

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3896 SCRA HB 647 272

(Brunton) Liability: There isn't a blanket immunity provided by bill. Bill cannot answer ~~the~~ question of where municipal responsibility stops. Dept of Pub. Inf. with regard to placards will do whatever the community desires.

Scott Highleyman, AK Envir. Lobby
Supported bill

★ Is ^{Art 8} bill elective or not for
munics? To re-write that munics
may or may not estab participate
based on whether they have a
program established?

Offered: 4/10/86
Referred: Rules

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 647 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liability
8 for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire ^{prevention} protection, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design for warning placards for hazardous mater-
4 ials and hazardous wastes in conjunction with the Department of Labor
5 and the Department of Environmental Conservation.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee
11 schedule to fully compensate for the costs of enforcement of, and
12 placards provided under, this section. Fees collected under this
13 subsection shall be deposited in the general fund. The commissioner
14 of administration shall account separately for fees collected and
15 deposited under this subsection. The annual estimated balance in the
16 account may be appropriated by the legislature to the Department of
17 Public Safety to carry out the purposes of this section.

18 (e) In this section, "hazardous material" and "hazardous waste"
19 have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
26 a program for the reporting of hazardous materials and hazardous
27 wastes shall require a business or a government agency that handles
28 hazardous materials or hazardous wastes to submit to a designated
29 person or office of the municipality, on a form provided by the

1 Department of Public Safety, division of fire prevention, an inventory
2 of the hazardous materials and hazardous wastes the business or gov-
3 ernment agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous waste. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the municipi-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses, but does not include transports;

26 (4) "hazard class" means the class of a hazardous material
27 defined in 49 C.F.R. 173;

28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, ^{alcohol beverage} cosmetics, tobacco, or tobacco products intended
5 for personal consumption;

6 (6) "hazardous waste" means a hazardous waste as identified
7 by the Environmental Protection Agency under 40 C.F.R. 261, and any
8 other hazardous waste defined by the division of fire prevention or by
9 a municipality for purposes of its own reporting program;

10 (7) "quantity" means the total amount of a material or
11 waste handled at a time and includes the aggregate of a material or
12 waste that is divided among multiple containers.

13 * Sec. 5. This Act takes effect January 1, 1987.

APR 25 1986

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSHB 647 (FIN)am

SUPPORT

April 22, 1986

CSHB 647 (FIN)am - An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date.

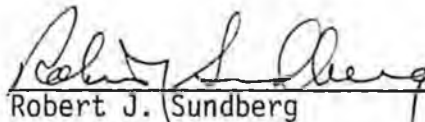
The Department of Public Safety supports CSHB 647 (FIN)am.

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

This version incorporates language that precludes increased liability of municipalities that establish hazardous materials and waste programs.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.


Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 647(FIN)am
 Title : "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials..."
 Sponsor : Representative Hurley
 Requestor : Senate Community & Regional Affairs
 Date of Request : 4/21/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Fire Prevention
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8

CAPITAL						
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REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : Gordon E. Brunton *GB*
 Division : Fire Prevention

Phone : 465-4331
 Date : 4/22/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 4/20/86

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 Bill/Resolution No. CSHB 647 (FIN)am

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	Total Contractual	<u>\$23.7</u>

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 647 (FIN)am

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
	Total Supplies	<u>\$9.9</u>

REVENUE

5,000 placards per year X \$10.00	50.0
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Bill No. Committee Substitute for
House Bill 647 (Finance)am

Date April 17, 1986

Title "An Act establishing requirements for
warning placards; and establishing
requirements and limiting liability for
municipal reporting programs for hazardous
materials and hazardous waste."

Contact: Eileen Plate
465-2700
Richard Arab
465-~~465~~ 21 1986

Committee Substitute for House Bill 647 provides for the placarding of places where hazardous materials and hazardous wastes are located; and further provides that municipalities may establish "community right-to-know" programs with respect to hazardous materials and wastes.


The Department of Labor currently requires employers to provide information to their workers on toxic and hazardous substances to which they may be exposed. However, there is presently no requirement that such toxic and hazardous substances be placarded so that emergency response agencies are aware of the existence of such toxic and hazardous materials. This information could be vital to emergency response personnel because such materials are often volatile and can cause fires to spread faster than anticipated. The placarding requirements of this bill should, therefore, assist emergency responsive personnel in protecting both the public and property.

Further, the opportunity provided in the bill for municipalities to establish hazardous materials and wastes reporting and inspection programs would enable municipalities to inventory such materials and thereby focus action plans, including the proper training and equipping of emergency response personnel, on specific hazardous materials and substances in their jurisdictions.

The Department of Labor appropriately would not have an active role in the implementation of Committee Substitute for House Bill 647. However, because it does afford an opportunity for additional protection for emergency response workers, the department supports its proposed provisions.

The educational and technical assistance that the Department of Labor would provide in designing warning placards, as outlined in proposed Section 18.70.310(b), and in furnishing information on hazardous materials, as outlined in proposed Section AS 29.35.530, would not have a fiscal impact on the Department.

APPROVED:


Jim Robison, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 4/17/86

REQUEST

Bill/Resolution No. : CS HB 647 (Fin) am
 Title : An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials
 Sponsor : Hurley, Koponen, Davis, Goll...
 Requestor : Senate Community & Reg. Affairs
 Date of Request : 4/16/86

FISCAL DETAIL

Agency Affected : Labor
 BRU : Labor Standards & Safety
 Components : Occupational Safety & Health

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						
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REVENUE						
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FUNDING : (Thousands of Dollars)

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

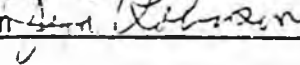
POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by :  Robert J. Bacolas, Sr.
 Division : Labor Standards & Safety

Phone : 465-4870
 Date : 4/17/86

Approved by Commissioner :  Jim Robison
 Agency : Labor

Date : 4/17/86

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

APR 21 1986

POLICE STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3600

MEMORANDUM

April 18, 1986

SUBJECT: Sectional analysis of CSHB 647 (Finance) am
TO: Senator Edna DeVries
Chairman, Senate Community and Regional
Affairs Committee
FROM: Edward H. Hein *2B for EA*
Legislative Counsel

Section 1 states that the legislature's intent in this bill is to ensure the safety of emergency response personnel, permit development of a chemical profile of municipalities, protect the health and safety of state residents and visitors, and inform the public about hazardous materials and wastes.

Sec. 2 requires businesses or government agencies that "handle" hazardous materials or hazardous wastes to post warning placards provided by the division of fire prevention and in accordance with Department of Public Safety regulations. This section also requires the department to adopt a design for the placards in conjunction with the Department of Labor and the Department of Environmental Conservation; to adopt regulations for posting the placards; and to establish a fee schedule to cover costs of enforcement and of providing placards. Fees collected by the department go in a separate account in the general fund.

Sec. 3 amends AS 29.10.200 so that the reporting and other provisions of AS 29.35 added by this bill apply to home rule municipalities.

Sec. 4 establishes minimum requirements for municipalities that establish hazardous materials and hazardous wastes reporting programs. Sec. 29.35.500 requires businesses and government agencies to submit inventories to the municipality on a form provided by the division of fire prevention, and specifies what information must be contained in the inventory.

The section specifies the minimum quantities of materials and wastes that must be reported in the inventories. These quantities can be reduced by the division of fire prevention or by a municipality. The section also specifies a 30-day limit for submitting the report and provides for amending the inventory if there are additions or significant changes in the materials or wastes handled. This section allows municipalities to require businesses and government agencies to submit OSHA form 20 sheets and to impose requirements outside of municipal boundaries under certain circumstances.

Sec. 29.35.510 provides for municipal inspections and penalties.

Sec. 29.35.520 allows municipalities to impose fees for processing inventories and administering inspections.

Sec. 29.35.530 requires the division of fire prevention to provide inventory forms and summaries or lists of materials and wastes that must be reported. This section also allows the division and the Departments of Environmental Conservation and Labor to obtain copies of inventories submitted to municipalities and to provide educational materials.

Sec. 29.35.540 requires municipalities to make information collected under this bill readily available to the public.

Sec. 29.35.550 makes the provisions of section 4 of the bill applicable to home rule and general law municipalities.

Sec. 29.35.560 provides that the establishment of a municipal hazardous materials and hazardous waste reporting program does not increase the municipalities liability for damages resulting from hazardous materials or hazardous waste.

Sec. 29.35.590 defines various terms used in the bill.

Sec. 5 provides a January 1, 1987 effective date.

EHH:csh
c6/072



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee

Member, Health Education & Social Services Committee

Member, Alaska Legislative Council

Member, House Special Committee on Fisheries

Member, Finance Subcommittee on Corrections

Member, Joint Committee on Local Option Elections

Pouch V
Juneau, Alaska 99811
(907) 465-4963

Box 870157
Wasilla, Alaska 99687
(907) 376-4058

APR 17 1986

April 16, 1986

Senator Edna DeVries, Chair
Senate Community & Regional Committee
Box V
Juneau, Alaska 99811

Dear ^{Edna} Senator DeVries:

Just a note to thank you for scheduling House Bill 647, the Community-Right-To-Know bill, so promptly.

I join with you in searching for ways to prevent another Moose Pass situation and accidents like the chlorine leak in Kodiak and the hydrochloric spill in Fairbanks.

Sincerely

Katie

Katie Hurley
Representative



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

April 17, 1986

Judy Price
P.O. Box 343
Talkeetna, Alaska 99676

Subject: CS for HB 647 (Fin) am An Act
establishing requirements and limiting
liability for municipal reporting programs
for hazardous materials and hazardous waste

Dear Judy:

Senator DeVries received your public opinion message on this bill and wanted me to advise you that the version of the bill noted above is now before the Senate Committee on Community & Regional Affairs.

The bill is scheduled for Tuesday, April 22, 1986.

Senator DeVries appreciates you expressing your support for the bill.

A copy of the version of the bill which passed the House is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Trudie Alford".

Trudie Alford

Aide to Senator Edna DeVries

Enclosure

PUBLIC OPINION MESSAGE

TO: SENATOR EDNA B. DE VRIES

FROM: JUDY PRICE
P O BOX 343
TALKEETNA
N/A

99676

BILL NO: HB 647

SUBJECT: MUNICIPAL HAZARDOUS SUBSTANCE/WASTE REPORTS

MESSAGE:

THE CHASE COMMUNITY COUNCIL HAS PASSED A RESOLUTION SUPPORTING HB647. WE SUPPORT THE RIGHT OF RESIDENTS AS WELL AS FIRE FIGHTERS AND OTHERS TO KNOW SUBSTANCES TO WHICH THEY ARE BEING EXPOSED. WE HOPE YOU WILL CONTINUE TO DEFEND THAT RIGHT.

DATE: 04/08/86 TIME: 17:12:27 SENT BY: MATSU LIO

COPIES TO: REPRESENTATIVE: RONALD L. (RON) LARSON
REPRESENTATIVE: KATIE HURLEY
SENATOR: JALMAR M. KERTTULA
HOUSE FINANCE

3670 LAKE STREET
HOMER, ALASKA 99603-7647



REPLY TO:

- City Hall
Ph. (907) 235-8121
- Port of Homer
Ph. (907) 235-8597
- Harbor Master
Ph. (907) 235-8959
- Public Works Dept.
Ph. (907) 235-8120
- City Engineer
Ph. (907) 235-6368

February 26, 1986

Peter Goll, Chairman
Community and Regional Affairs
Pouch B
Juneau, AK 99811

Re: House Bill 647

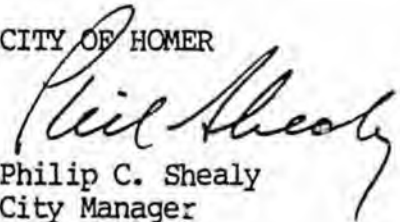
Dear Representative Goll:

I have reviewed House Bill 647 requiring municipalities to establish reporting and inspection programs for hazardous materials and hazard waste. While the intent of the legislation is admirable, I believe it is an example of another mandate by the State of Alaska upon local municipalities who are already financially strapped with limited revenues. The proposal does provide that a municipality may impose appropriate fees to fully or partially compensate the cost of processing and reporting administrative inspections, but it is unlikely that sufficient revenues will be derived to cover the cost of the program. Consequently, if the State is mandating such hazardous materials reporting procedure, then it should be the obligation of the State to staff the program, fund it and see that it is accomplished in a systematic manner statewide.

Thank you for your attention to these suggestions.

Sincerely,

CITY OF HOMER


Philip C. Shealy
City Manager

PCS/rah

cc: Senator Paul Fischer
Representative Andre Marrou
Representative Mike Navarre
Members of Community and Regional Affairs
Members of State Affairs Committee
Scott Burgess, AML



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Staff

Senator Edna DeVries, Chairman

Members

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- April 22, 1986

CS for HR 647 (Fin) am An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date

A primary purpose of the subject bill is ^{to} respond to the "right to know" concept in providing information as to exposure to hazardous materials and wastes.

Materials enclosed which provide information and comments on the bill are:

- (1) Sectional analysis by LAA, Legal Svcs. dated 4-18-86.
- (2) Position paper & Fiscal Note by Dept. of Public Safety dated 4-22-86.
- (3) Position paper & Fiscal Note by Dept. of Environmental Conservation dated 4-21-86.
- (4) Position Paper & Fiscal Note by Dept. of Labor dated 4-17-86.
- (5) Cy of ltr to Representative Goll from City of Homer dated 2-26-86.
- (6) Memo to Senator DeVries from Representative Hurley with enclosures dated 4-17-86.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION COMMENTS ON
CSHB 647 (FINANCE) AM

The Department of Environmental Conservation supports the concept of local community right-to-know programs. It is important for local fire fighters and other public safety officials to know that hazardous substances are present in facilities they may need to enter or approach in emergency situations.

It is an appropriate role for the State to establish a uniform state-wide placarding system for businesses and government agencies which store or handle hazardous materials or hazardous wastes. This will provide necessary information to response teams, regardless of whether or not the more detailed reporting system has been established in a given community.

It is also appropriate that the choice of whether or not to implement the reporting program be left to the individual communities. This bill establishes the parameters of a reporting system in order to assure uniformity of programs across the state, again the proper role for the state.

The current version of the bill establishes substantial mandatory reporting requirements for a municipality [section 29.35.500(e)], which establishes a reporting system. The legislation requires:

- 1) An annual inventory
- 2) Report of significant change in location within 24 hours
- 3) Monthly reports of the additions of hazardous materials and wastes

The sponsors and reviewing committees in the House have devoted substantial efforts to improving this bill to improve definitions and reduce the administrative burden. In the committee substitute, the definitions of hazardous material and hazardous waste have been clarified. The improved organization of the section on reportable quantities removes uncertainties about which materials and wastes are excluded. The new section on public access to information helps to serve one of the major purposes of the legislation.

SHLO/jp

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : 4/21/86

REQUEST

Bill/Resolution No. : CSHB 647 (Fin) am
 Title : An act requiring municipalities to establish reporting and inspection programs for haz. materials and haz. waste:
 Sponsor : Katie Hurley
 Requestor : Sen. DeVries
 Date of Request : 4/17/86

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 : Keith Kelton
 Division : Environmental Quality

Phone : 465-2640
 Date : 4/17/86

Approved by Commissioner : Bill Ross
 Agency : Department of Environmental Conservation

Date : 4/21/86

Distribution (by Agency preparing fiscal note):

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

3670 LAKE STREET
HOMER, ALASKA 99603-7647



REPLY TO:

- City Hall
Ph. (907) 235-8121
- Port of Homer
Ph. (907) 235-8597
- Harbor Master
Ph. (907) 235-8959
- Public Works Dept.
Ph. (907) 235-8120
- City Engineer
Ph. (907) 235-6368

February 26, 1986

Peter Goll, Chairman
Community and Regional Affairs
Pouch B
Juneau, AK 99811

Re: House Bill 647

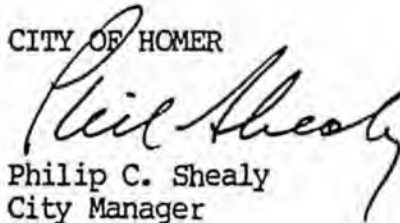
Dear Representative Goll:

I have reviewed House Bill 647 requiring municipalities to establish reporting and inspection programs for hazardous materials and hazard waste. While the intent of the legislation is admirable, I believe it is an example of another mandate by the State of Alaska upon local municipalities who are already financially strapped with limited revenues. The proposal does provide that a municipality may impose appropriate fees to fully or partially compensate the cost of processing and reporting administrative inspections, but it is unlikely that sufficient revenues will be derived to cover the cost of the program. Consequently, if the State is mandating such hazardous materials reporting procedure, then it should be the obligation of the State to staff the program, fund it and see that it is accomplished in a systematic manner statewide.

Thank you for your attention to these suggestions.

Sincerely,

CITY OF HOMER


Philip C. Shealy
City Manager

PCS/rah

cc: Senator Paul Fischer
Representative Andre Marrou
Representative Mike Navarre
Members of Community and Regional Affairs
Members of State Affairs Committee
Scott Burgess, AML



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

Pouch V
Juneau, Alaska 99811
(907) 465-4963

Box 370157
Wasilla, Alaska 99687
(907) 376-4058

To: Senator Edna DeVries
Chair, Senate Community &
Regional Affairs Committee

From: Representative Katie Hurley

Date: April 17, 1986

Subj: House Bill CSHB 647 (Fin) am

Attached is back-up information on House Bill 647 giving Alaskans the right to know the amount, location and dangers of hazardous chemicals being used and stored in their communities.

House Bill 647 overwhelmingly passed the House on Monday, April 14th. Supporters of House Bill 647 include: Alaska Municipal League, State Fire Marshal, Municipality of Anchorage, the Alaska Medical Association, Department of Health and Social Services, League of Women Voters, Alaska Public Health Association, Fairbanks North Star Borough, Department of Labor and the Mat-Su Borough.

Please let me know if you have any question or need additional information.



Katie Hurley, House of Representatives

Alaska State Legislature

Chair, House State Affairs Committee
Member, Health Education & Social Services Committee
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries
Member, Finance Subcommittee on Corrections
Member, Joint Committee on Local Option Elections

Pouch V
Juneau, Alaska 99811
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COMMUNITY-RIGHT-TO-KNOW
FACT SHEET HB 647

Literally thousands of pounds of hazardous substances are shipped annually to communities across Alaska from Ketchikan to Kotzebue via air, rail, barge and road transportation. As Alaska industrializes, the likelihood of dangerous incidents involving hazardous chemicals increases. In 1984, the Alaska Health Project documented over 1300 accidents involving hazardous materials. The recent chlorine episode in Kodiak, the hydrochloric spill in Fairbanks and the Moose Pass situation underscore this fact.

With basic information about hazardous chemicals in their communities, firefighters, health professionals and the public are better able to take preventive measures against the dangers posed to health and safety.

HB 647 gives Alaskans the right to know the amount, location and unique dangers of hazardous substances being used and stored in their communities. As drafted, the bill does not require municipalities to enact ordinances but rather provides them with the authority and uniform guidance should they elect to do so. HB 647 also establishes a statewide placarding system to clearly mark where hazardous chemicals are being used and stored.

HB 647 eases compliance for businesses and government agencies that might otherwise have to contend with varying reporting and posting requirements in different localities.

HB 647 does not include transportation - this issue is being addressed in separate legislation. It also does not include the everyday person who has a few containers of gas and paint in the garage - the bill excludes quantities that do not pose significant public danger or threaten the safety of emergency responders.

There is no fiscal impact to the state associated with HB 647 due to the imposition of fees by the Fire Marshal's Office to cover the costs of enforcement and of providing placards. If the residents in a community elect to enact a Community Right to Know program, costs associated with such a program may be offset by the imposition of fees.

The Fire Marshal's Office in the Department of Public Safety has been designated the coordinating agency in this legislation because of its contact with fire halls and public safety officers across the state.

With the passage of HB 647, Alaska will join 12 other states from New Jersey to Oregon to enact Community-Right-To-Know Laws.

Unless the names and hazardous properties of chemicals in a community are publicly available, government officials charged with protecting property and public health are left virtually blindfolded waiting for a crises to occur. The actual cost of this ignorance can actually be much higher than the price of implementing a local Community-Right-To-Know Law.

SUPPORTERS OF HB 647 INCLUDE:

ALASKA MUNICIPAL LEAGUE	STATE FIRE MARSHAL
ALASKA HEALTH PROJECT	ALASKA MEDICAL ASSOC.
MUNICIPALITY OF ANCHORAGE	DEPARTMENT OF LABOR
FAIRBANKS NORTH STAR BOROUGH	LEAGUE OF WOMEN VOTERS
ALASKA PUBLIC HEALTH ASSOC.	MATSU BOROUGH
DEPARTMENT OF HEALTH AND SOCIAL SERVICES	

POSITION PAPER (AMENDED)

HOUSE BILL 647

"An Act requiring Municipalities to establish reporting and inspections programs for hazardous materials and hazardous waste."

This bill requires municipalities to establish hazardous materials reporting and inspection programs to ensure the safety of individuals who may come in contact with the materials. Under the terms of HB 647, individuals who utilize such materials must annually submit a detailed inventory and notify the municipality within 24 hours any changes in the status of the inventory. In addition, such individuals must place warning placards to notify the public of the presents of the materials.

Position

The Department of Health and Social Services supports HB 647 and its intent to protect the general public and inform emergency response personnel regarding the type and location of hazardous materials in a community. The right of public awareness to the presence of hazardous materials is an effective means of minimizing the dangers. Implementation of this bill will be the responsibility of the Department of Public Safety, Division of Fire Prevention and local municipalities. The department will work with the responsible agencies to provide assistance in coordinating with emergency medical services personnel and other appropriate health care providers. The Department of Health and Social Services feels the development of guidelines by the Department of Public Safety relating to placarding will be a positive step in developing a uniform statewide system and has our endorsement.

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

Date: 2/16/82

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

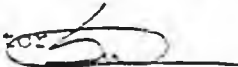
Date: 3/10/82

Alaska MUNICIPAL League

TELEPHONE
(907) 566-1325

705 MUNICIPAL WAY SUITE 301
ILNEAU, ALASKA 99801

TO: Representative Peter Goll, Chairman
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 5, 1966

SUBJECT: HB 647 - Hazardous Waste Reporting and Inspection

The Alaska Municipal League supports the concept of HB 647 as another piece of the legislation needed to address a critical and growing threat to the people who live, work and visit in our communities; however, without a financial commitment by the State to fund additional mandates on local government, the mandatory "shall" language referring to municipal action should be changed to "may". The current language appears to place the mandate on municipalities to set up a potentially expensive reporting mechanism. Instead, the language should allow local option by those communities able to implement such a program. The mandatory language requiring the "handler" to report the information should remain. With such a change, the AML supports the program, and appreciates the work of the sponsors of this and other hazardous waste legislation this year. From the attached resolutions debated and adopted by the AML in Fairbanks in November, the Committee can see that hazardous waste and substance issue is a significant one for municipalities.

In addition to the resolutions attached, the following policy language appears on page 8 of the AML 1986 Policy Statement:

"The League supports legislation which would require producers, shippers, distributors, and commercial and industrial users to submit to all affected municipal governments, the Standard Material Safety Data Sheet on all toxic material physical agents being shipped to or through, or stored, manufactured, utilized, produced as a by-product, or otherwise found at any time, on the property or rights-of-way of any enterprise or site within the municipal boundaries."

This legislation gives the legislative intent and statutory language needed for the municipalities and the State to work together to begin developing and implementing a "community right to know" program. Many municipalities are faced with problems presented by our advanced, industrialized and often complex society. HB 674 begins to address the problem by allowing information to be collected and posted on the storage and use of hazardous wastes and substances. The legislation is only a part of the solution because we have not adequately address hazardous wastes and substances clean-up, transportation and disposal disposal. Several other bills are before the legislature this session which do attempt to begin addressing these other problems.

AML Testimony on HB 647

March 5, 1986

Page 2

I want to reiterate that the solution to the problems presented by hazardous materials in our communities is not for the federal and state governments to mandate additional responsibilities on local governments. Effective laws are part of the solution; individual and corporate responsibility is another part; and, finally, money, whether from fees and penalties on the generator or from society as a whole in the form of taxes.

One final concern in relation to money that I would request the Committee address in reviewing this and other legislation is the adequacy of training funds and programs to adequately prepare local emergency response personnel. Whether it is to be provided by the Department of Environmental Conservation, the Department of Public Safety, Division of Fire Prevention, or the Department of Military and Veterans Affairs, Division of Emergency Affairs, training in emergency response and clean-up needs to be provided statewide.

Again, the AML is in support of HB 647 with permissive rather than mandatory statute language.

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 86-09

A RESOLUTION SUPPORTING STATEWIDE
HAZARDOUS MATERIAL DISCLOSURE LEGISLATION.

WHEREAS, the handling, storage, transportation, use, processing, and disposal of hazardous materials and hazardous waste occurs in all communities in Alaska, and

WHEREAS, the potential impacts of accidents associated with hazardous materials and hazardous wastes can have devastating impacts on the public health and the environment, and

WHEREAS, knowledge of the types of hazardous materials and hazardous wastes are critical and central to a community's ability to recognize potentially dangerous situations, and

WHEREAS, firefighters, police officers and other public safety and medical professionals often lack the information necessary to respond quickly and safely to emergencies involving hazardous materials and hazardous waste, and

WHEREAS, the public has the right to know what hazardous materials and hazardous wastes are in their community;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the adoption of state enabling legislation to allow local governments to establish a Hazardous Materials Disclosure (Community Right-to-know) Program. Such a Hazardous Materials Disclosure law should address minimum program requirements for a municipality, including:

- a. Notification
- b. Placarding
- c. Transportation Routing
- d. Transportation requirements for selected materials
- e. Emergency Coordination Procedures

Resolution Passed by the Alaska State Medical Association and
the Anchorage Medical Society 1985

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.D, 1984.

Resolution Passed by the Alaska Public Health Association 1985

ADVOCATING COMMUNITY RIGHT-TO-KNOW LEGISLATION

The Alaska Public Health Association:

Noting that 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

Observing that not only workers may be exposed to these accidentally released hazardous substances and physical agents, but that nearby residents and entire communities may be exposed as a result of industrial and transportation accidental release of hazardous substances or physical agents; and

Recognizing that the public health can be best served by a preventive approach hereby 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

Recalling that 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]; and

Remembering that ALPHA and the national organization APHA have already gone on record as supporting the principle of right-to-know legislation [3]; therefore

Advocates, endorses, and supports the establishment of both statewide and/or local community 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 materials and 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; and

Provides that copies of this resolution will be distributed to:


- a. The Governor
 - b. All members of the Alaska Legislature
 - c. All members of the ALPHA
 - d. Major newspapers in Alaska in the form of a press release
-

- [1] Based on data provided the Alaska Health Project by the Alaska Department of Environmental Conservation.
- [2] Worobec, M.R. et all, Chemical Right-To-Know Requirements: Federal and State Laws and Regulations - A Status Report. Bureau of National Affairs: Washington, D.C., 1984
- [3] In support of Right-To-Know Resolution passed by ALPHA, 1983.

Informing Workers of Occupational Health Risks Policy Statement adopted by APHA Governing Council, November 2, 1977.

Support for the proposed Labeling Standard of the Occupational Safety and Health Administration. Policy Statement adopted by APHA Governing Council, October 22, 1980.

*
* DELIVER TO: JPOH *
* *
* ORIGINAL *
* SENT: 03/03/86 TIME: 15:51 * 2 *
* FROM: JEAN MILLER *
* SUBJECT: POM *
* PRINT DATE: 03/03/86 TIME: 16:02 *

TO: 

FROM: DR. JOHN P. MIDDAGH
3010 GLACIER STREET
ANCHORAGE, AK 99508 PHONE: 333-9349

SUBJECT: HB 647 - HAZARDOUS SUBSTANCES

THE ALASKA STATE MEDICAL ASSOCIATION, ALASKA PUBLIC HEALTH ASSOCIATION, AND ANCHORAGE MEDICAL SOCIETY, SUPPORT HAZARDOUS SUBSTANCES COMMUNITY RIGHT TO KNOW LEGISLATION. WE URGE PASSAGE OF LEGISLATION THAT WILL REQUIRE MANDATORY REPORTING BY EMPLOYERS TO A PUBLIC AGENCY, FULL ACCESS TO INFORMATION BY THE PUBLIC AND APPROPRIATE EDUCATIONAL PROGRAMS FOR EMPLOYERS.



HB. 647

Presented by

League of Women Voters of Alaska

March 20, 1986

The League of Women Voters is a nationally based organization that has state and local grassroots organizations. Positions are arrived at by consensus of the grassroots members. Issues to be addressed are determined by consensus and the substantive focus is on good government process and sound public policy.

50,000 chemicals have been created since 1940. The derived products are integrated into our lifestyles and have enhanced our quality of life. The problem we must resolve is how public policy makers can promote accountability for toxic products demanded by the multitudinous needs of our society. A more critical aspect of the cost benefit discussion is how will our policy makers protect the health of citizens and minimize the detrimental loss of human resources who might be victims of accidental exposure. The incidence of accidental exposure is skyrocketing nationally; the consequence is a quiet revolution in the health care community which is forced to play "catch up" in curing exposure victims. Ironically increased incidence of exposure is providing human "guinea pigs", a pathological record based on the tragic sagas of citizens who have lost health and life.

Nationally public policy makers are seeking solutions that are relatively inexpensive and which minimize onerous regulation. Community Right to Know statutes which insure the availability of critical information in the time of crisis is a widely accepted move toward accountability. HB647 has a sound framework similar to law enacted in other states; Alaskan lawmakers would be undertaking policy that has a legal track record.

The League of Women Voters finds one serious concern with the proposed legislation. Communities should be required to comply with the proposed legislation. Case in point are incidents around the state best exemplified by the 1984 fire which destroyed the water treatment plant in Emmonak, Alaska. Local governmental authorities needed quick access to technical information ~~for~~ determining emergency measures be taken to protect the populace. Despite the ignition of many chemicals which often creates synergistic effects, local residents were not evacuated from the scene. In fact many citizens watched the fire within close proximity. The consequence of future ill health from breathing chemical by-products may never be related to watching the treatment plant burn.

A second area of concern is the question of whether the hazardous materials list cited in the legislation provides the most comprehensive list of chemicals. We would recommend the inclusion of any comparably hazardous chemical listed under the Toxic Substances Control Act and Federal Insecticide, Fungicide and Rodenticide Act if they are not addressed under the Federal Department of Transportation list.

Your willingness to address this public policy problem is commendable. Thank you for the opportunity to testify. We are willing to provide additional documentation.

Respectfully Submitted:
Mary Whitmore Core
Chairperson, Natural Resource Portfolio
1280 Fritz Cove Road
Juneau, Alaska 99801
907/789-2481



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

Testimony on House Bill 647

Presented By

Alaska Health Project

March 12, 1986

Alaska Health Project (AHP) is a private non-profit organization dedicated to providing information and education about hazardous materials on the job and in the community. We appreciate the opportunity to testify in support of House Bill 647, the so called "community right to know bill"

Now, more than ever, hazardous materials management has become a highly charged community issue drawing the attention of community planners and decisions-makers.

Access to information about hazardous materials is central to the development of local hazardous materials management programs. HB 647 provides communities with the mechanism for accessing such information. All Alaskan communities should be required to develop right to know programs. Specifically, HB 647:

- * Establishes a workable framework for development of local community right to know programs.
- * Prevents conflicting local ordinances by requiring uniform program elements.

The bill needs strengthening in the area of public access to hazardous materials information. While the intent is to allow for such access no provisions have been included in the current version of the legislation.

There Is Alaskan Support For Community Right To Know Programs

- * In 1985, the Alaska Municipal League passed a resolution supporting adoption of state enabling legislation to allow local governments to develop CRTK programs.
- * A 1983 survey conducted by Hellenthal & Associates shows that over 93% of 500 randomly selected Anchorage residents

support the creation of a community right to know law.

- * The Anchorage Hazardous Waste Task Force, a multi-representational group of business, labor, health, and citizen interests, recently drafted a local CRTK ordinance (1986). Many of the elements of this ordinance are incorporated into HB 647.

There Is Precedence For The Bill

There have been a number of hazardous materials incidents in Alaska impacting communities and the health and safety of emergency responders. The recent situation in Moose Pass underscores this fact.

Perhaps best surmizing all of these incidents is a statement by the Fairbanks Hazardous Materials Commission, investigating the hydrochloric acid spill that occurred in the city in 1983.

" The fact that the Fairbanks North Star Borough has not had a serious hazardous materials incident resulting in loss of life or environmental quality damage is largely a matter of luck and the activities of individual agencies working on their own to address preceived needs within their own domains."

Clearly it's time to take the "luck" out of hazardous materials planning in Fairbanks and elsewhere in the state. Literally thousands of pounds of hazardous materials are shipped annually to Alaskan ports via air, rail, barge, and road transportation. These ports include both urban and rural Alaska including Nome, Kotzebue, Dillingham, Whittier, and others. Some of the materials shipped such as chlorine, hydrochloric acid, and amonia could quite possibly require community evacuation if accidentally released. Other materials include chemcials such as toluene, and xylene which, at certain concentrations, are considered priority pollutants under the Clean Water Act.

Communities need the guidance and structure provided by HB 647. The public is deserving of this information. Firefighters and emergency respon'ers are long overdue for this vital information in order to protect themselves and the community. Alaska Health Project urges the Alaska legislature to join other Alaskans who support passage of House Bill 647.

We are available to provide documentation of hazardous materials incidents in Alaska and information on hazardous materials shipped into Alaskan ports. Thank you.

Municipality of Anchorage



POUCH 6-650
ANCHORAGE, ALASKA 99502-0650
(907) 561-1905

TONY KNOWLES
MAYOR

SOLID WASTE SERVICES DEPARTMENT

February 27, 1986

Representative Peter Goll
House Community & Regional Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Goll:

The Municipality of Anchorage has reviewed HB 647 requiring municipalities to establish reporting and inspection programs for hazardous materials and wastes (i.e. Community Right-to-Know program). The Municipality supports the bill as drafted with only a few minor exceptions.

The substance of the bill is consistent with a Community Right-to-Know ordinance now being considered in Anchorage. As a result, we foresee no conflicts between the proposed Anchorage program and the program envisioned in HB 647, provided the Department of Public Safety works closely with us in developing the reporting forms, placarding system, etc. In fact, in developing the Anchorage Community Right-to-Know ordinance many of these issues have already been extensively investigated and by working with the Municipality, the Department of Public Safety can potentially save much time and effort in implementing the statewide program.

The concept of statewide hazardous materials disclosure legislation was supported by the Alaska Municipal League in Resolution No. 85-12. House Bill 647 addresses all the elements recommended for a statewide program with the exception of transportation routing and transportation requirements for hazardous materials and wastes.

Even though Anchorage has been developing an ordinance to provide the type of information required by HB 647, there is a great deal of importance for a consistent statewide program. Otherwise, a business handling hazardous materials may face a myriad of vastly different local programs if each municipality independently adopts a community right-to-know program. House Bill 647 will establish a workable framework for a consistent statewide program.

One of the few concerns we have with the bill as drafted is the requirement that every municipality "shall" establish a hazardous materials inspection and reporting program. In draft legislative language the Municipality had previously submitted, we had proposed that such a program be discretionary. We recommend that the word "may" be substituted for "shall". While it may be true that most

Representative Goll
February 27, 1986
Page 2

municipalities should have a program, it cannot be assumed it is necessary in all cases. Municipalities should be given the choice as to whether this program is a priority in their community.

The only other concern with the bill is in the area of public access to information submitted on hazardous materials and wastes. Provisions should be added to the bill to make it clear that the public can obtain any information on the types of hazardous materials and wastes at a particular location.

Thank you for the opportunity to comment on HB 647.

Sincerely,

Jim Sweeney
Project Manager

/ld



Mayor: Juanita Helms

March 5, 1986

Representative Katie Hurley
Alaska State Legislature
Pouch V
Juneau, AK 99811

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

The Fairbanks North Star Borough has reviewed HB 647, which addresses local reporting and inspection programs for hazardous materials and hazardous waste. We support the concept of the legislation. However, we feel that the bill should not require municipalities to enact these programs, but rather allow local governments to do so if such programs are desired. The mandatory nature of the bill, as written, would require all municipalities in the State to conduct these programs, even though most municipalities have neither the expertise nor the money and many may not wish to do so.

Therefore, we would suggest that the mandatory "shall" used in subsections 29.35.500(a,b,c,d and f) should be replaced with the word "may". The Borough would strongly support a bill which included these revisions and I urge you to lend your support to such a substitute.

Sincerely,

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

Juanita Helms
Borough Mayor

JH/pld

cc: Interior Delegation
Linda Anderson
Scott Burgess, AML



AKPIRG

ALASKA PUBLIC INTEREST RESEARCH GROUP

Post Office Box 1093 / Anchorage, Alaska 99510 / (907) 278-3661

Representative Kative Hurley
Box V
Juneau, Alaska 99811

7 March 1986

Dear Rep. Hurley.

We are writing to express our wholehearted support for HB 547, the Community Right-to-Know legislation. Although we have not been actively involved in the issue, we are very familiar with it and we are extremely concerned that this legislation pass in as comprehensive a form as possible.

We commend you on the work you and the committee have devoted to the bill and we encourage you to see it through to the Senate as soon as possible. If there is anything we can do from our perspective, please call on us.

Sincerely,

Jeffrey R. Bohman
Executive Director



Alaska Environmental Lobby, Inc.

204 N. Franklin Street, Suite 3 Juneau, Alaska 99801

907-586-2345

March 20, 1986

Testimony on HB 647 Community Right to Know

By Bill Slayton, Alaska Environmental Lobby

On behalf of our 20 member groups, the Alaska Environmental Lobby commends Representative Hurley and co-sponsors for introducing HB 647. Alaska is in the process of deploying a tough arsenal of hazardous material laws and regulations. HB 647 stresses the vital important need for communities to have access to up to date and accurate information about hazardous materials stored and used within their boundaries.

Less than a month ago, an incident near Moose Pass indicated how important such information is to a community. According to the Anchorage Daily News, innaccurate information about the indentity of the chemicals in the tanker made it impossible for emergency workers to do anything but clear the area and hope for the best. However, residents lived with the noxious mixture for a wnoie night after they made their initial calls for help. What if the tanker had been carrying a more highly toxic chemical? What if the tank car had exploded, and lit up the two nearby propane tanks? As it is, the exposed families suffered nose bleeds, vomiting, and now have to worry about possible long-term health effects to their children.

These people had a right to know that their neighborhood was periodically being used as a storage ground for tanker cars of noxious chemicals. The emergency response personel had a right to know what risks were involved working with the tanker. HB 647 recognizes this right, requiring those who use and store hazardous materials to submit accurate information about type, amount, and location of those materials. With accurate information about the chemical in the tanker, families might have been evacuated more quickly. Emergency response personel might have been able to work with the spill with greater certainty about what was going to happen.

The placarding, reporting, and inspection provisions of HB 647 are a good start toward developing a sound system of information to the people who need it--Alaska's communities and emergency response workers. We urge the swift passage of this bill, and thank you for the opportunity to testify.

3/16/86
Kodiak Daily News
**clear of
chlorine**

**Leaking tank
towed to sea**

The Associated Press

KODIAK — A four-block industrial area on Kodiak's waterfront was reopened to the public Saturday after a leaking chlorine tank was put on a barge and towed out to sea.

Kodiak policeman Michael Andre said a copper tube was inserted into the tank to allow the chlorine to escape into the water where it would dissipate. He said the tank would be left offshore until the chlorine was gone.

No injuries were reported and the evacuation Friday afternoon was a precautionary measure while officials tried to pump the poisonous chlorine from the leaking tank to a sound one, said Sgt. Tom Culbertson.

When that was unsuccessful, the barge was taken about 2½ miles offshore where it wouldn't pose a threat, said Lon White of the harbormaster's office. The Coast Guard established a safety zone with a 1-mile radius around the barge and ordered all vessels to stay out of the area, he said.

The pressurized liquid chlorine, used as a refrigerant, was on a dock next to the Kodiak King Crab Cannery.

The tank was damaged Thursday and started to leak, Culbertson said. The immediate area around the tank was cleared of people Thursday, and police evacuated the larger area starting around 3:30 p.m. Friday, Culbertson said.

No homes were evacuated. The area has mostly industrial and commercial establishments, he said.

Study finds skills lacking for response to toxic spills

By LINDA WERFELMAN
United Press International

WASHINGTON — Many police and firefighters do not know how to handle accidents involving transportation of hazardous materials, and the nation lacks standards to teach them, congressional researchers said Monday.

A report by the congressional Office of Technology Assessment said finding an effective way to train police, generally the first to arrive at an accident scene, is "the most pressing national need in emergency response."

Training efforts are uneven, the report said, with local authorities in major metropolitan areas often well equipped to handle accidents.

"However, most first responders in smaller urban or rural areas have not been trained to deal with hazardous materials, despite many existing training programs," the researchers said in a summary of their findings.

"Moreover, no national standards for training programs are currently in place, leading to the independent development of different training programs, some of which are inadequate," they added. "National guidelines or training standards are needed to ensure adequate training."

In many cases, local governments need financial assistance for enforcement and emergency response training and planning, the report said. It suggested the states or federal government pay, or that cooperative programs with in-

dustry or user fees might provide the funding.

Safety information included with between one-quarter and one-half of the shipments is incorrect, the report said, and shipping papers are sometimes incomplete or unvalla-

ble.

"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," the researchers said.

Informational placards should clearly state the nature of the hazardous material, they said, and how to respond in case of an accident.

The study found gasoline

and petroleum products — the most frequently transported hazardous materials — are involved in the most accidents. They also account for more injuries and more damage than other hazardous substances.

Study: Officials unprepared for waste accidents

by David Goeller
Associated Press

WASHINGTON — 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 ma-

terial 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

'Three-quarters of the first responders are not adequately trained to deal with hazardous substances.'

— Edith Page, director of OTA study

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," 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," 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, 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.

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,"

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHR 647 (Fin)
 Title: "An Act establishing requirements
 for warning placards and for municipal
 reporting programs for hazardous materials..."
 Sponsor: Representative Hurley
 Requestor: Senate Community & Regional Affairs
 Date of Request: 4/16/86

FISCAL DETAIL

Agency Affected: Public Safety
 BRU: Fire Prevention
 Components: _____

APR 21 1986

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8

CAPITAL						
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REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

K. News

Prepared by: Gordon E. Brunton
 Division: Fire Prevention

Phone: 465-4331
 Date: 4/11/86

Approved by Commissioner: [Signature]
 Agency: Public Safety

Date: 4/11/86

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 Bill/Resolution No. CSHB 647 (Fin)

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	Total Contractual	<hr/> \$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 647 (Fin)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies Mailing tubes for placards 5K X \$1.00	0.4 5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
	Total Supplies	<hr/> 9.9

REVENUE

5,000 placards per year X \$10.00	50.0
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Offered: 4/10/86
Referred: Rules

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 647 (Finance am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire protection, in accordance with
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1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design for warning placards for hazardous mater-
4 ials and hazardous wastes in conjunction with the Department of Labor
5 and the Department of Environmental Conservation.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee
11 schedule to fully compensate for the costs of enforcement of, and
12 placards provided under, this section. Fees collected under this
13 subsection shall be deposited in the general fund. The commissioner
14 of administration shall account separately for fees collected and
15 deposited under this subsection. The annual estimated balance in the
16 account may be appropriated by the legislature to the Department of
17 Public Safety to carry out the purposes of this section.

18 (e) In this section, "hazardous material" and "hazardous waste"
19 have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
26 a program for the reporting of hazardous materials and hazardous
27 wastes shall require a business or a government agency that handles
28 hazardous materials or hazardous wastes to submit to a designated
29 person or office of the municipality, on a form provided by the
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1 Department of Public Safety, division of fire prevention, an inventory
2 of the hazardous materials and hazardous wastes the business or gov-
3 ernment agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

- 28 (A) 500 pounds of materials of a single hazard class;

29 or
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1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous
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1 materials or hazardous wastes outside of the boundaries of the munic-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under
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1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses, but does not include transports;

26 (4) "hazard class" means the class of a hazardous material
27 defined in 49 C.F.R. 173;

28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other
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1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, cosmetics, tobacco, or tobacco products intended
5 for personal consumption;

6 (6) "hazardous waste" means a hazardous waste as identified
7 by the Environmental Protection Agency under 40 C.F.R. 261, and any
8 other hazardous waste defined by the division of fire prevention or by
9 a municipality for purposes of its own reporting program;

10 (7) "quantity" means the total amount of a material or
11 waste handled at a time and includes the aggregate of a material or
12 waste that is divided among multiple containers.

13 * Sec. 5. This Act takes effect January 1, 1987.
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