

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3458 HLAB HB 57 - HB 62

334




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COMMITTEE REPORT
HOUSE

2/20

(7)

FURTHER: FINANCE

2/4/85

Date: Feb. 15, 1985

The Committee on LABOR & COMMERCE has had HB 57

"An Act making special appropriations for an asbestos health hazard abatement program; and providing for an effective date."

under consideration and recommends:

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

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]
CHAIRMAN

*
* DELIVER TO: JFOM *
* *
* ORIGINAL *
* SENT: 02/13/85 TIME: 08:43 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 02/13/85 TIME: 08:43 *
* *

TO: ALL LEGISLATORS

FROM: DON RAMSEY, UNITED NEIGHBORS ASSOCIATION, 2360 COMMERCIAL DR., SUITE 240, (WK) ANCHORAGE, 99501, 2111 E. 3RD AVE., #21F, ANCHORAGE, 99501, (HM), 272-4083(MSG)

RE: ALASKA LANDLORD TENANT LAW

THERE ARE SERIOUS HEALTH AND SAFETY VIOLATIONS IN MY APARTMENT COMPLEX, MARTIN ARMS APARTMENTS. WE'VE BEEN HAVING PROBLEMS WITH MICE, ROACHES, SILVER FISH, INSUFFICIENT HEAT AND MYSTERIOUS ILLNESSES. OUR APARTMENTS HAVE A MIXTURE OF 20 PERCENT ASBESTOS IN EXPOSED AREAS. THE OWNERS, AND MOA, ARE NEGLECTING THE PROBLEMS. DOES ANYBODY CARE.

Hein
2/1/85.

Original sponsors: Gruenberg and Koponen

Funding Information

General Fund	\$26,300,000
Other Funds	-0-
	<u>\$26,300,000</u>

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 57 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations for an asbestos
7 survey and an asbestos health hazard abatement
8 program; and providing for an effective date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund
11 to the Department of Labor to implement the asbestos health hazard abate-
12 ment program.

13 * Sec. 2. The sum of \$24,000,000 is appropriated from the general fund
14 to the Department of Education for administration of the asbestos health
15 hazard abatement program and for grants to abate asbestos health hazards in
16 schools in school districts and regional educational attendance areas.

17 * Sec. 3. The sum of \$2,000,000 is appropriated from the general fund
18 to the University of Alaska for an asbestos survey and an asbestos health
19 hazard abatement program within the University of Alaska system.

20 * Sec. 4. The unexpended and unobligated portions of the appropriations
21 made by this Act lapse into the general fund June 30, 1987.

22 * Sec. 5. This Act takes effect on the effective date of an Act estab-
23 lishing an asbestos health hazard abatement program.

HB 57 FILE CONTENTS

- 1) Bill Summary -- Legislative Reporting Service
- 2) Overview Memo on School District Needs -- HESS Staff
- 3) Anchorage School District Needs --ASD
- 4) Fairbanks North Star School District Needs
- 5) Mt. Edgecumbe School District Needs -- DOT/PF
- 6) Letters between Gruenberg & De Vries re: Mat-Su Boro
Needs for Asbestos Abatement

INTRODUCTION OF BILLS (House), (cont'd)

HB 56, (cont'd)

Department would also not be allowed to register a motor vehicle that is not covered by liability insurance (current law requires drivers to carry liability insurance but proof must be shown only when involved in an accident or when charged with a traffic violation with a demerit point value of six or more points). Changes in coverage must be reported to the Department before insurance terminates, and upon notification of cancellation or termination of the policy the Department is required to revoke the vehicle's registration unless the owner has presented evidence of a new policy. Does not provide for an effective date (takes effect 90 days after Governor signs bill).

Introduced January 16 and referred to Labor & Commerce, Judiciary, then Finance.

Appropriations
(special)
(asbestos
abatement)

HOUSE BILL NO. 57, by Reps. Gruenberg and Koponen. Makes special appropriations in the amount of \$26,300,000 to the Departments of Labor & Education for the asbestos health hazard abatement program. The Department of Labor would get \$300,000 to implement the program and the Dept. of Education would receive \$26,000,000 for administration and for grants to schools districts and Regional Educational Attendance Areas. The unexpended and unobligated portions of the appropriations would lapse into the general fund 6/30/87. Act takes effect on effective date of HB 5.

Introduced January 16 and referred to Health, Education & Social Services, Labor & Commerce and Finance.

Fisheries
Business Tax
Credit

HOUSE BILL NO. 58, by Reps. Cato and Grussendorf. See Senate Bill 11, page 6, identical.

Introduced January 16 and referred to the House Special Committee on Fisheries, Resources, then Finance.

Appropriation
(special)
(youth hostel
loan fund)

HOUSE BILL NO. 59, by Reps. M. M. Miller and Duncan. Makes a special appropriation in the amount of \$200,000 to the Dept. of Natural Resources, Division of Parks, for the Youth Hostel Loan Fund for the purchase, construction and renovation of youth hostels. The unexpended and unobligated portion of the appropriation lapses into the general fund 6/30/86. Act takes effect on effective date of HB 61.

Introduced January 16 and referred to the House Special Committee on State Loans, Resources, and Finance.

FY '86 Budget
(operating &
capital)

HOUSE BILL NO. 60, by the Rules Committee by Request of the Governor. Appropriates for the operating and capital expenses of state government. The total capital budget is \$947,938,700, total operating budget is \$3,228,230,400, total loans budget is \$131,766,700. Totals include federal and program receipts. Total budget is \$4,307,935,800.

Introduced January 18 and referred to Finance.

January 18, 1984

MEMORANDUM

To: HESS Committee members
From: Nancy Bennett, Committee staff
Re: Asbestos history/Alaska information

IN YOUR FOLDER:

A copy of SSHB 5, asbestos health hazard enabling legislation, and HB 57, the companion appropriation bill.

A section analysis of SSHB 5 and memorandum from DCTPF on the costs of inspecting state buildings for asbestos.

School district information on asbestos.

Relevant periodical and newspaper articles.

Information from the EPA/Alaska specific.

Alaska Health Project asbestos packet.

Packet of materials from the Association of General Contractors

ALASKA SCHOOLS INFORMATION:

The EPA has estimated from their Alaskan survey that only half of the school districts have inspected their facilities for asbestos, leaving approximately 220 buildings for review. By regulation, all schools in the USA were to be tested by June 30, 1983, parents and school boards were to be notified of the findings, school employees were to be instructed on minimization of health risks and records were to be maintained on testing and notification.

District needs in Alaska for asbestos abatement:

Kodiak	\$ 1,138,507
Petersburg	107,000
Delta Greely	99,700
Cordova	120,000
Nenana	15,000
Anchorage	11,000,000 (Phase II)
Skagway	25,000
Kuspuk	5,296
Mat-Su	105,959
Juneau	300,000 (expended, estimate the possibility of several million)

Ketchikan

(unknown, estimates the possibility of several million)

HISTORY

Following World War II, asbestos was widely recognized as a miracle fiber - it was an excellent insulator and would not burn - and was therefore widely used in construction during the "Baby Boom" period.

Asbestos was known to be dangerous long before Congressional hearings in the late 1970's, when the Johns-Manville Corporation admitted to paying physicians to down-play the health hazards. Most early reported cases were among pipefitters and shipyard workers who faced heavy exposure in the workplace, but it was soon discovered that family members and people living in close proximity to factories were also affected. Asbestos is an inert material which cannot be removed from the body, and although the symptoms of asbestosis and mesothelioma often take decades to surface, the diseases are always fatal.

Congressional action in 1980 aimed at the removal of asbestos from schools was prompted by the increased susceptibility of children to asbestos because of their higher activity level and elevated respiration.

In 1984, the EPA began applying sanctions to individual school districts for non-compliance, rewrote their regulations for demolition and renovations with asbestos products and have more recently been receiving public pressure to take a more aggressive stance on asbestos in schools. Many speculate that the regulations were designed to bring pressure on states to fund asbestos removal by public notification, placing districts in the precarious position of raising concern about an issue they are unable to address financially. The \$172 million authorized by the Asbestos Health Hazard Detection and Control Act of 1980 was never appropriated, although the federal government has made limited funds available in some schools on federal land.

A flurry of lawsuits filed in the last few years against manufacturers, contractors and school districts has pointed out confusion over the issue of liability. In addition, resource limitations of the EPA (they have .1 staff working on asbestos in Alaska) have created difficulty for rural schools districts to receive the type of assistance needed in this technical area

ANCHORAGE SCHOOL DISTRICT
LEGISLATIVE REQUESTS SUMMARY SHEET

CATEGORY 1

ESSENTIAL FOR THE HOUSING OF STUDENTS

<u>PRIORITY</u>	<u>PROJECT</u>	<u>ESTIMATED COST</u>
1	Asbestos Removal - Phase II.	11,000,000
2	Chugiak High 28-classroom and library addition/partial renovation of existing facility/roof replacement/replace old junior high lockers/asphalt area behind shops and between hockey rinks.	21,100,000
3	Sand Lake 6-classroom addition/multipurpose room/lunchroom expansion/heating system/repair roof.	5,000,000
4	School Site Acquisition Program.	7,932,000
5	Northwood 4-classroom addition/heating system, gym, stage, art room, restrooms, site development, and roof replacement.	5,200,000
6	Bayshore 5-classroom addition with gymnasium.	3,100,000
7	Huffman four-room addition with gymnasium/library/site development.	4,600,000
8	SAVE II/SEARCH facility	5,639,600
9	Campbell 4-classroom addition plus gymnasium/roof replacement.	5,100,000
10	Chugiak High Attendance Area - New Elementary School.	1,200,000
11	Heating Systems.	7,988,180
12	Roof Replacements - Phase II.	3,569,590
13	Student Nutrition Center.	6,000,000
SUBTOTAL (CATEGORY 1)		\$ 87,429,370

1. ESSENTIAL FOR THE HOUSING OF STUDENTS

December 19, 1984

SCHOOL OR DEPARTMENT	PRIORITY	PROJECT TITLE/SUMMARY	PROJECT DESCRIPTION	ESTIMATED COSTS
ASBESTOS REMOVAL - PHASE II	1	Remove asbestos from all Anchorage School District facilities in accordance with the developed removal plan.	This project will remove asbestos from all Anchorage School District facilities where it is identified on a priority basis. ** These funds will also be used to address related health-safety concerns including compliance with Municipal Fire Code requirements.	Project Estimate: 11,000,000**

HA/WK

Attachment I

A JOINT VENTURE OF
HOLDEN & ASSOCIATES AND
WILLIAM J. KING &
ASSOCIATES

January 31, 1984

Mr. Harry Rogers, Superintendent
Petersburg City Schools
P.O. Box 329
Petersburg, Alaska 99833

RE: Petersburg High School
Asbestos Removal

Per your request we have evaluated the quantity and cost of removal of the asbestos pipe insulation in the 1951 portion of the Petersburg High School.

Per your testing information, the known area of asbestos is confined to the heating supply and return mains, and the insulation of the old boiler. We assume that vertical piping in walls or ceilings would not be removed. The cost of removing the horizontal runs and the boiler insulation is \$107,000.

We have assumed that pieces would be removed in 5' to 10' lengths and properly disposed of according to State and Federal law.

Sincerely,



W. Keith Gerken

cc: Twyla Coughlin, Southeast Regional Resource Center (SERRC)
John Danielsen, City Engineer

PLEASE RESPOND TO:

JUNEAU: MERCHANT'S WHARF, SUITE 225
14 MARINE WAY
JUNEAU, ALASKA 99801

ANCHORAGE: SUITE 211
750 W. 2ND AVENUE
ANCHORAGE, ALASKA 99501

FAIRBANKS: BOX 80667
FAIRBANKS, ALASKA 99708
907-479-6474



CHEMICAL & GEOLOGICAL LABORATORIES OF ALASKA.

P.O. BOX 4-1276
Anchorage, Alaska 99509

TELEPHONE (907) 562-2343 ANCHORAGE INDUSTRIAL C
5633 B Street

ANALYTICAL REPORT

From Petersburg Public Schools Product Bulk Insulation Samples

Address Petersburg, Alaska Date August 6, 1983

Other Pertinent Data ANALYSIS BY POLARIZING LIGHT MICROSCOPY.

Analyzed by DB Date August 22, 1983 Lab No. 3080

REPORT OF ANALYSIS BULK INSULATION SAMPLES PETERSBURG, ALASKA

Samples received August 6, 1983

FINDINGS:

ASBESTOS PRESENT:

OTHER FIBROUS MATERIAL:

NON-FIBROUS MATERIAL:

.....BOILER ROOM.....

PIPE - OLD

BOILER

OLD BOILER

CHRYSOTILE-15%

CHRYSOTILE-15%

AMOSITE -15%

AMOSITE -15%

NONE SEEN

NONE SEEN

CALCIUM CARBONATE-70%

CALCIUM CARBONATE
70%

CONCLUSION:

THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS DETERMINED THAT A SAMPLE WITH AN ASBESTOS CONTENT GREATER THAN ONE PERCENT BY WEIGHT, IS POSITIVE.



CHEMICAL & GEOLOGICAL LABORATORIES OF ALASKA, I

P.O. BOX 4-1276
Anchorage, Alaska 99509

TELEPHONE (907) 562-2343 ANCHORAGE INDUSTRIAL CE
5633 B Street

ANALYTICAL REPORT

From Petersburg Public Schools Product Bulk Insulation Samples
Address Petersburg, Alaska Date August 6, 1983
Other Pertinent Data ANALYSIS BY POLARIZING LIGHT MICROSCOPY
Analyzed by DB Date August 22, 1983 Lab No. 3080

REPORT OF ANALYSIS BULK INSULATION SAMPLES PETERSBURG, ALASKA

Samples received August 6, 1983

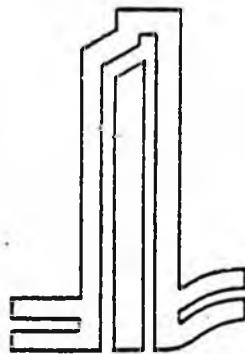
FINDINGS:	OLD HIGH SCHOOL PIPE CRAWL WAY	OLD GYM HOT WATER TANK
ASBESTOS PRESENT:	CHRYSTILE-45%	CHRYSTILE-60%
OTHER FIBROUS MATERIAL:	CELLULOSE -45%	NONE SEEN
NON-FIBROUS MATERIAL:	SILICATES -10%	SILICATES - 5% UNKNOWN BINDER-3

CONCLUSION: THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS DETERMINED THAT A SAMPLE WITH AN ASBESTOS CONTENT GREATER THAN ONE PER CENT BY WEIGHT, IS POSITIVE.

KODIAK ISLAND BOROUGH SCHOOL DISTRICT

ASBESTOS ABATEMENT COST ESTIMATE

January 13, 1984



Kodiak Island Borough
School District
RECEIVED

JAN 19 1984

1 2 3 4 5 6
P M

ARCHITECTS ENGINEERS PLANNERS
GOBBELL HAYS PICKERING

821 S. Barksdale, Memphis, Tennessee 38114 (901) 726-0810

GOBBELL HAYS PICKERING

Jan. 16, 1984

Mr. Ray Camardella
Kodiak Island Borough School District
P.O. Box 886
Kodiak, Alaska 99615

Dear Mr. Camardella:

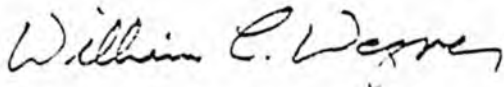
Enclosed is the cost estimate for the asbestos abatement of the spray-applied material in Kodiak High School. We have included our recommendation for abatement, approximate cost and time figures, and phasing possibilities to allow for portions of the building to remain in use during the abatement.

If you have any questions concerning this report or would like to continue on with plans and specifications, please feel free to contact me.

We look forward to working with you on your asbestos abatement problems.

Sincerely,

GOBBELL HAYS PICKERING



William L. Wagner

WLW/cr

Enclosures

KODIAK ISLAND BOROUGH SCHOOL DISTRICT

INTRODUCTION

This report was prepared in response to the Kodiak Island Borough School District's request for the proper selection of appropriate abatement measures and cost estimates. Enclosed are Gobbell-Hays-Pickering's recommendations for abatement and approximate construction cost.

VIEWING THE PROBLEM

Asbestos abatement selection is a highly subjective and often difficult process. There are no standards, governmental or otherwise, which provide for clear-cut choices. Abatement costs must be balanced against present and future building use, building life, health considerations, and legal liability; abatement solutions must take into account that balance.

GOBBELL-HAYS-PICKERING feels it is necessary for all concerned to evaluate the level of existing exposure and chance for potential exposure prior to choosing an abatement method. We consider it our professional responsibility in dealing with this problem to provide recommendations toward establishing a safe environment which functions as originally intended or better. The Attorney General's Asbestos Liability Report to the Congress contains the statement that there is no known safe lower limit of exposure to asbestos fibers. We feel that exposure should be eliminated if at all practical for health reasons and legal ramifications to the owner. Here, too, cost is a factor. For example, one lawsuit in the future could cost the owner more than a more expensive, but possibly better, original abatement choice.

SELECTION OF A CORRECTIVE ACTION

The following is the United States Environmental Protection Agency's comparison of asbestos abatement alternatives for encapsulation and removal, which we feel are the only two appropriate abatement measures for this application. Outlined with each method are their opinions as to some of the advantages and disadvantages and their thoughts as to when the methods are appropriate or inappropriate. Our abatement recommendation is made with these considerations in mind, and also with practical, health and legal considerations tempered with architectural and engineering experience in asbestos abatement projects.

Method: REMOVAL

Advantages of Method

- Eliminates asbestos source

- Eliminates need for special operations and maintenance program

Disadvantages of Method

- Replacement with substitute material may be necessary

- Porous surface also may require encapsulation

- Improper removal may raise fiber levels

Appropriate Applications

- Always

Inappropriate Applications

- Never

General Comments

- Containment barriers needed

- Worker protection required

- Wet removal is required for all types of asbestos

- Disposal may be a problem in some areas

Unusual circumstances, complex surfaces, and the presence of utilities may require special removal techniques

Method: ENCAPSULATION

Advantages of Method

Reduces asbestos fiber release from material

Initial cost may be lower than removal

Does not require replacement of material

Disadvantages

Asbestos source remains and must be removed later

If material is not in good condition, sealant may cause material to delaminate

Periodic reinspection required to check for damage or deterioration

Repair of damaged or deteriorated encapsulated surfaces required

Encapsulated surface is difficult to remove and may require dry techniques for eventual removal

Long-term cost may be higher than removal

Appropriate Applications

Material still retains bonding integrity

Damage to material not likely

Material not highly accessible

Material granular cementitious

Inappropriate Applications

Material does not adhere well to substrate

Material is deteriorating or damaged, or damage is likely

Water damage is evident

Material is fibrous, fluffy

General Comments

Containment barriers needed

Worker protection needed

Airless sprayers should be used

Damaged pipe insulation may be taped but not sprayed

Previously encapsulated materials may have to be re-encapsulated

With our previous experience and the United States Environmental Protection Agency's opinions in mind, we have selected removal of all asbestos-containing spray-applied material in the high school. With encapsulation cost exceeding 70% of removal cost and still requiring a costly maintenance program because the material and owner liability still exist, we feel removal is the optimum solution.

PHASING

We have divided the school into two areas we feel can be done in phases to help keep part of the building open during abatement. Phase I includes the major portion of the affected areas, including the multi-purpose entry, library and classrooms of both levels. Phase II would include the corridor outside the gym and pool and two fan rooms on either side of the gym. The first and second floors were not separated due to complications in access to the stairwell during abatement and with the height of the ceiling in the multi-purpose entry.

KODIAK ISLAND BOROUGH SCHOOL DISTRICT
KODIAK HIGH SCHOOL

TABLE A

Removal/Replacement Cost - Phase I

<u>Item</u>	<u>Quantity</u>	<u>Cost/Item</u>	<u>Total</u>
Demolition			
Dropped Ceiling Removal	24,855 S.F.	2.10	\$ 52,195.50
Asbestos Removal			
Decon Set Up	1 S-up	3,500.00	3,500.00
Fireproofing Removal	42,785 S.F.	13.00	556,205.00
Waste Transportation & Disposal	372 BLS	30.00	11,160.00
Post Removal Encapsulant	42,735 S.F.	0.70	<u>29,949.50</u>
			\$ 600,814.50
Replacement			
New Fireproofing	42,785 S.F.	6.15	263,127.75
Dropped Ceiling Replacemt.	24,355 S.F.	4.38	<u>109,964.90</u>
			\$ 371,992.65
		Phase I Construction Cost	\$1,025,002.65
		Estimated Time for Completion	60 Days
		Air Monitoring Cost	
		50 days @ \$650/day	\$ 32,500.00
		Phase 1 Total Cost*	\$1,057,502.65

Estimated costs are excluding A/E fees

KODIAK ISLAND BOROUGH SCHOOL DISTRICT
KODIAK HIGH SCHOOL

TABLE B

Removal/Replacement Cost - Phase II

<u>Item</u>	<u>Quantity</u>	<u>Cost/Item</u>	<u>Total</u>
Demolition			
Dropped Ceiling Removal	1,730 S.F.	2.10	\$ 3,633.00
Asbestos Removal			
Decon Set Up	1 S-up	3,500.00	3,500.00
Fireproofing Removal	2,970 S.F.	13.00	38,610.00
Waste Transportation & Disposal	28 BLS	30.00	840.00
Post Removal Encapsulant	2,970 S.F.	0.70	<u>2,079.00</u>
			\$ 45,029.00
Replacement			
New Fireproofing	2,970 S.F.	6.15	13,265.50
Dropped Ceiling Replacem.	1,730 S.F.	4.38	<u>7,577.40</u>
			\$ 25,842.90
	Phase I Construction Cost		\$ 74,504.90
	Estimated Time for Completion		14 Days
	Air Monitoring Cost		
	10 days @ \$650/day		\$ 6,500.00
	Phase II Total Cost*		\$ 81,004.90

Estimated costs are excluding A/E fees

KODIAK ISLAND BOROUGH SCHOOL DISTRICT
KODIAK HIGH SCHOOL

Cost Summary

Demolition

Phase I	\$ 52,195.50
Phase II	3,633.00
	<u>\$ 55,828.50</u>

Asbestos Removal

Phase I	\$ 600,814.50
Phase II	45,029.00
	<u>\$ 645,843.50</u>

Replacement

Phase I	\$ 371,992.65
Phase II	25,342.90
	<u>\$ 397,335.55</u>

Construction Total	\$1,099,507.55
Air Monitoring Total	39,000.00

Total Project Cost*	\$1,138,507.55
---------------------	----------------

*Estimated costs are excluding A/E fees

NOTE 1: The asbestos removal figures have been developed using wage rates for asbestos workers instead of general laborers. Prices could be reduced if the Department of Labor approves the use of general laborers and does not require asbestos workers for the removal of the fireproofing.

DRAFT

SECTION 1

EXECUTIVE SUMMARY

Swearingen Associates surveyed two school facilities at Delta Junction and Fort Greely which are operated by the Delta/Greely School District, REAA #15. These schools were surveyed for the presence and extent of asbestos. On December 20 and December 21, 1983, the following facilities were evaluated:

Delta Junction

1. Delta Junction School
2. Univ. of Alaska Bldg.
3. Metals and Ag. Shop
4. Class Module 1, 2, 3, 4, 5
5. Support Module A, B, C

Fort Greely

1. Greely School

Asbestos was found in the Delta Junction and Greely schools and in the five (5) class modules. No asbestos-containing materials were identified in the University Building, the Shop Building, or in the three Support Modules.

The asbestos found in these facilities was generally in a sound, cement-like compound used as thermal insulation. In several locations, however, "friable" asbestos was identified: asbestos which is in a condition to release microscopic particles into the air. (Examples of friable asbestos include sprayed-on materials and materials which have been physically damaged.)

Friable asbestos, when inhaled or ingested, is associated with a number of serious illnesses; consequently, the Federal government, mainly the Environmental Protection Agency and the Occupational Safety and Health Administration, have issued strict and comprehensive regulations governing the use of asbestos and the limits of occupational exposure to airborne asbestos fibers.

We have prioritized our findings in order of the most serious potential risks of exposure. These priorities are:

PRIORITY ONE: The facility contains friable asbestos which is accessible to all building occupants.

PRIORITY TWO: The facility contains friable asbestos which is accessible to maintenance and custodial personnel only.

PRIORITY THREE: The facility contains only non-friable asbestos which is accessible to all building occupants.

DRAFT

PRIORITY FOUR: The facility contains only non-friable asbestos accessible to maintenance personnel only.

The facilities which have a Priority One asbestos hazard are:

The five Classroom Modules at the Delta Junction School

The facilities which have a Priority Two asbestos hazard are:

Delta Junction School
Fort Greely School

No facilities were identified with only a Priority Three asbestos hazard.

No facilities were identified with only a Priority Four asbestos hazard.

The five Classroom Modules have sprayed-on accoustical ceilings which had been previously sampled and found to contain approximately five percent (5%) asbestos. Air monitoring in each of these modules conducted as part of this survey established that air borne fiber count was less than four percent (4%) of the allowable limit. (Note that the EPA standard test for air borne fibers includes all fibers--lint, dust, asbestos, and animal--not just asbestos.)

There are several techniques which are used to reduce the risks of exposure to asbestos fibers. These include removal of the asbestos containing material, sealing or encapsulating the asbestos-containing material to prevent fiber release, enclosing or barricading the asbestos-containing material so that contact with it is unlikely, and administrative controls and procedures. The latter three, encapsulation, enclosing and administrative controls, all require extensive record keeping and periodic re-inspection. They also will seriously impact future facility modifications as well as retaining a potential hazard in the event of a fire or earthquake. Asbestos removal is generally considered to be the most desirable abatement procedure for schools. The initial costs are higher than the alternatives; however, the potential for future damages are gone as are the administrative requirements for record maintenance.

Swearingen Associates developed a cost estimate for the asbestos removal in the facilities schools identified above: The estimated cost of \$99,700 includes asbestos removal and disposal, surface refinishing or insulating, preparation of removal specifications and contract, and, performance verification and certification.

TABLE I
SUMMARY OF ASBESTOS FINDINGS AND COST ESTIMATES

FACILITY	EXPOSURE	CONDITION	PRIORITY	ABATEMENT COST*
DELTA JUNCTION SCHOOL	MAINTENANCE	FRIABLE	P - TWO	\$ 8,910
UNIVERSITY OF ALASKA BLDG./	NONE	N/A	N/A	NONE
METALS & AG. SHOP	NONE	N/A	N/A	\$ NONE
CLASS MODULES 1, 2, 3, 4, 5	PUBLIC	FRIABLE	P-ONE	\$ 70,920
SUPPORT MODULES A, B, C	NONE	N/A	N/A	\$ NONE
FORT GREELY SCHOOL	MAINTENANCE	FRIABLE	P-TWO	\$ 19,870
			TOTAL	\$ 99,700

*Abatement costs include asbestos removal and disposal, surface refinishing or new insulation, removal specifications and contract preparation, and final project acceptance and certification.

Mindy



SOUTH EAST REGIONAL RESOURCE CENTER
S.E.R.R.C. INC.

538 Willoughby Avenue, Juneau, Alaska 99801
Phone: (907) 586-6306

February 20, 1984

Senator Richard Eliason
Pouch V
State of Alaska
Juneau, Alaska 99811

Dear Senator Eliason:

At the request of Senator Josephson's office, we have reviewed each of our facilities projects in South East for asbestos problems. To the best of our knowledge Skagway School is the only one in your district that has a problem.

Official analysis of the problem was conducted by Chemical and Geological Laboratories of Alaska. The school district's construction manager has estimated the cost of removing the asbestors at about \$25,000.

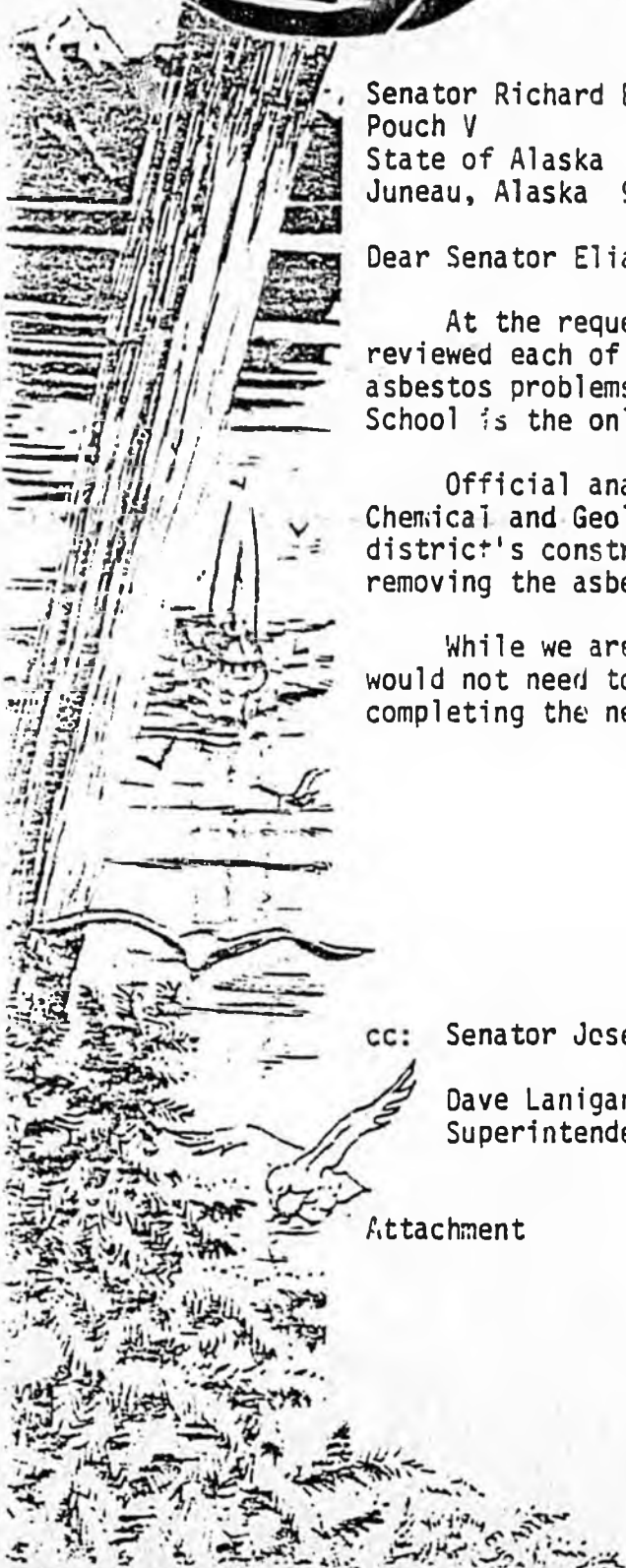
While we are submitting this information, the district would not need to be considered if construction funds for completing the new school become available.

Sincerely yours,

Twyla G. Coughlin
Dr. Twyla G. Coughlin
Facilities Planner

cc: Senator Josephson
Dave Lanigan
Superintendent Skagway Schools

Attachment





CHEMICAL & GEOLOGICAL LABORATORIES OF ALASKA, INC.

P.O. BOX 4-1278
Anchorage, Alaska 99509

TELEPHONE (907) 562-2343

ANCHORAGE INDUSTRIAL CENTER
5633 B Street



ANALYTICAL REPORT

From Skagway Schools Product Bulk Asbestos
 Address Skagway, Alaska Date July 11, 1983
 Other Pertinent Data ANALYSIS BY POLARIZING LIGHT MICROSCOPY.
 Analyzed by DB Date July 17, 1983 Lab No. 2849

REPORT OF ANALYSIS
 BULK SAMPLES
 SKAGWAY, ALASKA

Samples received: July 11, 1983
 Samples collected by: ----

<u>SAMPLE NO.</u>	<u>SAMPLE LOCATION</u>	<u>ASBESTOS PRESENT</u>	<u>OTHER FIBROUS MATERIAL PRESENT</u>	<u>NON FIBROUS MATERIAL PRESENT</u>
	Pipes in furnace room & breezeway between Gym & M.P. room	NONE SEEN	FIBROUSGLASS-100%	NONE SEEN
	Ceiling tile in H.P. room	CHRYCOTILE-10%	CELLULOSE & SYNTHETIC FIBER- 1%	CEMENT 90%
	Ceiling Tiles in Classrooms	NONE SEEN	FIBROUSGLASS- 90%	SILICATES 10%
	Wrapped pipes in shop	CHRYCOTILE-20% AMOSITE - 15% CROCIDOLITE- 1%	NONE SEEN	PLASTER 6%
	Supply room downstairs	NONE SEEN	FIBROUSGLASS-100%	NONE SEEN

INFORMATION FOR NANCY BENNETT, Health Education and Social Services Committee.

The following information augments Les Riedlinger's January 25th's testimony regarding the need to ensure that the \$26,000,000.00 proposed by HB57 has sufficient provision to accommodate \$2,000,000.00 in additional funding for asbestos removal at the Fairbanks North Star Borough School District.

ITEM 1

Of the 31 major buildings managed by FNSBSD, 11 remain to be addressed in terms of asbestos removal. The amounts needed for each of the eleven is as follows:

\$247,000	-	Barnette Elementary School
160,000	-	University Park Elementary School
342,000	-	Hunter Elementary School
209,000	-	Hutchison Career Center
37,000	-	Joy Elementary School
915,000	-	Lathrop High School
397,000	-	Main School
229,000	-	Nordale Elementary
214,000	-	North Pole Elementary
257,000	-	Ryan Junior High School
10,000	-	West Valley High School

\$3,017,000	-	Total Cost
1,052,000	-	LESS: Funds on hand from prior Legislative Appropriations

\$1,965,000	-	Additional Asbestos Removal Need. This amount takes into account total project costs, i.e. sampling, bid documents, construction award, consultants, etc.

ITEM II

With respect to a gross cost estimating guide for asbestos removal, the FNSBSD has developed the following format. It is based upon bid experience; advice from consultants and in-house technical expertise.

It can be applied, however, only in those instances where the need is to remove insulation from pipe, conduits, ducts, boilers, etc. It can not be used for costing asbestos removal associated

with its use as an acoustical control, fire protection, or any other spray application.

The format works as follows:

- . Calculate the total number of linear feet of pipe insulation and the total number of square feet associated with boiler, hot water tank wrapping, etc.
- . Each of these linear and square feet then is assigned the value of one unit.
- . For each unit that is openly accessible, calculate \$45.00/unit for total removal, replacement and all other project related costs such as bid documents, sampling, monitoring, consultant fees, contingencies, etc.
- . For each unit that concealed, i.e. inaccessible without first demolishing rigid barriers such as floors, ceilings, and walls, calculate \$75.00/unit. This amount covers all associated project related costs including replacement.

ITEM III

Finally, Mr. Riedlinger addressed that Fairbanks in conjunction with its consultants had developed a model set of asbestos removed technical specifications which incorporated all EPA rules and guidelines. They are attached.

A-18

Sec. 1/7 5.5-

**Mount Edgecumbe School
Facilities Renovations
State of Alaska
DOT/PF
Southeast Region**

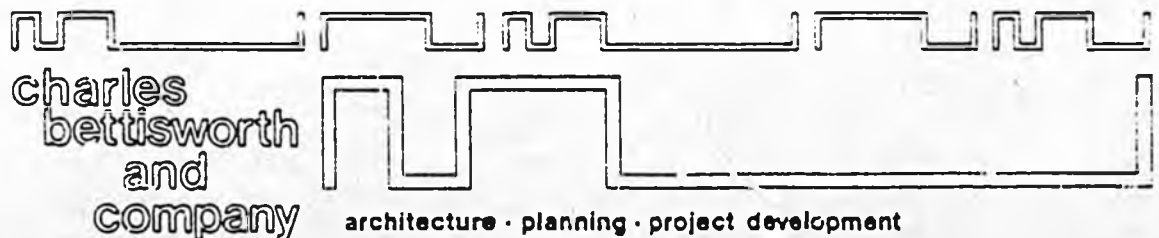
SPECIFICATIONS

prepared for:

**State of Alaska
Department of Education**

Note: This project is subject to Section 7(b) of the Indian Self-Determination Act (Public Law 93-638). Please carefully review Section 00820 of this project manual.

PROJECT NUMBER R-30048



00819 - Where discrepancies occur between Sections 00820 through 00833 and other provisions within this Project Manual, Sections 00820 through 00833 shall govern.

00820 INDIAN PREFERENCE

A. Synopsis of the Requirement.

This project is subject to Section 7(b) of the Indian Self-Determination Act (Public Law 93-638). Therefore the following two distinct requirements shall apply to this contract:

- (1) To the maximum extent feasible, preference and opportunities for training and employment in connection with the administration of this contract shall be given to Indians; and
- (2) preference in the award of subcontracts in connection with the administration of this contract shall be given to Indian organizations and to Indian-owned economic enterprises.

B. Definitions.

The following definitions apply to this Section:

- (1) Indian: Individuals who are one-quarter or more American Indian and are enrolled to a Federally recognized tribe; including Alaska Natives (Indian, Aleut or Eskimo).
- (2) Indian Tribe: An Indian tribe, band, nation or other organized group or community, including any Alaska Native Village or Regional or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (3) Indian Business Concern: Also refers to "Indian-owned economic enterprise" and means any Indian -owned commercial, industrial or other business activity established or organized for the purpose of profit; provided that such Indian ownership and control shall not be less than 51% of the enterprise.
- (4) Contractor: The individual, firm, corporation, or any acceptable combination thereof, contracting with the Department of Transportation and Public Facilities for performance of prescribed work.
- (5) Subcontractor: An individual, firm, or corporation to whom the Contractor sublets part of the contract.
- (6) Indian Preference Compliance Officer: The individual on the project whose main responsibility is to advise the Project Manager on matters

pertaining to Indian Preference Compliance. This individual also will be the Department's liaison officer with the Bureau of Indian Affairs and the Sitka Community Association on Indian Preference matters.

- (7) Prequalified Subcontractors List. A list of contractors who qualify as a 51% Indian-owned and controlled firm and who have indicated an interest in obtaining a subcontract on this project.
- (8) Prequalified Preference List: A list of contractors who qualify as a 51% Indian-owned and controlled firm who have indicated an interest in obtaining the prime contract on this project.
- (9) Department: Alaska Department of Transportation and Public Facilities.

C. Bidding Requirements.

An Indian Preference Plan, which shall be approved by B.I.A. before submitted, shall be submitted with bids by Contractors showing the Department how the Indian Preference requirements will be implemented. Questions concerning approval of the Indian Preference Plan should be directed to the office of Ronald Williams, Bureau of Indian Affairs, Employment Assistance Branch, P.O. Box 3-8000, Juneau, Alaska 99802, Telephone: (907) 586-7600. This plan will become a binding part of this Contract and shall be updated whenever required.

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PART I - GENERAL

1.01 Scope

- A. Remove all asbestos insulation for existing boilers, breeching, piping, tanks, and all other equipment, and dispose of at an approved site. Much of the insulation does contain asbestos.
- B. Contractor shall furnish all labor, materials, services, insurance, and equipment in accordance with Contract Documents and all applicable regulations to complete the work.
- C. Contractor will view the extent of removal required at a site visit. Much of the insulation present is asbestos.
- D. A schedule of asbestos locations is included at the end of this section of the specifications.
- E. Buildings 202 and 211 will be included for asbestos removal for this project.

1.02 Reference Standards

- A. General: Work must comply with all applicable ordinances and regulations. Regulatory emphasis will be placed on State of Alaska standards below.
- B. State of Alaska: Occupational Safety and Health Standards, Alaska Department of Labor, Subchapter 04.0102, Asbestos. Copied excerpts from this standard are furnished for the Contractor's convenience.

1.03 Quality Assurance

- A. Qualifications of Contractor: Work of asbestos removal including isolation of the affected area and worker protection measures shall be contracted to a firm having experience equal to three jobs of similar scope in the last three years. The successful bidder shall submit full listing of applicable jobs with letters of reference from at least two Owners from previous jobs. Also submit

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resume of detailed asbestos related training of key personnel, which must be reviewed and approved by the State of Alaska Division of Occupational Safety and Health (DOSH).

- B. Air Monitoring: Test shall be conducted as specified in 1.05 below.

1.04 Submittals

- A. Schedules required are specified in Division 1.

- B. Certifications: Provide the following:

1. Certificates of Compliance with ANSI Z9.2 of Contractor's vacuums and other equipment required to contain filtering.
2. Name, address, and phone number of the environmental testing laboratory selected by the Contractor, to be A.I.H.A. approved.
3. Tools, safety equipment, and safety clothing proposed to be used.
4. Items specified in paragraph 1.05 below.
5. The Contractor shall furnish proof that each of his employees involved in the work of this section has been given respirator evaluation and training, and medical examinations, in accordance with CFR 29.1910.1001, and OHEC 04.0103.

- C. Reports: See 1.05 below.

1.05 Environmental Testing

- A. General: The Contractor shall obtain the services of an industrial hygienist or environmental health testing laboratory for monitoring of asbestos exposure levels. The laboratory shall be required

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- b. A reference standard will be sampled in each location prior to removal, and another three days after complete removal.
- D. Location of Sampling Devices: Sampling devices shall be located as directed by the Contracting Officer. At times one asbestos worker shall be required to wear a sampling device. In addition, the environment of the temporary storage of asbestos waste material shall be monitored. Generally, the mounting height of the sampling filter shall be within the breathing zone of personnel.
- E. Methods of Measurement: All determination of airborne concentrations of asbestos fibers shall be made by the membrane filter method using phase contrast illumination and 400 X 500 X magnification, with sample mounted in high viscosity solution of membrane filter material.
- F. Report Submittals: Submit in triplicate (original and two copies) a list of fiber counts to the Contracting Officer or his authorized representative. The document shall list person's name and job title, flow rate of pump, time on and off, each sample's TWA count, time and date, and exact location of where it was taken. Floor plans referencing the sample locations and time and date shall be attached to the document. The document shall bear the following statement:

"I certify that the above samples were taken and the fiber counts performed in strict compliance with standards and regulations."

(Signature of Certifying Official)

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Copies of the document shall be furnished to the Contracting Officer. Records of all environmental monitoring shall be maintained.

- G. The success and thoroughness of asbestos removal shall not only be evaluated by ambient air fiber sampling, but also by visually inspecting the affected surfaces for residual asbestos material and accumulated dust.

1.06 Agency Approval

- A. Disposal Approval: Asbestos removal work shall not commence until Contractor has obtained written approval from the Alaska Department of Environmental Conservation for Contractor's proposed disposal site and methods for both solid and liquid asbestos contaminated materials.
- B. Demolition Permit: Contractor shall obtain a demolition permit from the City and Borough of Sitka.
- C. EPA notification required.

PART II - PRODUCTS

2.01 Storage And Handling

- A. Delivery: Deliver all materials in the original packages, containers, or bundles bearing the name of the manufacturer and the brand name.
- B. Storage: Store all materials subject to damage off the ground, away from wet or damp surfaces, and under cover sufficient to prevent damage or contamination.
- C. Damaged Materials: Damaged or deteriorating materials shall not be used and shall be removed from the premises. Material that becomes contaminated with asbestos shall be disposed of in accordance with the applicable regulations.

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2.02 Materials

- A. Plastic Sheets: Provide 6 mils thick, in sizes to minimize the frequency of joints.
- B. Tape: Glass fiber or other type capable of sealing joints of adjacent sheets of plastic sheets and for attachment of plastic sheet of finished or unfinished surfaces of dissimilar materials under both dry and wet conditions, including use of amended water.
- C. Surfactant Wetting Agent: Provide agent consisting of 50% polyoxyethylene ether and 50% of polyoxyethylene or polyglycol ester, or equivalent. Mix with water to provide a concentration of one ounce surfactant to 5 gallons of water.
- D. Impermeable Containers: Provide containers suitable to receive and retain any asbestos-containing or contaminated materials until disposal at an approved site. The containers shall be labeled in accordance with OSHA Regulation 29 CFR 1910.1001. Containers must be both air- and water-tight.
- E. Warning Labels and Sign: Provide as required by referenced standards.
- F. Other Materials: Provide all other materials, such as lumber, nails, and hardware, which may be required to construct and dismantle the decontamination area and the barriers that isolate the work area.

2.03 Tools And Equipment

- A. General: Provide suitable tools for asbestos removal. Hand-held scraper, bristle brushes, sponges, etc.

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- B. The Contractor shall completely isolate all areas before commencing any other work in order to contain contaminants and prevent dispersement. Prevent any air transfer between contaminated and clean areas until decontamination and cleanup are complete.
- C. Signs and Markings: Post signs prior to asbestos removal as required in State Occupational Safety and Health Standards. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

<u>Legend</u>	<u>Notation</u>
Asbestos	1" Sans Serif, Gothic or block
Dust Hazard	3/4" Sans Serif, Gothic or block
Avoid Breathing	1/4" Gothic
Wear Assigned Protective Equipment	1/4" Gothic
Do Not Remain in Area Unless Your Work Requires It	1/4" Gothic
Breathing Asbestos Dust May Be Hazardous To Your Health	1/4" Gothic

1. Spacing between lines shall be at least equal to the height of the upper of any two lines.
2. The signs shall be posted near the perimeter of the building and along the route to the temporary holding area of the waste material.

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- D. Decontamination Room, Clean Room, and Toilet: It is the Contractor's responsibility to furnish material and labor for the construction of a decontamination and clean room. The rooms shall be of sufficient size to accommodate the Contractor's operation within. Existing toilet facilities with water closets, urinals, and wash basins will not be made available to the Contractor. A portable shower shall be installed within the toilet area. All asbestos workers shall shower before leaving the site at the close of the workshift. Water supply and waste removal is not presently available at the site.
1. Purpose of decontamination room: To provide an intermediate area of lesser asbestos fiber pollution for decontamination of asbestos-contaminated materials, i.e., tools, equipment, personnel, etc. This room shall be periodically vacuumed through a HEPA to avoid asbestos dust accumulations. It also serves as access area to toilets for workers wearing contaminated clothing. Workers shall be vacuumed from head to toe each time upon entering the decontamination room from the demolition site. In case of emergency, aid for a seriously injured worker shall not be delayed for reasons of decontamination.
 2. Purpose of clean room: To store asbestos workers' street clothing, clean protective clothing and equipment, to provide dressing area for personnel, and storage of foodstuffs. Contaminated clothing shall not be allowed to be worn in this room and in unmasked areas.
 3. Smoking, eating, and drinking: Shall NOT be permitted at any time in the decontamination room or at any time in areas where asbestos removal activities are conducted before decontamination is complete.

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- E. Preclean movable objects within the proposed work areas using HEPA vacuum equipment and/or wet cleaning methods as deemed appropriate, and remove such objects from work areas to a temporary location in assigned area.
- F. Preclean immovable objects, such as casework, plant, and equipment, within the proposed work areas, using HEPA vacuum equipment and/or wet cleaning methods as appropriate, and enclose with 6 mil plastic sheeting sealed with tape.
- G. Clean the proposed work areas using HEPA vacuum equipment or wet cleaning methods as appropriate. Do not use methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters.
- H. Seal off all openings such as corridors, doorways, skylights, ducts, grills, diffusers, and any other penetrations of work areas with plastic sheeting sealed with tape. Doorways and corridors which will not be used for passage during work must be sealed. Building suitable floor to ceiling wood or metal framing and apply minimum 3/8" thickness plywood on the work side.
- I. Cover floor and wall surfaces with plastic sheeting sealed with tape. Use a minimum of two layers of 6 mil plastic on floors. Cover floors first so that plastic extends at least 12 inches up on walls, then cover walls with minimum 4 mil plastic sheeting to floor level; thus overlapping the floor material by a minimum of 12 inches.
- J. Build airlocks at all entrances to and exits from the work areas.
- K. Maintain emergency and fire exits from the areas, or satisfactory to the Fire Marshal.

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3.02 Worker Protection

- A. General: Requirements listed below are in addition to safety measures specified in Parts 1 and 2 and 3.01 above. Where any of these detailed requirements are in conflict with each other or with applicable regulations or reference standards, the more stringent requirement will control.
- B. Instruction: Prior to commencement of work, the worker shall be instructed and shall be knowledgeable in the hazards of asbestos exposure on use and fitting of respirators, on protective dress, on use of showers, on entry and exit from work areas, and on all aspects of work procedures and protective measures.
- C. Personal Equipment:
1. Provide workers with personally issued and marked respiratory equipment approved by NIOSH and MSHA and suitable for the asbestos exposure level in the work area according to OSHA Standard 29 CFR 1910.1001. Where respirators with disposable filters are employed, provide sufficient filters for replacement as necessary by the worker, or as required by the applicable regulations. Workers must be trained to wear and care for respirators. A written standard operating procedure governing the selection and use of respirator equipment re GSC 01.0403(b)(1) through (11) is required. Also a fit test is required. Respirators are to be checked daily by a foreman so qualified and designated.
 2. Provide authorized visitors with suitable respirators with fresh filters or cartridges whenever they are required to enter the work area, to a maximum of 3 per day.

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3. Provide workers with sufficient sets of protective full body clothing. Such clothing shall consist of full body coveralls and headgear. Provide eye protection and hard hats as required by applicable safety regulations. Nondisposable clothing and footwear shall be left in the Contamination Equipment Room until the end of the asbestos abatement work, at which time such items shall be disposed of as asbestos waste, or shall be thoroughly cleaned of all asbestos or asbestos-containing material. Disposable clothing, headgear, and footwear may be provided.
4. Provide authorized visitors with a set of suitable protective clothing, headgear, eye protection, and footwear, as described in paragraph 3.02, C.3, whenever they are required to enter the work area, to a maximum of 3 sets per day.
5. Provide and post, in the Equipment Room and Clean Room, the decontamination and work procedures to be followed by workers, as described in 3.02D of these specifications.

D. Protection Procedures:

1. Each worker and authorized visitor shall, upon entering the jobsite, remove street clothes in the clean change room and put on a respirator with new filters and protective clothing before entering the equipment and access areas or the work area.
2. Work Decontamination: Each worker and authorized visitor shall, each time he leaves the work area, remove gross contamination from clothing before leaving work area; proceed to the equipment area and remove all

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clothing except respirators; still wearing the respirator proceed naked to the showers; clean the outside of the respirator with soap and water while showering; remove the respirator; thoroughly shampoo and wash themselves; remove filters and wet them and dispose of filters in the container provided for the purpose; and wash and rinse the inside of respirator.

3. Following showering and drying off, each worker and authorized visitor shall proceed directly to the clean change room and dress in street clothes at the end of each day's work, or in clean coveralls before eating, smoking, drinking, or re-entering the work area.
4. Provide disposable plastic shower covering. Workers to have steel toed boots. Store contaminated worksuits in the equipment room for reuse or place in receptacles for disposal with other asbestos-contaminated materials.
5. Workers removing waste containers from the equipment decontamination enclosure shall enter the washroom from outside wearing a respirator and dressed in clean coveralls. No worker shall use this system as a means to leave or enter the work area.
6. Workers shall be fully protected with respirators and protective clothing during preparation of system of enclosures prior to commencing actual asbestos abatement and until final cleanup is completed.

3.03 Asbestos Removal:

- A. General: Do not proceed with asbestos removal until all specified preparations, approvals, and safety measures have been performed.

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- B. Wetting: Spray asbestos material with amended water, using spray equipment capable of providing a "mist" application to prevent release of airborne fibers. Saturate the material sufficiently to wet it to the substrate without causing excess dripping. Spray the asbestos material repeatedly during work process to maintain wet condition and to minimize asbestos fiber dispersion.
- C. Removal: Remove the saturated asbestos material in small sections (see item D. below). As it is removed, pack the material in sealable plastic bags of 6 mil minimum thickness and place in labeled containers for transport. Material shall not be allowed to dry out.
- D. Piping may be removed intact if wrapped in plastic air tight sleeve. If piping is not removed, it must be thoroughly cleaned to remove all trace of asbestos.
- E. Security of Contaminated Waste: Seal filled containers. Clean external surfaces thoroughly by wet sponging. Remove from immediate working area to washroom. Clean and move to uncontaminated area. Ensure that workers do not enter from uncontaminated areas into the washroom and work areas.
- F. Surface Cleaning: After completion of striping work, all surfaces from which asbestos has been removed shall be wire brushed and/or wet sponged to remove all visible material. During this work the surfaces being cleaned shall be kept wet.

3.04 Cleaning

- A. General: Follow the sequence given below unless Owner's consent is obtained in writing for any specific deviation.

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B. Sequence:

1. Remove the plastic sheets from walls and floors only. The windows, doors, and HVAC vents shall remain sealed and any HEPA filtration negative air pressure systems, air filtration, and decontamination enclosure systems shall remain in service.
2. Clean all surfaces in the work area and any other contaminated areas with water and/or with HEPA vacuum equipment. After cleaning the work area, wait 24 hours to allow for settlement of dust, and again wet clean or clean with HEPA vacuum equipment all surfaces in the work area. After completion of the second cleaning operation, perform a complete visual inspection of the work area to ensure that the work area is dust free.
3. Sealed drums and all equipment used in the work area shall be included in the cleanup and shall be removed from work areas, via the equipment decontamination enclosure system, at an appropriate time, in the cleaning sequence.

3.05 Final Decontamination Measures And Checks

- A. Transport from Site: As the work progresses, remove sealed and labeled containers of contaminated waste and dispose of as contaminated waste. Do not store contaminated waste on site except where secured in transport vehicle in such a manner as to prevent accidental spillage by persons, animals, or the elements.
- B. Enclosure Removal: When a thorough inspection determines that the area has been decontaminated, the decontamination enclosure systems shall be removed, the area thoroughly wet cleaned, and materials from the equipment room and shower

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disposed of as contaminated waste. The remaining carriers between contaminated and clean areas and all seals on openings into that work area and fixtures shall be removed and disposed of as contaminated waste. A final check shall be carried out to ensure that no dust or debris remains on surfaces as a result of dismantling operations.

- C. Additional Cleaning: If the building owner finds that the work area has not been decontaminated, the Contractor shall repeat the wet cleaning until the work area is in compliance.

3.06 Asbestos Location Schedule

- A. An official definitive asbestos survey of the extent of asbestos in the Mount Edgecumbe School Building Complex has not been made. The following schedule of asbestos locations in the buildings was compiled by maintenance personnel to provide assistance to the contractor. The extent of asbestos in the buildings is not necessarily limited to that identified herein.

- B. Schedule:

- 1. Building 290

- a. Crawl Space: Asbestos insulation on steam piping throughout.
 - b. Basement: Asbestos insulation on piping and hot water tanks.
 - c. First Floor: Bakery storage, bakery and kitchen area has asbestos insulation on steam piping. The dining hall has no asbestos, that is readily evident.
 - d. Second Floor: No asbestos evident.
 - e. Enclosed Walkway between building 289 and 290 has asbestos insulated steam piping.

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2. Building 289
 - a. Contains some asbestos insulated steam piping.
3. Building 291
 - a. No asbestos evident - possible exception in crawl space.
4. Building 292
 - a. Crawl Space: Asbestos insulation on steam piping throughout. Note: There is also discarded asbestos insulation from repairs made to the system at points throughout the crawl spaces.
 - b. First Floor: There is asbestos insulation on steam lines leading to the 2nd floor throughout.
 - c. Mechanical Room: Contains asbestos insulated steam piping. The hot water tank is bagged with a magnesium silicate material.
 - d. Second Floor: There is no asbestos evident. Note: There may be asbestos insulation on piping in the walls throughout the school.
 - e. Third Floor: Contains no asbestos material that is readily evident.
5. Building 293
 - a. Mechanical Room: Has extensive asbestos insulated piping and has a hot water tank that is insulated with asbestos.
 - b. Basement: Has asbestos insulated steam piping.

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- c. Crawl Space: Has asbestos insulated steam piping throughout.
- d. First Floor: Steam piping leading to 2nd floor has asbestos insulation, except where repairs have been made. These pipes have fiberglass insulation.
- e. Second Floor: As with the first floor, steam piping leading to the next floor above that is original piping and is insulated with asbestos. There is also asbestos cement wallboard in the showerstall in room #213 d.
- f. Third Floor: Asbestos wallboard in washroom/shower areas.

6. Building 297

- a. Crawl Space: Has asbestos insulated steam piping throughout.
- b. Transformer Vault: No asbestos evident.
- c. Mechanical Room:
- d. First Floor: Room No.'s 102, 107 and 108 have asbestos insulated steam piping. The men's room possibly has an asbestos material in the finish coating on the concrete wall.
- e. Second Floor: No asbestos pipe insulation remaining.
- f. Third Floor: All wallboard is of a current asbestos material. The wall finish on the concrete walls and ceiling of the observation deck may contain asbestos.

7. Building 331

- a. Gymnasium: Has extensive steam piping throughout that is insulated with asbestos material.

MT. EDGE CUMBE SCHOOL
FACILITIES RENOVATIONS
STATE OF ALASKA
DOT/PF
SOUTHEAST REGION

DIVISION 2
SECTION 02071
ASBESTOS REMOVAL

- b. Second Floor: There appears to be only 2 steam lines running up to the old FAA tower that are insulated with asbestos containing material.
- c. Old FAA Tower: Has steam piping with asbestos insulation.

8. Building 202

- a. Basement: Has asbestos insulation on the supply and return lines for the hot water boiler.
- b. First and Second Floors: Have asbestos insulated piping, some of which may be in the walls.

9. Building 211

- a. The basement has extensive piping that is insulated with asbestos material.
- b. First and Second Floors: Have asbestos insulated pipe in the walls.

END OF SECTION



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

February 8, 1985

Senator Edna DeVries
Pouch V
Juneau, AK 99811

RE: SSHB5, HB 57

Dear Senator ^{Edna} DeVries:

Thank you very much for your January 29 letter on the above legislation. As you are aware, we passed these bills out last week from the House HESS Committee. I am transmitting copies of your back-up information to Representative Navarre, Chairman of the House Labor and Commerce Committee, with this letter and the request that he make them part of the committee file. I understand that he is holding hearings on these bills next week.

Again, thanks for your interest and support.

Cordially,

A handwritten signature in cursive script, appearing to read "Max F. Gruenberg, Jr.".

Max F. Gruenberg, Jr.

MFG/ke

cc: Rep. Navarre

Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Cognill
Senator Sturqulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

MEMORANDUM

January 29, 1985

TO: Representative Gruenberg)
FROM: Senator Edna DeVries *Edna*
SUBJECT: SSHB5, HB57, Establishing asbestos health hazard
abatement program and appropriations

I have just received updated information concerning asbestos abatement as it concerns the Matanuska Susitna Borough School District from Acting School Superintendent Bruce DeMond. (See enclosed letter from Acting School Superintendent DeMond dated 1-25-85 and copy of memo from Jan Affinito, Contract Administrator, Mat-Su Borough to Norm Palenske, Director of Planning and Facilities, Mat-Su Borough dated 1-23-85.)

The Matanuska Susitna School District has to date spent \$248,297 on asbestos removal and anticipat~~e~~s an additional expenditure for continued testing and removal in the amount of \$223,000.

Please update your backup information on/bills to reflect that the correct amount needed by the Matanuska Susitna School District is \$471,297.

Enclosures

Copies w/encls. to: Senator Kerttula, Representative Koponen, Representative Goll, Representative Davis, Representative Navarre, Representative Hurley, and Representative Larson.

Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coqhill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

M E M O R A N D U M

January 29, 1985

TO: Representative Gruenberg,)
FROM: Senator Edna DeVries *Edna*
SUBJECT: SSHB5, HB57, Establishing asbestos health hazard
abatement program and appropriations

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Please update your backup information on ^{the} bills to reflect that the correct amount needed by the Matanuska Susitna School District is \$471,297.

Enclosures

Copies w/encls. to: Senator Kerttula, Representative Koponen, Representative Goll, Representative Davis, Representative Navarre, Representative Hurley, and Representative Larson.



MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

BOX AB • PALMER ALASKA 99645 1646 • PHONE 745 4822

BRUCE P. DEMOND
ACTING SUPERINTENDENT

January 25, 1985

Senator Edna DeVries
Alaska State Legislature
Capital Office Building, Rm. 427
Pouch V
Juneau, AK 99811

Dear Senator DeVries:

This letter is in reference to House Bill No. 5 which covers asbestos abatement.

Our District has been involved in the removal of asbestos from our schools and to date we have expended \$248,297.

We anticipate that we will need an additional \$223,000 for removal of asbestos at the following school sites:

1. Wasilla Junior High School	\$ 48,000
2. Sherrod Elementary	98,000
3. Talkeetna Elementary	47,000
4. Susitna Valley High School	30,000
	<u>\$223,000</u>

The \$223,000 figure needed is based on where we have known quantities of asbestos. We are continually testing our facilities and may find additional amounts.

The \$105,959 figure apparently comes from last years bill which represents the amount we had spent at that time.

I hope this is helpful. If I can be of further assistance, please let me know. Thank you.

Sincerely,

Bruce DeMond
Acting Superintendent

ED/cs



Matanuska-Susitna Borough

BOX B. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF PUBLIC WORKS

January 23, 1985

MEMORANDUM

TO: Norm Palenske, Director of Planning and Facilities
FROM: Jan Affinito, Contract Administrator *JPA*
SUBJECT: Asbestos Abatement/Expenditures

I sent you an accounting of expenditures for asbestos abatement on March 14, 1984 which totaled \$105,959. This is probably where your appropriation evolved from.

Since then we have expended an additional \$142,338. for a total expenditure to date of \$248,297.

Per our most recent estimates, abatement work at the following schools will require approximately:

Wasilla Junior High	\$ 48,000.
Sherrod Elementary	98,000.
Talkeetna Elementary	47,000.
Susitna Valley High	30,000.
Total	<u>\$223,000.</u>

JA:nt

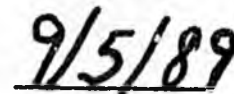


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B

G S

COMMITTEE REPORT
HOUSE

2/8
Judiciary

(7)

FURTHER: Finance

1/16/85

Date: _____

The Committee on Labor and Commerce has had HB 62

"An Act relating to the payment of prevailing wages and the payment of overtime under public construction contracts."

under consideration and recommends:

[] do pass [] do not pass

[] do pass with attached amendments()

[X] replace with CS for HR 62 (L+C) [X] same title [] new title

and recommends do pass

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation [] Zero Fiscal Note Attached

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
BOUCHER [Signature]
[Signature]

[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: HOUSE LABOR & COMMERCE

To: _____ HOUSE BILL No. 62 _____

SENATE BILL No. _____

PAGE: 1 _____

LINE: 12 _____

After "060" insert "(1)" so that line 12 will read;

"Provisions of AS 23.10.060(1), (17) and (18), a
contractor or subcontractor"

A M E N D M E N T

OFFERED IN THE HOUSE:

By: HOUSE LABOR & COMMERCE

To: _____ HOUSE BILL No. 62 _____

SENATE BILL No. _____

PAGE: 1 _____

LINE: 12 _____

After "060" insert "(1)" so that line 12 will read;

"Provisions of AS 13.10.060(1), (17) and (18), a
contractor or subcontractor"

To: Mike
From: Roger

February 4, 1985 Monday

Confirmation Hearings: Carried over from Thursday. Members have the files on their desk to confirm these appointments. (Incidentally, there is another batch coming down from Carol Derfner, some additional 10 that we should get around February 15, and those will be the last ones).

HB 62: There is a fair amount of supplemental materials in the folder that just came in at the last minute. The Municipal League is opposed to the bill, primarily because it gets into the whole issue of forced accounting, which allows the bush to "get around" the requirements of the Little Bacon Davis Act and use local hire. I obtained a briefing paper on this issue in case the members decide they want to get into it, but at first glance, I am not sure that this bill affects that particular problem one way or the other. The Municipal League's objection is to the whole thrust of Title 36, and not to the particulars of this bill.

Scott Burgess of the Municipal League is sick, so he will not be able to attend.

Resa King of Associated General Contractors will be here to testify.

Bob Bacolas from the Dept. of Labor will also be here to respond to any questions the committee has.

For your reference, I attached a copy of the proposed amendment referred to in the Dept. of Labor's Jan. 31 letter, but it is not in the other members' files, and Labor will not bring it up. I asked for it in case they got into the issue at all.

HB 79 In your file only are the various copies of this bill in its form from last year as HB 116. The basic difference in this year's bill is that it gives discretionary power to the Commissioner to make examinations. It is sort of a trade-off; the banks will accept an increase in fees in exchange for this clause being inserted.

Watch out for any attempt to raise the fees above \$12,000; that will effectively kill the bill, as the banks will then start digging in and oppose it even more. They already "won" one point from last year, so they may try to "win" now on the issue of opposing higher fees. If you want my frank opinion, the real reason the Dept. doesn't want to raise the fees higher than \$12,000 is not to protect the little institutions, but to keep the bill from getting killed by the banks if it goes any higher.

Wes Coyner, lobbyist for the Alaska Banker's Association, will be here to perhaps testify, along with at least one bank member, according to him. He said he is getting mixed reaction on this from the Bankers Assoc. Some of them, the larger ones, seem to be willing to accept the fee increases; but the smaller banks don't appear to like it very much. He was non-committal about whether to hold the bill over and was going to wait to see how the testimony went. Frankly, I got the impression that he perhaps did not have complete or good enough feedback, and so probably wouldn't have heartburn if it was held over; or if it was, he can always head it off in House Finance, the next committee of referral.

Willis Kirkpatrick will be here to testify from the Division of Banking in the Dept. of Commerce.

TO: Mike
FROM: Roger

February 6, 1985

HB 62: In response to Koponen's motion, the Committee now has before it a CS for HB 62 instead of an amendment.

Also, the Associated General Contractors, in response to questions raised by Collins, supplied her and Pearce and ourselves (I didnt copy it for the committee because it was too long), a complete listing of all Title 36 Enforcement Actions for 1) wage violations and 2) resident hire violations from June 1, 1982 to November 30, 1982, which is in your file for reference.

Resa King of AGC also gave us a copy of pages from Alaska Economic Trends for January of 1985 which gives a breakdown of the total labor force in Alaska by region and census division, and by selected industries, including construction. Please note that these figures are misleading, as they show the total labor force, and not the construction labor force working on public construction contracts, which is a totally different thing, and a much smaller percentage number in relation to claims cases. The letter from the Department which should be forthcoming and in your file by this afternoon should cover this point. Also, Jim Wakefield of the Laborers Local noted Monday that those claims only cover a small percent of actual violations, so it is not as small a deal as Collins makes it out to be.

I did tell the Department about the AGC material so they would have time to respond to it as well in their letter they are submitting in response to the questions of Hanley, Collins, and Pearce.

I think you may have to move the bill out of Committee without any support from the minority--they seem to be nit-picking just to flex their muscles this time, without a great deal of substance to their criticisms.

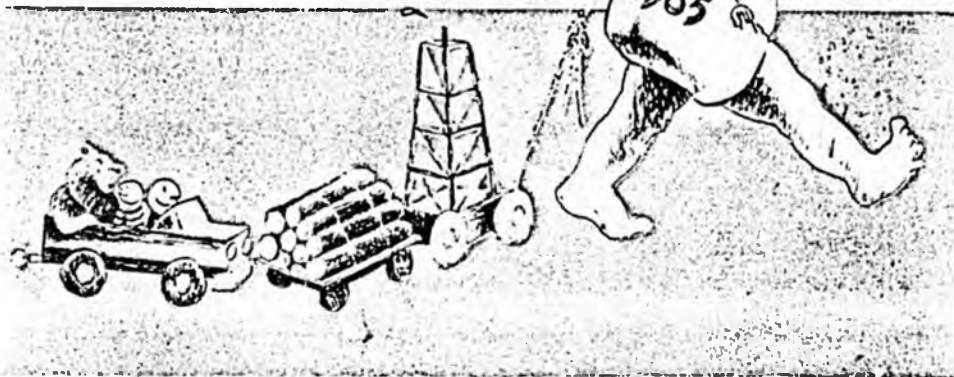
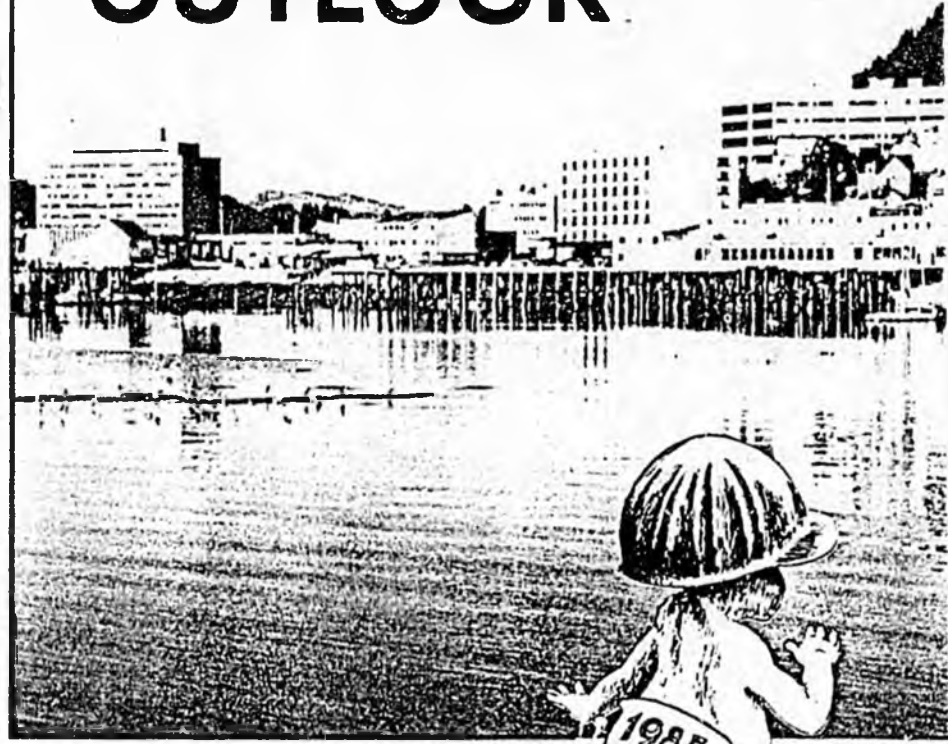
HB 62 ADDITIONAL FILE CONTENTS Feb. 6, 1985

- 1) Draft CS for HB 62 (same as amendment, pg. 1, line 12, insert (1) after .06C.
- 2) Additional information from Alaska Economic Trends, supplied by Associated General Contractors
- 3) Written response to additional Committee questions by the Department of Commerce

JANUARY 1985
ALASKA ECONOMIC TRENDS

Alaska Department of Labor Bill Sheffield, Governor, State of Alaska

ECONOMIC OUTLOOK



LABOR FORCE BY REGION AND CENSUS DIVISION

	Labor Force			Unemployment			Rate			Employment		
	P 11/84	R 10/84	11/83	P 11/84	R 10/84	11/83	P 11/84	R 10/84	11/83	P 11/84	R 10/84	11/83
Alaska Statewide	240992	243698	228543	25288	23284	23130	10.5	9.6	10.1	215704	220414	205413
Anchorage/MatSu Region ...	128354	128622	118958	11122	9858	9304	8.7	7.7	7.8	117232	118764	109654
Anchorage	115475	116107	106979	9107	8349	7487	7.9	7.2	7.0	106368	107758	99492
Matanuska-Susitna	12879	12515	11979	2015	1509	1817	15.6	12.1	15.2	10864	11006	10162
Gulf Coast Region	25763	27066	25016	3182	3352	3315	12.4	12.4	13.3	22581	23714	21701
Cordova	1350	1399	1300	141	130	138	10.4	9.3	10.6	1209	1269	1162
Kenai	13217	13851	12875	1711	1768	1818	12.9	12.8	14.1	11506	12083	11657
Kodiak	5866	6270	5637	710	855	682	12.1	13.6	12.1	5156	5415	4955
Seward	1886	1933	1846	276	242	298	14.6	12.5	16.1	1610	1691	1548
Valdez	3444	3613	3358	344	357	379	10.0	9.9	11.3	3100	3256	2979
Interior Region	32613	32621	30876	4969	4167	4529	15.2	12.8	14.7	27644	28454	26347
Fairbanks	26608	26704	25227	4076	3512	3752	15.3	13.2	14.9	22532	23192	21475
Southeast Fairbanks	2648	2617	2481	388	291	327	14.7	11.1	13.2	2260	2326	2154
Upper Yukon	813	780	769	139	86	127	17.1	11.0	16.5	674	694	642
Yukon-Koyukuk	2544	2520	2399	366	278	323	14.4	11.0	13.5	2178	2242	2076
Northern Region	10895	10965	11163	775	735	985	7.1	6.7	8.8	10120	10230	10178
Barrow-North Slope	2888	2911	2989	158	152	244	5.5	5.2	8.2	2730	2759	2745
Kobuk	3431	3440	3503	290	265	344	8.5	7.7	9.8	3141	3175	3159
Nome	4576	4614	4671	327	318	397	7.1	6.9	8.5	4249	4296	4274
Southeast Region	32066	32736	31339	4324	4177	3920	13.5	12.8	12.5	27742	28559	27419
Angoon	418	458	398	51	80	35	12.2	17.5	8.8	367	378	363
Haines	1142	1096	1088	206	132	163	18.0	12.0	15.0	936	964	921
Juneau	11301	11624	11042	1230	1257	1089	10.9	10.8	9.9	10071	10367	9953
Ketchikan	6983	7358	6564	1147	1350	796	16.4	18.3	12.1	5836	6008	5768
Outer Ketchikan	890	860	847	203	152	168	22.8	17.7	19.8	687	708	679
Prince of Wales	1552	1567	1524	268	246	255	17.3	15.7	16.7	1284	1321	1269
Sitka	4494	4535	4511	426	347	490	9.5	7.7	10.9	4068	4188	4021
Skagway	1648	1597	1758	291	200	417	17.7	12.5	23.7	1357	1397	1341
Wrangell-Petersburg	3638	3641	3607	502	413	507	13.8	11.3	14.1	3136	3228	3100
Southwest Region	11301	11688	11191	916	995	1077	8.1	8.5	9.6	10385	10693	10114
Aleutian Islands	2921	3036	2924	97	128	174	3.3	4.2	6.0	2824	2908	2750
Bethel	3678	3824	3618	374	422	400	10.2	11.0	11.1	3304	3402	3218
Bristol Bay Borough	409	437	408	36	53	45	8.8	12.1	11.0	373	384	363
Bristol Bay	1519	1547	1500	124	111	142	8.2	7.2	9.5	1395	1436	1358
Kukwim	1011	1021	993	110	94	116	10.9	9.2	11.7	901	927	877
Wade Hampton	1763	1823	1748	175	187	200	9.9	10.3	11.4	1588	1636	1548

P/=Preliminary 1983 Benchmark

R/=Revised

Federal guidelines require the use of unrounded labor data, adjusted to be consistent with the Current Population Survey (CPS) in formulas used to allocate federal funds. Comparisons between different time periods are not as meaningful as other time series published by the Alaska Department of Labor; because Alaska's CPS sample size is inadequate to accurately indicate monthly changes in level. The sampling errors are random in nature; meaning that the unemployment rates, in any given month, are as likely to be high as frequently as they are low. The official definitions of unemployment, currently in place, exclude anyone who has made no attempt to find work in the four week period up to and including the week that includes the twelfth of each month. Most economists feel that Alaska's bush localities have proportionately more of these discouraged workers.

**ALASKA
HOURS AND EARNINGS
FOR
SELECTED INDUSTRIES 1 / 2**

	Average Hourly Earnings		Average Weekly Hours		Average Weekly Earnings	
	P'	r'	P'	r'	P'	r'
Mining	10 84	9 84	10 84	9 84	10 84	9 84
Contract Construction	\$24.21	\$23.64	\$23.94	49.8	\$1191.46	\$1204.18
Manufacturing	24.53	24.87	24.98	43.4	1134.07	1086.67
Food & Kindred Products	15.19	12.13	15.01	31.2	442.75	471.31
Lumber & Paper Products	9.31	8.36	8.72	22.8	289.26	187.48
Trans. Comm. & Utilities	17.69	16.89	18.52	34.3	608.04	742.65
Trade	15.77	15.85	16.37	37.3	613.39	607.33
Wholesale	10.71	10.82	10.11	34.8	372.71	360.93
Retail	12.99	13.58	12.08	38.1	494.92	473.95
Fin.-Insurance & Real Estate	9.79	9.63	9.28	33.7	324.53	318.30
					400.81	388.72

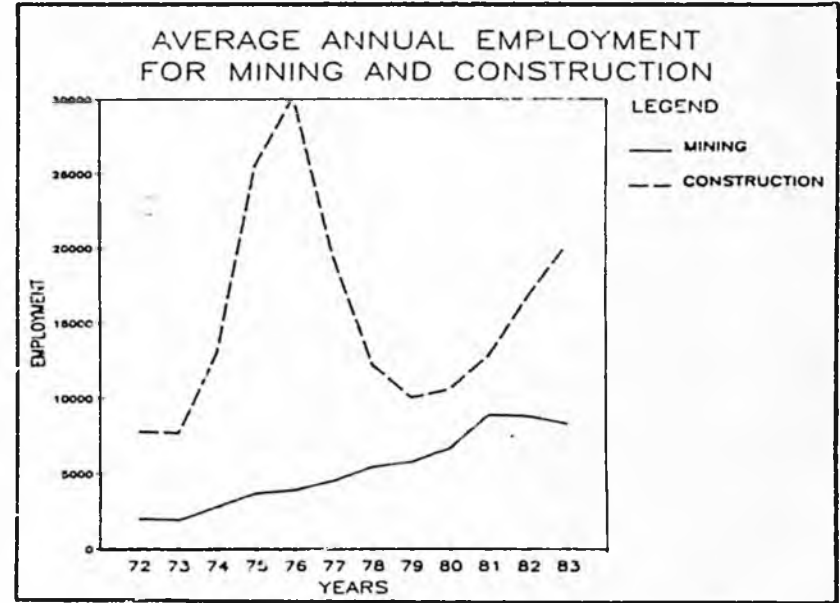
1. Prepared in cooperation with the Bureau of Labor Statistics, U.S. Department of Labor

2. Excludes eating and drinking establishments

AVERAGE HOURS AND EARNINGS SERIES: Averages are based on data for full and part time production workers (manufacturing) and nonsupervisory workers (nonmanufacturing) and are for gross earnings and hours paid, including overtime pay and hours.

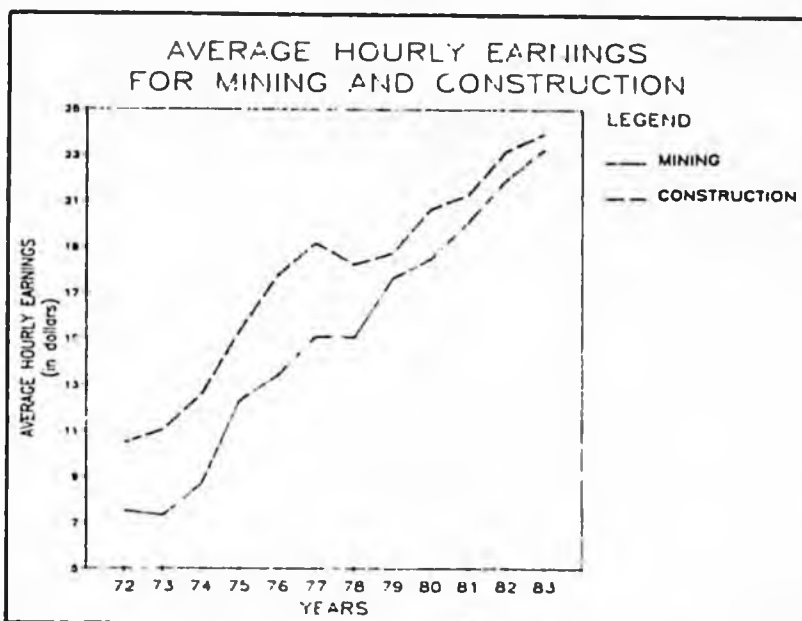
**Average Annual Employment in
Mining and Construction**

	Mining	Construction
1972	2100	7900
1973	2000	7800
1974	2900	13100
1975	3800	25700
1976	4000	30300
1977	4600	19500
1978	5500	12300
1979	5800	10100
1980	6700	10700
1981	8900	12900
1982	8800	16800
1983	8300	20300



Average Weekly Hours and Average Hourly Earnings for Mining and Construction

	Mining		Construction	
	Avg. Weekly Hours	Avg. Hourly Earnings	Avg. Weekly Hours	Avg. Hourly Earnings
1972	45.8	7.50	40.3	10.48
1973	46.6	7.31	39.7	11.04
1974	48.5	8.69	45.9	12.56
1975	49.7	12.28	59.1	15.32
1976	50.8	13.41	60.1	17.76
1977	52.2	15.09	54.1	19.16
1978	47.5	15.05	44.6	18.23
1979	51.8	17.61	41.3	18.73
1980	50.9	18.49	43.9	20.65
1981	51.0	20.10	46.3	21.28
1982	51.5	21.94	43.8	23.19
1983	50.0	23.27	42.9	23.94



STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

NAVARRE
BILL SHEFFIELD, GOVERNOR

P.O. BOX 1149
JUNEAU, ALASKA 99802
PHONE: (907) 465-2700

February 6, 1985

The Honorable Mike Navarre
Chairman
Labor and Commerce Committee
House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Navarre:

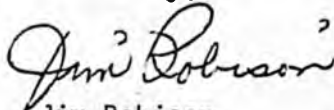
This is in response to the question posed at the February 4 hearing on House Bill 62, concerning the proportion of the work force affected by the provisions of AS 36.05.

In 1984, total nonagricultural wage and salary employment in Alaska averaged 223,600 ; construction employment averaged 20,100 (9.0% of total employment); and estimated public construction employment averaged 6,600 (3 percent of total employment and one third of construction employment).

In 1984, the Department initiated 480 enforcement actions on public construction projects to remedy wage deficiencies on behalf of 1072 employees. These employees represented 16% of the estimated number of workers employed on public construction projects. It should also be pointed out that these numbers do not reflect the Department's involvement on projects where contractors voluntarily complied when we advised them of wage deficiencies.

Thank you.

Sincerely,



Jim Robison
Commissioner

Bill No. House Bill No. 62

Date January 18, 1985

Title "An Act relating to the payment of prevailing wages and the payment of overtime under public construction contracts."

Contact: Robert Landau
465-2700
Robert Bacolas
465-4870

In addition to making a number of minor statutory changes, House Bill 62 establishes or clarifies several important provisions concerning wages and hours of work on public construction contracts, as follows:

1. Section 1 of the bill requires payment of time-and-a-half compensation to a worker for work in excess of eight hours a day or forty hours a week, thus eliminating any question that employees on public construction contracts have the same overtime protections afforded all employees in the state under AS 23.10.060.
2. Section 2 allows the Department of Labor to accept assignment of wage claims under the chapter and to pursue claims on behalf of a class of employees, whether or not a wage assignment has been filed. The Department often uncovers violations of AS 36.05 but, under existing law, is arguably precluded from collecting wages due on behalf of employees who have not requested its assistance. The amendment to AS 36.05.030(a) remedies that problem.
3. Section 6 provides that, even if a public construction contract does not set out conditions that AS 36.05.070(c) requires to be included, these conditions are considered included in the contract. This precludes an employer from avoiding compliance with the chapter when a government agency fails to incorporate AS 36.05.070(c) in the public construction contract.
4. Section 8 authorizes the Department of Labor to bar persons who have failed to comply with the overtime and prevailing wage requirements of the chapter from being awarded public construction contracts for up to three years. These persons would, of course, be entitled to the full protection of the Administrative Procedure Act.
5. Sections 3 and 9 authorize the Attorney General to seek injunctive relief and civil penalties in the Superior Court for failure to comply with AS 36.05. Under existing AS 36.05.060, violation of the chapter is a misdemeanor but this enforcement mechanism has not been effective because of the nature of the penalty and the higher standard of proof required in criminal cases.

The Department of Labor supports passage of House Bill 62. It will not have a fiscal impact on the Department.

APPROVED:



Jim Robison, Commissioner
Department of Labor

POSITION PALMER / Department of Labor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 62
 Title: "An Act relating to payment of prevailing wages..."
 Sponsor: Rules Committee
 Requestor: House Labor & Commerce
 Date of Request: 1/17/85

FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Public Protection
 DRU, Program or Subprogram(s) Affected: Labor Standards & Safety-Wage and Hour Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	Ft 83	Ft 84	Ft 85	Ft 86	Ft 89	Ft 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert J. Sacolis, Sr.

Division: Labor Standards & Safety

Phone: 465-4270

Date: 1/13/85

Approved by Commissioner: Jim Johnson

Agency: Labor

Date: 1/18/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

SECTIONAL ANALYSIS - HB 62: An Act relating to the payment of prevailing wages and the payment of overtime under public construction contracts," by House Rules at the Request of the Governor; analysis by House L & C Staff.

Section 1 Clarifies current law that employees on public construction contracts have the same overtime protections afforded all other employees in the State; by requiring payment of time and a half compensation to a worker for any work over 8 hours a day or 40 hours a week. It does not allow for any of the exceptions listed under 23.10.060, such as an employer employing fewer than 4 employees; and thus allows for equal and fair competition where public construction bids are concerned.

All public construction contracts are thus considered to have these provisions included, whether actually stated or not. This requirement is already found elsewhere in this Chapter, under AS 36.10.080 relating to employment preference.

Section 2 Continues the authority of the Department of Labor to determine the prevailing wage, and expands the Department's ability to pursue claims on behalf of employees, even if a wage assignment has not been filed.

Currently, an employee must file a claim within 90 days or else sue the contractor; with a wage assessment, the Department can pursue claims for 2 years on behalf of a claimant or a class of claimants. Further, under this section, they will have the power to pursue claims against subcontractors outside of the State of Alaska and into any other state we have reciprocal agreements with on this issue (some 20 states in all, mostly the western States).

Section 3 Penalty for violation of the Wages and Hours of Labor Chapter of Title 36 (Public Contracts) is changed from a misdemeanor of \$100min to \$1,000max and 10 to 90 days; to a civil penalty of \$25,000 for certain violations and for up to \$5,000 per day for other violations.

Currently, violators have to be charged and investigated under criminal procedures, where the standard of proof is higher; with this change, the matter becomes easier to pursue as a civil penalty, with the process going through the Attorney General's Office, and the procedures for this are set out in further detail in Section 9.

Section 4 The word "must" in legal terms is used to give direction to inanimate objects; "shall" is used to direct people to do things, so the change is technical only.

The minimum wage for the state is \$3.85; for the feds; \$3.35. However, the minimum prevailing wage is set by the State

Dept. of Labor according to region of the State & craft, in accordance with procedures spelled out in administrative regulations.

Section 5 Requires that the Dept. of Labor notifies the state or political subdivision to withhold payments to a contractor up to whatever is needed to pay to workers any difference between their actual wages and the wages they are required by law to receive.

Since the Dept. of Labor already requires that a contractor submit a certified weekly payroll to the Dept. which then gets surveyed and monitored, the Department is in a much better position to detect violations than a state or political subdivision, as well as initial subsequent action. This section formally recognizes what is common current practice.

Section 6 Requires that when a state or political subdivision withholds payment to the contractor in accordance with Section 5, the amount withheld shall be paid to the Dept. of Labor for disbursement to the workers; and further states that this payment process is considered to be in the language of all public construction contracts, whether it is explicitly stated or not.

Section 7 Apprentices registered in an approved program must be paid at the federal minimum wage rate for apprentices. If the apprentice is not in an approved program, the contractor must pay the apprentice at the minimum prevailing wage.

This section discourages contractors from listing all of their workers as apprentices in order to pay them lower wages.

Section 8 Gives the power to the Dept. of Labor to initiate proceedings to debar a person from bidding on construction contracts for up to three years.

Currently, any violators are referred to the Attorney General's office and the case has to be pursued in the courts. This change gives the Dept. of Labor authority to actively investigate a case through an administrative hearing process, under the Administrative Procedures Act, which still protects violators through a detailed due process procedure.

Section 9 Adds a new section to current law, which spells out the procedure by which violators under Section 3 are referred by the Department of Labor to the Attorney General's office, and the subsequent procedures followed by the A. G.'s office in pursuing a statute violation through the courts.

Section 10 Provides definitions; basically clarifying that this bill applies to public construction contracts, not regular maintenance activities.

February 4, 1985 Monday 1:15 pm

LABOR AND COMMERCE AGENDA

- 1) CALL MEETING TO ORDER
- 2) NOTE HOUR/DAY/YEAR (1:15 pm? February 4, 1985 Monday)
- 3) NOTE MEMBERS PRESENT AND MEMBERS ABSENT
(also note late arrivals as they arrive)
- 4) RECOGNIZE ANY VIP'S OR GUESTS PRESENT
- 5) REMIND EVERYONE PRESENT TO SIGN IN AS EITHER A WITNESS OR AS AN OBSERVOR
- 6) EXPLAIN THE AGENDA ORDER:
 - a. Confirmations of Governor's Appointees:
Board of Psychologists and Board of Dental Examiners
 - b. HB 62 An Act relating to the payment of prevailing wages
and the payment of overtime under public construction contracts.
 - c. HB 79 An Act relating to financial institution examinations.
- 7) ANNOUNCE FIRST ITEM BEFORE THE COMMITTEE, THEN WHEN DONE, THE SECOND, ETC.
- 8) MAKE SURE ALL MEMBERS SIGN ANY BILL THAT IS PASSED OUT OF COMMITTEE
- 9) ANNOUNCE TIME OF ADJOURNMENT

Note: AS each witness comes forth, please request that they state their name and who they are representing, for the record, and to speak loudly enough to be heard.

BRIEFING PAPER ON FORCE ACCOUNTING

"Force Accounting" is the term commonly used to describe the performance of public construction or repair work by a government agency using its regular employees or hiring additional employees rather than contracting out the work to a private contractor. In essence, a government agency or political subdivision using the force account method is acting as its own general contractor, although on some projects it may subcontract certain parts of the work or hire a project management contractor to supervise the work.

Force account construction work has been interpreted as being exempt from both State and Federal prevailing wage laws. Accordingly, the Department of Labor does not conduct any enforcement acting on Force Account projects.

Because of the large number of public works projects in Alaska and the variety of government agencies and political subdivisions administering these projects, it has been very difficult to determine exactly how much public construction work in the state is being done on a force account basis.

The use of Force Accounting by government agencies, political subdivisions, and non-governmental recipients of State grant funds has become a controversial issue in recent years. Because Force Accounting does not involve the hiring of a private contractor to perform the actual construction work, State and Federal prevailing wage laws normally do not apply to Force Account projects. In Alaska, municipalities, cities, villages, unincorporated communities, and even nonprofit corporations receiving State grants have used Force Accounting on public construction projects as a way of reducing labor costs,

promoting local hire, and generally attaining greater control and responsibility over a public works project. The use of Force Accounting has been criticized by contractors, labor unions, and others who have argued that "contracting out" public construction work to the private sector is usually the most efficient, economical, and risk-free method of performing public works construction.

As a result of the controversy surrounding the use of Force Accounting, particularly on construction projects financed in part or whole by State grants, an informal task force was organized in November 1984 to address the issue. The task force included representatives from various State agencies, local governments, contractor groups, organized labor, and other interested parties. At the outset, there was considerable support for the proposition that on pass-through grants for construction, the State agency passing through the grant funds should exercise greater approval and oversight authority over the use of Force Accounting by grant recipients. It was disclosed that new procedures for the controlling and monitoring of State grant funds are being prepared by an interdepartmental grant management review committee coordinated by the Office of Management and Budget.

On the central question of Force Accounting vs. contracting out public construction work, the task force participants were unable to reach a consensus solution. Local governments and political subdivisions that have used Force Accounting successfully to reduce construction costs and promote local hire desire to continue doing so (and, in some cases, expand the size of their force account projects), whereas contractors and labor unions contend

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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that competitive bidding continues to be the best way to prevent favoritism and assure timely completion of public works construction at the lowest price and highest quality.

Alaska Department of Labor

February 1, 1985

Sec. 36.05.070(f) and (g)

(f) A local government or school district covered by the provisions of this chapter which is found to be in violation of these provisions may be required to forfeit all or part of the state aid made available for the project in which the violation occurs and in addition may be denied up to 12 months of state revenue sharing or public school foundation money. A state department or agency head found to be in violation of this chapter may be required to forfeit the position of department or agency head.

(g) A person or governmental entity covered by the provisions of (f) of this section who is not satisfied by a decision of the Department of Labor may, as the final administrative process, appeal the decision to a committee consisting of the commissioners of transportation and public facilities, labor and administration. The commissioner of transportation and public facilities is the chairman of the committee. A quorum for conducting business is three members and any decision made must be supported by a majority of the committee members. The committee may, upon a showing of hardship, waive all or any part of the penalty provisions of this chapter.

SUPPLEMENTAL OUTLINE HB 62

- 1) Position Paper in response to AGC -- Dept. of Labor
(also includes requested statistics on number of cases, etc.)
- 2) Summary of Dept. of Labor Enforcement Actions for AS 36.05
(supplied by Associated General Contractors)
- 3) Position Paper -- Municipal League
- 4) Briefing Paper on Force Accounting -Dept. of Labor, Feb. 1, 85
- 5) Amendment to HB 62 passed in Committee on January 25, 1985
- 6) Bill summary -- Legislative Reporting Service

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 15, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies the applicability of overtime compensation statutes to work performed on public contracts, and that imposes sanctions for a contractor's failure to comply with those statutes.

The bill requires payment of time-and-a-half compensation to a worker for work in excess of eight hours a day or 40 hours a week, thus eliminating any question that employees on public construction contracts have the same overtime protections afforded all employees in the state under AS 23.10.060.

In addition to making several minor statutory changes, the bill also establishes or clarifies four other important provisions relating to the enforcement of the provisions of AS 36.05, concerning wages and hours of labor on public contracts. First, sec. 2 of the bill allows the Department of Labor to accept assignment of wage claims under the chapter and to pursue claims on behalf of a class of employees whether or not a wage assignment has been filed. The department often uncovers violations of AS 36.05, but, under existing law, is arguably precluded from collecting wages due on behalf of employees who have not requested its assistance. The amendment to AS 36.05.030(a) avoids that problem.

Second, sec. 6 of the bill provides that even if a public construction contract does not set out conditions that AS 36.05.070(c) requires to be included, these conditions are considered included in the contract. This precludes an employer from avoiding compliance with the chapter when a government agency fails to incorporate AS 36.05.070(c) in the public construction contract.

Third, sec. 8 of the bill authorizes the Department of Labor to bar persons who have failed to comply with the overtime and prevailing-wage requirements of the chapter from being awarded public construction contracts for up to three years. These persons would be entitled to the full protection of the Administrative Procedure Act (AS 44.62).

Fourth, secs. 3 and 9 of the bill authorize the attorney general to seek injunctive relief and civil penalties in the superior court for failure to comply with AS 36.05. Under existing AS 36.05.060, violation of the chapter is a misdemeanor. This enforcement mechanism has not been effective because of the nature of the penalty and the standard of proof required in criminal cases.

Sincerely,

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

Bill Sheffield
Governor