid. Any liquid having a flash point below 100°F (37.8°C), except any liquid mixture having one or more components with a flash point at or above the upper limit which make up 99% or more of the total volume of the mixture. (For test method, see *flash point*.)

extremely flammable liquid¹

flammable gas. A gas with either of the following properties: (1) at atmospheric temperature and pressure forms a flammable mixture with air when present at a concentration of 13% or less (by volume), or that forms a range of flammable mixtures with air wider than 12% regardless of the lower limit; or (2) projects a flame more than 18 inches beyond the ignition source with valve opened fully, or the flame flashes back and burns at the valve with any degree of valve opening, when tested in the Association of American Railroads' Bureau of Explosives' flame projection apparatus.

flammable solid. A solid, other than an explosive, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or that can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard.

flash point. The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(1) Tagliabue Closed Tester (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1971 (ASTM D 56-70 (1975))) — for liquids with a viscosity of less than 45 Saybolt Seconds Universal (SSU) at 100°F (37.8°C), or that do not contain suspended solids, or that do not have a tendency to form a surface film under test.

(2) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1974 (ASTM D 93-73, IP 34/71)) — for liquids with a viscosity of 45 SSU or over at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test.

¹ Some states and other regulatory agencies require that products with flash points below 20°F (6.7°C) be labeled as "EXTREMELY FLAMMABLE."

(3) For mixtures, if the result of the test by either method is above 100°F (37.8°C), evaporate a fresh sample to 90% of the original volume and retest. The lower of the two values shall be taken as the flash point.

fume. Solid particles generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation. Fumes flocculate and sometimes coalesce.

gas. A normally formless fluid that occupies the space of enclosure and which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature, or both. A gas diffuses.

hazardous chemical. A chemical or mixture of chemicals that is toxic, highly toxic, irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, flammable, extremely flammable, dangerously reactive, or pressure-generating, or which otherwise may cause substantial personal injury or substantial illness during or as a direct result of any customary or reasonable foreseeable handling or use.

highly toxic chemical (poison). A substance falling within any of the following categories:

(1) A chemical that has a median lethal dose (LD₅₀) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(2) A chemical that has a median lethal dose (LD₅₀) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours or less with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

(3) A chemical that has a median lethal concentration (LC₅₀) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for 1 hour or less to albino rats weighing between 200 and 300 grams each, *provided* such concentration is likely to be encountered by man when the chemical is used in any reasonably foreseeable manner.

(4) If available data on human experience indicate results different from those obtained on animals, the human data shall take precedence.

irritant. A chemical, not a corrosive, which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

median lethal dose or concentration. The dose (LD₅₀) or concentration (LC₅₀) for a given period of time of a substance that is most likely to kill one-half of a group of animals within 14 days.

mist. Suspended liquid droplets generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state such as by splashing, foaming, or atomizing.

mixture. A physical commingling of two or more chemicals not involving a chemical reaction.

poison. See *highly toxic chemical*.

pressure-generating chemical. A chemical falling within any of the following categories:

(1) A chemical that must be protected from spontaneous polymerization by the addition of an inhibitor, or by refrigeration or other thermal control.

(2) A chemical that may decompose to release gas in its container.

(3) A chemical that comprises the contents of a self-pressurized container.

pyroforic chemical. A chemical that will ignite spontaneously in dry or moist air at a temperature of 130°F (54.4°C) or below.

strong oxidizer. A chemical that promotes oxidation readily and on contact with combustible material may cause fire.

strong sensitizer. A chemical that available data on human experience show to be capable of inducing an allergic reaction in a substantial number of persons who come into contact with it.

toxic chemical. A chemical falling within any of the following categories:

(1) A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(2) A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram but not more than 1000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours or less with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.

(3) A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million but not more than 2000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for 1 hour or less to albino rats weighing between 200 and 300 grams each, *provided* such concentration is likely to be encountered by man when the chemical is used in any reasonably foreseeable manner.

(4) If available data on human experience indicate

results different from those obtained on animals, the human data shall take precedence.

vapor. The gaseous form of a chemical that is normally in the solid or liquid state. A vapor diffuses.

3. General Requirements

3.1 The precautionary label for any hazardous chemical or mixture of chemicals shall be based upon the hazards it possesses (including those contributed by impurities), and not upon the hazards of the substances from which it is formed, nor upon hazards derived from analogies based upon chemical structure.

3.2 The following subject matter shall be considered for inclusion on precautionary labels: Identity of product or hazardous component(s), Signal Word, Statement of Hazards, Precautionary Measures, Instructions in Case of Contact or Exposure, Antidotes, Notes to Physicians, Instructions in Case of Fire and Spill or Leak, and Instructions for Container Handling and Storage.

3.3 Identification of the product or its hazardous component(s) shall be adequate to permit selection of proper action in case of exposure. Identification shall not be limited to a nondescriptive code designation or trade name. If the product is a mixture, those compounds which contribute substantially to the hazard(s) shall be identified.

3.4 The Signal Word shall indicate the relative degree of severity of a hazard in the diminishing order of DANGER!, WARNING!, and CAUTION! When a product has more than one hazard, only the Signal Word corresponding to the class of greatest hazard shall be used.

3.5 Inclusion of the word POISON and the skull and crossbones shall be limited to highly toxic chemicals. When used, this legend shall not replace the Signal Word.

3.6 The Statement of Hazards shall give notice of the hazard or hazards (such as EXTREMELY FLAMMABLE and HARMFUL IF ABSORBED THROUGH SKIN) that are present in connection with the customary or reasonably foreseeable handling or use of the product. With products possessing more than one such hazard, an appropriate statement for each significant hazard shall be included. In general, the most serious hazard shall be placed first.

3.7 The Precautionary Measures (such as "Keep away from heat, sparks, and open flame" and "Avoid breath-

STATE JURISDICTION AND STATE PLANS

Sec. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the

Notice of hearing.

State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

Continuing
evaluation.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

Plan rejection,
review.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 970.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

Sec. 10. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employers thereof)

- (1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;
- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records and reports for proper evaluation.

(4) consult with the Secretary to form and content of record of this section; and

(5) make an annual report on occupational accidents and incidents under this section. Such report shall be submitted to the Secretary under section 7902(e)(2) of title 5.

(b) The Secretary shall report to the President and to the House of Representatives a report on the results of such reports together with his evaluations of such reports. The President shall transmit such report to the House of Representatives a copy of which shall be available to the agencies under this section.

(c) Section 7902(c)(1) of title 5 shall be amended by inserting after "agencies" the words "and representatives of employees".

(d) The Secretary shall have authority to require records to be filed by Federal agencies pursuant to this section unless those records are exempt from disclosure by Executive order to be kept secret in the interest of national defense or foreign policy, in which case such information as will not jeopardize such policy.

RESEARCH AND DEMONSTRATIONS

Sec. 20. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall conduct research, demonstration projects, and other activities in occupational safety and health, including research on the factors involved, and relating to the development of new approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare, from time to time consult with the Secretary of Labor to produce criteria, including research, demonstration projects, enabling the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Labor, to formulate a program of research, demonstration projects, and other activities available to him, shall develop and carry out such program as will effectuate the purposes of this section.

(3) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Labor, shall make available to him, shall develop and carry out such program as will effectuate the purposes of this section.

(4) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Labor, shall conduct special research, demonstration projects, and other activities relating to occupational safety and health problems, including those created by new technologies, which may require special research, demonstration projects, and other activities.

ARCO Chemical Company requests Customer to study this Data Sheet and become aware of Product hazards. To promote safe handling Customer should (1) notify its employees, agents and contractors of the information on this Data Sheet, and any Product hazards and safety information, (2) furnish a copy of this Data Sheet to each of its customers for the Product and (3) request such customers to notify their employees and customers for the Product of the information on this Data Sheet and any Product hazards and safety information.

Section I - General	Manufacturer's name ARCO Chemical Company Division of AtlanticRichfieldCompany	Material name Propylene
	Manufacturer's address 1500 Market Street, Philadelphia, PA 19101	Emergency telephone (24 hour) (215) 353-8300

Name (brand-trade) and synonyms Propene; Methylene; LP-Gas; Liquefied Petroleum Gas	Chemical family Alkene or Olefin Hydrocarbon (C ₃ H ₆)
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Section II - Summary of hazardous information	Summary DANGER-EXTREMELY FLAMMABLE. Keep away from heat, sparks and open flame. OSHA regulations for "Liquefied Petroleum Gases" = 29 CFR 1910.110. DOT regulations for "Flammable Compressed Gas" = 49 CFR 173.300-173.316. The unique properties of low boiling and flash points (sub-ambient) intensify pressure and rapid diffusion hazards. SKIN and EYE HAZARD due to liquid or cryogenic gas vapor contact. INHALATION HAZARD due to asphyxiation by exclusion of oxygen.
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Section III - Physical and reactivity data	Boiling point (°F) -54	Evaporation rate (ratio of time) immediate (Ether = 1)	Other National Electrical Code Classification: Class 1, Group D
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Vapor pressure P.S.I.A (mm Hg at 70° F) 152	Incompatibility (materials to avoid) strong acids, alkalis, and oxidizers such as liquid chlorine and oxygen
Vapor density (air = 1 at 60-99° F) 1.5	Stability Conditions to avoid (X) Stable () Unstable Heat, sparks and open flame.
Specific gravity (H ₂ O = 1 at 39.2° F) 0.52	Hazardous polymerization may occur () Occur (X) Not occur
Appearance and odor Colorless liquefied gas; weak hydrocarbon odor. It can be odorized with ethyl mercaptan, if required.	
Volatiles characteristics Complete	Hazardous decomposition products Incomplete combustion may produce carbon monoxide.
Solubility in water Slight	

Section IV - Fire and explosion data	Flash point (°F) (method used) () -150	Flammable limits at normal atmos. temp. and pressure (% by volume in air) 2.0	Lower flammable limit 2.0	Upper flammable limit 11.1
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Autoignition temp. (° F) 927	Extinguishing media Dry chemical, carbon dioxide, or halogenated extinguishing agent
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Special fire fighting procedures
As a general rule, gas fires should not be extinguished unless the gas flow can be stopped immediately. Shut off the source of gas. When possible, allow the fire to burn itself out. If the source of gas cannot be shut off immediately, apply sufficient water to metal surfaces in the immediate area to prevent failure of the container(s) by overheating. Control the burning of escaping gas until the supply can be shut off. Firemen fighting propylene fires should use necessary protective equipment and air-supplied breathing apparatus where there may be danger of breathing hazardous products of combustion.

Unusual fire and explosion hazards
EXTREMELY FLAMMABLE. The sub-ambient boiling and flash points of propylene intensify the rapid formation of an explosive mixture (with air) in confined spaces. Propylene is easily ignited and its flame propagates at a rapid rate. There is a potential explosion hazard from reignition, if the fire is extinguished without shutting off the source.

Section V - First aid and emergency procedures	Note to physician N/A
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Eye contact	Immediately flush the eye(s) gently with plenty of water for at least 15 minutes. Seek medical attention if pain or redness persist after irrigation.
Skin contact	Frozen tissues should be flooded or soaked with tepid water (105-115° F). DO NOT USE HOT WATER. Cryogenic burns which result in blistering or deeper tissue freezing should be seen promptly by a physician.
Inhalation	Remove from exposure immediately. If needed, give oxygen. If breathing has stopped, begin mouth to mouth respiration and continue until oxygen resuscitates. medical care is obtained. Patients should remain quiet, preferably lying down, and kept warm and comfortable. Give no medication but oxygen unless ordered by a physician.
Ingestion	This material is not expected to present an ingestion hazard.

Section VI - Health hazard data

Primary hazard
Propylene is classified as a simple asphyxiant, but it is extremely flammable. The primary hazard is ignition of vapor clouds that form from liquid or vapor leaks.

Route of exposure	Affected	Signs and symptoms
Eye contact	X	Liquid or pressurized propylene contact may produce eye injury due to frostbite caused by rapid evaporation.
Skin irritation	X	Contact of skin with liquid propylene or its cold gas vapors can cause cryogenic burns and freeze tissues.
Inhalation	X	Propylene gas produces little or no irritation to the mucous membranes of the eyes, nose, or respiratory tract. Anesthetic symptoms of anoxia occur only above 4,000 ppm and usually not until the gas concentrations are within the flammable range and the mixture has not ignited.
Ingestion		
Skin absorption		

Effects of overexposure Because diffusion through leaking gasket may cause rapid contamination of the ambient room air without adequate visual or olfactory warning, the possibility of overexposure is significant. Inhalation of high propylene gas concentrations by humans produce symptoms of mild intoxication, drowsiness, or incoordination due to anesthetic action. Inhalation of 24% propylene mixed with 33% oxygen produces intoxication followed by loss of consciousness after 3 minutes. Exposure to air mixtures in which propylene has replaced oxygen below the amount necessary to sustain life produce asphyxiation.

Section VII - Spill or leak procedure

Precautions if material is spilled or released Eliminate all potential sources of ignition. Avoid contact of skin with liquid or cold gas. Liquid spills will vaporize forming cold dense vapor clouds that do not readily disperse. Avoid entering a vapor cloud even with proper respiratory equipment. Ventilate enclosed areas to prevent formation of flammable or oxygen deficient atmospheres. See "VENTILATION" below. Leaks from closed systems are readily detectable because they form white frost at the point of the leak. Promptly move a leaking compressed gas cylinder out of doors if the leak is small.

Waste disposal methods All Federal, State, and local regulations regarding health and pollution must be observed. Waste mixtures containing propylene should not be allowed to enter drains or sewers where there is danger of the vapors becoming ignited. When it becomes necessary to dispose of propylene it is preferable to do so as a vapor, venting to a safe location. Ensure complete dissipation of the gas below its lower explosive limit to prevent a possible vapor cloud formation that could drift to some remote location and create a hazard. The preferable method of propylene disposal is to burn the vapor off in a properly designed flare.

Section VIII - Special protection information

Ventilation
Good ventilation is essential in rooms and areas where propylene is handled to prevent the unsafe accumulation of explosive mixtures. If mechanical ventilation is used, the electrical equipment should meet National Electrical Code requirements.

Eye protection
Safety glasses and/or face mask are recommended when handling compressed gas cylinders and piping systems. Use safety glasses or goggles and face mask when handling the liquid.

Skin protection Prevent contact of liquid or cold gas with exposed skin. Impermeable plastic or neoprene-coated canvas gloves should be worn to protect the hands from liquid propylene. If conditions or frequency of use present danger of exposure, protective clothing such as apron, boots, and facial protection should be worn.

Respiratory protection

Oxygen-deficient atmosphere are in the flammable range. DO NOT ENTER.

Other protection and information
Consult SD-39, "Properties and Essential Information for Safe Handling and Use of Propylene," published by the Manufacturing Chemists Association in 1974. Also, see the Compressed Gas Association Pamphlet P-1 and the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58) for additional recommendations.

Section IX - Handling and storage

Refer to Section X - Supplement

General comments

Refer to Section X - Supplement

Date issued
April, 1979

Disclaimer of Liability

As the conditions of, methods of use are beyond our control, we do not assume any responsibility and expressly disclaim any liability for any use of the material. Information contained herein is believed to be true and accurate but all statements or suggestions are made without any warranty, express or implied, regarding accuracy of the information, the hazards connected with the use of the material or the results to be obtained from the use thereof.

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Section X - Supplement

Propylene

Handling and Storage Consult the DOT regulations for details concerning the shipment of propylene. DOT requires use of the red "Flammable Gas" label. If upon initial receipt inspection a cylinder is found to be in poor condition, contact the supplier. The most common hazard associated with compressed gas cylinders is leakage due to faulty pressure control regulators. Additionally, large pressure build-up can result in explosive decompression at the cylinder head, causing the cylinder to rocket like a missile. Use a pressure-reducing regulator when connecting to lower pressure piping systems. Prevent entrapment of liquid in closed systems. Use a check valve to prevent back-flow into the storage container. Chain cylinders when in use. Ground all lines and equipment used with propylene.

General Comments Store and use propylene containers only in well-ventilated areas. The storage area temperature should be regulated so as not to exceed 100 F., and must be protected from dampness, salt, and other corrosive chemicals. Cylinder storage should be segregated from oxidizers such as oxygen, chlorine, etc. and away from heavy traffic areas to prevent accidental knocking over or damage from passing or falling objects. Avoid dragging, rolling, or sliding cylinders, even for a short distance. Use a suitable hand truck. Valve caps should remain on cylinders not connected for use. Segregate full and empty cylinders.

Date issued

Disclaimer of Liability

As the conditions or methods of use are beyond our control, we do not assume any responsibility and expressly disclaim any liability for any use of the material. Information contained herein is believed to be true and accurate but all statements or suggestions are made without any warranty, express or implied, regarding accuracy of the information, the hazards connected with the use of the material or the results to be obtained from the use thereof.

MATERIAL SAFETY DATA SHEET*

SECTION I

Product Name: _____ Size: _____

Chemical Name: _____

Formula: _____

Manufacturer: _____

Address: _____

For Information on Health Hazards Call: _____

For Other Information Call: _____ Signature and Date: _____

SECTION II HAZARDOUS INGREDIENTS OF MIXTURES

Principal Hazardous Component (s)	%	TLV (Units)

SECTION III PHYSICAL DATA

Boiling Point (°F.)	Specific Gravity (H ₂ O=1)
Vapor Pressure (mm Hg.)	Percent Volatile By Volume (%)
Vapor Density (Air=1)	Evaporation Rate (=1)
Solubility in Water	
Appearance and Odor	

SECTION IV FIRE AND EXPLOSION HAZARD DATA

Flash Point (Method Used)	Flammable Limits in Air % by Vol.	Lower	Upper
Extinguisher Media	Autoignition Temperature		
Special Fire Fighting Procedures			

Unusual Fire and Explosion Hazards _____

* A standard form (Form OSHA-20) used by many manufacturers to describe the health and safety hazards of their products.

SECTION V HEALTH HAZARD DATA

Threshold Limit Value

Effects of Over exposure

Acute Overexposure:

Chronic Overexposure:

Emergency and First Aid

Procedures

Inhalation:

Eyes:

Skin:

Ingestion:

SECTION VI REACTIVITY DATA

Stability

unstable

Conditions to Avoid

stable

Incompatibility

(Materials to Avoid)

Hazardous

Decomposition Products

Hazardous Polymerization

Conditions to Avoid

May Occur

Will not Occur

SECTION VII SPILL OR LEAK PROCEDURES

Steps to Be Taken

In Case Material is
Released Or Spilled

Waste Disposal Method

SECTION VIII SPECIAL PROTECTION INFORMATION

Respiratory Protection

(Specify Type)

Ventilation

Local Exhaust

Special

Mechanical (general)

Other

Protective Gloves

Eye Protection

Other Protective Clothing or
Equipment

SECTION IX SPECIAL PRECAUTIONS

Precautions To Be Taken
In Handling And Storing

Other Precautions

seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (AS 45.02.707).

(c) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants. (§ 2.104 ch 114 SLA 1962)

A manufacturer of mobile homes qualifies as a "merchant" within the meaning of this section. *Morrow v. New Moon Homes*, Sup. Ct. Op. No. 1253 (File No. 2206), 548 P.2d 279 (1976).

Applied in *Prince v. LeVan*, Sup. Ct. Op. No. 708 (File No. 1184), 486 P.2d 959 (1971); *A & G Constr. Co. v. Reid Bros. Logging Co.*, Sup. Ct. Op. No. 1244 (File

Nos. 2360, 2388), 547 P.2d 1207 (1976).

Quoted in *Sinka v. Northern Commercial Co.*, Sup. Ct. Op. No. 747 (File Nos. 1360, 1361), 491 P.2d 116 (1971).

ALR references. — *Farmers as "merchants" within provisions of UCC Art. 2* [AS 45.02], dealing with sales, 95 ALR3d 484.

Sec. 45.02.105. Definitions: transferability; "goods"; "future" goods; "lot"; "commercial unit." (a) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (AS 45.08.101 — 45.08.406) and things in action. "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (AS 45.02.107).

(b) Goods must be both existing and identified before an interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of an interest in future goods operates as a contract to sell.

(c) There may be a sale of a part interest in existing identified goods.

(d) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of the bulk or a quantity of the bulk agreed upon by number, weight, or other measure may, to the extent of the seller's interest in the bulk, be sold to the buyer, who then becomes an owner in common.

(e) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(f) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine), or a set of

articles (as a suite of furniture or an assortment of sizes), or a quantity (as a bale, gross, or carload), or any other unit treated in use or in the relevant market as a single whole. (§ 2.105 ch 114 SLA 1962)

"Goods" has been held to have a broad meaning under the code and to embrace any species of property which is not real estate, choses in action, or investment securities, and the like. *Prince v. LeVan*, Sup. Ct. Op. No. 708 (File No. 1184), 486 P.2d 959 (1971).

And includes an airplane. — The term "goods" has been held to include an airplane. *Prince v. LeVan*, Sup. Ct. Op. No. 708 (File No. 1184), 486 P.2d 959 (1971).

Or a vessel. — By the plain meaning of the words of subsection (a) of this section, a vessel is covered. *Prince v. LeVan*, Sup. Ct. Op. No. 708 (File No. 1184), 486 P.2d 959 (1971).

The definition of goods is based on the concept of movability, and it is self evident that a vessel is within that definition and concept. *Prince v. LeVan*, Sup. Ct. Op. No. 708 (File No. 1184), 486 P.2d 959 (1971).

Or mobile homes. — Mobile homes, being highly movable, are "goods" as defined in this section. *Morrow v. New Moon Homes*, Sup. Ct. Op. No. 1253 (File No. 2206), 548 P.2d 279 (1976).

Applied in *A & G Constr. Co. v. Reid Bros. Logging Co.*, Sup. Ct. Op. No. 1244 (File Nos. 2360, 2388), 547 P.2d 1207 (1976).

Quoted in *Sinka v. Northern Commercial Co.*, Sup. Ct. Op. No. 747 (File Nos. 1360, 1361), 491 P.2d 116 (1971).

Cited in *Rego v. Decker*, Sup. Ct. Op. No. 679 (File No. 1128), 482 P.2d 834 (1971).

ALR references. — Electricity, gas, or water furnished by public utility as "goods" within provisions of Uniform Commercial Code, Art. 2 [AS 45.02] on Sales, 48 ALR3d 1060.

Sec. 45.02.106. Definitions: "contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation." (a) In AS 45.02.101 — 45.02.725, unless the context otherwise requires, "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (AS 45.02.401). A "present sale" means a sale which is accomplished by the making of the contract.

(b) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(c) "Termination" occurs when either party, under a power created by agreement or law, puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged, but a right based on a prior breach of performance survives.

(d) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination," except that the cancelling party also retains any remedy for breach of the whole contract or an unperformed balance. (§ 2.106 ch 114 SLA 1962)

02/11/81

EMPLOYMENT IN SICs 20-39
(Based on 3/81 data)

<u>Industry</u>	<u>No. Employers</u>	<u>No. Employees</u>
SIC 20: Food and Kindred Products (includes bakeries, fish canneries and cold storages)	237	10,950
SIC 22: Textile Mill Products	2	NA
SIC 23: Apparel & Other Finished Products made from Fabrics and Similar Materials	9	56
SIC 24: Lumber and Wood Products, except Furniture (includes logging camps and sawmills)	88	2,489
SIC 25: Furniture and Fixtures (only covers manufacture of such items)	2	NA
SIC 26: Paper and Allied Products (include pulpmills)	3	989
SIC 27: Printing, Publishing, and Allied Industries (includes newspaper plants and commercial printing shops)	75	1,288
SIC 28: Chemicals and Allied Products	2	NA
SIC 29: Petroleum Refining and Related Industries	5	204
SIC 30: Rubber and Miscellaneous Plastics Products	5	59
SIC 32: Stone, Clay, Glass, and Concrete Products (include ready-mix concrete firms)	22	433
SIC 33: Primary Metal Industries	4	22
SIC 34: Fabricated Metal Products, except Machinery and Transportation Equipment	15	268
SIC 35: Machinery, except Electrical	14	91
SIC 36: Electrical and Electronic Machinery, Equipment and Supplies	2	10

Employment in SICs 20-39 (Continued)
Page 2

<u>Industry</u>	<u>No. Employers</u>	<u>No. Employees</u>
SIC 37: Transportation Equipment (includes ship and boat building and repairing)	22	90
SIC 39: Miscellaneous Manufacturing Industries (includes manufacturing of jewelry)	22	89
Totals	529	17,384

There are a total of approximately 12,000 private sector employers in the state who employ 130,000 workers. Employers in the manufacturing industry, therefore, represents 4.4 percent of the employer population and 13 percent of the employee population.

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

**OCCUPATIONAL HEALTH AND
ENVIRONMENTAL CONTROL**



**OCCUPATIONAL
SAFETY AND HEALTH
STANDARDS**

ALASKA DEPARTMENT OF LABOR
Division of Occupational Safety and Health

EDMUND M. ORBECK, COMMISSIONER
DEPARTMENT OF LABOR

JAY S. HAMMOND, GOVERNOR

Movie to follow Hearing

"SONG OF THE CANARY"

"A compelling chronicle of one of the biggest occupational health stories of the decade." -- Chicago Sun-Times

"Admirably assembled and obviously committed, the human factor is never forsaken in the face of statistics . . . "

-- Variety

"A frightening film, but a hopeful one in its display of the workers' resilience and spirit. Their voices shine through simply and eloquently." -- Dr. Barry Commoner, Washington University

Winner of . . .

First Prize, Athens Film Festival

Gold Hugo, Chicago International Film Festival

Best Film -- Mayor's Award, Mannheim Film Festival

Blue Ribbon, American Film Festival

Best Film, Melbourne Film Festival

First Prize, John Muir Medical Film Festival

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SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 80

BILL NAME: Extend Life of Task Force & Fire Prevention & Control

SPONSOR(S): Ziegler

RELATED BILLS PENDING: SB 81

DATE INTRODUCED: 1-27-83

SB 82

REFERRALS: Resources
Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED: .

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

EXTENDING THE LIFE OF THE TASK FORCE ON FIRE PREVENTION AND CONTROL.
SB 80
ZIEGLER

Extends the life of the Task Force on Fire Prevention and Control by 2 years to January 1, 1985. Their final report was submitted on time, but all parties concerned felt that there was much more work which should be done and that the report was incomplete - arson, inspections, investigations, training, equipment, federal agencies and state organization.

MAKING A SPECIAL APPROPRIATION TO DEPT. OF COMMUNITY AND REGIONAL
AFFAIRS TO FUND TASK FORCE ON FIRE PREVENTION AND CONTROL.
SB 81
ZIEGLER

Appropriates \$163,000 from the general fund to the Dept. of Community and Regional Affairs to fund the Task Force on Fire Prevention and Control. Unexpended portion lapses into general fund 6/30/85.

MAKING A SUPPLEMENTAL APPROPRIATION TO DEPT. OF COMMUNITY AND REGIONAL
AFFAIRS FOR THE TASK FORCE ON FIRE PREVENTION AND CONTROL.
SB 82
ZIEGLER

Appropriates \$163,000 from the general fund to Dept. of Community and Regional Affairs to pay expenses of the Task Force for the fiscal year ending 6/30/83. Although the Act (Ch 157, SLA 1980) provided the Task Force was to expire June 30, 1983, funding was not provided this fiscal year for completion of the tasks assigned.

January 24, 1983

The Honorable Don Bennett,
Alaska State Senator
Co-Chairman - Senate Finance Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bennett:

In 1980 the Legislature created the Task Force on Fire Prevention and Control (Chapter 157, SLA 1980) in the Department of Community and Regional Affairs.

Section 8, paragraph (5) provides that the Task Force "shall by January 1, 1983, submit to the Governor and the Legislature its final report which"

Section 9 provides that the Act terminates on June 30, 1983.

The second session of the 12th Legislature did not appropriate any money to the Task Force for FY '83 and thus the group expended all funds prior to the completion of their work. They did submit their final report but all parties concerned felt that there was much more work which should be done, and that the report was incomplete.

During the interim, the Fire Chief's Association submitted a request for funds to the Legislative Council. Because no funds were available, the Council was unable to grant the request.

The Task Force, Fire Chief's Association, and the Firefighters Association are requesting a supplemental appropriation of \$84,282 to continue the Task Force work through the end of fiscal year 83, and passed resolutions at their annual meetings supporting this request. The groups are also requesting that the Task Force be continued for two additional years. The amount requested for FY '83 is \$163,000.

While the proposal includes administering the grant through the Fire Chief's Association, it should probably be continued through the Department of Community and Regional Affairs.

Senator Don Bennett
January 24, 1983
Page Two

In conclusion, it is a fact that the United States leads all major industrialized countries in per capita deaths and property loss from fire, with a death rate nearly twice that of second rated Canada. Alaska's death rate is ten times greater than that of Hawaii and five times greater than California; our property loss exceeded \$26 million in 1980. The State of Alaska should try every means possible to reverse these shocking statistics. Passing a supplemental appropriation for continuing the work of the Task Force and extending its life for two additional years may assist in accomplishing this task.

It is my intent to introduce a supplemental appropriation bill to fund the Task Force through June 1983, a bill to extend the life of the Task Force for two additional years, and an appropriation bill of \$163,000 for FY '84 funding of the Task Force.

Your careful consideration of these pieces of legislation will be appreciated.

Sincerely,

1323-1

Robert H. Ziegler, Sr.

RHZ:lk

Enclosure

cc: Mr. Bob Haag
Chief Al Judson
Bob Shirnberg
Gene Fisher
William Hao

PROPOSED FY 1983 OPERATING BUDGET FOR THE TASK
FORCE ON FIRE PREVENTION AND CONTROL

<u>PERSONAL SERVICES</u>		<u>\$41,491</u>
Executive Director, 5 months	\$17,915	
Research Analyst	10,000	
1/2 Secretary	4,500	
Employee Benefits at 28%	9,076	
<u>TRAVEL</u>		<u>\$23,127</u>
Task Force Meetings	\$15,927	
Committee Travel		
8 Members at 450 (1 trip)	3,600	
Staff Travel		
8 Trips at 450	3,600	
<u>CONTRACTURAL SERVICES</u>		<u>\$14,264</u>
Communications	\$ 2,500	
Space Expense, 300 sq. ft. at \$2.00 per	4,200	
Advertising and Printing	2,000	
Copying	564	
Secretarial Services	3,000	
Professional Fees	2,000	
<u>COMMODITIES</u>		<u>\$ 1,100</u>
Office Supplies	\$ 800	
Miscellaneous	300	
<u>EQUIPMENT</u>		<u>\$ 4,300</u>
2 executive desks, 1 secretarial desk, 2 executive chairs, 1 secretarial chair, 1 bookcase, 1 file cabinet, 1 calculator, 1 tape recorder for taping meetings, 1 typewriter, miscellaneous.		
(All this equipment was purchased by the TFFPC during FY 81 and FY 82, however the equipment has been taken over by the Department of Community and Regional Affairs.		
TOTAL		\$84,282

PROPOSED FY 1984 OPERATING BUDGET FOR THE TASK FORCE ON FIRE PREVENTION AND CONTROL

<u>Personal Services</u>		<u>\$97,250</u> ✓
Executive Director	\$43,000	
Research Analyst	24,000	
1/2 Secretary	10,800	
Employee Benefits @ 28%	19,450	
<u>Travel</u>		<u>\$40,105</u> ✓
<u>Task Force Meetings</u>		
1. Anchorage meeting		
FY 83 cost 3,247		
Inflation (0.37) 120.1	3,367.1	
2. Juneau meetings		
FY 83 cost 12,700		
Infla (0.37) 469.9	13,169.9	
3. Fairbanks Meeting	5,238	
<u>Committee Travel</u>		
8 members @ 470 x 3 trips	11,280	
<u>Staff Travel</u>		
15 trips @ 470	7050	
<u>Contractual Services</u>		<u>24,500</u> \$30,500
Communications	\$2,700	
Space Expense, 300 sq. ft. @ 2.00 per	4,200	
Advertising/Printing/Typesetting	12,000	
Copying	600	
Secretarial Services	3,000	
Professional Fees	2,000	
<u>Commodities</u>		<u>\$1,200</u>
Office Supplies	900	
Miscellaneous	300	
<u>Equipment</u>		<u>0</u>
<u>TOTAL</u>		<u>\$169,000</u> <u>163,055</u>

RESOLUTION No. 82-5

WHEREAS The Alaska State Firefighters Association has reviewed the report by the Task Force on Fire Prevention and Control, ALASKA ON FIRE; and

WHEREAS the Association is aware that the report was hurried to completion because the Task Force Budget was not approved for fiscal year 82/83; and

WHEREAS the legislation creating the Task Force was approved for a 3-year program and termination of the program June 30, 1983; and

WHEREAS the early termination of funding of the Task Force has resulted in an incomplete report,

NOW, THEREFORE, BE IT RESOLVED that the Alaska State Firefighters Association supports expeditious funding to allow the Task Force on Fire Prevention and Control to complete its work, and

ACTION Passed

DATE: October 23, 1982

Leigh Gallagher
LEIGH GALLAGHER, President, ASFA

Alaska Fire Chiefs' Association

656 7th Avenue

Fairbanks, Alaska 99701

November 19, 1982

RESOLUTION TO SOLICIT, ACCEPT AND ADMINISTER GRANT FUNDS TO CONTINUE THE WORK OF THE ALASKA TASK FORCE ON FIRE PREVENTION AND CONTROL

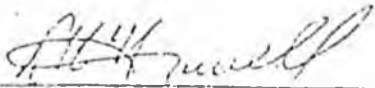
WHEREAS The Alaska Fire Chief's Association has been totally supportive of the Task Force on Fire Prevention and Control since inception; and

WHEREAS The Alaska Fire Chief's Association reaffirmed this support at their 1982 Conference in Ketchikan, Alaska; and

WHEREAS Actions at this 1982 Conference support a move for the Alaska Fire Chief's Association to pursue grant funding to be used to fund the continued work of the Task Force on Fire Prevention and Control; now therefore

BE IT RESOLVED that the Alaska Fire Chief's Association actively seek grant funds, that such funds be used for the purpose of continuing the work of the Task Force on Fire Prevention and Control, until the final report is submitted; that such funds will be received by, controlled by, disbursed by, and accounted for by the Alaska Fire Chief's Association through a three member committee appointed for that purpose.

APPROVED IN SPECIAL BOARD OF DIRECTOR'S MEETING November 19, 1982, in Anchorage, Alaska.

 2nd Vice President
per BASIL J. SANDS, JR., President

STATEMENT OF WORK

The work to be performed under this contract is completion of the objectives set for the Task Force on Fire Prevention and Control in Section 3 of Chapter 157, SLA 1980. It is understood that progress toward these objectives was made by the Task Force and set out in the "Report of the Task Force on Fire Prevention and Control" issued June 30, 1982. These objectives were set out in the Act as:

- (1) Identify and provide a detailed account of the fire loss problem in the state, including causal factors;
- (2) Identify and define the present roles and relationships of the agencies in the state which are involved in fire protection activities at the local, regional, state and federal levels;
- (3) Recommend organizational or operational modifications to improve the effectiveness of the state's fire protection system;
- (4) Provide documentation that will assist all government agencies and fire fighting services in effectively meeting their fire protection responsibilities.

Specifically the work under this contract will include:

- (1) Completion of the research and analysis of federal and state programs relating to fire.
- (2) Preparation of recommendations to improve federal and state programs with specific attention to the possibility of improvement through reorganization of state programs.
- (3) Study of the wildlands fire problem, the delivery mechanism for combating these problems and the relationship between agencies involved in the wildlands fire problem.
- (4) Preparation of recommendations to alleviate the wildlands fire problems and to clarify the relationships between the agencies involved.
- (5) Study the problem of arson in Alaska and prepare recommendations for alleviation of the problems.
- (6) Further study the recommendations made in the "Report of the Task Force on Fire Prevention and Control" and recommend improvements or clarifications where needed.

(7) Prepare a final report showing the results of the studies and containing the recommendations.

SOLE SOURCE AWARD JUSTIFICATION

By Chapter 157, SLA 1980 a Task Force on Fire Prevention and Control was established. The objectives of the Task Force were:

- (1) Identify and provide a detailed account of the fire loss problem in the state, including causal factors;
- (2) Identify and define the present roles and relationships of the agencies in the state which are involved in fire protection activities at the local, regional, state and federal levels;
- (3) Recommend organizational or operational modifications to improve the effectiveness of the state's fire protection system;
- (4) Provide documentation that will assist all government agencies and fire fighting services in effectively meeting their fire protection responsibilities.

Although the Act provided the Task Force was to expire June 30, 1983, funding was not provided this fiscal year for completion of the tasks assigned. The Task Force filed its final report on June 30, 1982. In the foreward to that report it stated that much remained to be done including such subjects as arson, inspections, investigations, training, equipment, federal agencies and state organization:

Completion of this work requires detailed knowledge of fire fighting equipment and methods, fire prevention and fire service delivery mechanisms. To be directly useful completion requires intimate knowledge of Alaska situations relating to delivery of fire services. Recommendations that may be entirely proper in a large city could be inappropriate in Anchorage and counterproductive in an isolated village.

Recommendations are frequently useless if they are not acceptable to the agencies which are directly involved in implementing them.

In Alaska, as elsewhere, fire services are provided by fire departments which are organized and function on a local basis as well as by state and federal agencies. In 1966 the Alaska firefighters formed the Alaska State Firefighters Association which has a membership extending over the entire

state. In 1970 as an offshoot of this organization the Alaska Fire Chiefs Association was formed. The membership of this organization comes from the entire state and is from cities, rural villages, federal agencies, state agencies, wildland agencies, and airport fire departments. Essentially they represent the people who deliver fire services in Alaska.

Because of extensive involvement in all phases of fire services and intimate knowledge of all areas of Alaska and because of work done in the past by the organizations and their members, these organizations can clearly perform the required services more satisfactorily than the services could be performed by others.

In addition studies by and recommendations from these organizations will be more satisfactory than the services by others since the organization's members are front line providers of fire service and therefore the study is more likely to be utilized and the recommendations implemented.

The Legislative Council finds that an award of the contract to complete the work of the Task Force to the Alaska Fire Chiefs Association which is acting as the contracting party on behalf of both itself and the Alaska Firefighters Association would be in the interest of the state and they can clearly perform the required services more satisfactorily because of their prior work in the area. A sole source award of the contract is therefore approved by the Council.

Alaska Fire Chiefs' Association

BRIEF HISTORY OF THE ASSOCIATION:

The Alaska Fire Chief's Association (AFCA) formed in 1972, as an "off-shoot" of the Alaska State Firefighters Association. The first president of the Association was Chief Dan Coben of the Fairbanks Fire Department.

Presidents following have been Chiefs: Eugene Benett, Anchorage Fire Department; Russell Bagley, Anchorage Borough Fire Department; Jack Mason, Glacier Fire Department; Robert Lewis, Nome Fire Department; Marty Fredrickson, Sitka Fire Department; Andre Schalk, State Fire Marshal's Office; James Evans, Anchorage Fire Department; and Basil Sands, Fairbanks Fire Department. As can be noted the Association leadership has come from all parts of the State and all sizes of Fire Departments.

Membership includes all of the ethnic groups of Alaska, as well as black and female chiefs. The membership of the Association is truly representative of the senior Chief Officers of the Alaska Fire Service. Additionally, the Association is representative of the various types of fire services in Alaska. Members are from the cities, towns, rural villages, federal agencies, state agencies, wildland agencies, and Airport fire departments.

The Association advocates better fire protection to all Alaskans, to better the fire prevention efforts, to improve the public fire education programs, to improve arson investigation and apprehension, to improving the fire and life-safety codes as well as building codes and code enforcement in this State.

As an organization this Association has worked to better inform the public about fire related matters; to provide an advisory role for the legislature and other state or local governments; to train and to advise the many fire chiefs of Alaska in any way possible; and to serve the State as the source for advice or information in all fire and rescue related matters. With the cooperative efforts of the Alaska State Firefighter's Association, the Firefighter's unions, and our affiliation with the International Association of Fire Chiefs this Association provides a wide range of fire related services to all of Alaska..

During the last years the Association led the way to get legislation passed to provide low interest loans for business owners to install fire protection equipment and to get a reduction in the assessed taxes on such fire protection equipment (this legislation has received national attention and is considered the model for other states); to create a State Task Force to study the total fire protection picture in the State; to pass the arson information act to try to stop the terrible Alaskan arson problem; to fund a position of Fire Education Specialist in the State Fire Marshal's office; for additional Regional Fire Training officers in the Fire Service Training Program of the Department of Education, and many other important statewide issues.

Members of the AFCA always stand ready to provide expert advise on fire, rescue, life-safety etc. to anyone in the state who may request assistance. The Alaska Fire Chief's Association will continue to be the primary force for better fire protection in Alaska by assisting the nearly 200 fire Chiefs in the State to do an even better job of serving their local citizens.

5, Resources

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 80 Date on Bill: 1/27/83
Title: Extend the life of the Task Force on Fire Prevention and Control
Sponsor: Zeigler by request
Requestor: Zeigler

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			-0-	-0-	-0-	-0-		
Operating			84,000	163,000	-0-	-0-		
Total			84,000	163,000	-0-	-0-		

b. Revenues:

Revenue			-0-	-0-	-0-	-0-		
---------	--	--	-----	-----	-----	-----	--	--

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

The Department does not have funds in its FY'83 or FY'84 budgets for the operating costs of the Task Force on Fire Prevention and Control. Sponsor does not indicate source of offset funds.

3. Assumptions:

The expenditure figures are based upon the appropriations in SB 81 and SB 82

RECEIVED
FEB 15 1983

LEGISLATIVE FINANCE

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR*
Division: Commissioner's Office

Phone: 465-4703
Date: 2/9/83

Approved by Commissioner: *Mat Lewis*
Department: Community & Regional Affairs

Date: 2/7/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

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STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 31 Date on Bill: 1/27/83
Title: Special Appropriation...to fund Task Force on Fire Prevention & Control
Sponsor: Zeigler by request
Requestor: Ziegler

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			-0-	-0-	-0-	-0-		
Operating			-0-	163,000	-0-	-0-		
Total			-0-	163,000	-0-	-0-		

b. Revenues:

Revenue			-0-	-0-	-0-	-0-		
---------	--	--	-----	-----	-----	-----	--	--

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

The Departments FY'84 budget does not include funds to offset the fiscal impact of this bill. Sponsor does not indicate source of offset funds.

3. Assumptions:

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FEB 15 1983

LEGISLATIVE FINANCE

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery
Division: Commissioner's Office

Phone: 465-4703
Date: 2/9/83

Approved by Commissioner: [Signature]
Department: Community & Regional Affairs

Date: 2/9/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

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S. Resources

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 82 Date on Bill: 1/27/83
Title: Supplemental Appropriation...to fund Task Force on Fire Prevention & Control
Sponsor: Ziegler by Request
Requestor: Ziegler

1. Estimated fiscal impacts on: Department of Community & Regional Affairs

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	
Operating	84,000	-0-	-0-	
Total	84,000	-0-	-0-	

b. Revenues:

Revenue	-0-	-0-	-0-	
---------	-----	-----	-----	--

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

The Department does not have funds available in its FY'83 budget for the operation of the Task Force on Fire Prevention and Control. Sponsor does not indicate source of offset funds.

3. Assumptions:

RECEIVED
FEB 15 1983

LEGISLATIVE FINANCE

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Richard Rainery *RR* Phone: 465-4703
Division: Commissioner's Office Date: 2/9/83

Approved by Commissioner: *Mat Lewis* Date: 2/9/83
Department: Community & Regional Affairs

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

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101

CSSB 101 (Res) RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

ASK FOR UNANIMOUS CONSENT FOR ADOPTION OF THE RESOURCES COMMITTEE SUBSTITUTE.

(SMALL CHANGES WERE MADE IN THE C.S : (ALL RECOMMENDED BY THE COURT SYSTEM)

- .. REMOVED REFERENCES TO "MINOR MISDEMEANOR" AS IT HAS NO LEGAL DEFINITION
- .. ALLOWS THE DEFENDANT TO PAY BAIL IN THE COURT WHERE THE OFFICER FILES THE CITATION RATHER THAN IN THE COURT OF JURISDICTION
- .. MAKES AN ALLOWANCE FOR A PERSON WHO FORGETS TO SIGN HIS/HER CITATION
- .. AND SOME TECHNICAL CHANGES IN LINE WITH RECOMMENDATIONS FROM THE ATTORNEY GENERAL'S OFFICE

LETTER OF INTENT
IN THIRD READING, PRIOR TO PASSAGE, ASK FOR UNANIMOUS CONSENT FOR ADOPTION OF THE LETTER OF INTENT.

- .. ASSURES THAT ONLY MINOR OFFENSES WOULD BE COVERED BY THIS BILL

IN GENERAL
THIS BILL WOULD GIVE PEACE OFFICERS THE AUTHORITY TO ISSUE CITATIONS FOR FISH AND GAME MISDEMEANORS UNDER A PROCEDURE SIMILAR TO THE ISSUANCE OF TRAFFIC CITATIONS. THE INTENT IS TO EXPEDITE THE ENFORCEMENT PROCEDURE BY REDUCING COURT LOADS. THE SUPREME COURT IS TO IDENTIFY THE MISDEMEANORS APPROPRIATE FOR DISPOSITION WITHOUT COURT APPEARANCE - CONSIDERABLE WORK WAS DONE IN COMMITTEE TO ASSURE THAT ONLY MINOR OFFENSES WOULD BE COVERED BY THE TRAFFIC TICKETING SYSTEM. WE ANTICIPATE A REDUCTION OF ABOUT 1,000 CASES A YEAR THAT WOULD NORMALLY GO BEFORE THE COURTS.

FISCAL NOTE IS ZERO.

SENATE RESOURCES COMMITTEE

LETTER OF INTENT

CSSB 101

It is the intent of the Resources Committee in passing out this bill that the Supreme Court shall specify certain fish and game violations for which bail amounts can be set and for which citations could be issued which would not require court appearances. It is intended that this procedure be similar to that currently employed under the motor vehicle code for traffic citations. Through implementation of this procedure it is intended that savings to the court system, enforcement agencies and violators in time would be realized.

However, the Committee recognizes that only some fish and game misdemeanors would be identified under this new statute because of their "minor" nature. Other misdemeanors would continue to require court appearances by the cited violators. In testimony before the Committee and in statements to the Committee the following misdemeanors were mentioned as examples of those violations for which the provisions of this bill might in all likelihood apply:

- 1) snagging or attempting to snag fish
- 2) failure to punch harvest tickets
- 3) failure to submit hunting permit reports
- 4) license not in possession

The following misdemeanors were mentioned as examples of those violations for which the provisions of this bill should probably not apply:

- 1) commercial fish
- 2) limited entry
- 3) guide-related
- 4) closed season
- 5) same-day airborne
- 6) waste

It is the intention of the Committee that the Supreme Court, in consultation with the Department of Public Safety, would identify misdemeanors under this bill consistent with the above lists.

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 101

BILL NAME: *Relating to issuance of citations for fish
+ game violations.*

SPONSOR(S): *Rules/Governor*

RELATED BILLS PENDING:

DATE INTRODUCED: 2-1-83

REFERRALS: *Resources
Judiciary*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE: *Public Safety*

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

+ Gov's transmittal letter

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

will call
 Karla Forsythe, General Counsel.
Alaska Court System (264-0634)

Ray Gillespie, Governor

Dept Public Safety - Colonel Stickle will testify

ADF+G - Paddy

will testify:
Stephanie Cole
Deputy Administrative Director
for Services
AK Court System
Wants to testify
early - has plans
to catch.

Introduced: 2/1/83
Referred: Resources and
Judiciary

Handwritten signatures and initials at the top right of the page.

changes highlighted

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

Resources CS FOR

SENATE BILL NO. 101

2

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the issuance of citations for
fish and game violations."

7

8

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

9

* Section 1. AS 16.05 is amended by adding a new section to read:

10

Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) Notwith-
standing AS 16.05.160, when a peace officer stops or contacts a person
concerning a violation[,] of this chapter or of a regulation adopted un-
der this chapter[,] that is a misdemeanor, the peace officer may, in his
discretion, issue a citation to the person[,] as provided in AS 12.25.180.

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(b) After consultation with the division of fish and wildlife
protection of the Department of Public Safety, the supreme court shall
specify by rule or order those [minor] misdemeanors that are appropriate
for disposition without court appearance, and shall establish a sched-
ule of bail amounts. The maximum bail amount for an offense may not
exceed the maximum fine specified by law for that offense. If the
misdemeanor for which the citation is issued may be disposed of with-
out court appearance, the issuing peace officer shall write on the
citation the amount of bail applicable to the violation.

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(c) A person cited for a misdemeanor for which a bail amount has
been established under (b) of this section may, within 15 days after
the date of the citation, mail or personally deliver to the clerk of
the court [having jurisdiction over the place where the violation oc-
curred,] in which the citation is filed by the peace officer:

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(1) the amount of bail indicated on the citation for that

1 offense; and

2 (2) a copy of the citation [signed by the person] indicating
3 that the right to an appearance is waived, a plea of no contest is en-
4 tered and the bail is forfeited.

5 (d) When bail has been forfeited under (c) of this section, a
6 judgment of conviction shall be entered. Forfeiture of bail and all
7 seized items is a complete satisfaction for the misdemeanor. The
8 clerk of the court accepting the bail shall provide the offender with
9 a receipt stating that fact.

10 (e) If the person cited fails to pay the bail amount established
11 under (b) of this section or to appear in court as required, the
12 citation is considered a summons for a misdemeanor.

13 (f) Notwithstanding other provisions of law, if a person cited
14 for a misdemeanor for which a bail amount has been established under
15 (b) of this section appears in court and is found guilty [after trial],
16 the penalty that is imposed for the offense may not exceed the bail
17 amount for that offense established under (b) of this section.

18 * Sec. 2. AS 16.05.410 is amended by adding new subsections to read:

19 (f) Except as provided in (g) of this section, the provisions of
20 (a) -- (c) of this section do not apply when the offense for which the
21 person is convicted is a [minor] misdemeanor for which a forfeitable
22 bail amount has been set under AS 16.05.165.

23 (g) When a person has been convicted during a two year period of
24 two or more [minor] misdemeanor offenses for which a forfeitable bail
25 amount has been set under AS 16.05.165, a peace officer may file a civil ac-
26 tion in the district court to revoke the person's license. Once an action
27 has been filed, the court shall set a time and date for a hearing on
28 the proposed license revocation, and shall send notice of the hearing
29 to the person. The hearing shall be before the court without a jury; at
30 the hearing the court shall hear evidence regarding

1 the nature and seriousness of the offenses for which the person was
2 convicted, the time period involved, the potential impact of the per-
3 son's actions upon the preservation of the resource, and other rele-
4 vant circumstances. If the court finds ^{by a preponderance of the evidence} ~~that the person's actions~~
5 demonstrate a disregard for the preservation of the state's fish or
6 wildlife resources, the court may revoke the person's license for a
7 period of not less than one year nor more than three years from the
8 date of revocation.

*Section 3. AS 12.25.190(c) is amended to read:

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151 . and fish and game citations for which a bail schedule has been established under AS 16.05.165.

Offered: 3/18/83
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 101 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the issuance of citations for
7 fish and game violations."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.165. FORM AND ISSUANCE OF CITATION. (a) Notwith-
11 standing AS 16.05.160, when a peace officer stops or contacts a person
12 concerning a violation of this chapter or of a regulation adopted un-
13 der this chapter that is a misdemeanor, the peace officer may, in the
14 officer's discretion, issue a citation to the person as provided in
15 AS 12.25.180.

16 (b) After consultation with the division of fish and wildlife
17 protection of the Department of Public Safety, the supreme court shall
18 specify by rule or order those misdemeanors that are appropriate for
19 disposition without court appearance, and shall establish a schedule
20 of bail amounts. The maximum bail amount for an offense may not ex-
21 ceed the maximum fine specified by law for that offense. If the mis-
22 demeanor for which the citation is issued may be disposed of without
23 court appearance, the issuing peace officer shall write on the cita-
24 tion the amount of bail applicable to the violation.

25 (c) A person cited for a misdemeanor for which a bail amount has
26 been established under (b) of this section may, within 15 days after
27 the date of the citation, mail or personally deliver to the clerk of
28 the court in which the citation is filed by the peace officer

29 (1) the amount of bail indicated on the citation for that

1 offense; and

2 (2) a copy of the citation indicating that the right to an
3 appearance is waived, a plea of no contest is entered and the bail is
4 forfeited.

5 (d) When bail has been forfeited under (c) of this section, a
6 judgment of conviction shall be entered. Forfeiture of bail and all
7 seized items is a complete satisfaction for the misdemeanor. The
8 clerk of the court accepting the bail shall provide the offender with
9 a receipt stating that fact.

10 (e) If the person cited fails to pay the bail amount established
11 under (b) of this section or to appear in court as required, the
12 citation is considered a summons for a misdemeanor.

13 (f) Notwithstanding other provisions of law, if a person cited
14 for a misdemeanor for which a bail amount has been established under
15 (b) of this section appears in court and is found guilty, the penalty
16 that is imposed for the offense may not exceed the bail amount for
17 that offense established under (b) of this section.

18 * Sec. 2. AS 16.05.410 is amended by adding new subsections to read:

19 (f) Except as provided in (g) of this section, the provisions of
20 (a) - (c) of this section do not apply when the offense for which the
21 person is convicted is a misdemeanor for which a forfeitable bail
22 amount has been set under AS 16.05.165.

(g) When a person has been convicted during a two year period of
24 two or more misdemeanor offenses for which a forfeitable bail amount
25 has been set under AS 16.05.165, a peace officer may file a civil
26 action in the district court to revoke the person's license. Once a
27 an action has been filed, the court shall set a time and date for a
28 hearing on the proposed license revocation, and shall send notice of
29 the hearing to the person. The hearing shall be before the court

1 without a jury; at the hearing the court shall hear evidence regarding
2 the nature and seriousness of the offenses for which the person was
3 convicted, the time period involved, the potential impact of the per-
4 son's actions upon the preservation of the resource, and other rele-
5 vant circumstances. If the court finds by a preponderance of the evi-
6 dence that the person's actions demonstrate a disregard for the pres-
7 ervation of the state's fish or wildlife resources, the court may re-
8 voke the person's license for a period of not less than one year nor
9 more than three years from the date of revocation.

10 * Sec. 3. AS 12.25.190(c) is amended to read:

11 (c) The person cited for the crime shall give [HIS] written
12 promise to appear in court by signing at least one copy of the written
13 citation prepared by the peace officer and the officer shall deliver a
14 copy of the citation to the person. The written promise requirement
15 of this subsection does not apply to motor vehicle and traffic cita-
16 tions under AS 28.05.151 and fish and game citations for which a bail
17 schedule has been established under AS 16.05.165.

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will establish an expeditious procedure to dispose of minor uncontested misdemeanor fish and game violations.

Under existing law (AS 12.25.180), peace officers have the authority to issue citations for misdemeanors instead of arresting the offender. Once a citation is issued, however, the offender must ordinarily appear in court, even if he does not wish to contest the charge. Section 1 of the attached bill adopts a procedure similar to that found in the motor vehicle code (AS 28.05.151) which allows the offender to post and forfeit bail if he does not wish to contest the charge. The bill also authorizes the supreme court to establish a bail schedule for those minor misdemeanor offenses which are appropriate for disposition without court appearance.

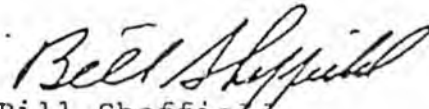
As in the comparable motor vehicle code provision, this bill provides that when a person is convicted of a minor misdemeanor which is included in the bail schedule, the fine imposed may not exceed the bail amount, even though statutes or regulations may allow a higher maximum penalty level. This bail amount "ceiling" on fines is necessary to ensure that a person who contests a citation and goes to trial will not receive a more severe penalty upon conviction than the person who enters a no contest plea and forfeits the bail amount without appearance. To expose the person who contests a citation to a higher maximum possible sentence would penalize the exercise of the right to a trial, constituting a denial of equal protection of the law.

Section 2 of this bill generally exempts persons who have been convicted of two or more minor fish and game violations from the mandatory license forfeiture required by AS

16.05.410(a) -- (c). However, the bill also provides that, in specific appropriate situations the hunting or fishing licenses of frequent repeat minor offenders may be revoked following a district court hearing.

Passage of this bill will benefit law enforcement, the person cited for a relatively minor offense, and the judicial system. The person will avoid the time and expense associated with a court appearance, while law enforcement will be able to concentrate its resources on more serious offenses. We anticipate a reduction of approximately 1,000 cases per year that would normally go before the courts.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 101 Date on Bill: 2/1/83
 Title: An Act relating to issuance of citations for fish & game violations
 Sponsor: Rules Committee by Request of the Governor
 Requestor: Senate Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

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

3. Assumptions:

No fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2/16/83

Approved by Commissioner: *Robert J. ...* Date: 2-22-83
 Department: Public Safety

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor
 Copy to Requestor

2/15/83

COMMITTEE REPORT
SENATE

2/1/83

FURTHER: Judiciary

Date: 3-16-83

Mr. President:

The Committee on Resources has had SB 101

An Act relating to the issuance of citations for fish and game violations.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 101 same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Paul Fischer _____
 Stuzgalski _____
 Eli on _____
 Ziegler _____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Paul Stuzgalski _____

Patricia Johnson Do Pass
w/ Letter
of Intent
 CHAIRMAN

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

March 9, 1983

Representative Mitch Abood
Pouch V
Juneau, Alaska - 99801

Dear Representative Abood:

During the budget hearings on March 7th involving the Division of Fish and Wildlife Protection we discussed Senate Bill 101 and its potential impact on the Division. Senate Bill 101 was introduced on February 1st, 1983 and is a bill entitled "An Act Relating to the Issuance of Citations for Fish and Game Violations."

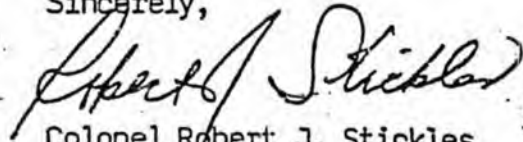
Should this Bill pass it will allow the Alaska Supreme Court to establish a bail system for minor fish and wildlife offenses. If that occurs we anticipate approximately twenty (20) of the most common and minor violations being placed on this bail system. A fine will be established by the Court System for the offenses and if an individual is caught in a violation he will have the option of mailing in a fine or appearing in court. We anticipate that this will have a significant impact on the Court System, the Division of Fish and Wildlife Protection and the District Attorneys Office and it will be a positive impact because we feel an overwhelming majority of people will elect to use the bail system.

In an era when the State's treasury is going down and operating funds for the Division are not going to be as great as they have been in the past this type of legislation will assist the Division in maintaining its current posture while decreasing expenditures at the same time. Last year the Division spent nearly 6,000 hours in court in the prosecution of the violations that we apprehended in the field. We believe that at a minimum, one half of this time can be eliminated if this particular piece of legislation passes. I would like to note also that we believe this will be of tremendous benefit to the sportsmen of the State of Alaska. I say sportsmen because right now we do not envision commercial type violations being placed on the bail system. In many cases persons are traveling, for example from Anchorage to Kenai to participate in the sport fishery and are cited for a violation. In order to go to court the individual has to take at least one day off from work, go to court, plead guilty or innocent, pay his fine, and it's an inconvenience to the general public as well as a burden on the court system, my officer's time, and the District Attorney's time. We feel the passage of this Bill will help not only us, but also the citizen.

MARCH 9, 1983

Should this Bill come before the House State Affairs Committee of which you are the Chairman, I urge your support for this piece of legislation. If we can be of further assistance in explaining the benefits of this legislation or in answering any questions, please feel free to contact us.

Sincerely,



Colonel Robert J. Stickles
Director

RJS/rt

cc: Commissioner Robert J. Sundberg, Department of Public Safety

Applied in *Eben v. State*, Sup. Ct. Op. No. 1920 (File No. 3525), 599 P.2d 700 (1979). C.I.S. reference. — 22 C.J.S. Criminal Law §§ 331 to 346.

Sec. 12.25.160. Arrest defined. Arrest is the taking of a person into custody in order that he may be held to answer for the commission of a crime. (§ 2.01 ch 34 SLA 1962)

Applied in *Goss v. State*, Sup. Ct. Op. No. 193 (File No. 235), 390 P.2d 220, cert. denied, 379 U.S. 859, 85 S. Ct. 118, 13 L. Ed. 2d 62 (1964); *Aldridge v. State*, Sup. Ct. Op. No. 1971 (File No. 3413), 602 P.2d 798 (1979).

Sec. 12.25.180. When peace officer has option to take person before judge or magistrate. (a) When a person is stopped or contacted by a peace officer for the commission of a misdemeanor or the violation of a municipal ordinance, he may, in the discretion of the contacting peace officer, be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity;
- (2) the contacting officer has reasonable and probable cause to believe the person is a danger to himself or others;
- (3) the crime for which the person is contacted is one involving violence or harm to another person or to property; or
- (4) the person asks to be taken before a judge or magistrate under AS 12.25.150.

(b) When a person is stopped or contacted by a peace officer for the commission of an infraction or a violation, he shall be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity; or
- (2) the person refuses to accept the citation or to give his written promise to appear as provided for under AS 12.25.190(c). (§ 1 ch 31 SLA 1973; am § 19 ch 127 SLA 1974; am § 3 ch 144 SLA 1977; am § 34 ch 102 SLA 1980)

Effect of amendments. — The 1977 amendment, in present subsection (a), inserted "or an infraction" in the introductory paragraph and deleted "or the contacting officer has reasonable and probable cause to believe the person will disregard a written promise to appear in court" from the end of paragraph (1).

The 1980 amendment designated the provisions of this section as subsection (a), deleted "or an infraction" following "of a misdemeanor" near the beginning of subsection (a), and added subsection (b).

Legislative history reports. — For report on ch. 31, SLA 1973 (SB 25), see 1973 Senate Journal Supplement No. 7, p. 2. For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44 (May 29, 1980) or 1980 House Journal Supplement, No. 79 (May 29, 1980).

Applied in *Ahmaogak v. State*, Sup. Ct. Op. No. 1657 (File No. 4171), 595 P.2d 985 (1979).

Sec. 12.25.190. When person to be given five-day notice to appear in court. (a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in AS 12.25.180, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151. (§ 1 ch 31 SLA 1973; am § 20 ch 127 SLA 1974; am § 4 ch 144 SLA 1977; am § 20 ch 178 SLA 1978)

Effect of amendments. — The 1977 amendment added the second sentence of subsection (c).

The 1978 amendment substituted "AS 28.05.151" for "AS 28.05.080" at the end of subsection (c).

Legislative history report. — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Applied in Ahmaogak v. State, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).

Sec. 12.25.200. Form for citations. The chief administrative officer of each law enforcement agency in the state is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book and each citation contained in it and shall require and retain a receipt for every book issued to a peace officer. (§ 1 ch 31 SLA 1973)

Sec. 12.25.210. Disposition and records of citations. (a) A peace officer, upon issuing a citation to an alleged violator under AS 12.25.180, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense.

(b) Upon the deposit of the original or a copy of the citation with a court having jurisdiction over the alleged offense, the original or copy of the citation may be disposed of only by trial in the court or other official action by a magistrate or judge of the court.

(c) It is unlawful and official misconduct for a peace officer or other officer or public employee to dispose of a citation or copies of it or of the record of the issuance of the citation in a manner other than as required in this section.

(d) The chief administrative officer of each law enforcement agency shall require the return to him of a copy of every citation issued by an officer under his supervision to an alleged violator of a law or ordinance and of all copies of every citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The chief administrative officer shall also maintain in connection with every citation issued by an officer under his supervision a record

of the disposition of the charge by the court in which the original or copy of the citation was deposited. (§ 1 ch 31 SLA 1973)

Sec. 12.25.220. When copy of citation considered a lawful complaint. If the form of citation provided under AS 12.25.200 includes information and is sworn to as required under the laws of this state in respect to a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction is considered to be a lawful complaint for the purpose of prosecution. (§ 1 ch 31 SLA 1973)

When citation is a charge within meaning of Cr. R. 45(c)(1). — When a citation is served which gives a person official notice that he or she is accused of a crime and is summoned to appear in court to answer for such crime upon penalty of fine and or imprisonment, the citation is a charge within the meaning of Cr. R. 45(c)(1) which triggers the 120-day period.

Ahmaogak v State, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).

Service of a Uniform Summons and Complaint triggers the 120-day period in which trial must be commenced under Cr. R. 45(b). Ahmaogak v. State, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).

Sec. 12.25.230. Failure to obey citation. A person who fails to appear in court to answer the citation, regardless of the disposition of the charge for which the citation was issued, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 1 ch 31 SLA 1973; am § 5 ch 144 SLA 1977)

Effect of amendment. — The 1977 amendment substituted "fails to appear in court to answer the citation" for "violates his written promise to appear given to a peace officer upon the issuance of a

citation under AS 12.25.180 — 12.25.220."

Applied in Ahmaogak v. State, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).

Chapter 30. Bail.

Section	Section
10. Bail before conviction is matter of right	40. Release after conviction
20. Release before trial	50. Release of material witnesses
25. Release before trial in cases involving domestic violence	60. Violation of conditions
30. Appeal from conditions of release	70. Contempt
	80. Definitions

Repeal of former chapter. — Section 1, ch. 20, SLA 1966, repealed former chapter 30. The former chapter derived from §§ 3.01 — 3.04, ch. 34, SLA 1962.

M E M O R A N D U M

TO: Senator Bettye Fahrenkamp, Chair, Senate Resources Committee

INFORMATION: Senator Robert H. Zielger, Sr., Vice-Chair
Senator Bob Mulcahy
Senator Richard I. Eliason
Senator Paul Fischer
Senator Arliss Sturgulewski
Senator Vic Fischer

FROM: Stephanie J. Cole
Deputy Director for Services
Alaska Court System

SUBJECT: SB 101

DATE: March 16, 1983

The Alaska Court System supports the passage of legislation enabling the development and adoption of a bail forfeiture schedule for minor fish and game offenses. Such a bail schedule could both reduce the court's workload and promote public convenience.

The following comments are offered about SB 101:

1. Section I, AS 16.05.165(a): We would suggest the addition of the phrase "as provided in AS 12.25.180" at the end of the sentence.

AS 12.25.180 (When peace officer has option to take person before judge or magistrate) sets forth the parameters of a peace officer's discretionary power to issue a citation to a defendant. It should be as applicable to fish and game misdemeanors as to other types of misdemeanors. The reference to AS 12.25.180 will make the incorporation clear.

2. Section I, AS 16.05.165(b): We would suggest the deletion of the word "minor" in the first sentence.

This first sentence refers to "minor misdemeanors." This term does not have any legal definition. The legislative intent that only minor types of cases be included in the bail schedule is already addressed by the language in this same sentence, "...misdemeanors that are appropriate for disposition without court appearance." More serious misdemeanors would not be appropriate for inclusion in the bail schedule. The inclusion of the term "minor misdemeanors" could be unnecessarily confusing.

3. Section I, AS 16.05.165(c): In the first sentence, we would delete "...having jurisdiction over the place where the violation occurred," and would substitute "...in which the citation is filed by the peace officer."

The defendant may have no knowledge about which court has jurisdiction over the place where the violation occurred. He must deal with the court where the peace officer files the citation. This court address would be indicated on the citation.

4. Section I, AS 16.05.165(c)(2): We would suggest that a final sentence be added to this subsection: "Bail shall be forfeited if the person cited returns the bail amount but fails to sign the citation."

Clerical problems will develop if (as frequently occurs with the traffic bail schedule receipts) persons mail in their bail money and omit, inadvertently or otherwise, to sign their citations. This provision would allow the court to treat the matter as if the person had signed the citation, thus expediting case processing.

5. Section I, AS 16.05.165(f): We would change the provision in the first sentence of "after trial" to "after plea or trial."

It sometimes happens that a person wants to plead guilty to this sort of offense while still wanting to go to court to tell the judge about the particular circumstances of his case. This minor addition will insure that he or she would not be penalized for doing so.

6. Section I, AS 16.05.110(g): This subsection raises the possibility of a number of problems and leaves a number of questions unanswered.

Among the issues raised are the following. Is this a criminal or civil proceeding? What standard of proof does the court use? If the license to be revoked is considered to be a "valuable license" by the court, the defendant has the right to a trial by jury. [See Baker v. City of Fairbanks, 471 P.2d 386 (Alaska 1970).] Then, how does the court treat the underlying prior misdemeanor offenses which support the case before the court, for which the defendant did not have the right to trial by jury? Is the defendant allowed to raise issues relating to his or her guilt in these closed cases before the jury? Different courts will probably decide these and other questions in varying ways.

Senator Bettye Fahrenkamp
March 16, 1983
Page 3.

As an alternative method, the legislature may want to consider the implementation of an administrative point system as is presently in use in traffic matters. See AS 28.15.221 et. seq. Such a point system would avoid many of the procedural pitfalls created by the present subsection.

Thank you for the opportunity to comment on this proposed legislation.

SJC:jm

Stephanie J. Cole



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will establish an expeditious procedure to dispose of minor uncontested misdemeanor fish and game violations.

Under existing law (AS 12.25.180), peace officers have the authority to issue citations for misdemeanors instead of arresting the offender. Once a citation is issued, however, the offender must ordinarily appear in court, even if he does not wish to contest the charge. Section 1 of the attached bill adopts a procedure similar to that found in the motor vehicle code (AS 28.05.151) which allows the offender to post and forfeit bail if he does not wish to contest the charge. The bill also authorizes the supreme court to establish a bail schedule for those minor misdemeanor offenses which are appropriate for disposition without court appearance.


As in the comparable motor vehicle code provision, this bill provides that when a person is convicted of a minor misdemeanor which is included in the bail schedule, the fine imposed may not exceed the bail amount, even though statutes or regulations may allow a higher maximum penalty level. This bail amount "ceiling" on fines is necessary to ensure that a person who contests a citation and goes to trial will not receive a more severe penalty upon conviction than the person who enters a no contest plea and forfeits the bail amount without appearance. To expose the person who contests a citation to a higher maximum possible sentence would penalize the exercise of the right to a trial, constituting a denial of equal protection of the law.

Section 2 of this bill generally exempts persons who have been convicted of two or more minor fish and game violations from the mandatory license forfeiture required by AS

16.05.410(a) -- (c). However, the bill also provides that, in specific appropriate situations the hunting or fishing licenses of frequent repeat minor offenders may be revoked following a district court hearing.

Passage of this bill will benefit law enforcement, the person cited for a relatively minor offense, and the judicial system. The person will avoid the time and expense associated with a court appearance, while law enforcement will be able to concentrate its resources on more serious offenses. We anticipate a reduction of approximately 1,000 cases per year that would normally go before the courts.

Sincerely,


Bill Sheffield
Governor

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: November 30, 1983

I. REQUEST

Bill/Resolution No.: CSSB 101
 Title: Citations for Fish and Game Violations
 Sponsor: Senate Resources Committee
 Requestor: _____
 Date of Request: _____

II. FISCAL DETAIL

Agency Affected: Fish and Game
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL						

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

OFFICE OF
MANAGEMENT & BUDGET

NOV 30 1983

IV. ANALYSIS: Attach a separate page for any Analysis

BUDGET REVIEW

Prepared By: Beverly Roaume Phone: 465-4120
 Division: Administration Date: _____

Approved by Commissioner: [Signature] Date: 11/29/83
 Department: Fish and Game

Distribution:

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

9/14/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSB 101 (Res)
 Title: "Act relating to issuance of ..."
 Sponsor: Senate Resource Committee
 Requestor: Senate Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: F&WP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532
 Division: Fish & Wildlife Protection Date: 3-22-83
 Approved by Commissioner: [Signature] Date: 3/25/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
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- Copy to Department (for Governor introduced bills)
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3/8/83

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: March 16, 1983 Committee Hearing
DATE: March 14, 1983

On Wednesday, March 16 at 3:00 p.m. in the Seitz Room the Resources Committee will hear the following four bills:

SB 191 RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

Sec. 1 would give peace officers the authority to issue citations for fish and game misdemeanors under a procedure similar to the issuance of traffic citations. The Supreme Court is to identify the minor misdemeanors that are appropriate for disposition without court appearance and establish a schedule of bail amounts.

Sec. 2 generally exempts persons who have been convicted of two or more fish and game misdemeanors from the mandatory license forfeiture required by current statute. However, it allows a peace officer to petition the district court to seek an offender's license revocation.

The intent of SB 191 is to expedite the enforcement procedure by reducing court loads. Among the attachments is a list of recommended changes to SB 191 given to us by the Alaska Court System. These recommendations will be discussed at the hearing.

SB 198 CONTINUING THE GUIDE LICENSING AND CONTROL BOARD, AND AUTHORIZING THE BOARD TO LICENSE MARINE MAMMAL GUIDES.

Sec. 1 would extend the life of the Guide Licensing and Control Board through FY 86. The Guide Board is currently scheduled to sunset June 30, 1983. An extension was recommended by the Budget



Official Business

Alaska State Legislature

Senate

Pouch V
State Capitol
Juneau, Alaska 99811

March 16, 1983

Memo

To: Bettye

From: Pat

Subject: Hearing on SB 101 (Fish and Game Citations), SB 138 (Guide Board Extension), SB 139 (Delete "Transporter" Licensing), and CSHB 118 (Bear tag fees), March 16, 3:00pm, Beltz Rm.

General

This is going to be a fairly big hearing and involve several different agencies and interest groups. We should probably think about order of presentation. I would suggest that we take the Members (Shultz will be there at 3 pm) first, then all the Administration witnesses first regardless of bill because some like ADF&G will be offering testimony on several bills. Then we might want to bunch up the interest groups by bill, namely have all the guides testify together on SB 138.

The Administration has indicated support for all of the four bills. Two of the bills, SB 101 and CSHB 118 are their bills.

I think it would be possible to move out all the bills today if no serious or complicated issues or amendments are raised beyond what we know now. However, I see no problem at all in moving out CSHB 118 or SB 139. If the guides can live with a stripped down simple extension of SB 138, I think we should move it also, but there is considerable controversy and possible add-ons, we shouldn't rush it. The non-guide and would-be guides out there are very paranoid about the Board perpetuating its own nest-feathering.

The only amendments we have received are from the Court system on SB 101. I have reviewed all of them and found all but one very logical and do-able. I have attached a possible CS for the bill incorporating these changes. The one change which I didn't make; there was no language submitted for and substituting a petitioning process with a "point" system for revoking licenses after several "minor" offenses as suggested. Would require more work and review and is not critical to the purpose of the bill.

SPECIFIC QUESTIONS

CSHB 118--Gives authority to Game Board to reduce or delete bear tag fee to help increase bear harvests in overpopulated areas incidental to other hunting.

- 1) I understand that this fee removal would only be implemented in certain select areas with large bear populations, not statewide. Is this correct?

- 2) Do the words in the bill, "for a game management unit", require the Board to take actions on tags for an entire unit or could actions be taken on portions of large units? (possible amendment might read: "for a game management unit or portion thereof".)

SB 138, Extend the Guide Board three years and authorize regulation of marine mammals.

- 1) Criticism has been made of the Board in the past for not allowing sufficient opportunities for new or young guides through the assignment of exclusive areas to "old-time" established guides. What has the Board been doing to provide increased opportunities for more guides?

---"taking back" areas no longer used. How are they being reassigned?

---study of guide areas to see if portions unused and could be used by others?

- 2) There have been questions raised as to the transfer policies by the Board. Specifically, complaints have been raised about selling guide areas like limited entry fishing permits. What is the Board's policies regarding guide area transfers and its thoughts on the selling of areas?

- 3) Problems have also apparently occurred in the Board's procedural actions resulting in court cases and overturning of Board decisions based on failures to follow the administrative procedure code. What technical assistance or staff support does the Board currently receive and what changes might be necessary to improve the decision processes?

(The Budget and Audit Committee recommended that the Board be transferred from under the Occupational Licensing Div. of Dept. of Commerce to the Div. of Fish and Wildlife Protection within Dept. of Public Safety to improve staff support and efficiency)

SB 139, Repeal licensing provisions for "transporters" of hunters

- 1) If this provision is repealed will there be any increased danger to wildlife resources or hunter safety? (Budget and Audit found no)

SB 101, Authorizing the issuance of citations not requiring court appearance for "minor" fish and game violations, like traffic tickets.

- 1) I understand that this would relieve a considerable number of court appearances yearly (1,000 estimated) and state manhours spent in court (6,000 manhours) as well as a benefit to offenders in not taking time off from work, etc; would this in anyway adversely affect management and enforcement of our fish and wildlife resources or laws?
- 2) The court system has recommended that the word "minor" be removed from the bill as not being clear in intent, but we obviously are thinking about certain kinds of misdemeanor offenses for the setting of a bail program. What specific kinds of offenses would be envisioned as covered by a bail program? What specific kinds of offenses would most likely not be covered (court appearances would still be required)?