

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3720 HSTA HB 661 - HB 676 (FILE 1)

DOCUMENTATION OF HEAD-INJURED VICTIMS IN COLORADO
WITH SEVERE BEHAVIORAL PROBLEMS

<u>SEX</u>	<u>AGE</u>	<u>DATE OF INJURY</u>	<u>CURRENT LIVING SITUATION</u>	<u>BEHAVIORAL PROBLEMS</u>	<u>PHYSICAL STATUS</u>	<u>INSURANCE</u>
M	36	3/80	Nursing home	Physically abusive, Acting out	wheelchair	Colo. XIX
F	42	3/83	Psychiatric hospital	Wanders, chronic alcoholic, impaired judgement, gravely disabled mentally	mobile	
M	43	4/77	Home	Violent with kids	mobile	XVIII and Insurance
M	25	1983	Hospital		mobile	Colo. XIX
M	29	1983	Home	Verbally abusive, gravely disabled	mobile	Workman's Comp
M	65	1981	Home	Physically abusive, needs constant supervision	mobile	Medicare & Supplement

PRESIDENTIAL ADDRESS: XIX Canadian Congress of Neurological Sciences

The Impact of Head Trauma on Society

Leslie P. Ivan, President, Canadian Neurosurgical Society

Can. J. Neurol. Sci. 1984; 11: 417-420

In this address I shall discuss head trauma from an angle which may be unusual for neuroscientists. Our preoccupations are diagnostic challenges and management problems, but that which we experience at the bedside is only a narrow segment of a continuum which started with trauma somewhere in a war, on a road, at home, on the football field, in the boxing ring, and many other distinct locations. When our role is over, there are only three places where head trauma victims can be found: cemeteries, where every year, 5,000 new graves are made to accommodate fatal head injuries in Canada; in chronic hospitals, which are already overloaded with victims of various insults to the brain, and, of course, within society, which accepts the victim as recovered or tolerates the subtle and not so subtle consequences of so-called 'minor' head injuries.

To begin, I shall focus on trauma itself and will try to define the magnitude of the problem and match the response of society to it. The magnitude of a health problem, can be judged from the incidence, mortality, and morbidity figures and from the financial costs to society (Waller, 1980). A major epidemic is a disaster in continuity which keeps decimating the population and saps the financial resources of society. But, according to an old adage: "Head injured patients are so common place that they often fail to attract the attention they deserve." (Jennett and Teasdale, 1981)

Let us examine the facts more closely. Reliable data are collected regularly and come from a number of sources. The National Head and Spinal Cord Injury Survey (Anderson and Laurin, 1980), a supplement to the Journal of Neurosurgery, and the Central Nervous System Trauma Research Status Report (Loomis, 1979) remain excellent documents which can be updated in the World Health Organization Vital Statistics. From these, and other published statistics (Canadian 1982; Causes of Death, 1980; Hospital 1978; World Almanac 1970-1983), it can be established that the annual incidence of serious head trauma is very high, and affects as many as 20,000 to 30,000 people in Canada. The variation of 100 to 700 per 100,000 population is age-specific, and a tragic peak occurs between 15 and 19 years of age. This should be noted and imprinted on the conscience of parents of the world.

About 100,000 people die in the United States every year because of accidents. Half of these deaths are related to road accidents; 70% of fatal injuries occur because of head trauma. In Canada, the situation is not much better, despite the fact that we passed the highest peak in 1973, when road fatalities alone claimed nearly 7,000 lives. In the 1970's sharing the distinction with West Germany, and surpassing the United States, WE

were the world leaders in highway fatalities and WE had the highest percentage of accidental deaths in the world. There is overwhelming proof from excellent studies covering several geographic locations, that road accidents are the single most common cause of head injuries (51%), surpassing the home, which nevertheless, maintains the distinction of being the second most dangerous place for the head.

Looking at morbidity, the picture remains equally distressing. Figures for the United States show that there were 9 million disabling injuries in 1981, resulting in 350,000 cases of permanent disability. We don't have reliable figures in Canada, but as a rough estimate, 10% would probably be realistic.

Translating the morbidity and mortality figures to dollars and cents, the cost of accidents has grown from 18.2 billion dollars in 1970 to 78.4 billion dollars in 1982 in the United States. Motor vehicle accidents account for nearly half of these expenses. Head injuries, therefore, in Canada, cost at least 4 billion dollars per year.

At a recent Trauma Conference in Calgary, Professor John Read stated, "One in twenty Canadian children born today will be killed or severely injured before reaching the age of 15 (Read, 1984). The majority of these injury events will occur in traffic." Just think about it for a minute. The world's population will be about 6 billion in the year 2000, 2.5 billion of which will be children under 14 years of age. If all countries on earth were as advanced as we are technologically, 1.25 million children would die in the year 2001 because of head injuries alone.

In this frightening shadow of an Orwellian forecast, my second concern in this address is to examine society's response to the vastness of the problem and ask:

1. Is it really true that accident is a natural phenomenon?
2. Do head injury patients fail to attract the attention they deserve?
3. Is it really tenable that in 15 years, accidents will continue decimating the children of this country?

Allow me to illustrate the "Vital Signs" of society or the "Coma Scale", if you wish, whereby the response of society can be assessed. Whether a society is alert or in coma may be gauged by testing cultural and organizational phenomena, checking what industry, government and the law do about a noxious reality, and testing how society propagates new knowledge, processes new information, and implements the needed change.

Let us look first at Canadian and American agencies concerned with trauma. These organizations which represent the medical profession, business, industry, government and citi-

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zen groups are listed in Table 1. These are only about 40% of the agencies concerned internationally with trauma and head injuries.

Organized medicine should be proud of the leadership of the American College of Surgeons which has been a powerhouse of resources on how to establish and maintain effective structural and high professional standards in the management of trauma victims. The number of brochures, pamphlets and symposia, reflect the profound concern of the American College about this epidemic of civilized living which can be subdued by improving every phase of trauma management.

In Canada, I must confess, there has been a slow awakening, but within the past few years, from the Royal College to the Canadian Medical Association, the activity has been very impressive.

Time prevents me from checking the "Vital Signs" of society systematically and exhaustively. I shall, however, touch upon a few issues which I consider important because they reflect Canadian concern. These are: 1. Head protection, 2. Injuries to children, 3. Alcohol and youth, 4. Seat-belt and restraint, 5. Trauma research funding.

Head Protection

Great events in history have hinged on head protection. It is no secret that Goliath had a helmet of brass upon his head and that his helmet had a rather substandard construction for David "smote the Philistine, the stone sunk into his forehead and he fell upon his face to the earth." The Romans and Greeks had excellent helmets. Alexander the Great (330 B.C.) had a fluted helmet which successfully deflected blows to his head, and saved his life in many battles. Obviously, a man ahead of his time, he decreed that in all campaigns, horse soldiers should wear helmets. The current trend is in agreement with him, as protective devices in transport, sport, and leisure activity are showing a resurgence today.

The excellent posters of the Ontario Easter Seal Society uses the best psychology to reinforce the use of sports helmets. The improvement of existing helmets is very important, as is shown by a study covering five years of football injuries in the United States (Schneider, 1982). In this study, 69 subdural haematomas with 28 deaths occurred because the helmets did not properly absorb the energy from severe impact. This prompted research to improve helmet design and reduce injury.

In our study, we found bicycle injuries the single most common cause of head injury in children (Ivan et al., 1983; Lapner and Ivan, 1981). We suggest the use of helmets for cyclists and bicycles that are CSA (Canadian Standards Association) approved. We hope that legislation will deal with these issues.

Concerning motorcycle helmets, in the United States, 35 states repeated mandatory motorcycle helmet legislation in May of 1976 (Watson et al., 1980). The result, an increase in head injuries and death, and a 200% increase in medical cost and disability (McSwain and Petrucelli, 1984).

This might be the time to reflect on boxing. The World Federation of Neurosurgeons and the Canadian Neurosurgical Society have been fighting this savage sport for a long time. Last year, our view was presented (by Dr. J. Stratford) to the Canadian Medical Association. In a recent letter, I was informed that the Canadian Medical Association has made a resolution that boxing be banned in Canada, while the Ontario Medical Association, at its annual meeting, indicated that all boxing need not be banned (Rich, 1984). Dr. George Lundberg, in a

recent editorial, stated that blows to the head should be illegal, as have blows to the testes (Newsweek, 1984).

Injuries to Children

Injuries to children is a special issue because of the enormity of the mortality figures compared to other causes of death in childhood (Accidents, 1981). Interestingly, the most recent figures come from the Cancer Journal for Clinicians (Silverstein, 1982), which clearly shows that accidents in the United States killed more children between 1 and 14 years of age, than congenital anomalies, heart disease, meningitis, cerebral palsy and cystic fibrosis, altogether. For children, the road is dangerous but for toddlers and infants, the home remains the common place of head trauma, and through the Canada Safety Council and the Canadian Institute of Child Health, we have convinced the government to modify safety standards for stairs, walkways and homes.

Alcohol and Youth

Drinking and driving is a serious problem in all age groups (Simpson, 1982; Zuska et al., 1983). The Canadian Automobile Association tells us that in 1981, from the 641 persons killed in traffic accidents, 376 had been drinking. The Bulletin of the American College of Surgeons states, and I quote, "More than 2 million Americans died in wars since 1775" (Connaughton, 1983). Since approximately 50% of motor vehicle deaths are alcohol related, it becomes apparent that drinking and driving has killed more on the streets and highways than we have in all wars as a nation." Alcohol abuse and road trauma combine to be the leading causes of death between 17 and 21 years of age. A recent study in the province of Ontario revealed that from 1976 to 1979, 1,000 fatally injured drivers and pedestrians in one year, only 32 had neither alcohol nor drug in their blood samples (Warren and Simpson, 1980).

The Ontario Medical Association Committee on Accidents and Injuries has made specific recommendations for strategies to decrease drinking and driving (Committee, 1984). This may eventually result in provincial legislation. The Law Reform Commission of Canada has already forwarded a report to Parliament with specific recommendations about alcohol related issues (Report, 1983).

One of the best documents I had in my hands, revealing society's concern is the booklet Task Force of the Government of Ontario on Drinking and Driving (Discussion, 1983). It deals with the problem in depth, both nationally and internationally. At the request of a citizen's group, a Task Force was established by Premier W. Davis in the fall of 1982, in order to set a new assault on the problem. The Task Force made several recommendations in this study which should surface soon in Parliamentary debate.

The Traffic Injury Research Foundation has an equally valuable document in which the emphasis is again on youth with specific reference to changing social behaviour and attitudes towards drinking and driving (Alcohol, 1983). This report emphasizes the development of community based strategies. Examples of these are M.A.D.D. (Mothers Against Drunk Driving), S.A.D.D. (Students Against Drunk Driving). Many of these voices reach the media quite frequently, and some concern appear on such things as shopping bags issued by the Liquor Control Board of Ontario. In magazines, unfortunate

Alcohol is a frequent object of beautiful advertisements. In the distinguished Canadian Geographic (Canadian, 1984), I found five excellent ads. promoting alcohol. The one which caught my eye was Seagrams, which says "When we say don't drink and drive we're not just talking about liquor. Twelve ounces of beer, a 5½ oz. glass of wine and 1½ oz. of spirits — they all contain the same amount of alcohol. So they're all equally wrong to mix with driving, and for that matter, just as wrong to abuse at any time". Moral or immoral, conformist or not, it is good to know that at least one of the merchants of this lethal combination feels some societal pressure.

Seatbelts and Restraining

There has been a remarkable decrease in deaths and injuries since January 1st, 1976, when seatbelts became mandatory in Ontario. In 1975, the year before seatbelt legislation, 1314 drivers and passengers were killed in motor vehicle accidents in Ontario. In 1982, Canadian Road Fatality Statistics show that the number had dropped to 783, a drop of 40%; the lowest number of deaths and injuries since 1965. Unfortunately, seatbelt laws in many countries are not enforced, or if they are, the compliance may be low. A recent blitz in Ottawa showed only 75% adult and 60% child restraint compliance which improved by 10% after a second blitz (Surveys, 1984). Child restraint legislation is now in effect in Ontario, Quebec, Manitoba, Nova Scotia, Newfoundland, Saskatchewan and 41 states of the United States. It remains, however, a matter of education and legislation to protect little citizens who cannot make the decision to protect themselves.

Some researchers believe that a passive restraint system will improve the problem and industrial research remains very active in this field. The U.S. government has recently legislated that air bags and automatic seat belts will be phased into new cars by the manufacturers.

Trauma Research

Finally, I would like to touch upon trauma research. In spite of the improvement of mortality with aggressive treatment of severe head injuries, we seem to have reached a plateau where further improvement remains questionable. Maybe it is true, that a scrambled brain cannot be unscrambled; but, there is plenty of room for research. (Ghent, 1981)

Certain therapeutic vacuums exist which may effect society as a man in a rather insidious manner. Probably the two most important areas which deserve more research are from the moment of the 'accident' to the earliest possible management of coma, and the subtle consequences of head injuries. As an example: a 15 year old boy suffered a slight head injury while under the influence of alcohol, when he fell backwards and

struck his head on the floor. He had a Glasgow coma scale of 12 at admission and left the hospital in less than a week. The CT scan showed, to our astonishment, a dozen small contre-coup haemorrhages in the frontal and temporal areas. He went back to school, but dropped out before graduating, and now works as a painter's helper.

I recently saw him again when he was painting the walls of the hospital where he was treated. He is jolly, uninhibited, calls himself a paintologist and is reintegrated to productive life; but is he really? Can we measure his loss? What else could he have painted? Why did he drop out of school?

Nobody can answer these questions for we don't know the value of lost neurons, and how can we know, when such a small amount of money is spent on head injury research. The figures are embarrassing for only one percent or less of the grant dollars support head injury research. People who suffer from incurable diseases have my deepest sympathy and I am happy for the millions of dollars governments will spend to attempt to solve their problems, but I also have healthy children and three of them are teenage drivers. From the depth of my heart I am crying for all teenagers of Canada and the world, that we may find the wisdom and the money to stop their slaughter on the roads.

Prevention should be the solution, but prevention comes from education and education is the transfer of knowledge. Knowledge can be based only on experience and research, and education and research together are the key issues to the solution of the problem of head trauma.

Neuroscientists should be the champions of this cause, for they know best that the greatest treasure of evolution is the human brain. There should be a new line of evolution in society, not the fittest, but the wisest. An evolution which brings deeper maturity and wisdom to human behaviour, a changed attitude which will protect man from self-destruction. Head injury is not a natural phenomenon, it comes from a hostile environment which is man made and it should be controlled by man.

According to my analysis, the vital signs of our society are quite stable. We are making progress and the scores are quite high on the responsiveness scale. The two weak areas, research and education, are strongly dependent on government support and as we know, it takes a long time before the fixed pupils of some government agencies start responding to light.

ACKNOWLEDGEMENTS

I am indebted to my wife, Maureen, who helped research this problem and put the material into perspective. Dr. W. R. Ghent from Kingston, Mr. Rotenburg from the Ontario Medical Association, Dr. Da Sylva from the Canadian Medical Association and all the organizations listed in Table 1 generously provided valuable information and assistance.

ALASKA TREATMENT CENTER

3710 E. 20th Avenue • Anchorage, AK 99508 • (907) 272-0586

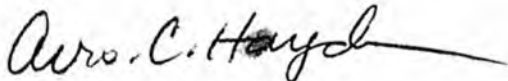
February 21, 1986

Representative Katie Hurley
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

*Also
...
Vocat Rehab
...
Education*

Dear Representative Hurley;

The enclosed resolution was adopted by the Alaska Treatment Center Board of Directors on February 20, 1986 expressing support for funding through the Division of Vocational Rehabilitation to rehabilitate Alaskans suffering from traumatic head injury. Also enclosed is an article from the Anchorage Daily News reflecting the Center's involvement with Megan Rust, an Alaskan head injury "success story".



Avis C. Hayden
Executive Director

For: Board of Directors

Frank Reed, SR. - President
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WHEREAS the Alaska Treatment Center for Crippled Children and Adults, Inc has continuously served the physically disabled/handicapped people of the state of Alaska since 1946 by providing quality out-patient therapeutic and rehabilitative programs, and,

WHEREAS the Alaska Treatment Center has prudently managed its program development grant funds so as to sustain programs on a fee-for-service basis independent of ongoing state subsidy, and

WHEREAS the Center seeks to develop a new and much needed program to serve traumatically head-injured Alaskans through intensive cognitive retraining and vocational rehabilitation,

BE IT RESOLVED THAT the Board of Directors of the Alaska Treatment Center requests the members of the 1986 Alaska state legislature to consider the designation of \$250,000 in the budget of the Division of Vocational Rehabilitation to provide a means for eight Alaskans to receive appropriate head-injury rehabilitation services and thereby return to gainful employment.

Frank M. Reed

Frank M. Reed, President
Alaska Treatment Center
Board of Directors

2/20/86
date

Corporate Seal
Alaska Treatment Center for
Crippled Children and
Adults, Incorporated



Anchorage Daily News/Top Hubner

Once an accomplished pilot, Megan Rust was struck by a forklift on a remote airstrip and has since had to struggle back from a coma in an effort to regain her former abilities.

To Fly Again: Former pilot fights back from serious head injury

By KIM RICH
Daily News reporter

Out on the runway, the slender blue and white Lear jets and the larger twin engine Otters glisten in the hot sun. Smiling broadly, Megan Rust walks among the planes.

On a remote section of the Anchorage International Airport runway, Rust is at home.

It was on another runway, a little over a year ago, that Rust's airborne dreams came violently crashing to the ground.

It was a day she can't remember, but one she will never forget.

On June 9, 1984, as Rust walked away from a Cessna 402 she had just piloted into the village of St. Marys, she was struck down by a forklift.

The driver never saw her. She saw him too late to get out of the way.

For three weeks, Rust lay in a coma in an Anchorage hospital while her parents, Henry and Alberta, kept a steady, prayerful vigil.

The day Rust opened her eyes, the struggle began to bring her back to the living world she once knew.

At 27, she is a graduate of the Florida aeronautical university — Embry-Riddle. Prior to her accident, Rust was a commercial airline pilot, licensed to fly multi-engine aircraft.

"Most people assume that after a coma, you can walk and talk," Rust says. "That's just not true."

Rust's primary injury was to her brain stem, which connects the larger portion of the brain to the spinal cord.

As a result, Rust's physical coordination, balance and strength were badly affected.

She also suffered a cerebral hemorrhage and a fractured skull in the accident.

At the time, the prognosis for her full-recovery was a blank check of unknowns. At one point, a doctor told her mother that Rust would never talk again. For several months following her initial coma, Rust lay in a coma arousal stage — a dream-like state where fantasy and reality mesh. She could not speak and barely recognized family and friends

around her.

One of her first tests in therapy consisted of a doctor holding up pen and asking her if it was a basketball.

Last November Rust was transferred to Craig Hospital in Denver, Colo., where she underwent months of intensive rehabilitation.

Nowadays, she has speech and physical therapy a half-day each week at the Alaska Treatment Center.

While Rust was told she was lucky to survive the accident, it has taken her a great deal of effort to return to a normal life and her previous accomplishments.

Rust was once rated as having an IQ of 145.

She is ardently striving to reach that mark again. A recent IQ test showed she was nearing her mark.

"I have always worked hard all of my life," she says. "This (therapy) wasn't difficult at all. It was just a different way to work hard."

Rust is employed, but because she cannot now fly as a pilot, she works in the maintenance records section of a local airline.

Rust proudly points out that she drives her own car and owns a condominium.

She is petite, cheerful and bright. The lingering signs of her accident are a slight hobbling walk and a speech impairment due to a partial paralysis of her upper lip.

The braces she wears were put on prior to her accident.

These days she frequently uses a word to describe herself that used to be reserved for others — handicapped.

"A lot of people assume that because I can't talk well, I can't think well — that's not true."

But people with handicaps should not hesitate to tell people about their limitations or what they can accomplish, she says.

Flying used to be second nature to Rust. Now when she thinks about it, she does so carefully and methodically.

"Things that you used to do that would go from point 'A' to point 'B', now have to be re-routed from point 'C'," she says of her thoughts.

Most head injuries are preventable

About 30 people in Alaska suffer from serious head injuries each year, says Dr. Shawn Hadley, medical director of the Alaska Treatment Center.

Many are preventable. "Most of them are from auto accidents," she said, adding that motorcycle and all-terrain vehicle mishaps also rank high in the causes of head injuries.

Hadley said the use of seatbelts and helmets dramatically lowers the incidence of head injury.

"I don't think that there is enough

awareness of the causes of head injuries," she said.

While a person's broken limbs usually mend as good as new, the prognosis for the complete recovery of a head-injured person is unknown.

The damage, difficult to measure, can be permanent, Hadley says.

If after experiencing a loss of consciousness, a person continues to suffer from headaches, dizziness or unusual personal behav-

See Page J-3. MOST

See Page J-3. FORMER

Former pilot now struggles with learning how to walk, talk

Continued from Page J-1

She used to be a "spend-a-holic." She says she is no longer as spontaneous, or compelled.

The study of the head-injured patient is a new frontier in medicine, says Dr. Shawn Hadley, medical director with the Alaska Treatment Center.

Little is known about head-injured people because it has only been through recent medical advances that patients are now surviving what used to kill them, says Hadley.

Neurologists have some ideas of what behavior and intellectual functions are affected depending on what side of the brain is impacted, she says.

But in most head injuries, the damage is diffuse, affecting the entire brain, she says. Even less is known about how information is transmitted from one part of the brain to other.

Depending on the degree of injury and how long a patient is in a coma, the effects range from a drop in intellectual capacity, to radical personality changes, or as in Rust's case, physical impairments.

Someone who was once mild mannered can become ill-tempered, and vice versa. And a once-organized person may find themselves battling a constant feeling of personal chaos.

Each head-injured patient requires individualized treatment involving a team of medical professionals, including among others, a neurologist, therapist and a psychologist, Hadley says.

But, according to Hadley, an even greater challenge is treating head-injured patients

“A lot of people assume that because I can't talk well, I can't think well — that's not true”

Megan Rust

who don't believe they need help.

She says there are an unknown number of people in Alaska who are suffering from the effects of a minor head injury and aren't aware of it.

“I think that there are a lot of people out there who have a problem and don't know what it is,” she says.

The signs are subtle; unexplained bouts of headaches, dizziness, inattentiveness, lack of motivation and concentration, and loss of memory.

Hadley says that people with minor head injuries will often attribute the problems to other sources such as their marriage or job.

Diagnosis is difficult because a person can sit and respond to questioning, giving the impression that everything is all right.

“These are things that aren't going to show up for a long period of time,” she says. “The typical picture of the head-injured patient is the person who can't initiate things, or get things going.”

Changes in the person are apparent to family and friends, but the head-injured person seldom recognizes their own problem, she says.

Rust knows her physical



Anchorage Daily News/Michael Penn

Physical therapist Antonia Fowler watches as Megan Rust walks a balance beam, one of her regular exercises.

liabilities and what she has to overcome in order to fly again.

Her speech will have to be clear, her physical and mental reflexes fine-tuned and sharp.

For now, she will have to

make do with a flight simulator.

But she is hopeful and determined to fly again.

“If you have a head injury,” she says, “Don't lock yourself away.”

Most head injuries can be prevented by using common sense

Continued from Page J-1

ior, Hadley says the person may be suffering from a brain injury.

A neurological assessment can help measure what brain functions have been affected.

Hadley plans to establish a local chapter of the National

Head Injury Foundation to increase public awareness about head injuries.

The NHIF was established to lend support to the head injured and their families and to help them find proper treatment to return those with injuries to their maximum functioning potential.

According to a newsletter written by the NHIF, 100,000 people die annually as a result of head injuries. More than 700,000 have injuries severe enough to require hospitalization.

Out of this group, up to 90,000 people a year are left with intellectual or behaviori-

al problems that prevent their return to a normal life.

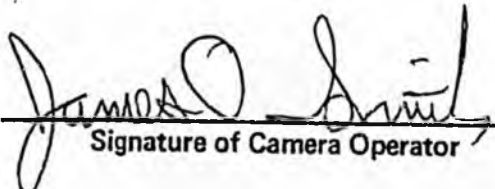
The tragic news, Hadley says, is that two thirds of them are below the age of 30.

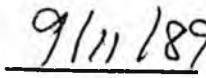
To avoid the chances of suffering a serious head injury, Hadley says, “Be attentive to what you're doing.”



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HB

666

STATE OF ALASKA
THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1986

SUBJECT: Coastal Management (HB 666)

TO: Representative Katie Hurley, Chair
House State Affairs Committee

FROM: Tamara Brandt Cook
Director
Division of Legal Services *TBC*

Sec. 1. Two public members are added to the Alaska Coastal Policy Council. One member represents private landowners with major surface or subsurface fee landholdings located south of 60 degrees N. latitude and the other represents private landowners with major surface and subsurface fee landholdings located above that latitude.

Sec. 2. Public members, including the two new members added in section 1, serve a term of two years and a public member may be reappointed. Reference to the shorter terms of some of the first members appointed is deleted.

Sec. 3. One co-chairman shall be appointed from among the public members, including the two new members added in section 1.

Sec. 4. Quorum requirements are changed to require six rather than four public members.

Sec. 5. The provision dealing with the filling of vacancies is amended to make reference to the two new public members.

Sec. 6. A new provision requires that election of initial elected board members of a proposed coastal resource service area shall occur at the same time as the question of organizing the proposed coastal resource service area is submitted for a vote.

Sec. 7. A coastal resource service area board is composed of two appointed members and seven elected members. Under existing law the board is entirely elected.

Sec. 8. The two appointed members represent the two private landowners with the largest surface and subsurface fee land holdings in the service area. The members are appointed by the governor after consideration of recommendations made by the two landowners. The appointed members may not vote.

Sec. 9. The terms of some elected members of the first board are shorter than the normal three year term. Elected members serve until successors are elected. A board member may be reelected or reappointed.

Sec. 10. A vacancy in an appointed position on a coastal resource service area board is filled for the duration of the term by the governor.

Sec. 11. Only elected members are subject to recall. For purposes of applying statutes relating to recall, the last regular election is the last regularly scheduled election held in a coastal resource service area.

Sec. 12. Members of a coastal resource service area board serve without compensation but are entitled to per diem and travel expenses.

Sec. 13. When the council directs the lieutenant governor to submit to the voters the question of organizing a coastal resource service area, the council shall establish boundaries of the proposed area that are consistent with sound planning principles and include all unorganized land or water necessary to plan for major economic development.

Sec. 14. When the council requires the Department of Community and Regional Affairs to prepare a district coastal management program, the department is required to consult with an advisory board appointed by the council. The advisory board does not receive compensation but is entitled to per diem and travel expenses. The advisory board consists of seven residents of the area and two people that represent the two private landowners with the largest fee land holdings in the area.

Sec. 15. The definition of "uses of state concern" is amended to include activities associated with the production, management, harvesting, transportation, and processing of timber.

Sec. 16. The bill has an immediate effective date.

TBC:mkr
m5/064

House Bill 666
Explanation of the Bill

House Bill 666 would amend the Alaska Coastal Management Act (ACMA) of 1977. The effects of the legislation, and background information on each item are provided below:

1. The legislation directs the Governor to appoint two individuals representing major surface and subsurface fee land holdings to the Alaska Coastal Policy Council (CPC). One person would represent major landowners north of 60° N latitude, the other landowners south of that latitude. These representatives would be voting members of the CPC.

Background: The CPC is a 16 member council which manages the planning and implementation of the ACMP. Nine CPC members are locally elected officials from coastal regions of the state, including northern and southern southeast, Prince William Sound, lower and upper Cook Inlet, Kodiak-Aleutians, southwest Bering Straits, and northwest Alaska. These public members of the CPC are appointed by the Governor. The seven remaining CPC members are commissioners, or their designee of the following state agencies: the Office of Management and Budget, Department of Environmental Conservation, Department of Community and Regional Affairs, Department of Fish and Game, Department of Natural Resources, Department of Transportation and Public Facilities, and Department of Commerce and Economic Development.

2. The legislation would provide for the election of Coastal Resource Service Area (CRSA) board members coincident with the election approving the organization of a CRSA.

Background: CRSAs may organize in the unorganized borough to participate as coastal resource districts in the Alaska Coastal Management Program (ACMP). CRSAs may be organized by election or at the direction of the CPC. In CRSAs organized by election, seven member boards are elected to represent the CRSA. Under the existing statute, the election of the CRSA Board follows the organization election by not less than 60 days and not more than 90 days.

3. The legislation directs the Governor to appoint two people representing major surface and subsurface fee land holdings in the area to each CRSA Board. These representatives would be nonvoting members of the CRSA Board, but would have the other rights and duties associated with the position.

Background: The existing statute provides for an elected seven member board to represent the CRSA. This provision would direct the Governor to appoint two additional nonvoting members to the board to represent the major landowners within the CRSA.

4. The legislation would require the CPC to appoint an advisory board, consisting of seven area residents and two representatives from the largest private landowners within the area to advise the Department of Community and Regional Affairs (DCRA) during planning in CRSAs.

Background: In areas which do not organize into a CRSA by local initiative and election, the CPC may direct DCRA to prepare a plan for the area if major economic development activities have occurred or will occur within the service area. The legislation would provide that DCRA consult with an advisory nine member board, appointed by the CPC, during such planning.

5. The legislation specifically recognizes "activities associated with the production, management, harvesting, transportation, and processing of timber" as a use of state concern.

Background: Uses of state concern receive special consideration during coastal program development. Uses of state concern may not be arbitrarily and unreasonably restricted or excluded during program implementation. The ACMA defines uses of state concern as "land and water uses which would significantly affect the long-term public interest," and directs the CPC to further define such uses. The CPC has done so in a resolution adopted in 1979. CPC Resolution No. 13, the utilization, development and conservation of forest resources are defined as a use of state concern.

nb86050201jmh

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 666

Summary: The expenditures noted in the fiscal note would be incurred by the Office of Management and Budget, Division of Governmental Coordination for travel and per diem costs for two additional public members on the Coastal Policy Council (CPC), and two additional members on each Coastal Resource Service Area (CRSA) board.

Sectional Costs:

Section 1 provides for two additional public members to be appointed by the Governor to the CPC. Travel and per diem for these additional members is shown in the travel line as \$8.3 thousand in FY 87, increasing by a five percent inflation factor in subsequent years.

Sections 7 and 8 provide for two additional members to be appointed to each CRSA board participating in the Alaska Coastal Management Program (ACMP). Travel and per diem for two additional members of each of five CRSA boards is shown in the grants line as \$22.5 thousand in FY 87. In subsequent years, it is assumed that expenditures for six CRSA boards will be required, and a five percent inflation factor is also included.

Section 14 provides for a nine person board to advise the Department of Community and Regional Affairs (DCRA) in the event they are directed by the CPC to prepare a coastal management plan for a region of the state. There is a potential need for travel and per diem expenditures to support the functions of an advisory board. In the history of the ACMP, the DCRA has never prepared such a plan. As it is uncertain such planning would occur, no expenditures are noted.

Other sections of the bill would have no fiscal impacts on the Office of Management and Budget, Division of Governmental Coordination.

nb86050502jmg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 666
Title : An Act Relating to Coastal Management; and Providing for an Effective Date
Sponsor : Rep. Herrmann, by Request
Requestor : House State Affairs
Date of Request : 5/5/86

FISCAL DETAIL

Agency Affected : Office of the Governor
BRU : Office of Management and Budget
Components : Governmental Coordination

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		8.3	8.7	9.1	9.6	10.1
CONTRACTUAL SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS		22.5	28.4	29.8	31.3	32.9
MISCELLANEOUS						
TOTAL OPERATING		30.8	37.1	38.9	40.9	43.0
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING : (Thousands of Dollars)

GENERAL FUND		30.8	37.1	38.9	40.9	43.0
FEDERAL FUNDS						
OTHER						
TOTAL		30.8	37.1	38.9	40.9	43.0

POSITIONS :

FULL-TIME		0	0	0	0	0
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

(See Attached)

Prepared by : Robert L. Grogan *RLG* Phone : 465-3562
Division : Office of Management and Budget Date : May 5, 1986
Division of Governmental Coordination
Approved by Commissioner : Laura J. Herman *Laura J. Herman* Date : May 5, 1986
Agency : Office of the Governor

Distribution (by Agency preparing fiscal note) :

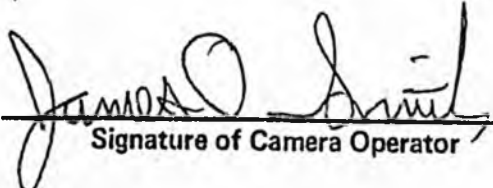
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



RECORDS CERTIFICATION



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Signature of Camera Operator


Date

HB

672

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House State Affairs Committee 3/24/1986, 3:00 pm
" " " " 4/2/1986, 3:00 pm

HOUSE
COMMITTEE REPORT

(7)

Date referred: 2/17/86

FURTHER REFERRALS: RESOURCES

DATE: 4/2/86

The STATE AFFAIRS Committee has considered HB 672

"An Act providing for notice of hazardous materials."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB672 (SA) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Katie Hurley

D.A. [unclear]

Bette [unclear]

[unclear]

Mike [unclear]

[unclear]

SIGNING OTHER RECOMMENDATIONS:

Roger Jenkins No Rec

Katie Hurley
Chairman

Hein
4/1/86

Original sponsors: Koponen, Davis,
Hurley and Goll

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 672 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for notice of hazardous materials."

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

8 * Section 1. AS 46.03 is amended by adding a new section to read:

9 Sec. 46.03.895. NOTICE OF HAZARDOUS MATERIALS. (a) A person
10 who transports hazardous materials into the state shall, within 48
11 hours after the materials arrive in the state, send to the Department
12 of Public Safety, division of fire prevention, a copy of the descrip-
13 tion of the hazardous materials that is required to be on the shipping
14 paper by the United States Department of Transportation under 49
15 C.F.R. 172.200 - 172.204.

16 (b) A person who receives a shipment of hazardous materials from
17 outside of the state shall, within 48 hours after receiving the ship-
18 ment, send to the emergency services providers for the service dis-
19 trict in which the materials are to be used or stored

20 (1) a copy of the description specified in (a) of this
21 section; and

22 (2) a notice of the location at which the materials are to
23 be used or stored.

24 (c) In this section

25 (1) "emergency services providers" includes state and local
26 fire, rescue, and other public safety agencies that respond to hazard-
27 ous materials emergencies;

28 (2) "hazardous materials" has the meaning given in 49
29 C.F.R. 171.8.

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

542 4th Avenue, Suite C
Fairbanks, Alaska 99701
(907) 456-8161

POSITION PAPER --HB672

This bill has been introduced to address a particular area of public safety that will help emergency responders and others when confronted with events of unknown origin.

Throughout Alaska numerous hazardous substances and materials are transported, processed, and stored. In an effort to lessen the impact of accidents associated with these substances and materials this bill requires shippers to give D.E.C., within 48 hours, notice and description of the shipment contents.

It also requires the person receiving the shipment to provide local emergency providers, within 48 hours, with a description and location of storage.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HR 672
 Title : An Act Providing for Notice of Hazardous Materials
 Sponsor : Rep. Koponen
 Requestor : State Affairs
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : State Health Services
 Components : P.H. Administrative Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N., Director Phone : 465-3090
 Division : Public Health Date : 2/27/86 400

Approved by Commissioner : [Signature] Date : 3/6/86
 Agency : Health & Social Services

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

POSITION PAPER

HOUSE BILL 672

"An Act providing for notice of hazardous materials."

This bill will require individuals who transport hazardous materials to supply the Department of Environmental Conservation and emergency providers a description of the materials within 48 hours of arrival in the State. The notification will entail a specific description of the materials requiring shipping papers under the U.S. Department of Transportation 49 C.F.R. 172.200 - 172.204 and where the materials are stored.

Position

The Department of Health and Social Services supports the general concepts HB 672 and feels that it will increase the ability of emergency personnel and health care providers to safely respond to life threatening situations. The public safety concepts of this bill are similar to HB 647, and it appears that the specificity of HB 647 will enhance the implementation and assure increased coordination between the responsible agencies.

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 3/3/86

Approved by: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Representative Koponen
 Requestor : House State Affairs
 Date of Request : 3/21/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fire Prevention
Alaska State Troopers
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: *K. Niles* Kathy Niles, Admin Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 3/21/86
 Approved by Commissioner : *[Signature]* Date : 3/21/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 672

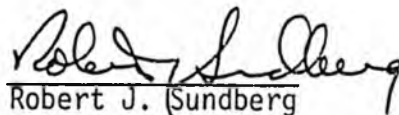
Support

March 21, 1986

HB 672 - "An Act providing for notice of hazardous materials."

This Department supports the requirement that receivers of hazardous materials from outside the state shall notify, within 48 hours after receiving the shipment, the emergency service providers in the service district in which the materials are to be used or stored.

The requirement will not impact the emergency services providers of this Department.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No. : HB 672
 Title: "An Act providing for notice of hazardous materials."
 Sponsor: Niilo Koponen
 Requestor: State Affairs & Resources
 Date of Request : 3/10/86

FISCAL DETAIL

Agency Affected: Environmental Conservation
 BRU: Environmental Quality
 Components: Director's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

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

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: S.W. Hungerford Phone: 465-2566
 Division: Environmental Quality Date: 3/10/86

Approved by Commissioner: Bill Ross Date: 3/20/86
 Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

HB 672

An Act Providing for
Notice of Hazardous Materials

This bill requires that any person who transports materials defined by the U.S. Department of Transportation as hazardous when transported, submit a copy of the description of the materials as shown on the shipping papers to the Department of Environmental Conservation (DEC) after the materials arrive in the state. The bill also requires that the recipient of the shipment submit a copy of the description of the materials and identify the location of use or storage in a submittal to local emergency services providers.

DEC would suggest that this bill be combined with HB 647. Both address community right to know issues. A combined bill would best advance the committee's interest in providing an appropriate role for local governments.

Looking at this legislation alone, the Department has no objection to the legislation. The intent is, however, unclear to us. The first subsection would require airlines, shipping lines, barge companies, truckers, and other shippers of hazardous materials to submit a report including shipping documents within 48 hours of entering the state. While the Department has extensive responsibility for hazardous wastes, the Department does not currently have any responsibility for hazardous materials. It would be helpful to clarify what actions DEC would be expected to take with regard to the information received.

The federal government regulates the carriers of interstate shipments of these materials. Their requirements may conflict with this reporting requirement.

The second subsection requires persons who store or use hazardous materials to submit information to local emergency services providers. HB 647 includes provisions that address the same topic by requiring inventories of hazardous materials and notice of shipments. The Department would recommend that the committee reconcile the two bills and establish one approach. Another option would be to delete this subsection, since CSHB 647 (L&RA) would require placarding of all businesses and government agencies that generate, process, treat, store, use, or dispose of hazardous materials or wastes.

The definition of hazardous materials is an appropriate one for transportation; however, there are considerable differences between the definitions of the terms hazardous materials, hazardous substances, hazardous wastes, and the various combinations of these terms, in the several bills under consideration by this Legislature. My staff will work with yours to ensure that the appropriate definition is established.



**Fairbanks
North
Star
Borough**

MAR 7 1986

Mayor: Juanita Helms

March 3, 1986

Honorable Katherine T. Hurley
Chairperson
House State Affairs Committee
Alaska State Legislature
Pouch V (Mail Stop 3100)
Juneau, Alaska 99811

Dear Representative ^{Hattie}~~Hurley~~:

I am writing in support of House Bills No. 672 and No. 673, relating to the transportation of hazardous materials within and into municipalities. The passage of these bills would enable the Fairbanks North Star Borough to track the arrival and movement of such materials in our community. Such information would be of great benefit to emergency responders in the community, and would ultimately result in a significant improvement in their ability to protect public health and welfare from accidents involving these materials.

Our one recommendation for inclusion in these bills would be a definition under HB 672 for "service district" (referenced in Sec. 46.03.895(b)) to ensure that all appropriate emergency responders are notified in accordance with the proposed regulations.

The Fairbanks North Star Borough endorses these bills and would like to urge your support of these measures.

Sincerely,

A handwritten signature in cursive script that reads "Juanita".

Juanita Helms
Borough Mayor

JH:rlf

**ADOPTED RESOLUTIONS OF ASMA
HAINES, ALASKA - 1985**

Adopted By the Alaska State Medical Association
House of Delegates at Its Annual Meeting in
Haines, Alaska June 7, 1985

Resolution No. 85-1
Subject: Salute to Joseph Rude, M.D.

Whereas, Dr. Joseph Rude has recently celebrated his 90th birthday, and has also marked the milestone of 56 years of the practice of medicine in Alaska; and

Whereas, Joe Rude has enjoyed 64 years of devoted marriage to Amy, and this union has produced 4 children and 11 grandchildren, and 5 great-grandchildren; and

Whereas, "Doc" Rude has been an extremely active member of a wide variety of community groups, having been on the Board of his Lutheran Church for numerous years, been active in the Boy Scout movement for 50 years, and the Salvation Army Board for 40 years, a charter member of the Juneau Lions Club, and a member of the school boards in both Petersburg and Juneau; and

Whereas, in addition to the practice of medicine in Alaska, Dr. Rude has served the missions of the Lutheran Church; and

Whereas, "Doc" continues to be an active skier at Eaglecrest, continues to hunt moose each year up the Taku River, and until recently, captained the "Doughboy" on numerous cruises; therefore be it

Resolved, that the Alaska State Medical Association salutes Dr. Rude on his many milestones; and be it further

Resolved, that the Alaska State Medical Association wishes him well and Godspeed with his continuing activities; and be it yet further

Resolved, that the rest of us will try to do better.

Resolution No. 85-3
Subject: Use of Pesticides

Whereas, some pesticides are highly toxic to humans and other non-target organisms, and

Whereas, the inappropriate use of some pesticides may endanger the public health, and

Whereas, present State regulations

- have not been revised in ten years,
- contain no guidelines for application of unrestricted pesticides,
- are silent regarding qualifications for commercial operators,
- are not specific regarding authority for search and seizure,
- provide no authority to ban specific compounds from use in Alaska,
- do not require registration of pesticides used in Alaska,
- directions for use on labels, therefore be it

Resolved, that the Alaska State Medical Association urges the Governor to appoint a task force to include representatives from the Alaska State Medical Association, Department of Environmental Conservation, Department of Health and Social Services, Municipal Health Departments, and other appropriate groups and agencies to review and, if necessary, to develop new regulations regarding the application of pesticides in urban and rural settings.

Resolution No. 85-4
Subject: Community Right-To-Know

Whereas, hundreds of thousands of gallons of hazardous substances are released into Alaskan Air, lands and water by hundreds of documented industrial and transportation accidents each year (1); and

Whereas, residents and entire communities may be exposed to these accidentally released hazardous substances and physical agents as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Whereas, the public health can be best served by a preventative approach whereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

Whereas, several states and municipalities have adopted or are considering for adoption community right-to-know legislation including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts (2); Therefore be it

Resolved, that the Alaska State Medical Association supports the establishment of statewide and local community right-to-know legislation with at least the following elements:

- a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic material physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and
- b. Full access by the general public, health care providers, and emergency responders to this public information; and
- c. An associated educational program for employers, the general public health care providers, emergency responders, and public health professionals and officials; and
- d. Sufficient funding for the legislation to be fully effective.

(1) Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.

(2) Worobec, MR, et al., Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984.

Resolution No. 85-6

Subject: Three Wheelers and Similar All Terrain Vehicles

Whereas, the use of three-wheeler, all-terrain vehicles by children and adults has contributed to unnecessary deaths and injuries in the State of Alaska; and

Whereas, the medical cost of 538 injuries over a period of two years exceeded \$1.6 million dollars and the cost of institutional care for those 6 brain damaged Alaskans injured in all-terrain vehicle accidents will exceed \$11.5 million if they live to age 65; and

Whereas, measures such as educational safety programs and mandatory helmet requirements have reduced injuries associated with bicycles, motorcycles, and snowmobiles; and

Whereas, Alaska has documented some of the most serious problems among all the states on this subject; therefore be it

Resolved, that the Alaska State Medical Association

urges the passage of legislation:

- (1) To require helmet use by all operators of ATV's and
- (2) To require ATV registration, and
- (3) To require successful completion of a mandatory safe driving course for all ATV drivers 16 years of age and younger, and be it further

Resolved, that the Alaska State Medical Association urges the Department of Health and Social Services to commit additional funds and professional positions to increase its efforts to investigate and prevent injuries in Alaska.

Resolution No. 85-9

Subject: Consulting Corporation

Resolved, that the Alaska State Medical Association further investigate the formation of a Consulting Corporation for broadly defined services to the business community and the professional community and the public at large, and "with specific recommendations reported to the winter council meeting."

Resolution No. 85-11

Subject: Dues Discount

Resolved, that the Alaska State Medical Association reduce an active member's dues by \$50 if dues are received by the office before January 1 of each year; and be it further

Resolved, that Alaska State Medical Association reduce an associate member's dues by \$25 if dues are received by the office before January 1 of each year.

Resolution No. 85-13

Subject: Extension of medicare Fee Freeze Regulations

Whereas, the medicare Fee Freeze was instituted in the face of voluntary action already being done by the AMA and physicians, and

Whereas, such federal regulations interfere with the proper patient-physician relationship; therefore be it

Resolved, that the Alaska State Medical Association oppose Health Care Financing Administration regulations which label as fraud physician benevolence to needy medicare patients; and be it further

Resolved that the Alaska State Medical Association opposes the extension to the Medicare Fee Freeze regulations as a threat to the availability of medical

Training for toxics accidents called lax

WASHINGTON (AP)—Three-fourths of the nation's police and firemen are inadequately trained to respond to accidents involving transportation of hazardous materials, a new congressional study says.

And even if a trained team reaches the scene of a ruptured tank truck, improper labeling of the vehicle's contents can produce a wrong, dangerous response, the Office of Technology Assessment said in a study released today.

OTA quoted state officials as saying that from 25 percent to 50 percent of the identification placards required on hazardous material shipments are incorrect and that shipping documents "are sometimes incomplete or inaccessible."

"Emergency crews must assess the risks of the hazardous material and make decisions on how to respond based on information that may or may not be accurate," said OTA, a nonpartisan congressional agency.

"The wrong response to a hazardous material endangers both

emergency personnel and the neighboring communities," said the study, which urged adoption of federal training and response standards to replace a mishmash of state requirements.

Asked why so many placards are incorrect, Edith Page, who directed the study, said: "In some cases it's ignorance. In some cases it's carelessness."

OTA said the most pressing need is to develop better ways of training safety personnel to handle accidents involving the 500,000 daily shipments of hazardous materials on U.S. highways, rail lines and waterways.

"Three-quarters of the first responders are not adequately trained to deal with hazardous substances," Ms. Page told a news briefing.

She said that a joke among response personnel is that you bring tennis shoes and binoculars to a toxic or nuclear material spill — using the shoes to quickly get a safe distance away and the binoculars to read the placard.

"Then you call for expert help,"

Ms. Page said. "This is often said in jest, but there's a strong element of truth in it."

OTA said that while some states and metropolitan areas have good response programs, "most first responders in smaller urban and rural areas have not been trained to deal with hazardous materials, despite many existing training programs."

"No national standards for training programs are currently in place, leading to the independent development of different training programs, some of which are inadequate," the study said.

Although it did not specifically urge more federal spending, OTA said continued support for state enforcement programs "is important, since federal inspection forces are shrinking due to budget constraints."

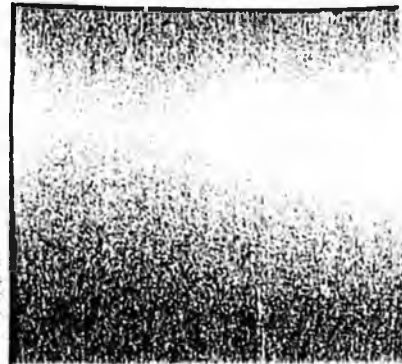
OTA recommended better training and a national license for operators of vehicles carrying hazardous substances in an effort to reduce the average of 11,462 accidents the Transportation Department

says occurred yearly between 1973 and 1983.

In most states, Ms. Page said, a truck driver needs no special license for hazardous cargoes. "The nephew or son of the owner can drive a gasoline truck," she said.

Ms. Page said OTA doesn't trust Transportation Department figures indicating that the incidence of accidents involving hazardous materials is decreasing.

"The data collected is so poor we don't know whether things are getting better or worse," said Ms. Page, adding that OTA found "substantial underreporting" in federal accident statistics.



water was contaminated with the toxic solvent 1,1,1, trichloroethane (TCA) from a nearby electronics plant had twice as many miscarriages—and their offspring had three times as many birth defects—as those of a control group. Swan said that the state "was hesitant to conclude that the problems were solely due to the water.

but obviously we're very concerned. We're putting a lot of time and resources into designing follow-up studies trying to better understand what happened." Rudolph adds that the toxic pollution in San Jose could exist in any high-tech center. "There's nothing unique about the electronics industry in Silicon Valley."

required to use) OSHA's list of references of studies on health hazards of specific chemicals. The manufacturers or importers can also withhold the identity of the chemical and other information if they believe that information to be a trade secret—though they still must release information on the hazards of the chemical. (Because of this loophole, some activists call the OSHA rule the "Right-To-Hide" rule.)

a number of cities and other localities, have passed their own primarily worker Right-To-Know laws, most of which are more comprehensive than the federal ruling. They cover a larger working population and usually include all employees who come in contact with hazardous chemicals in the workplace (with the exclusion, however, of domestic workers and agricultural workers in some states). Most statutes call for an automatic review of any case where a manufacturer cites a trade secret. In addition, most states themselves, as opposed to the manufacturers, decide which chemicals are included, and many define "hazardous" more broadly than does OSHA. However, there is some question as to whether the OSHA ruling has precedence over the state laws, and that issue is currently under review by the courts.

The OSHA rule requires disclosure of substances that contain 0.1 percent (or more) of carcinogens or 1 percent (or more) of hazardous substances. These concentration levels have been criticized as arbitrary and some charge they provide inadequate safeguards to workers.

Both the Senate and the House recently passed a community Right-To-Know provision in the Superfund Toxic Waste Cleanup bill, and as we went to press, it was in conference committee to draft a compromise version. To be enforced by the Environmental Protection Agency, the legislation requires companies to report to communities identities, quantities, risks, and locations of hazardous chemicals.

Currently, 31 states,* and

*The states with Right-To-Know laws are Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Washington, West Virginia, and Wisconsin.

Your Right To Know

BY JOANNE EDGAR

The first step in countering dangerous substances is recognizing them. There are about 25 million workers in the United States who are "potentially exposed" to chemical health hazards, according to Congress's Office of Technology Assessment. Of these, an estimated 15 million are covered by the Federal Hazard Communication Standard issued by the Occupational Safety and Health Administration. Called the workers' Right-To-Know rule, this federal standard requires manufacturers, importers, and distributors to provide workers with information on hazardous substances and labeling of

chemical containers.

OSHA's ruling is a start, but many feel it's not enough. Critics claim that employers are given too much discretion under this standard, and that they may not report to their employees all known facts about a given chemical's dangers. The OSHA rule does not include nonmanufacturing personnel, such as office workers, even if they work in the chemical manufacturing field; nor does it cover public employees, or commercial, nonmanufacturing "downstream" users of chemicals (such as agricultural workers). In addition, the manufacturers and importers themselves decide which chemicals are considered hazardous and in doing so may use (but are not

WHERE TO GET HELP

COMPILED BY TOBY AXELROD

ORGANIZATIONS

COSH Groups: What Are They?

COSH groups are grass-roots Committees on Occupational Safety and Health. Catalysts to improve workplace environments, they serve as networking resources, provide information about workplace hazards, lobby for protective standards, and support strict Right-To-Know legislation as well as union organization.

Initially funded in part by the Carter Administration, the 40 COSH groups across the United States are struggling to

survive as public money has dried up. The following three COSH groups focus on the high-tech industry:

- **Santa Clara Center for Occupational Safety and Health** (277 W. Hedding St., Suite 213, San Jose, Calif. 95110; call 408-998-4050). SCCOSH provides information on chemicals used in Silicon Valley high-tech industries. It also supports unionizing efforts and assists local unions in improving working conditions. Booklets available: "Unmasking the Hazards" (\$6) and "Toxic Substances Commonly Found in the Electronics Industry" (\$10).

(Reduced prices are available for nonprofit organizations.) A subsidiary group, *Injured Workers United*, provides support and advocacy for workers who get injured or sick on the job.

- **Massachusetts Coalition for Occupational Safety and Health** (718 Huntington Ave., Boston, Mass. 02115; call 617-277-0097). MassCOSH focuses on occupational health and also provides information on the toxicity of various chemicals. Its health technical committee includes industrial hygienists and other health professionals. Publications are available upon request.

- **North Carolina Occupational Safety and Health Project** (P.O. Box 2514, Durham, N.C. 27705; call 919-286-9249). Last year NCCOSH successfully lobbied for a state Right-To-Know law. The group provides workshops to train and educate union and community members on toxics and other hazards in the workplace.

Integrated Circuit (c/o Michael Eisenscher, West Coast Coordinator, 138 South 20 St., San Jose, Calif. 95116; and c/o Rand Wilson and Ken Geiser, East Coast Coordinators, P.O. Box 1342, Brookline, Mass. 02146; call 617-666-4149).

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

HB 672

An Act Providing for
Notice of Hazardous Materials

This bill requires that any person who transports materials defined by the U.S. Department of Transportation as hazardous when transported, submit a copy of the description of the materials as shown on the shipping papers to the Department of Environmental Conservation (DEC) after the materials arrive in the state. The bill also requires that the recipient of the shipment submit a copy of the description of the materials and identify the location of use or storage in a submittal to local emergency services providers.

DEC would suggest that this bill be combined with HB 647. Both address community right to know issues. A combined bill would best advance the committee's interest in providing an appropriate role for local governments.

Looking at this legislation alone, the Department has no objection to the legislation. The intent is, however, unclear to us. The first subsection would require airlines, shipping lines, barge companies, truckers, and other shippers of hazardous materials to submit a report including shipping documents within 48 hours of entering the state. While the Department has extensive responsibility for hazardous wastes, the Department does not currently have any responsibility for hazardous materials. It would be helpful to clarify what actions DEC would be expected to take with regard to the information received.

The federal government regulates the carriers of interstate shipments of these materials. Their requirements may conflict with this reporting requirement.

The second subsection requires persons who store or use hazardous materials to submit information to local emergency services providers. HB 647 includes provisions that address the same topic by requiring inventories of hazardous materials and notice of shipments. The Department would recommend that the committee reconcile the two bills and establish one approach. Another option would be to delete this subsection, since CSHB 647 (C&RA) would require placarding of all businesses and government agencies that generate, process, treat, store, use, or dispose of hazardous materials or wastes.

The definition of hazardous materials is an appropriate one for transportation; however, there are considerable differences between the definitions of the terms hazardous materials, hazardous substances, hazardous wastes, and the various combinations of these terms, in the several bills under consideration by this Legislature. My staff will work with yours to ensure that the appropriate definition is established.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Niilo Koponen
 Requestor : State Affairs & Resources
 Date of Request : 3/10/86

FISCAL DETAIL

Agency Affected : Environmental Conservation
 BRU : Environmental Quality
 Components : Director's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

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

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : S.W. Hungerford
 Division : Environmental Quality

Phone : 465-2666
 Date : 3/10/86

Approved by Commissioner : Bill Ross
 Agency : Environmental Conservation

Date : 3/20/86

Distribution (by Agency preparing fiscal note) :

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

COMMUNITY RIGHT-TO-KNOW ORDINANCE

A Community Right-to-Know Ordinance has been drafted by the Anchorage Hazardous Waste Task Force and the Anchorage Fire Department. The purpose of the ordinance is to protect the public and fire department and other safety personnel who respond to fires and other emergencies.

The major elements of the proposed ordinance are as follows:

1. Require firms, organizations and agencies to provide the fire department with:
 - a) a list of hazardous materials or waste used or stored on-site;
 - b) the location of the hazardous material or waste; and
 - c) the quantity of hazardous waste and materials stored, etc.
2. Require firms, organizations and agencies to placard (post notification of types of waste) buildings where hazardous materials or waste are stored or used.
3. Give the Police and Fire Departments the authority to enforce Title 49 (The federal transportation regulations for hazardous waste and material). Transportation routes would be enforced to keep transporters of hazardous materials and waste on certain main roadways and keep them out of local communities.
4. Establish an enforcement fine system.
5. Provide the public access to any information on hazardous waste or material storage or transportation that the Fire Department has available and to provide the following public education:
 - a. conduct public seminars on hazardous materials and waste in the community.
 - b. conduct training programs to assist businesses in complying with the regulations of ordinance.
 - c. develop a plan for informing the public of spills or leaks of hazardous materials or waste which pose a threat to the community.

MINNESOTA
WASTE MANAGEMENT BOARD

CHAPTER III, SECTION F

WHAT FACTORS COULD AFFECT THE USE OF OUT-OF-STATE DISPOSAL FACILITIES
BY MINNESOTA GENERATORS?

D R A F T

June 5, 1985

rather than a market regulator.

Finally, state subsidies are generally found to be well within the legitimate proprietary capacity of a state government to act solely on behalf of its own citizens. Thus, these subsidies are exempt from traditional Commerce Clause restraints. However, any subsidy could be subject to an Equal Protection challenge on grounds that a subsidy is not reasonably related to a state's legitimate purpose, or that a subsidy is not the least restrictive alternative to achieve a legitimate state goal.

* Local Restrictions on Hazardous Waste Transportation

Localities have enacted laws that attempt to restrict the transportation of certain hazardous wastes through a city. The legal question arises as to whether such local laws violate the Commerce Clause or are pre-empted by the federal Hazardous Materials Transportation Act and related Department of Transportation regulations. In 1982 the Second Circuit Court of Appeals decided National Tank Truck Carriers, Inc. v New York City (677) F2d 270). At issue were New York City Fire Department regulations that prohibited the transportation of hazardous gases by tank truck in New York City, except when the fire commissioner authorizes such transportation because "no practical alternative route to passage through the city exists." The fire commissioner authorized trucks carrying hazardous gases to travel through New York City, but only along a certain route and never between 6 - 10 a.m. and 3 - 7 p.m.

The Court upheld the city regulations as legitimate public safety regulations, not motivated by economic protectionism, and equally applicable to interstate and intrastate shipments. The commerce clause was not violated, as the burden on interstate commerce, if any, was incidental.

Nor were the regulations pre-empted by federal law or regulation. The Court found the local fire department regulations to be entirely consistent with, and in furtherance of, the federal regulations and their underlying purpose which is to promote safety to life and property.

The National Tank Truck Carriers case was followed more recently in a case in the New York Criminal Court in Richmond County, People of the State of New York v Dempsey and Miron (466 N.Y.S. 2d 923) (1983). Two truck drivers were charged with violating sections of the city code and charter that restricted the transportation of flammable liquids within city limits during restricted hours. The Court denied defendants claim that the regulations unconstitutionally restrained interstate commerce. It found the regulations were a reasonable way to achieve their public safety purpose.

In general, the Supreme Court is reluctant to invalidate state regulations in the field of highway public safety, as these regulations have a strong presumption of validity.

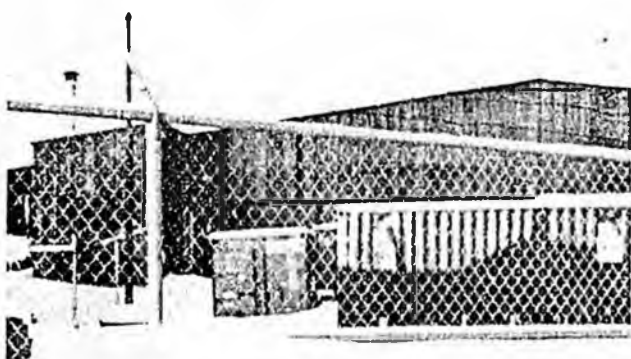
In conclusion, courts have upheld local ordinances that restrict the transportation of hazardous waste throughout a locality on grounds that the burden on interstate commerce is incidental and the restrictions are a reasonable way to achieve a legitimate public purpose. However, these local ordinances are not likely to pose a substantial threat to the out-of-state disposal of Minnesota's hazardous waste because they do not ban the transportation of out-of-state wastes, but merely reasonably restrict the transportation of all wastes, whatever their origin.

The Right to Know: A Fundamen

by David Wigglesworth



Is your community prepared to respond to emergencies involving hazardous materials?



Waste oil is often contaminated with other chemicals. Where do waste oils "go" in your community?

A fire sweeps through the sewer facility in Emmonak, igniting hazardous materials and spreading smoke throughout the village. Residents inadvertently inhale the smoke which contains phosgene gas, chlorine gas and mist from hydrochloric acid, all by-products of the sewage treatment process.

The emergency response team is unfamiliar with dealing with such an occurrence. Several people are injured and one hospitalized before the fire is brought under control.

It is a beautiful summer day in Ketchikan with sunny skies and a bit of a breeze blowing. Finally getting the weather they've been waiting for, a local company goes up on a rooftop in a residential part of town and sprays a wood preservative over the roof.

Living in a city which bears the distinction of receiving more rainfall per year than most Alaskan towns, it is important to protect materials from the weather.

Unfortunately, stronger winds pick up, carrying the vapors from the preservative, pentachlorophenol all over the well-populated neighborhood. Residents exposed to the chemical spend the weekend coughing, vomiting, and complaining of stomach cramps. No one knows what is going on. They are not aware that a poisonous substance has been sprayed in their midst. No one warned them.

A truck carrying pesticides catches fire while passing through the heavily-trafficked downtown district of Anchorage. Emergency responders must combat the chemical fire, despite risk to themselves. One firefighter suffers eye injuries when some of the chemicals splash in his eyes. Two others are hospitalized from over-exposure to the toxic vapors.

Communities should have a right to know about harmful and dangerous industrial materials.

These accounts of incidents in Alaska underscore the most fundamental, and often least considered, issues associated with the proliferation of chemicals in our society. Communities should have a right to know about harmful and dangerous industrial materials.

Demonstrated need and broad-based community support moved Mayor Knowles to direct the

al Community Right

Hazardous Waste Task Force to develop a Community Right to Know Program for Anchorage. The Task Force is near completion of a final draft which will be subject to public review this fall.

The Need

Thousands of chemical substances, building materials and household products are manufactured annually. The public is in direct daily contact with most of these substances. Yet little information on the location and proper handling of these materials is available to our communities.

* Such information will enable public safety personnel to develop Community Chemical Profiles to help prevent dangerous situations. In addition, emergency responders, such as firefighters and police officers, will be better able to protect themselves when responding to such emergencies. They will also understand the resources and equipment necessary to respond to an emergency.

* Local officials and city planners can propose appropriate legislation to protect public health and safety.

Thousands of chemical substances...are manufactured annually. The public is in...contact with most of these substances. Yet little information on the location and proper handling of these materials is available to our communities.

Public safety personnel often do not have access to this information. Thus, firefighters and other emergency personnel must respond to community emergencies unaware of the hazards and unsure of proper protection for themselves and the community. Homeowners construct new homes with contemporary materials which have been treated with preservatives and utilize energy saving designs without full knowledge of their potentially harmful health effects.

* Public access to this information will enable community members to become aware of toxic issues in their communities, and will result in more knowledgeable debate over proposed and existing community hazardous materials management plans.

Fast growing communities often fail to consider management of hazardous materials. Moreover, only recently has society witnessed the health problems of chemical products we once considered safe. Some cancers and many chronic illnesses are linked to chemical exposures in the workplace. These exposures easily cross the arbitrary boundary between "workplace" and "community" in the form of hazardous air emissions, toxic wastes, household products, hazardous materials spills and other such incidents.

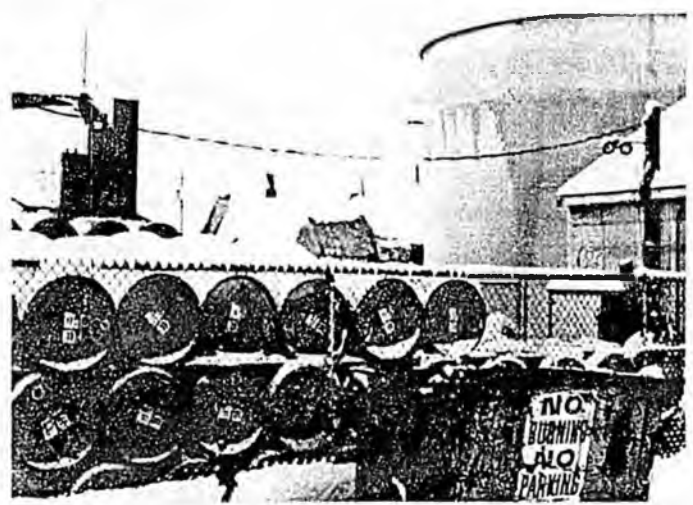
Community Right To Know programs are not designed to regulate chemicals. Their fundamental purpose is to provide information about hazardous materials to community residents, government officials, public safety personnel, and others charged with protecting public health. Anchorage residents may soon benefit from a Community Right to Know Program.

The Benefits

Communities are now realizing their lack of resources for hazardous materials emergencies. As a result, cities and towns across the country, including Anchorage, are now developing community right to know programs to allow public access to this information and promote safe community environments.

Typically, such programs require businesses to tell fire or health departments the type, quantity, location, and health hazards of the chemicals used in their business. This information is then kept on hand and made available to residents and community agencies and officials. The benefits of such a program are many. For example:

* Medical providers will be better able to diagnose and treat diseases and illnesses related to chemical exposures.



Alaska's harsh climate easily corrodes hazardous materials containers resulting in leaks and potential environmental contamination.

David Wigglesworth is an occupational health specialist with the Alaska Health Project. He has worked on issues concerning hazardous materials in Alaska for several years.

more stringent than the state requirements of 18 AAC Chapter 75.

ADEC has worked on the adoption of a comprehensive hazardous waste management program since 1981; basically, the mechanism for uniform state enforcement of hazardous waste management laws and regulations is in place. However, implementation of such a uniform state program is still in the developmental process and as yet unsanctioned by the EPA. Until these regulations have been finalized and adopted, and then approved by EPA, it is that agency that will be responsible for the enforcement of RCRA regulations in Alaska, including the right to inspect facilities, and the duty to cite violators of RCRA's record-keeping, reporting and labeling requirements. The ADEC target date for adoption of proposed regulations is July, 1986, and for the beginning of ADEC enforcement is July, 1987.

In summary, RCRA-mandated regulations are very comprehensive and provide excellent coverage in all phases of hazardous waste management. However, these regulations cover wastes only, not hazardous materials. Additionally, EPA is currently the enforcement agency for these regulations in Alaska, and the lack of a strong EPA presence in the state results in limited enforcement of the RCRA requirements. ADEC is currently moving to adopt and enforce their own regulations. But such enforcement is not scheduled to begin for almost two years, with the level of enforcement undoubtedly dependent on budgetary considerations.

Hazardous Materials Transportation Act (HMTA)

Although transportation is generally defined broadly to include several modes, the focus of this report will be on truck movement alone, since that is the main area of concern in the Fairbanks area. Section 3003 of RCRA requires that EPA, after consulting with the U.S. Department of Transportation (USDOT) and the states, promulgate regulations and establish standards applicable to the transport of hazardous waste. The standards must include record-keeping, labeling, manifests, and delivery to only licensed disposal facilities. EPA must coordinate with USDOT and make its regulations "consistent with" the requirements of the Hazardous Materials Transportation Act (HMTA). HMTA is a primary federal law which applies to the transportation of hazardous materials. This law also authorizes the Secretary of Transportation to designate hazardous materials, and to promulgate regulations governing the transport and handling of such materials.

Regulations promulgated under HMTA are found in 49 CFR Parts 171 to 177. The general requirements specify that a hazardous material may not be transported unless it is "properly classed, described, packaged, marked, and labeled" as required under the regulations. Notification and reports of certain hazardous materials incidents is also required. The regulations further contain hazardous materials tables which designate individual materials according to hazard class, and specify packaging,

labeling, and transportation requirements for each substance.

Succeeding parts of the HMTA regulations have special operating, handling, and loading requirements for different shipping modes, including via highway. HMTA establishes a central system for reporting of transportation accidents. The 1974 Transportation Safety Act contains a title devoted to hazardous materials transportation which provides for the designation and listing of hazardous materials and the establishment of handling criteria. USDOT's hazardous materials regulations apply to carriers, shippers, and container manufacturers, and include special loading and unloading requirements for certain substances, including explosive and non-explosive materials, flammable liquids, flammable solids, and compressed gases. In addition, regulations for managing accident situations involving each of these types of substances are specified.

The HMTA highway regulations also incorporate by reference additional regulations originally promulgated under the Department of Transportation Act, 49 USC 1655 (). These regulations include rules for driving, maintenance, and inspection of motor vehicles in general, and for driving and parking those vehicles carrying hazardous materials (49 CFR Parts 392-397). Failure to comply with these requirements can result in substantial civil penalties or criminal fines, imprisonment or both (RCRA, Section 6928).

Thus, a substantial body of federal requirements applies to the transportation of hazardous materials. Federally, EPA and USDOT have joint jurisdiction over the transportation of hazardous substances. This double jurisdiction, however, does not appear to translate into extra vigorous enforcement here in Alaska. The Federal Highway Administration's Bureau of Motor Carrier Safety is the main enforcement body for those hazardous materials regulations specific to highway transportation. The Federal Highway Administration (FHWA) is divided into 10 regions. The state of Alaska is part of Region X, headquartered in Portland, Oregon. The FHWA investigator for Alaska works from a satellite office in Anchorage. This investigator inspects vehicles all over the state to determine compliance with the hazardous materials regulations. There is a priority work program through which inspections are scheduled only when non-compliance is suspected.

By state law, Alaskan transporters are required to obtain permits or licenses to haul hazardous materials shipments. State troopers are authorized to stop and inspect vehicles carrying hazardous materials, to check manifests and/or cargoes for violations. Labelling and containerization are regulated as well, with placarding requirements used to identify the category of the hazard for emergency personnel (18 AAC Chapter 75).

Locally, the Alaska Department of Public Safety (DPS) has only one state trooper in the Fairbanks North Star Borough assigned to the enforcement task of 13 AAC 04.250(a). ADEC is in charge of the transport of hazardous waste and is not involved in the regulation of hazardous materials transportation. Alaska has incorporated some of the USDOT materials transportation rules into its own regulations. 3 AAC 62 adopts Title 49 of the Federal Motor Carrier Safety regulations. These 1978 regulations were adopted in Alaska in 1980. However, they were adopted without amendments and are therefore outdated. According to 17 AAC 02.40, hazardous materials transportation must comply with federal Interstate Commerce Commission (ICC) regulations (49 CFR).

Alaska's public safety regulations also include rules for vehicles transporting hazardous materials or compressed gas fuel (13 AAC 04.250). These rules state that a person moving a vehicle transporting an explosive or flammable liquid, a compressed gas, or other hazardous material upon a highway or vehicular way or area shall comply with the applicable regulations of the United States Department of Transportation. The federal regulations apply to any movement, regardless of the distance of the movement (13 AAC 04.250(a)). In addition to incorporating the USDOT rules, the Alaska regulations require shippers to notify the state troopers at least 24 hours in advance of the intent to transport explosives, flammables, or other hazardous materials on a highway or vehicular area, and to obtain permission from the troopers before the transport (13 AAC 04.250 (b)). However, the pre-notification requirement is not enforced. Transporters of hazardous materials may voluntarily call the Department of Public Safety as a courtesy to notify it of a future shipment, but there is no established procedure to ensure that advance notification is done.

Therefore, unless a violation is flagrant and obvious, it appears that a transporter of hazardous materials need only to label his load something other than "hazardous waste" in order to be fairly assured that no local or state enforcement, of the ample hazardous substances transportation laws and regulations currently in place under HMTA, will interfere with the movement of his cargo.

Theoretically, Alaska regulates hazardous materials transport by substantially relying on the adoption of USDOT rules, which appear to be quite sufficient, with two notable exceptions. One of these exceptions concerns the routing of hazardous materials through populated areas. Federal Department of Transportation regulations concerning the routing of hazardous materials are limited to restricting travel routes away from heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys (49 CFR Part 397.9). This may not be sufficient in the Fairbanks area. One solution to this problem has been to form a subcommittee of the technical group involved in coordinating local transportation planning (FMATS Technical

Committee) whose purpose is to regularly review and designate appropriate routes for hazardous materials transportation within the community. The other concern is the updating of the adopted regulations, as mentioned above. The regulations need to be amended to say "as amended" in order to incorporate subsequent changes in the federal regulations.²

The Alaska Department of Public Safety (DPS) has principal enforcement authority for the regulation of the transportation of hazardous materials. Formerly, DPS utilized the troopers stationed at the highway weight stations to enforce these regulations. However, since the Alaska Department of Commerce (DOC) assumed scalehouse duties, these efforts have ceased. DOC has neither authorization nor expertise for such inspections. Thus, the sole DPS-trained enforcement officer, who inspects pursuant to 5 AAC 62, acknowledges that he can only respond to complaints or obvious and flagrant violations.³

There appears to be very little concern to-date in Fairbanks that almost nothing has been done to enforce hazardous substances transport laws since the Alaska Transportation Commission was disbanded. Senator Joe Josephson of Anchorage, concerned about railroad transport of hazardous materials through populated Anchorage areas, is currently making a push in Juneau for state (ADEC) enforcement, in order to reduce this problem in Anchorage. There are no such efforts in Fairbanks.^{4,5} Given the potential for disaster in this phase of hazardous materials management, the lack of enforcement in this area should be of grave concern to the Fairbanks North Star Borough and the state alike.

It is concluded that the HMTA regulations provide excellent coverage of the transportation of hazardous materials. However, there is inadequate enforcement of these regulations, both statewide and locally. Because of the lack of enforcement there is no guarantee that shippers are abiding by the HMTA regulations.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

While "handling" can be thought of as a function of transport,

² Conversation with Dick Jackson, Community Safety Director, Fairbanks North Star Borough.

³ Conversation with Ellis Armstrong, Alaska State Troopers.

⁴ Conversation with Mark Boyer, State Senator Bettye Fahrenkamp's office.

⁵ Conversation with Dick Jackson, Community Safety Director, Fairbanks North Star Borough.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Representative KOJONEN
 Requestor : House State Affairs
 Date of Request : 3/21/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fire Prevention
Alaska State Troopers
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: K. Niles
 Kathy Niles, Admin Assistant
 Division: Commissioner's Office

Phone: 465-4336
 Date: 3/21/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 3/21/86

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

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 672

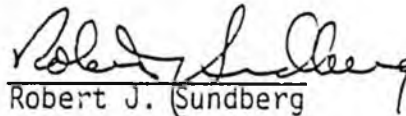
Support

March 21, 1986

HB 672 - "An Act providing for notice of hazardous materials."

This Department supports the requirement that receivers of hazardous materials from outside the state shall notify, within 48 hours after receiving the shipment, the emergency service providers in the service district in which the materials are to be used or stored.

The requirement will not impact the emergency services providers of this Department.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : "An Act providing for notice of hazardous materials."
 Sponsor : Niilo Koponen
 Requestor : State Affairs & Resources
 Date of Request : 3/10/86

FISCAL DETAIL

Agency Affected : Environmental Conservation
 BRU : Environmental Quality
 Components : Director's Office

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

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

POSITIONS : NONE

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : S.W. Hungerford
 Division : Environmental Quality

Phone : 465-2666
 Date : 3/10/86

Approved by Commissioner : Bill Ross
 Agency : Environmental Conservation

Date : 3/20/86

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

HB 672

An Act Providing for
Notice of Hazardous Materials

This bill requires that any person who transports materials defined by the U.S. Department of Transportation as hazardous when transported, submit a copy of the description of the materials as shown on the shipping papers to the Department of Environmental Conservation (DEC) after the materials arrive in the state. The bill also requires that the recipient of the shipment submit a copy of the description of the materials and identify the location of use or storage in a submittal to local emergency services providers.

DEC would suggest that this bill be combined with HB 647. Both address community right to know issues. A combined bill would best advance the committee's interest in providing an appropriate role for local governments.

Looking at this legislation alone, the Department has no objection to the legislation. The intent is, however, unclear to us. The first subsection would require airlines, shipping lines, barge companies, truckers, and other shippers of hazardous materials to submit a report including shipping documents within 48 hours of entering the state. While the Department has extensive responsibility for hazardous wastes, the Department does not currently have any responsibility for hazardous materials. It would be helpful to clarify what actions DEC would be expected to take with regard to the information received.

The federal government regulates the carriers of interstate shipments of these materials. Their requirements may conflict with this reporting requirement.

The second subsection requires persons who store or use hazardous materials to submit information to local emergency services providers. HB 647 includes provisions that address the same topic by requiring inventories of hazardous materials and notice of shipments. The Department would recommend that the committee reconcile the two bills and establish one approach. Another option would be to delete this subsection, since CSHB 647 (C&RA) would require placarding of all businesses and government agencies that generate, process, treat, store, use, or dispose of hazardous materials or wastes.

The definition of hazardous materials is an appropriate one for transportation; however, there are considerable differences between the definitions of the terms hazardous materials, hazardous substances, hazardous wastes, and the various combinations of these terms, in the several bills under consideration by this Legislature. My staff will work with yours to ensure that the appropriate definition is established.



Mayor: Juanita Helms

March 3, 1986

Honorable Katherine T. Hurley
Chairperson
House State Affairs Committee
Alaska State Legislature
Pouch V (Mail Stop 3100)
Juneau, Alaska 99811

Dear Representative ^{Hatie} Hurley:

I am writing in support of House Bills No. 672 and No. 673, relating to the transportation of hazardous materials within and into municipalities. The passage of these bills would enable the Fairbanks North Star Borough to track the arrival and movement of such materials in our community. Such information would be of great benefit to emergency responders in the community, and would ultimately result in a significant improvement in their ability to protect public health and welfare from accidents involving these materials.

Our one recommendation for inclusion in these bills would be a definition under HB 672 for "service district" (referenced in Sec. 46.03.895(b)) to ensure that all appropriate emergency responders are notified in accordance with the proposed regulations.

The Fairbanks North Star Borough endorses these bills and would like to urge your support of these measures.

Sincerely,

Juanita Helms
Borough Mayor

JH:rlf

**ADOPTED RESOLUTIONS OF ASMA
HAINES, ALASKA - 1985**

Adopted By the Alaska State Medical Association House of Delegates at Its Annual Meeting in Haines, Alaska June 7, 1985

Resolution No. 85-1
Subject: Salute to Joseph Rude, M.D.

Whereas, Dr. Joseph Rude has recently celebrated his 90th birthday, and has also marked the milestone of 56 years of the practice of medicine in Alaska; and

Whereas, Joe Rude has enjoyed 64 years of devoted marriage to Amy, and this union has produced 4 children and 11 grandchildren, and 5 greatgrandchildren; and

Whereas, "Doc" Rude has been an extremely active member of a wide variety of community groups, having been on the Board of his Lutheran Church for numerous years, been active in the Boy Scout movement for 50 years, and the Salvation Army Board for 40 years, a charter member of the Juneau Lions Club, and a member of the school boards in both Petersburg and Juneau; and

Whereas, in addition to the practice of medicine in Alaska, Dr. Rude has served the missions of the Lutheran Church; and

Whereas, "Doc" continues to be an active skier at Eaglecrest, continues to bag moose each year up the Taku River, and until recently, captained the "Doughboy" on numerous cruises; therefore be it

Resolved, that the Alaska State Medical Association salutes Dr. Rude on his many milestones; and be it further

Resolved, that the Alaska State Medical Association wishes him well and Godspeed with his continuing activities; and be it yet further

Resolved, that the rest of us will try to do better.

Resolution No. 85-3
Subject: Use of Pesticides

Whereas, some pesticides are highly toxic to humans and other non-target organisms, and

Whereas, the inappropriate use of some pesticides may endanger the public health, and

Whereas, present State regulations

- have not been revised in ten years,
- contain no guidelines for application of unrestricted pesticides,
- are silent regarding qualifications for commercial operators,
- are not specific regarding authority for search and seizure,
- provide no authority to ban specific compounds from use in Alaska,
- do not require registration of pesticides used in Alaska,
- directions for use on labels, therefore be it

Resolved, that the Alaska State Medical Association urges the Governor to appoint a task force to include representatives from the Alaska State Medical Association, Department of Environmental Conservation, Department of Health and Social Services, Municipal Health Departments, and other appropriate groups and agencies to review and, if necessary, to develop new regulations regarding the application of pesticides in urban and rural settings.

Resolution No. 85-4
Subject: Community Right-To-Know

Whereas, hundreds of thousands of gallons of hazardous substances are released into Alaskan Air, lands and water by hundreds of documented industrial and transportation accidents each year (1); and

Whereas, residents and entire communities may be exposed to these accidentally released hazardous substances and physical agents as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Whereas, the public health can be best served by a preventative approach whereby members of the general community, emergency responders, and health care providers have adequate information regarding the existence and identity of hazardous substances and physical agents in their communities; and

Whereas, several states and municipalities have adopted or are considering for adoption community right-to-know legislation including New Jersey, Cincinnati, San Diego, New York, Connecticut, and Massachusetts (2); Therefore be it

Resolved, that the Alaska State Medical Association supports the establishment of statewide and local community right-to-know legislation with at least the following elements:

- a. Mandatory reporting by employers in the form of a standard material safety data sheet (MSDS) to a public agency such as the health department or fire department of all toxic material physical agents which may be stored, manufactured, utilized, produced as a by product, transported to or from, or otherwise found at any time on the property or right of way of any enterprise or site; and
- b. Full access by the general public, health care providers, and emergency responders to this public information; and
- c. An associated educational program for employers, the general public health care providers, emergency responders, and public health professionals and officials; and
- d. Sufficient funding for the legislation to be fully effective.

- (1) Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.
- (2) Worobec, MR, et al., Chemical Right-To Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984.

Resolution No. 85-6
Subject: Three Wheelers and Similar All Terrain Vehicles

Whereas, the use of three-wheeler, all-terrain vehicles by children and adults has contributed to unnecessary deaths and injuries in the State of Alaska; and

Whereas, the medical cost of 538 injuries over a period of two years exceeded \$1.6 million dollars and the cost of institutional care for those 6 brain damaged Alaskans injured in all-terrain vehicle accidents will exceed \$11.5 million if they live to age 65; and

Whereas, measures such as educational safety programs and mandatory helmet requirements have reduced injuries associated with bicycles, motorcycles, and snowmobiles; and

Whereas, Alaska has documented some of the most serious problems among all the states on this subject; therefore be it

Resolved, that the Alaska State Medical Association

urges the passage of legislation:

- (1) To require helmet use by all operators of ATV's and
- (2) To require ATV registration, and
- (3) To require successful completion of a mandatory safe driving course for all ATV drivers 16 years of age and younger, and be it further

Resolved, that the Alaska State Medical Association urges the Department of Health and Social Services to commit additional funds and professional positions to increase its efforts to investigate and prevent injuries in Alaska.

Resolution No. 85-9
Subject: Consulting Corporation

Resolve, that the Alaska State Medical Association further investigate the formation of a Consulting Corporation for broadly defined services to the business community and the professional community and the public at large, and "with specific recommendations reported to the winter council meeting."

Resolution No. 85-11
Subject: Dues Discount

Resolve, that the Alaska State Medical Association reduce an active member's dues by \$50 if dues are received by the office before January 1 of each year; and be it further

Resolved, that Alaska State Medical Association reduce an associate member's dues by \$25 if dues are received by the office before January 1 of each year.

Resolution No. 85-13
Subject: Extension of Medicare Fee Freeze Regulations

Whereas, the Medicare Fee Freeze was instituted in the face of voluntary action already being done by the AMA and physicians, and

Whereas, such federal regulations interfere with the proper patient-physician relationship; therefore be it

Resolved, that the Alaska State Medical Association oppose Health Care Financing Administration regulations which label as fraud physician benevolence to needy Medicare patients; and be it further

Resolved that the Alaska State Medical Association opposes the extension to the Medicare Fee Freeze regulations as a threat to the availability of medical

POSITION PAPER

HOUSE BILL 672

"An Act providing for notice of hazardous materials."

This bill will require individuals who transport hazardous materials to supply the Department of Environmental Conservation and emergency providers a description of the materials within 48 hours of arrival in the State. The notification will entail a specific description of the materials requiring shipping papers under the U.S. Department of Transportation 49 C.F.R. 172.200 - 172.204 and where the materials are stored.

Position

The Department of Health and Social Services supports the general concepts HB 672 and feels that it will increase the ability of emergency personnel and health care providers to safely respond to life threatening situations. The public safety concepts of this bill are similar to HB 647, and it appears that the specificity of HB 647 will enhance the implementation and assure increased coordination between the responsible agencies.

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 3/3/86

Approved by: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 672
 Title : An Act Providing for Notice of Hazardous Materials
 Sponsor : Rep. Koponen
 Requestor : State Affairs
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : State Health Services
 Components : P.H. Administrative Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

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

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

FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Elizabeth Ward, M.N., Director
 Division : Public Health

Phone : 465-3090
 Date : 2/27/86

Approved by Commissioner : J.R.P.
 Agency : Health & Social Services

Date : 3/6/86

Distribution (by Agency preparing fiscal note):

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

Alaska State Legislature

P. O. BOX 2801
FAIRBANKS, ALASKA 99707



P. O. BOX V — STATE CAPITOL
JUNEAU, ALASKA 99811

Senate
Office of the President

MAR 10 1986

March 6, 1986

Juanita Helms, Mayor
Fairbanks North Star Borough
P. O. Box 1267
Fairbanks, Alaska 99707

Dear Mayor Helms:

Thank you for your letter regarding House Bills 672 and 673 on the transportation of hazardous materials within and into municipalities. House Bill 672 is currently in the House State Affairs Committee and House Bill 673 is currently in the House Committee on Community and Regional Affairs. I will send a copy of your letter to Representatives Hurley and Goll, chairpersons of the above committees respectively. I am certain they will take your suggestion into consideration.

I appreciate hearing from you regarding this issue and hope you will feel free to contact me about other matters of concern to you.

Best regards,

Senator Don Bennett

DB/jmj



**Fairbanks
North
Star
Borough**

Mayor: Juanita Helms

March 3, 1986

Honorable Don Bennett
Alaska State Legislature
Pouch V (Mail Stop 3100)
Juneau, Alaska 99811

Dear Don:

I am writing in support of House Bills No. 672 and No. 673, relating to the transportation of hazardous materials within and into municipalities. The passage of these bills would enable the Fairbanks North Star Borough to track the arrival and movement of such materials in our community. Such information would be of great benefit to emergency responders in the community, and would ultimately result in a significant improvement in their ability to protect public health and welfare from accidents involving these materials.

One recommendation for inclusion in these bills would be a definition under HB 672 for "service district" (referenced in Sec. 46.03.895(b)) to ensure that all appropriate emergency responders are notified in accordance with the proposed regulations.

The Fairbanks North Star Borough endorses these bills and would like to urge your support of these measures.

Sincerely,

Juanita Helms
Borough Mayor

JH:rlf



Alaska Health Project

Providing information about hazardous materials on the job and in the community.
417 West Eighth Avenue, Anchorage, Alaska 99501 (907) 276-2864

JAN 27 1986

January 23, 1986

Representative Katie Hurley
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Hurley:

David Wigglesworth requested that I send you this information about the dangers of transporting hazardous materials and wastes. We would appreciate a copy of any legislation you introduce regarding this issue.

Sincerely,

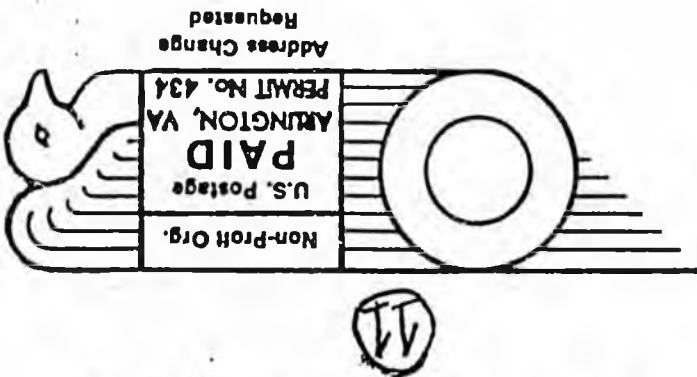
Bill Slayton
AHP Intern
Bill Slayton
Enclosure

REDUCE/REUSE/RECYCLE

WORKING WITH CHURCHES SAFETY PLANS IN THIS ISSUE: TRANSPORTATION HAZARDS

Alaska Health Project
417 W. 8th St
Anchorage, AK 99501

CITIZEN'S CLEARINGHOUSE FOR HAZARDOUS WASTES, INC.
POST OFFICE BOX 926 ARLINGTON, VIRGINIA 22216



Danger On The Road

by Sybil Peterson

In one 48-hour period last August, everything that could go wrong in the chemical industry went wrong. Union Carbide's Institute, WV, plant leaked a toxic cloud that sent 135 people for medical treatment. A spectacular chemical train explosion in Valentine, AZ, sent residents to evacuation centers. A chemical waste truck crashed on the Washington Beltway, stranding 7,000 motorists and forcing 300 families to flee. In Camden, NJ, residents were evacuated when a chemical storage tank was ruptured by careless handling. It's not just dumps that threaten our homes and families.

If you live near railroad tracks or a highway, it's only a matter of time before you're blown up, poisoned or evacuated because of hazardous materials that's "just passing through." Some cargoes are hazardous waste, but others are even more lethal, like loads of pure toxic or explosive substances that travel through our

communities, noticed only casually, if at all.

These shipments present several problems. For instance, what's in them? The shipper has no records, except financial ones. You can find out what's on a freight car from the railroad, but not from labeling on the car because it's often absent or unreadable. Railroad cars leak, making their tracks long, narrow landfills. Last May, the National Transportation Safety Board called for the inspection of 3,800 tank cars and found a design flaw in most cars that cause leaks. Leaky cars are most dangerous when they sit in yards set up by many railroads in cities. Some dripping chemicals vaporize; others react with air, form toxic clouds and can cause mass evacuations. Both trains and trucks can be built to resist breaking open on impact. However, this is expensive to do and hasn't been field-tested. In the meantime, there are accidents like last



Collette King, leader of Chickasaw, Alabama, Community Affairs Group, speaking out on transportation hazards.

August's Burlington Northern crash where a train hauling drums of uranium oxide crashed into a truck near Bowdon, ND, killing the driver and spilling the contents of 30 radioactive barrels.

Further, half of the trains have brakes that tend to lock, making them tear apart and force cars to derail, the suspected cause of last June's accident near Pine Bluff, AR. A tanker car exploded, triggering almost 50 derailed cars, some carrying toxic chemicals. Officials waited two days until the fire died down before approaching, while 4,000 people stayed in shelters.

See DANGER.

, from back cover

Emergency personnel training is often lacking. Crews don't know what's being transported, so they don't know how to handle it. Most firefighters use water on a blaze, but sometimes that's the *worst* thing to do. Usually, only large departments *may* have hazardous materials experts, but many don't. Most firefighters are volunteers with a large turn-over rate, so training is a huge, expensive task. Who should pay? One answer is to charge generators for firefighter training.

Other problems call for better laws *and* stricter enforcement. Federal law regulates hazardous materials transport, packaging and labeling, but states and localities can impose even stronger rules. U.S. law bans trucks with hazardous substances from heavily populated areas or dangerous places (e.g., tunnels) unless there's no practical alternative. This rule isn't enforced, but can and should be. Dallas, Houston, Boston, Portland and New York have routing regulations, curfews or both. Cincinnati fines truckers if they take the interstate through the city, instead of the beltway. Such localities as Prince Georges County, MD, and New Orleans have conducted elaborate mock disaster drills to train emergency personnel.

Industry can contribute to safety, too. Dupont eliminated the need to store and transport MIC (the chemical killer in Bhopal) by redesigning its LaPorte, TX, plant so that the MIC is processed as soon as it is produced. Closing or blocking regional hazardous waste facilities and promoting on-site recycling and responsible management of toxic waste also cuts down disasters like the recent Fairfax, VA crash. Between 1981-3, railroads replaced short-segment, worn track with new, almost seamless track that's much safer. Most railroads now have alcohol treatment programs for workers. These grew up after the 1982 Livingston, LA, crash when 50 cars jumped the track, blew up, spilled 20,000 gallons of chemicals and released a toxic cloud that forced 3,200 people to evacuate. The engineer was too drunk to sit up, so

his girlfriend tried to run the train. Despite this tragedy, alcohol will probably remain a chronic problem.

Other issues: railroad highway crossings need better protective devices. Since half of all hazardous truck accidents involve gasoline trucks, they need to be made as crashworthy as possible. So should rail cars. Rules must be better enforced and coordinated perhaps through a single federal agency.

What You Can Do:

A Case Study

Chickasaw, AL, residents learned in 1981 that Waste Management planned to store toxics in the neighboring port of Mobile for burning in its incinerator ship, the Vulcanus II. WMI was transporting Hooker Chemical waste from Love Canal to Mobile for a "test burn" to get an EPA license for the ship. Trucks ran right through town, an immediate concern, *plus* WMI planned to build two 800,000-gallon storage tanks in the port. In 1982, the Chickasaw Community Affairs Group got mobilized and their first action was to stop construction of the storage tanks. They found out the Teamsters' Pension Fund owned the land WMI wanted and WMI needed their permission (the Teamsters didn't know they owned the land). Further, EPA planned to waive restrictions on having such a facility in a 100-year flood plain. CCAG enlisted Mobile official Bubba Jones, who got the Federal Emergency Management Agency to redefine the area as a 500-year flood plain and not subject to EPA waiver. Between this and the Teamsters' support, CCAG blocked WMI's tank farm. Concerned that WMI would just off-load chemicals from trucks to the incinerator ship, CCAG turned its attention to blocking truck traffic through town.

Through ordinances from both the Chickasaw and Mobile City Councils, CCAG got the following restrictions imposed on WMI's trucks:

- The hauler must notify the Chickasaw police chief in advance of route and time, go to a police-designated "staging area" and only move under police escort (hauler pays for the escort). While waiting for the escort, police and the trucker must inspect the vehicle for leaks and

defects. If any are found, the trucker can't proceed unless the trucking company posts a \$10 million bond to cover any potential damage.

- When traveling through Chickasaw, trucks keep 150 feet away from the nearest vehicle, with the exception of their police escort.

- Headlights on, two-way radio going. Trucks must be marked according to DOT and RCRA rules and drivers must give police their RCRA manifests.

- Only two streets lead into the Port of Chickasaw and trucks are banned from one of them. On the other, Viaduct St., there's a "gross vehicle weight limit" of 30,000 lbs., enforced by new weigh stations at either end of a rickety bridge. This limit is lower than the average WMI truck and when WMI complained, they were told to get smaller trucks. The AL Highway Dept. recently recommended the limit be further lowered.

- Waste trucks can't travel through the area when it's raining, has rained or is forecast. Same for freezing conditions, hurricane or tornado warnings or watches and wind conditions of 50 mph or more.

- Mobile City Commission totally banned hazardous waste shipments from the city limits.

- Truck speed limits: 40 mph (Interstate), 30 mph (state highway), 20 mph (city street) and only between 9:30 a.m. and 3:30 p.m.

Waste Management dropped not only Chickasaw and Mobile from its docksite candidates list for the Vulcanus II, *but all Alabama ports!* After WMI Lost in Chickasaw and Mobile, they looked at other Alabama sites, but CCAG encouraged local people to take similar measures. CCAG celebrated its victory with a ceremonial burning of the black ribbons and banners that were draped all over the county as symbols of their fight. CCAG remains active in the nationwide fight to stop the EPA/WMI plan to launch a fleet of incinerator ships off our coasts. For more information on what CCAG did and what's next, contact Collette King, CCAG, 314 6th St., Chickasaw, AL 36611.

Can you do the same? What's stopping you? ●

Hazardous wastes being shipped from Fairbanks

By STAN JONES
Staff Writer

Some 269 drums of hazardous wastes stored in the Fairbanks area and at other sites along the Trans-Alaska pipeline are on their way to the Lower 48 for disposal.

They are part of about 768 drums of liquid wastes being shipped out of Alaska, according to Alyeska Pipeline Service Co. spokesman John Ratterman.

"This waste is from vehicle operations, primarily, up and down the line," Ratterman said this morning.

But he said they also include wastes generated by pipeline equipment as well as drag-reducing agent, which is mixed with crude oil to help it move through the 800-mile line with less drag.

Most of the hazardous wastes are from Alyeska's Nordale Yard in the Badger Road area, according to Ratterman and a Jan. 17 Alyeska letter to the EPA. About 250 are from Nordale, 15 from the Alyeska's pipeline terminal at Valdez,

and two from Pump Station 8 south of Fairbanks.

Federal regulations prohibit the storage of such wastes for longer than 90 days, and Ratterman said Alyeska may well have violated the regulation.

"They may have been there more than 90 days," said Ratterman. "There's no question about that. It may be that there have been some technical violations. That is something that will be determined by the EPA."

An internal Alyeska memo dated June 11, 1985, reported there were 350 drums of material at Nordale, and a December Alyeska letter to the EPA put the total then at 512 drums.

Al Ewing, the EPA's assistant regional administrator in Alaska, said Tuesday that action against the pipeline company isn't likely.

"Given the other pressing enforcement things we've got going at this time, I don't know how likely it is that we'll do anything like this."

(See WASTES, back page)

2/16/86
Fairbanks News Miner

WASTES . . .

(Continued from page 1)
this time," Ewing said. "I wouldn't say they're off the hook, but I don't have anything motivating me to go after them strongly."

EPA's other enforcement actions, said Ewing, include hazardous waste problems in Washington state and in Idaho, where an abandoned lead mine is causing contamination.

Most of Alyeska's southbound hazardous wastes are so classified under federal law because they are ignitable rather than because they are toxic.

According to Alyeska's letter, about 220 of the drums contain ignitable wastes, 39 contain toxic wastes (including two drums containing poly-chlorinated biphenyls, or PCBs), and 13 contain corrosive wastes.

The list of substances in the drums includes spent solvents, waste paint, acid, waste alkaline liquid, chlorinated solvents, waste oil containing chlorides, heavy

metals, brine solution, new oil, spent oil, hydraulic and transmission fluid, antifreeze, drag reducing agent, grease, sealant, resins, cleansers, crude oil, emulsified asphalt, sodium silicate, degreaser/detergent solvent, and capacitors and transformers containing the PCB.

The wastes, which are being disposed of for Alyeska by International Technology Corporation, were trucked out of Fairbanks and the other sites late last month and hauled to Seward, where they were put on barges bound for Seattle.

The barges are due in Seattle this week. From there they will go to San Jose, California. Then most will be disposed of at International Technology's facility in Martinez, Calif., with a small amount going to a site in Arkansas for final incineration.

Years ago, said Ratterman, Alyeska injected some of the wastes, such as used oil, into the pipeline, but stopped when chlor-

ides in the wastes caused problems in the refineries processing the North Slope crude.

Ratterman said the wastes now headed south had accumulated along the pipeline over several years. "We expect to dispose of all the wastes we had anywhere along the pipeline rather than just continuing to accumulate them," said Ratterman. "We're instituting a program of regular disposal."

Ratterman said Alyeska intends to keep chloride compounds—mostly from solvents and cleaners—from getting into its waste vehicle oil in the future, which will again permit the oil to be injected into the pipeline.

In addition, he said, more efficient planning should cut down on the amount of waste paint being generated.

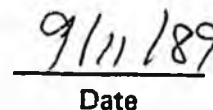


RECORDS CERTIFICATION



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

6 7 6

(1 of 2)

**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 2/17/86

FURTHER REFERRALS: FINANCE

DATE: 3/5/86

The STATE AFFAIRS Committee has considered HB 676

"An Act relating to implementation of a classification study for the classified service of state employees."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Katie Hurley
Mr. C. W. ...

SIGNING OTHER RECOMMENDATIONS:

Roger Jenkins No Rec.
Edward Walker No Rec.
Betty Cato No Rec.

Katie Hurley
Chairman

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0201)
JUNEAU, ALASKA 99811
PHONE: (907) 465-4430

DIVISION OF PERSONNEL

CLASSIFICATION STUDY SUMMARY

January 1986

STUDY

FUNDING:

- * Approved by 1983 Legislature

COMPLETED

TASKS:

- * Governor's Office briefings in 9/83, 5/84 and 7/85 and approval of plan and timetables
- * Steering Committee formed - 2 Legislators included
- * Consultant hired
Booz-Allen and Hamilton with Hallcrest-Craver
- * Established "Meet and Confer" with all unions affected - negotiated contract language regarding the Study
- * Work and Communication plans finalized
- * Factor Evaluation System developed
- * New system training for State personnel professionals and union representatives
- * Management presentations on new system
- * Distribution of position description questionnaires to employees and receipt of more than 13,000 completed forms (98%)
- * Desk audits of more than 2000 positions in approximately forty locations
- * Written updates to all employees in 9/84, 2/85, 8/85 and 12/85

COMPLETED
TASKS:
(continued)

- * Job evaluation of 1,008 classes of work using the Evaluation System
- * Writing class specifications - reduced number of classes to 845
- * Developed costing model
- * Salary survey design and completion
- * System support designs automated
- * Preliminary Report summarizing study process and findings (10/85)
- * Period of Comment for department managers and employee associations

CURRENT
TASKS:

- * Division of Personnel review of comments on the proposed system
- * Cost projection (2/85)
- * Legislative Update mailing

REMAINING
TASKS:

- * Developing administrative processes for 1/1/87 implementation
- * Allocating positions to job classes
- * Reviewing employee appeals

DEPARTMENT OF ADMINISTRATION
Classification Study

House Bill 676

Current Rules: Range for a job class is adjusted upward.

Range	Step	A	B	C	D	E	F
12		2,082	2,145	2,217	2,286	2,365	2,445
13		2,217	2,286	2,365	2,445	2,531	2,623
14		2,365	2,445	2,531	2,623	2,715	2,818

Employee at Range 12, Step E moves to Range 14, Step E:
Old Step = 2,365 New Step = 2,715

House Bill 676: Employee goes to the lowest step in the new range that does not decrease salary.

Range	Step	A	B	C	D	E	F
12		2,082	2,145	2,217	2,286	2,365	2,445
13		2,217	2,286	2,365	2,445	2,531	2,623
14		2,365	2,445	2,531	2,623	2,715	2,818

Employee at Range 12, Step E moves to Range 14, Step A:
Old Step = 2,365 New Step = 2,365

Employees at Range 12, Steps A through D move to Range 14, Step A:
Old Steps = 2,082-2,286
New Step = 2,365

Current Rule: Employee is placed in a classification at a higher range.

Range	Step	A	B	C	D	E	F
12		2,082	2,145	2,217	2,286	2,365	2,445
13		2,217	2,286	2,365	2,445	2,531	2,623
14		2,365	2,445	2,531	2,623	2,715	2,818

Employee at Range 12, Step E moves to Range 14, Step B:
Old Step = 2,365 New Step = 2,445

House Bill 676: Employees go to the lowest step in the new range that does not decrease salary.

Range	Step	A	B	C	D	E	F
12		2,082	2,145	2,217	2,286	2,365	2,445
13		2,217	2,286	2,365	2,445	2,531	2,623
14		2,365	2,445	2,531	2,623	2,715	2,818

Employee at Range 12, Step E moves to Range 14, Step A:
Old Step = 2,365 New Step = 2,365

DEPARTMENT OF ADMINISTRATION
Costing Model Features -
Classification Study

House Bill 676

- > Based on current range tables
- > Costed on a class-to-class basis
- > Uses actual rates of pay including geographic differential.
- > Includes:
 - vacancy factor
 - benefit costs
 - variable costs tied to salary
 - premium pay
- > Assumes all recommended salaries are implemented

DEPARTMENT OF ADMINISTRATION
Classification Study Cost

House Bill 676

<u>Year</u>	<u>Fiscal Note</u>	<u>Actual Costs assuming a new base</u>
1987	9,824.6	9,824.6
1988	17,461.4	7,636.8
1989	12,820.9	-4,640.5
1990	8,048.1	-4,772.8
1991	3,518.8	-4,529.3

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 02/24/86

REQUEST
Bill/Resolution No.: HB 676
Title: "An act relating to implemen-
tation of a classification study"

FISCAL DETAIL
Agency Affected: A11
BRU: _____

Sponsor: Rules at request of Governor
Requestor: _____
Date of Request: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
OPERATING						
PERSONAL SERVICES		9,824.6	17,461.4	12,820.9	8,048.1	3,518.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		9,824.6	17,461.4	12,820.9	8,048.1	3,518.8

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		6,670.7	11,630.3	8,618.6	5,521.1	2,581.6
FEDERAL FUNDS						
OTHER		3,153.9	5,831.1	4,202.3	2,527.0	937.2
TOTAL		9,824.6	17,461.4	12,820.9	8,048.1	3,518.8

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael P. McMullen *Michael P. McMullen* Phone: 465-2200
Division: Commissioner's Office Date: 2/25/86

Approved by Commissioner: Eleanor Andrews *Eleanor Andrews* Date: 2/25/86
Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For HB 676

This revised Fiscal Note incorporates two refinements referenced in the original Fiscal Note of February 13, 1986: 1) An estimate of the savings effect of turnover has been included, and 2) the costs have been broken out by General Fund and all other.

An attachment has been developed showing the costs by department for fiscal years 1987 and 1988.

The Legislature appropriated \$500.0 thousand in 1983 to fund the only comprehensive review of the total classification system since statehood. The study results are scheduled for implementation on January 1, 1987. This bill amends the Personnel Act to allow for implementation in the manner normally used by public employers on studies of this scope. The bill provides a one-time exception to the current Personnel Rules (AS 39.25.150, 2 AAC 07) regarding pay upon the upward movement of an employee. This one-time change will reduce the cost of implementation by more than half. This bill provides the only mechanism to express and discuss the financial impact of the study.

Under current collective bargaining agreements and Personnel Rules, when a position is reallocated to a higher range, the employee is entitled to a pay increase of at least one step on the pay schedule. When all positions in a job class are assigned a higher pay range, all incumbents retain the same step in the higher range. The FY 87 cost for implementing the Classification Study under this approach would be \$19,967.5.

This bill will provide, instead, that the pay of all employees moving to higher pay ranges will be set at the lowest step that does not provide a decrease.

An example of this difference is shown below:

MONTHLY SALARY (Partial Table from AS 39.27.011)

Range	Step	A	B	C	D	E	F
12		2,082	2,145	2,217	2,286	2,365	2,445
13		2,217	2,286	2,365	2,445	2,531	2,623
14		2,365	2,445	2,531	2,623	2,715	2,818

Under current provisions, an employee at Range 12, Step E (\$2,365) would move to Range 14, Step B (\$2,445) upon reclassification, and to Range 14, Step E (\$2,715) if the pay range for the employee's job was changed from Range 12 to Range 14. Under this bill an employee would move to Range 14, Step A (\$2,365) in either case.

The Personal Services cost estimates are based on a computer model developed by the Division of Personnel. It is based on changes projected on a class-by-class basis. It considers bargaining unit; actual rates of pay, including current and projected step within a range and geographic

differentials; vacancy factor; benefits, including appropriate retirement system, the Supplemental Benefits System (SBS) cap, and departmental variable rates; and premium pay experience (except sea duty) by department. The model assumes that current pay rates will continue and that the study will be fully implemented on January 1, 1987.

Current Personnel Rules and collective bargaining agreements provide for "frozen" pay for employees who are reclassified or have their ranges changed to lower levels. This bill will not affect these provisions. Beginning in FY 88, the effect of such freezes begins to reduce Personal Services costs.

In addition, as employees with frozen salaries separate from State employment and are replaced by new workers, the new workers enter the work force at lower pay rates. Normally, such savings are offset by current employees receiving merit increases. However, the number of employees who will have frozen salaries as a result of the Classification Study will upset this balance. As turnover occurs, real reduction in Personal Services costs will be realized. A turnover rate of 15 percent has been assumed across all bargaining units and departments. The appropriate adjustment has been made to the savings expected from current employees with frozen salaries forgoing merit increases to reflect this turnover rate.

The combined savings from frozen salaries and turnover of those with frozen salaries is projected at \$2,187.8 in FY 88 (half year). For FY 89, these savings are \$4,640.5. Following FY 91, these savings fall rapidly.

The following table displays the Personal Services costs considering the prior year as the base for each year:

FY 87	\$9,824.6
FY 88	7,636.8
FY 89	-4,640.5
FY 90	-4,772.8
FY 91	-4,529.3

Governor Sheffield will be submitting an FY 87 Budget Amendment for the FY 87 costs. Costs for FY 88 and beyond will be routinely included in preparation of agencies' Personal Services line items.

Attached is a breakdown by department of incremental costs for FY 87 and FY 88.

Attachment 1

General Fund and Other Fund Personal Services Cost by Department, FY 87 and FY 88, to Implement the Classification Study under HB 676.

<u>Department</u>	FY 87		FY 88	
	<u>G.F.</u>	<u>Other</u>	<u>G.F.</u>	<u>Other</u>
Office of the Governor	23.5	.1	23.5	.1
Administration	1,123.5	169.3	1,077.4	125.0
Law	97.4	48.9	87.6	43.9
Revenue	179.5	95.8	115.1	61.4
Education	190.1	94.5	125.2	62.2
Health and Social Services	1,818.4	288.7	1,718.4	272.8
Labor	127.4	310.3	101.9	248.4
Commerce and Economic Development	74.5	38.0	-17.6	-9.0
Military and Veterans Affairs	37.0	27.4	33.5	24.9
Natural Resources	575.9	57.7	465.3	46.6
Fish and Game	769.2	370.4	748.8	360.6
Public Safety	418.7	9.9	-464.6	-10.9
Environmental Conservation	110.6	34.8	89.0	27.9
Corrections	700.3	4.9	659.3	4.6
Community and Regional Affairs	75.8	36.2	31.0	14.8
Transportation and Public Facilities	349.0	1,567.3	166.1	1,403.3
Total	6,670.4	3,154.2	4,959.9	2,678.6

Note: Totals do not match page 1 due to rounding.

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THE LEGISLATURE

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House State Affairs Committee 3/5/1986, 3:00 pm