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than proof. The proof of alcohol is twice the alcohol content. For example, whiskey that is 80 proof is actually 40 percent alcohol. The highest possible proof is 200 which means the alcohol content would be 100 percent.

USE OF ALCOHOL

Tradition, environment, taste, situation and mood are all reasons why alcohol is used. Traditionally, alcohol is used for many types of special occasions: weddings, wakes, family and religious occasions. In traditional settings, alcohol is used with little thought as to why, it's just used because the occasion is right.

The environment has an impact on the way alcohol is used. When dining out we often use alcohol to compliment the food. For many people, food seems to taste better when eaten with wine, for instance, although individual preferences are quite different. In a bar with friends it seems to be the right occasion, or circumstance for drinking.

Advertising influences the use of alcohol. One is told that alcohol is socially appropriate under certain circumstances.

There are as many uses for alcohol as there are people, and everyone uses it somewhat differently. Two-thirds of the adult population drink. One-third choose not to.

If a person is in a particular place or situation where drinking is prevalent, usually they drink as a consequence of just happening to be there. As an example, a softball team goes into a bar, everyone happens to drink in celebration of a win. This is called <u>situational drinking</u>, where the events or the situation breeds drinking.

A problem area is the <u>mood drinker</u>. This is the person who drinks to change his mood and possibly to relieve anxiety. This can cause some real problems for the drinker.

A DRINK IS A DRINK

It is important to understand that a 12 ounce beer, a three to four ounce glass of wine, and a one ounce shot of 86 proof whiskey all contain roughly the same amount of alcohol -- about half an ounce of pure alcohol.

HOW ALCOHOL IS ABSORBED

How is alcohol absorbed and then distributed throughout the body? A small percentage, two to four percent, is absorbed through the membranes of the mouth. The common misconception is that all alcohol is absorbed in the stomach. This is not true. Absorption begins in the stomach, but only 20 to 25 percent is absorbed there. When alcohol is in the stomach, it isn't readily available for an effect on the brain; it's mostly in a holding state. After the alcohol leaves the stomach it is pushed into the intestine, where 75 to 80 percent of the absorption takes place. Because alcohol is water-soluble, and the body is almost entirely made up of water, it can be absorbed very easily and quickly.

FOOD

Many factors can affect the absorption of alcohol once it is in the stomach. The most important factor is food.

At the base of the stomach is a control valve called the "pyloric valve". When this valve is open, the contents of the stomach are passed into the intestine, where most of the absorption into the bloodstream takes place. By itself, alcohol does not remain in the stomach very long. It will pass very rapidly into the intestine and into the bloodstream.

Food -- any kind of food -- will slow down the absorption rate of any alcohol that has not already passed into the intestine. Putting food into the stomach causes the pyloric valve to close until the food is digested. When the valve opens again, the intestine receives a mixture of food and alcohol. This further slows down the alcohol absorption since it is dispersed in the food mixture.

Some foods are better than others in slowing the absorption rate of alcohol. Fatty foods such as nuts, french fries, olives, and cheese are harder to digest, and cause the stomach to work harder and longer before the pyloric valve will open. On the other hand, a large meal with a high amount of carbohydrates (such as a pasta dinner) will tend to "dump" into the intestine, and thus may actually speed up the absorption rate of alcohol.

There is another way in which food may act to speed up the absorption rate of alcohol. If a meal has been consumed two to three hours before drinking, most food will be digested, and the pyloric valve will be open. The alcohol then will pass directly into the intestine, where it is available for immediate absorption.

When to eat is as important as what to eat. The most effective way to slow the absorption of alcohol is to eat fatty foods immediately before drinking, and continue to munch during the course of drinking.

OTHER FACTORS

Alcohol irritates the stomach. If a large quantity of alcohol accumulates there, the stomach will shut down and no digestion will take place. The pyloric valve will stay closed and the alcohol will not pass into the intestine. The result is that very little absorption will take place. The alcohol just sits in the stomach and continues to irritate it, until the stomach finally rejects the source of irritation. In other words, the drinker vomits.

Anxiety is a condition which requires great caution when drinking. When a person is anxious about something, the stomach secretes a mucus coating which slows down or stops digestion and absorption. The anxious drinker will find that he is not getting his expected "high" from the alcohol. He may drink more and faster because, for reasons he does not understand, he "cannot get drunk." Eventually this person will relax. The mucus will disappear, and a large quantity of alcohol will be dumped into the intestine and the person will seem to become instantly drunk.

The most common example of the anxiety syndrome is the stranger who comes into the bar for the first time. He feels out of place and lonely, and has no one to talk to. He is experiencing anxiety about being there. He drinks, but does not feel relaxed. He drinks some more and still doesn't feel any effects. At some point, a friend walks in, or he meets someone at the bar. He relaxes, and rapidly becomes intoxicated.

Champagne, sparkling wines, or drinks mixed with soda, also get people intoxicated at a faster rate. This is due to the carbonation in the drinks. Carbonation tends to open the pyloric valve from the stomach to the intestine, and speed up the alcohol absorption.

DISTRIBUTION AND BAL

Once alcohol is absorbed, it is distributed throughout the body by way of the bloodstream. "Blood Alcohol Level" (BAL) or "Blood Alcohol Concentration" (BAC) is a measure of the amount of alcohol in the bloodstream. After alcohol is in the blood, a certain percentage of it that passes through the lungs is

exhaled. Because this percentage is relatively constant, BAL can be determined by simply measuring the amount of alcohol in the exhaled air. Breathalyzers work by measuring the concentration of alcohol in the breath, which comes from the lungs, which get the alcohol through the bloodstream.

FACTORS THAT AFFECT DISTRIBUTION

SIZE

There are many factors which affect alcohol distribution, including body weight, size, type and gender. If a person weighs about 135 pounds, one drink will produce a blood alcohol level of about .02, and the BAL will move up in steps of about .02 for each drink consumed, so that three drinks will produce a BAL of intoxication or .10.

A larger person, however, one that weighs 175 pounds, for example, will have a lower BAL for the same number of drinks. They will increase their BAL in steps of about .015, so that if they have five drinks, their BAL will be about .075. They will have to drink 6, almost 7, drinks before they reach legal intoxication of .10.

BODY TYPE

Body type is as important as body size. Fat does not absorb alcohol, so the more muscular a person is, the more alcohol it will take to increase the blood alcohol level. If there are two people of almost the same weight, the more muscular person will have a lower BAL than the person whose body tissues have a high fat content.

GENDER

Gender also has an effect because women biologically have a larger proportion of fat than men, so women will tend to get a higher BAL than men consuming the same number of drinks.

EFFECTS ON THE BODY AND MIND

What are the effects of alcohol on the body and on the mind? The nervous system is the primary target of the drug, alcohol. In the functional areas of sensation, perception, judgement and motor functions, alcohol produces various effects. Sensation, our ability to smell and taste, can be enhanced when alcohol is consumed in small quantity. Vision and hearing are affected adversely. Their reaction to things we see and hear is decreased. Our perception or the way information is processed in the brain also changes. Mental processes, such as reasoning ability and judgement, are decreased, along with motor functions like the ability to stand up straight, to walk, run and even to pick up a glass. The initial reaction to a drink of alcohol is stimulation. It is a "pick-me-up." This effect does not last long. The stimulation quickly yields to a calm feeling. Additional alcohol produces depression which is intensified as more and more alcohol is consumed.

THE BRAIN

The brain is affected in a very orderly fashion (see Appendix). The cortex of the brain, the area that's responsible for our thinking, reasoning, decision making, and is the most sensitive, is affected first. Secondly, the cerebellum is affected. The cerebellum is responsible for posture, motor control and coordination. Thirdly, the limbic system is affected. The limbic system is responsible for emotions and emotions are influenced and changed when alcohol is consumed. Finally, the brain stem is affected. This lower part of the brain is the most primitive area and is responsible for all of the automatic functions, such as heart beat and respiration.

BAL AND BEHAVIOR

What is the effect of blood alcohol level, or BAL, on the drinker's behavior? Although everyone is different in the way they react to alcohol, a general explanation of various BAL's and their effect on behavior is still possible.

Some people can act sober up to .05 BAL. Some exhibit signs of elation, jubilation and uninhibited behavior at this level. For example, consider a 135 pound male who has consumed from one to five drinks. His BAL would be between .05 and .10. He would exhibit an increase in self-esteem, be more sociable, jovial and exhilarated. After five to 10 drinks he has a BAL of .10 to .20. Reflexes slow, speech slows, time perception decreases, senses

are dulled, posture and coordination are decreased, behavior becomes uninhibited, boisterous, aggressive and risk taking increases. This is a very dangerous time for this person to be driving.

After 10 to 15 drinks and a BAL of .20 to .30, the drinker becomes fatigued, dizzy, unable to stand, inattentive, disoriented, moody and insecure. Mental ability and judgement are almost completely gone now and the person could feel quite nauseous. After 15 to 20 drinks and a BAL of .30 to .40 respiration slows and the person could be in a stupor or become unconscious. After 20 to 25 drinks BAL is between .40 and .50. Respiration slows down considerably or stops and at this point our drinker may be comatose or dead. These are the general signs or behaviors that affect the drinker at various BAL's, however, they are not all possible behaviors. Because of tolerance, people who drink a lot will exhibit these signs later, but they will all experience the same effects at some point.

One final point is intoxication increases for 30 to 90 minutes after drinking has stopped. For example, a 150 pound person consumes eight mixed drinks during a three-hour period and reaches a Blood Alcohol Level (BAL) of .09 percent. Despite the fact that no alcohol has been consumed after the three-hour period, allowing for alcohol elimination, (that is occurring at a rate of .015 percent BAL per hour) the person's BAL rises to .12 before it starts to fall. When we stop drinking, alcohol is still being absorbed into our bodies for a period of 30 to 90 minutes. A person with a BAL of .12 percent would remain impaired for over five hours after drinking has stopped.

ALCOHOL AND DRUGS

Alcohol interferes and interacts with other drugs. The effects of other drugs can be increased by alcohol, or some drugs can increase the effect of alcohol. Examples of drugs that might intensify depression when mixed with alcohol are cold tablets and allergy medication which contain antihistamines, which can sedate a person. Sleeping pills and tranquilizers will also depress a person more when mixed with alcohol. Cough medicines, containing Codeine, when mixed with alcohol, can produce bad effects. Marijuana, because it's a depressant, causes an increased additive effect when used with alcohol. Since it increases depression, a person who smokes marijuana, before or while they're drinking, will become intoxicated at a faster rate.

Alcohol can reduce the effectiveness of some drugs. People who drink on a very regular basis can exhibit some resistance to drugs, such as anesthetics used in surgery, and sleeping pills. Alcohol and aspirin when mixed together can be very harmful to

the stomach. Since both alcohol and aspirin irritate the stomach, the over-use of these two drugs together can produce ulcers. Another unique drug interaction is that of alcohol and Antabuse. Antabuse is the drug used to help recovering alcoholics, and it may have some very serious side effects when mixed with alcohol. If people come in "high" on stimulants, like cocaine or amphetamines, the mixing with alcohol may produce very strange behavior, not simply a reduction of their "high."

TOXICITY

Over an extended period of use, alcohol can be a very toxic substance. Excessive drinking for many years will result in damage to many body systems. The nervous system is affected. One of the signs is a tingling or numbness in the fingers or toes. Hormonal systems are disturbed. A problem for some people is the decrease of testosterone, the male steroid hormone resulting in impotence. The gastrointestinal system is affected considerably because alcohol accumulates in the organs. The stomach might show signs of ulcers, the pancreas might be inflamed, and hepatitis or liver inflammation is very common among heavy drinkers.

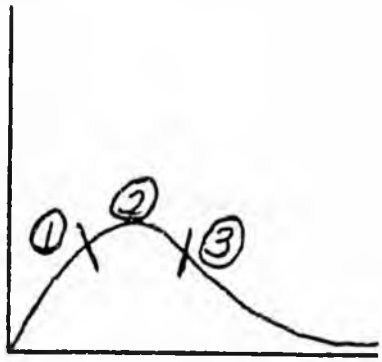
There are positives and negatives concerning drinking. Moderate drinking actually has been shown to reduce the risk of heart attack. Moderate drinking refers to one or two drinks per day. When this moderate amount is exceeded, it can have a damaging effect on the heart muscle itself. Blood coagulation (which stops bleeding) and blood-cell formation can be changed over time. Muscles and bones, over the long haul of drinking, will deteriorate.

TOLERANCE

If someone drinks regularly over a long period of time, he or she must drink more in order to achieve the same effect. This is called tolerance. Along with growing tolerance, a dependency can form. An individual will then rely on alcohol in order to perform normally. In the absence of alcohol, the person can actually go through a withdrawal syndrome, part of which is a tremendous craving for more alcohol. The individual's lifestyle changes and begins to focus on alcohol, and its consumption. The person is more worried about where the next drink is going to come from, than anything else.

CONCLUSION

The brief initial effect from alcohol is stimulation. After the stimulation there's a calming effect followed by a physical depression. The graph below further illustrates this point:



Area (1) is stimulation, where the effect of alcohol picks a person up. Area (2) is where the calming or "warm" feeling starts. Area (3) is the physical depression caused by alcohol.

Holidays cause a unique problem for the drinker, because these are typically occasions where alcohol is consumed. For people who are alone, without family, holidays can be a very sad and depressing time. People who are depressed can add to the depression by drinking too much. Alcohol produces physical depression. When this depressant is added to the depression the person is already feeling, their emotional state can be dangerously affected.

Anxious people present a special problem when they are drinking. Their stomachs secrete a mucus coating which slows down the absorption of alcohol. When their anxiety is relieved, the mucus disappears and the dumping of alcohol into the intestine can cause the person to become intoxicated quite rapidly.

Changes in the emotional state of the drinker roughly parallel changes in physical behavior when drinking. As physical functions of the body are impaired by alcohol, the emotional state changes at approximately the same time.

TECHNIQUES OF ALCOHOL MANAGEMENT

LEGAL CONSIDERATIONS

All commercial vendors of alcohol, not just bar owners, but also bartenders and waitress/waiters, have a special legal responsibility to take reasonable precautions in the operation of business to protect the public from harm. States with Dram Shop liability, have determined that servers have a duty of care (which co-exists with the duty of the drinker) not to serve underaged and intoxicated persons. The result, on a societal level, is that Dram Shop liability provides a method of compensating victims and their families for accidents caused by intoxicated persons. Serving underaged and intoxicated persons is unlawful and can have criminal and civil penalties. If someone comes into your establishment intoxicated and you serve this person, you are breaking the law. Furthermore, if that person, after leaving should get in an accident they could bring a lawsuit against your bar. Dram Shop is third party liability. The "third party" is any innocent victim who is injured by an intoxicated person (the second party) after being served by you (the first party).

Every state has its own laws and regulations concerning the serving and consumption of alcohol within licensed premises. As the bar owner, you should know these laws, and teach them to your employees. Also, the laws that pertain directly to servers and consumers of alcohol should be posted in a highly visable place, for the benefit of employees and customers alike.

MORAL CONSIDERATIONS

Although legal issues tend to get our attention faster than others, the moral aspects of drunk driving and their effects on the public are no less important. We must deal with the problem of those innocent people who become involved in an alcohol-related accident. If we let a drunk driver leave our bar, we're not looking out for the public's safety. We, too, have become a public menace, or at least part of the problem. Another problem concerns our responsibility to other patrons in the bar. Drunk people tend to get irritated faster than those not drunk and can cause harm to other unwilling customers.

This section of the program sets up standard procedures and practices for dispensers of the drug, alcohol. Understand that alcohol is a drug and should be treated with care.

BE A HOST/HOSTESS, NOT A WAITER/WAITRESS

This attitude toward your customers creates a more personal experience for them. Treat your patrons as if they're in your home, guests so to speak. As you will see later, being friendly and conscientious of your customers' needs and well-being will help make everything easier. Be in control of the party at the outset. How you deal with a patron largely affects whether or not they're going to have a good time. Don't be just a drink server. Be aware that your attitude toward that customer will affect their attitude, and their tipping as well.

One important part of being friendly and conscientious is knowing when a customer needs to be cut off. If you've demonstrated to that person that you want their business, and are courteous and friendly, the situation is infinitely easier to control. Most important, be friendly, quiet, and firm when approaching these circumstances. NEVER embarrass anyone while cutting them off. One important suggestion for better control of your bar is sell drinks in measured doses (the most common are the computer pourers). Don't over pour and don't under pour. This not only helps as a method of cost control in determining profit per bottle, but also as an effective method of counting your customers' drinks.

It may sound funny and kind of strange to count drinks, but let's look at the application of this technique. A customer comes in. He's of average build and you determine that he can drink five to six drinks in two hours and remain unintoxicated. Now that we've established that, we can serve the customer with little concern for their condition. By over pouring it's harder to know exactly how much alcohol has been consumed. Equally important is the customer's ability to know their consumption rate, so they can protect themselves. Controlling the situation can also be aided by keeping the same customers throughout the night. It's much easier to know how much alcohol your customers have consumed if you have been with them all night, and have built a "relationship" with those customers. Often customers become loud and boisterous after drinking for awhile. This is a sign of growing intoxication. Although not serious, sometimes customers can get out of hand and get into arguments or fights. In these cases, we recommend that you jot down in a notebook the details of the incident for future reference. A patron could become involved in an argument and, after leaving the bar, get into trouble. You realize that sooner or later the police will be in to ask questions, and if you have taken the time to write down what happened in your bar, it can help the police determine if the customer had become intoxicated in your bar or somewhere else. Keeping track of dates, times, and events of arguments or fights helps the owner, employee(s), and the police get a better idea of what actually happened, should an incident result in a law suit.

When a bar owner hires an employee, one of the first things they instruct them on is bar policies, and state and local laws that apply to bars. These laws and policies should be displayed in a conspicuous place, because it makes them easier to enforce when they can be seen by the public. Policy signs should include "it is unlawful to serve obviously intoxicated or underaged persons," and a sign with "know your limits, we do". Recognizing underaged and intoxicated persons is a very difficult but not impossible task. TAM shows you how in later sections.

S I R TECHNIQUES

Standard operating procedures are the mark of a professional In order to develop professional Techniques of Alcohol Management, a standard set of procedures must be learned and practiced. The more these techniques are used, the more natural they become, and the more confident the individual server of alcohol grows in his or her ability to adjust to particular circumstances. The important thing is to learn the procedures, and then use them, always.

The standard operating procedure used in this program is called "SIR"

S = Size them up

I = Interview them

R = Rate them

SIZE

In this case, "size" refers to body size and type. The first thing a server of alcohol must do with every customer is to look at them. The customer is either male or female. The customer is large, or average, or small. The customer is either muscular or pudgy. Make an immediate decision as to how many drinks this customer can consume over a period of time, without becoming intoxicated.

The process goes like this:

"This is a male customer
average size,
stocky but not fat."

"Decision: two to three drinks an hour."

The Appendix has a chart which shows various body weights and the number of safe drinks for each weight.

No one needs to become a weight-guessing expert, however. It is very easy and practical to learn three categories of people:

SMALL 1 to 2 drinks per hour

MEDIUM 2 to 3 drinks per hour

LARGE 3 to 4 drinks per hour

or Size (1), Size (2), Size (3).

INTERVIEW

After a customer's drinking limits have been established by his body size and type, the alcohol server must then decide if there are any other circumstances that may effect his or her decision. It must be determined if the customer has already been drinking. If a customer is in a mood which causes unusual effects during drinking, the server must find that out immediately. Depression and stress are known to cause a particular problem. If possible, it is important to find out if the customer is taking other drugs, such as cold medicine or marijuana.

The second thing a server must do with every customer is to talk with them. Create a friendly atmosphere. Ask questions to which the customer must respond. While the customer is responding, look at their eyes. Are they bloodshot, glassy, and/or dilated? Listen to the customer's answers. Do they understand your question? Do they talk in a normal tone of voice? Is their posture steady? Find out if the customer has had anything to eat, and if so, how long ago and what.

If a problem is suspected, stay friendly and ask a few more questions. Try to decide exactly what the problem is.

RATE

The customer has now been sized up and interviewed. The server must now decide:

(a) <u>If</u> the customer will be served, and if so,

(b) <u>How much</u>?

This is called "Rating the Customer". Any simple method for rating may be used. The easiest system to remember is the colors of a traffic light: green, yellow, and red.

GREEN -- Everything seems normal, it is OK for this customer to drink at a safe pace.

YELLOW -- Caution. The customer is not yet intoxicated, but there is a special consideration, such as other drugs or previous drinking.

RED -- STOP! No alcohol will be served.

The rating process is the most critical step in the proper serving of alcohol. It calls for an understanding of the effects of alcohol and other drugs. It also calls for an understanding of how food can influence the effect of alcohol. It requires successful Sizing Up and Interviewing techniques, and it requires the ability to be honest and objective about every situation.

For example, if a small, Size (1) customer comes in sniffling, and it is discovered through interview that the customer is on cold medication, the professional server of alcohol must be determined enough to rate that customer RED.

Or, if a medium, Size (2) customer comes in, who had a large meal about two hours ago, the rating must be YELLOW.

If the customer rates an honest GREEN, it is usually safe to serve at the rate originally established by the customer's size.

THE 3 - 2 - 2 RULE OF THUMB

A "rule of thumb" is not an exact measurement. It is a guideline which must be adjusted up or down, according to circumstances. Is there a rule of thumb for how much alcohol to serve people? Yes!

Most people are medium size. So an average customer who is rated GREEN can be safely served:

THREE drinks the first hour,

TWO drinks the second hour,

TWO drinks during every hour after that.

If the customer is of medium size and is rated GREEN, this should maintain a BAL of between .04 and .07 during the course of an evening.

CAUTION: THIS RULE OF THUMB MUST BE USED CAREFULLY! ALWAYS WATCH FOR SIGNS OF INTOXICATION, AND ABANDON THE RULE IF IT DOES NOT WORK FOR A PARTICULAR CUSTOMER.

RE-RATE THE CUSTOMER BEFORE EACH DRINK

Once the customer has been Sized up, Interviewed, and Rated, a pace of drinking has been established. However, the job is not done for the professional server of alcohol!

Each time the customer wishes to order another drink, the server must rate the customer again. This is particularly important when the customer has entered the YELLOW zone of intoxication. The server must use great caution not to allow the customer to pass over the line into the RED zone.

Interview -- Ask questions, or listen to the table talk. Watch the behavior. Look at the eyes. Notice the posture.

Rate -- Adjust the pace of drinking downward if necessary.

YELLOW MEANS CAUTION

A green-rated customer is easy to handle. He can drink at a safe pace. Red is also easy: he must be cut off.

YELLOW is not so easy. The handling of a yellow-rated customer will determine whether a server of alcohol is a professional or not. This stage of intoxication requires skill, technique, and experience.

It must be understood that intoxication begins with the first drink consumed. A customer's rating passed from green to yellow at about .04 BAL. The yellow zone is easy to recognize: he relaxes, becomes sociable and somewhat uninhibited. It is commonly described as "having a buzz." This is the enjoyable stage of consuming alcohol.

As the BAL progresses toward .10 this behavior intensifies. The customer becomes a little too uninhibited. He talks louder, and becomes more aggressive. He begins to take risks, such as introducing himself to strangers. This is a danger zone, because the customer is about to become illegally intoxicated.

The job of the professional server of alcohol is to help the drinking customer maintain a BAL below .07. If a customer's behavior becomes boisterous, too uninhibited, or if his speech slurs and his posture and coordination are bad, it is too late. The customer has become visibly intoxicated, and is probably over .10 BAL.

HOW TO MAINTAIN

There is only one way to regulate a customer's BAL, and that is to control the rate at which alcohol enters the intestine and is absorbed into the bloodstream.

TIMING

The timing of drinks is the most effective way to control the rate of absorption. Remember that the customer is increasing his BAL by an average of .02 for each drink consumed. At the same time, the liver is removing the alcohol at a rate of .015 BAL per hour. So one drink per hour increases BAL by .005. Two drinks per hour increases BAL by .025. At two drinks per hour, the average customer will reach .10 BAL after four hours, unless food is introduced.

FOOD AND WATER

Water dilutes the concentration of alcohol in the stomach. The more water consumed, the more diluted the alcohol (to a point). Less alcohol enters the intestine at any given time, and the absorption rate is slowed. Water should be served with <u>all</u> straight drinks, and highballs.

Fruit juices (low-acid) are especially useful, because they are both food and water.

Food, especially fatty food, tends to close the pyloric valve from the stomach to the intestine. But when the food is digested, the valve opens, and the alcohol is dumped into the intestine. So, to be useful, food must be timed right.

To be most effective food must be taken immediately <u>before</u> and consistently <u>during</u> the consumption of alcohol. This will reduce the absorption rate and the customer's BAL will not peak at the high level normally expected. It is a way to keep a nice, even "buzz" going over a long period of time.

CAUTION: Just because a customer is eating is no reason to increase the pace of serving alcohol.

WATCH THE SIGNS

No two individuals react to alcohol in exactly the same way. No rule of thumb, no techniques, and no serving of food is enough by itself. There is no substitute for knowing the signs of visible intoxication, and watching for them constantly.

TOLERANCE

People develop a tolerance to the effects of alcohol after years of regular drinking. Operators of neighborhood bars frequently see this in their regular customers. This tolerance does not mean that the customer gets a lower BAL than a less frequent drinker. It simply means that the regular drinker has learned to control the signs of visible intoxication. It is entirely possible for a customer to be too drunk to legally drive, and still show no signs of visible intoxication.

This creates a dilemma for the server of alcohol. There is no legal reason to refuse service to a patron when he is showing no signs of intoxication (unless he or she is underage, of course). If this patron is served, however, until he or she is beyond a BAL of .10, then the patron is in violation of the law if he or she drives an automobile. Many neighborhood bars have seen their regular customers arrested for drunk driving because of their tolerance to the effects of alcohol.

There is only one solution to this dilemma:

Count drinks to calculate BAL, and

Keep the customer below .07 BAL.

If the licensee insists on serving any customer who does not display signs of visible intoxication, this creates a moral dilemma. To protect customers and his or her business, make certain that customers with "impaired" BALs do not drive.

WHEN A PATRON IS INTOXICATED

Once in a while, the professional server's patron will become intoxicated in spite of best efforts.

When this situation has been discovered, the RED lamp should be lit, and all personnel working on the premises should be made immediately aware of the situation. Every effort must be made to solve this problem.

A few things to remember:

(1) Expect no help from the intoxicated patron. His judgement and common sense are impaired.

(2) Do not become hostile. Stay friendly, calm, and interested.

(3) Do not embarrass the intoxicated person in front of friends.

(4) Do not change your mind. Be firm.

Immediately get some food or liquid into the patron to slow down the rate of further intoxication. If they are not causing problems (and it is not closing time), give the patron half an hour to one hour to eat and drink a non-alcohol beverage. Perhaps the BAL will dip to where it is safe to drive. If this doesn't happen, arrange for transportation home.

FALSE I.D.

FALSE IDENTIFICATION

The use of false identification is a serious problem nationwide for not only law enforcement officials, but for licensing agencies, banks, currency exchanges, and retail business. The problem is especially critical for persons in the retail liquor industry. In addition to the financial loss that can be incurred (as in a case where a forged check is cashed), there are both criminal and civil liabilities and state sanctions that may be imposed upon licensees or their employees for the sale of alcoholic beverages to an underage person.

It is important to know how to recognize false identification, what constitutes valid identification, and what to do when you encounter someone using a false I.D.

False identification is used for a number of reasons by persons throughout the country. Some are trying to conceal their true identity because they are fugitives from the law, or are illegal aliens. Others are imposters posing as doctors, lawyers, police officers, and so on, for reasons known only to them.

Many times a victim's identification will be stolen along with his checks or credit cards, and the culprit uses the stolen I.D. to cash stolen checks or make purchases with stolen credit cards. The most prevalent use of phone I.D., however, is the purchase of alcoholic beverages by persons who are underage. The term FALSE IDENTIFICATION actually encompasses four types of I.D. -- counterfeit, altered, stolen/borrowed/purchased, and forged.

As a retail liquor vendor, you should be prepared to screen for all four types of false I.D. There are simple procedures that you and your employees can follow to verify the authenticity of any identification. All it takes is a little time, common sense, and a few simple tools.

COUNTERFEIT IDENTIFICATION

Counterfeit identification may look real, but, in fact, the entire document is phony. This type of false I.D. is probably the most deceptive and yet, to the trained person, it is the easiest to detect.

Counterfeit identification is easily obtained. Identification cards, birth certificates, driver's licenses, and investigator's licenses . . . are all easily obtained by anyone just by simply ordering them. Any name, address, and date of birth can be used on these phony I.D.s.

Because these types of I.D. have become a nationwide problem, hearings on the subject were held in the United States Congress in the summer of 1982. Subsequently, the "False Identification Crime Control Act of 1982" was signed into law and became effective on December 31, 1982.

Briefly stated, the new federal law prohibits the interstate sale of any identification document which shows an age or a date of birth unless the I.D. bears the statement, "NOT A GOVERNMENT DOCUMENT," in capital letters printed diagonally across both the front and back of the I.D.

The important thing to recognize is that these types of I.D. are absolutely useless, with or without the disclaimer. NEVER accept a document similar to these as valid identification.

Another example of a counterfeit document is a phony driver's license that is made with a polaroid camera. The procedure for doing this was described in detail in a term paper that was written by a student in college.

Generally, the photographic quality of licenses and I.D.s made with this process is inferior. They are sometimes darker and appear off color. If your state issues licenses and I.D.s that are made by the Polaroid process, compare the patron's I.D. to one that you know is valid.

It is probably not reasonable to expect that everyone you do business with will have a driver's license or personal I.D. card issued by your state. This is especially true in college areas. There is a book available called the "Driver's License Guide" which describes and shows photographs of every state's driver's license, including Canada and Puerto Rico. It also provides information on how to check for the authenticity of each license. Other features of this guide are sections which describe the correct formats and verification guidelines for major bank credit cards, automobile registration plates, and state liquor control cards. The guide is inexpensive (less than $15) and is well worth the cost.

An even better guide to identification is "The U.S. Identification Manual." It contains descriptions of all I.D. documents issued by motor vehicle departments in the United States and Canada. It also contains descriptions of military I.D.s, alien and immigrant I.D.s, and much more. The cost is approximately $100 which seems high, but when compared to the cost of liability insurance or even a single law suit, the price is minimal. There are, however, valid licenses and personal I.D. documents that are not contained in either guide. One example is a temporary or restricted license issued by some states.

Unless you are familiar with such documents you should not assume that they are valid. Demand other more familiar I.D. It is the responsibility of the patron to prove to you he is old enough to be served. It is not your responsibility to justify to the patron your refusal of service based upon I.D. that is questionable.

ALTERED IDENTIFICATION

Probably the most prevalent type of false I.D. is that which is altered. An altered I.D. is one that is valid, but some of the information has been changed after it has been issued.

Generally, the year of birth is changed, and sometimes that change is readily apparent. Oftentimes, however, the alteration is very well done. Some licenses and personal I.D.s have been discovered that have been commercially altered.

In some states, a new type of driver's license and personal I.D. card is currently being used which makes alteration immediately apparent. These cards utilize a security laminate that is not easily duplicated. Then by using a device called a "retroreflective viewer" or retroviewer the new licenses and personal I.D.s can be checked for authenticity. The retroviewer contains a penlight which illuminates the license surface and makes a pattern of security graphics visible. If the license has been altered in any way, such as a date or name change or a photo substitution, the graphics pattern will show an interruption or a dark outline or mark will be visible. This security laminate system has been used with much success in states such as Michigan, California and Indiana.

Paper licenses are easily altered by simply erasing the information to be changed and reinserting the new information. The important things to look for are an erasure mark, the typing alignment, and the style of type.

When a number is erased, part of the paper will be damaged. If you view the license with a retroviewer shining from the side, it may be possible to see the erasure mark.

After a number or letter has been erased, a new number or letter must be reinserted. It is nearly impossible to align the new character exactly the same as the old characters.

Another way to alter a paper license without erasure is to cut a number out from some other part of the license or from someone else's license and paste that over the proper number. This is usually easy to see, but careful observation should always be made.

STOLEN/BORROWED/PURCHASED I.D.

No device is known to reveal stolen, borrowed, or purchased I.D. Common sense and a truly diligent inquiry are needed.

A common "trick of the trade" is for an underage person to purchase a driver's license from someone who is of age, and then the owner can apply for a duplicate license. Oftentimes a "friend" will lend his license to his underage friend to use. In some instances, the I.D. is stolen.

Always make sure that the photo, when available, matches the person presenting the I.D. Don't be afraid to ask questions: "How old were you when you graduated from high school?"; "What year did you graduate?"; "How old are you?" Each seems like a simple question, but if the person presenting the I.D. is nervous, she may have forgotten how old she is supposed to be. "What is your address, zip code, how do you spell the name of the street that you live on?" Have the person sign her name and see if it matches. During this verification procedure, be sure that you are holding the I.D. and in such a manner that the patron is not able to read it. Demand several pieces of I.D. If still in doubt, you may wish to phone someone at the patron's home to verify his or her age. If the patron does not comply, refuse service. Your liability is at stake.

FORGED I.D.

Forged I.D. is the most difficult to detect. The document is valid, but the information or signature is forged. An example would be a bank card that is stolen from a mailbox. The signature could be forged, and if the card is used to verify the signature on another document, you could be misled.

The only way to protect yourself is to demand a driver's license or personal I.D. card. Only use I.D. such as credit cards as a backup. Always be sure that the physical description that may appear on any identification document matches the person presenting the I.D.

GENERAL TIPS

Here are some general tips to keep in mind. If you have someone checking I.D. at the door, be sure that those patrons who order drinks are checked again. Hand stamps are okay, but great caution must be exercised. Remember, YOU are legally responsible as an individual for service to an underage person.

To make a diligent inquiry as to a person's age and identity, it is absolutely necessary to hold the I.D. in your hand. That way you can feel it for any unusual bumps -- especially when the I.D. is laminated in plastic. If the person will not allow you to hold the I.D., he is preventing you from making a "diligent inquiry" and you should refuse service.

If the police or state liquor investigators perform a liquor inspection in your establishment and find an underage person drinking, suggest to the officer that he check for false I.D. What generally happens is that the underage person will show false I.D. to you and the real I.D. to the police. You or your employee may have been misled -- but at least the patron won't get away with it.

Once you implement these procedures, the word will spread quickly that your establishment cannot be used by underage persons for purchasing alcoholic liquor.

Fines for serving an underage person vary from state to state. If the fine is, say, $300, you should demand the same type of identification to verify age that you would demand to cash a $300 check. Remember, when in doubt, don't serve.

Your state or local jurisdiction may have specific laws dealing with the use of false identification, especially when used to purchase alcoholic beverages illegally. Be sure to check with your local authorities concerning the specific laws and what action to take when you encounter someone using a false I.D.

Hopefully, the information presented in this program will assist you to not only protect yourself from the consequences of an illegal sale, but will assist all of us to impact the problem of underage drinking. Last year, thousands of drivers under the legal drinking age were drinking alcoholic liquor just prior to being involved in a fatal or personal injury traffic accident. <u>You</u> are the first line of defense. Be skeptical; be cautious; be thorough -- to protect yourself; your business, and our young people.

FIGHTS

BAR FIGHTS

Bar fights have become an increasingly large problem. When a fight breaks out there is a 90 percent chance that one of the combatants is intoxicated. It's very important to stop fights before they start. The SIR method, as mentioned in the Techniques of Alcohol Management section, will be applied here also. Since the basis of the SIR method is to size the person up, interview, and rate them, it's easy to apply these same techniques.

Once a person is "rated," and service limits have been established, there needs to be a continuing interviewing process, to determine the cutomer's emotional state. When a customer becomes loud, they can provoke other customers into trying to quiet them down. This can be a dangerous situation. Customers that have been rated yellow have lost some, if not all inhibitions. These people need more attention. It's important to remember these things:

1) 90 percent of combatants are intoxicated.

2) Stop fights before they start.

3) If a fight breaks out, follow the rules discussed below.

One thing to remember is not to furnish the weapons used in fights. Wall displays that have knives, clubs or swords hanging on them should be avoided. Pool cues and large, heavy ashtrays can also be a problem because they are easy to handle and quite effective when used in a fight. One of the more common items used in fights are beer bottles. One way to eliminate this problem is to serve cans instead of bottles.

Perhaps the most important thing to know is that whenever possible we must prevent fights from happening. If the bouncer (hereafter referred to as floor manager) notices trouble or an argument starting, it is their responsibility to take immediate action, to either stop the argument, or ask one of the people to leave. If it's impossible to prevent the fight from starting, call the police.

In the event that a fight does break out, call the police immediately. If the fight gets out of hand, move the customers to a safe area, so as not to involve them, and prevent injury. Never ask a customer to break up a fight. If that customer should get hurt in helping stop the fight, the bar is liable for their injury. Avoid any personal contact with the combatants, as this could pull you into the fight. If a weapon appears in the fight, stay out of it. Always remember to call the police when trouble breaks out that cannot be handled. They have the required authority and skill to handle the situation.

General rules to help prevent fights:

1) Do not have a gun, club or other weapons in the bar, especially in a place that's easy to get to.

2) Bar employees should never take sides in a fight.

3) It's illegal to serve an intoxicated person or to have them on the premises.

4) Once someone is "barred" from coming into an establishment for causing trouble they should never be let back in.

One of the most important things to do after a fight takes place is to write down all the details, names (if known) or description and all the details of the fight. This serves as written documentation of what occurred and who caused the fight. It will also be helpful should there be an investigation by the police. Specifically, include in these fight reports:

1) witnesses names

2) all events leading up to the fight

3) the state of intoxication of the fighters.

If an injury should happen in, or away from the bar to an unsuspecting party (i.e. someone hit by a participant in the fight), there is a clear reference as to what actually occurred and the condition (intoxicated or otherwise) of the fighter.

Following are some suggestions for preventing fights. The best way to prevent a fight is to be aware. Notice the signs that trouble might be brewing and take immediate action to prevent it. Being aware that a fight is possible is the job of the floor manager. Since it's impossible to prevent all "troublemakers" from entering an establishment, the floor manager(s) must keep an eye out for trouble. Usually arguments precede physical fighting, and intervening at the argument stage is essential. When an argument starts, intervene in a friendly manner and explain that fighting isn't allowed in the bar, never imply that they "take it outside", as "on premise" liability extends to the parking lot. Another alternative in preventing a fight is to get one of the people to leave. This is a very good way to stop trouble. Always inform the manager when trouble is eminent. If the person, when asked to leave, refuses, call the police. If a person refuses to leave in the presence of a law enforcement officer they are considered to be trespassing and can be charged with a misdemeanor. The most important thing to remember is to stop the fight before it starts.

It's important to know how your local officials handle situations relating to bars. Check with local law enforcement officials and be aware of changes from administration to administration. Some police forces give rides home to intoxicated people, some cannot. Knowing how they want to handle bar fights, intoxicated, and underage persons can help in understanding what to do in many situations. Obviously, it's better to be well informed than to suffer the consequence of not having the correct information. Ignorance is not bliss.

The owner of an establishment may use "reasonable" force to stop a fight. Reasonable force is a very difficult area to define. Being reasonable when stopping a fight might include pulling the combatants away, thus stopping the fight. The owner may never use "excessive" force. Excessive is easier to define than reasonable. Physically throwing a patron out the door on a cement sidewalk is excessive. Striking a patron or slamming them against a wall is excessive. The point is avoid physical contact with anyone involved in a fight unless it's necessary to break it up yourself. A bar owner has a legal obligation to protect customers and to ensure a safe trip home (within reason). If a fight should break out in the establishment, the owner can be held liable if patrons become hurt. An owner has the right to refuse entry into their establishment and the right to ask a patron to leave. If a patron is asked to leave and they refuse, call the police. As stated previously, in the presence of a police officer the patron must leave or be guilty of a misdemeanor trespass. Often, just the threat of calling the police will work.

FLOOR MANAGERS

A floor manager has no law enforcement authority, except as an agent of the owner. A floor manager may legally obstruct doors, possibly to keep undesirables from entering. He may be personally liable for any personal/physical confrontation, like throwing someone on a gravel parking lot or striking a patron in a fight. A floor manager's job is to notice if trouble is imminent. It's also a good idea for floor managers to make rounds to ensure that no trouble is brewing and also to check for intoxicated persons. Being seen by the customers is essential. Any "excessive" force used by a floor manager in controlling or stopping a fight is considered an assault. The job of the floor manager is not to physically eject customers and they should never be in charge of the bar as that can present many problems. Floor managers should have the authority to "bar" people. This can be one of the most effective deterents to a fight, as long as the potential fighters understand they will never be allowed in your bar again. Size does not make a floor manager. It's more

important that the floor manager be a problem solver, not just a big mean looking guy. Their job is to prevent trouble, not to provoke trouble. Smaller, or average size people are just as effective as the "big gorillas," if not more so in preventing fights. The most important function of the floor manager is to be a problem solver and to see problems not seen by others.

Many times in fight situations there is a need to call the police. A floor manager's job is to help in these instances and it's the bartender, waiter/waitress or owner's job to help them in any way possible. Police officers are less likely to come to assistance as quickly if they've had bad experiences in gaining help from employees of a given establishment. Failure to cooperate with an officer is a criminal offense (misdemeanor). After all, when the police are called they are the authority, and are there to help.

In summary, it's important to remember that "excessive" force used to stop or prevent fights can create liability. Don't furnish the weapons for a fight. Prevent fights before they start, as stopping a fight is very difficult. If a fight should break out move customers to safety and call the police. Don't intervene unless you absolutely have to. Understand that a bouncer is now called a floor manager and their job is that of a problem solver not a "heavy."

For a quick reference to the problem areas discussed previously see the following APPENDICES for a short version of TAM suggestions and guidelines.

APPENDICES

FACTS ON DRUNK DRIVING IN THE U.S.

1. 800,000 crashes per year are alcohol-related, and 25,000 motor vehicle fatalities each year are directly related to the use of alcohol.[1]
2. 70 persons are killed every day due to drunk drivers.
3. For every DWI (driving while intoxicated) arrest, 2,000 such offences go unheeded; 97% of drivers arrested for DWI have a BAL higher than .10%.[1]
4. 1 person is killed in an alcohol-related crash every 23 minutes.[2]
5. 10,000 youths between the ages of 16 and 24 die in alcohol-related traffic accidents every year.[3]
6. The cost of drunk driving is $5 billion annually.4

SOURCES

[1]Remc icated Drivers (New York State) RID

2Mothers Against Drunk Drivers (Phil Donahue Show) MADD

[3]HHW Secretary Schwieker, Alcoholism Report, 14 Oct. 1982

4James Kemper, Kemper Insurance, Alcoholism Report, 16 June 1982

The party begins.

I can drive when I drink.

2 drinks later.

I can drive when I drink

After 4 drinks.

I can Drive when I Drink.

After 5 drinks.

I can drin when I drin

7 drinks in all.

I can dreadm

The more you drink, the more coordination you lose. That's a fact, plain and simple.

Still, people drink too much and then go out and expect to handle a car.

When you drink too much you can't handle a car. You can't even handle a pen.

The House of Seagram

ALCOHOL-DRUG INTERACTION CHART

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
ANALGESICS	
Narcotics	
codeine (cough syrups with codeine; Novahistine Expectorant; Phenaphen with codeine)	*Increased central nervous system (CNS) and respiratory depression
heroin--"junk"; "H"	*Synergismof CNSdepressant effect
meperidine (Demerol)	*Respiratory arrest in large doses
methadone (Dolophine)--"Dollies"	*Tolerance to depressant effects**
morphine--"Dreamer"; "M"	
Non-narcotics	
Salicylates	
acetylsalicylic acid (aspirin; Excedrin)	*Increased gastrointestinal (GI) blood loss and damage to stomach lining induced by aspirin *Excessive alcohol intake and ingestion of aspirin may lead to severe GI bleeding
Other	
d-propoxyphene (Darvon)	*CNS and respiratory depression
ANTIANGINAL PREPARATIONS	
Nitrates and nitrites	
Nitroglycerin (Nitrong; Nitrostat)	*Synergism of dilation of blood vessels
pentaerythritol tetranitrate (Antora; Pentritol; Peritrate)	*Decreased blood pressure
Peripheral vasodilators	
tolazoline (Priscoline)	*Possible disulfiram-like effect

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
ANTICOAGULANTS	
Bishydroxycoumarin (Dicumarol) warfarin sodium (Coumadin; Penwarfin)	*Unpredictable; occasional increased sensitivity to drug *Decreased or increased blood clotting ability *Occasional moderate use of alcohol is unlikely to interfere with therapeutic effect in patients without liver disease *Excessive alcohol use should be avoided
ANTICONVULSANTS	
carbamazepene (tegretol) diphenylhydantoin (Dilan; Dilantin)	*Enhanced sedative effect *Decreased drug effect** *Possible seizures
ANTIDEPRESSANTS	
Tricyclic amitriptyline (Elavil) desipramine (Norpramin; Pertofrane) doxepin (Sinequan) imipramine (Presamine; Trofanil) nortriptyline (Aventyl) protriptyline (Vivactil)	*Enhanced CNS depressant effects *Impairment of motor skills related to driving or operating machinery *Potentially lethal in large doses
Monoamine Oxidase Inhibitors isocarboxazid (Marplan) pargyline (Eutonyl) tranylcypromine (Parnate)	*Mechanism unknown *Monoamine oxidase may inhibit metabolism of alcohol *Increased sedative effects *Nausea *Vomiting *Headache *Increased blood pressure *Heart Palpitations *Hypertensive crisis (with certain drinks, e.g., Chianti and Beer)

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
ANTIDIABETIC AGENTS	
Insulin (Illetin)	*Alcohol per se, may cause hypoglycemia; in combination with insulin the effect may be augmented, resulting in increased drug effect. *Control of diabetes more difficult *Possible severe hypoglycemia
Oral Sulfonylureas acetohexiamide (Dymelor) chlorpropamide (Diabinese) tolazamide (Tolinase) tolbutamide (Orinase)	*Alcohol induces enzymes that degrade acetohexamide, slowing its metabolism *Decreased hypoglycemic activity** *Possible disulfiram-like reaction
Phenformin (DBI: Meltrol)	*Lactic acidosis may occur due to increased bloodlactic acid levels produced by both phenformin and alcohol *CNS dysfunction *Nausea *Vomiting *Potentially lethal in large doses
ANTIHISTAMINES	
Ethanolamines diphenhydramine (Benadryl) diphenylpyraline (diafen; Hispril Spansule)	*CNS depression effects of drug synergized by alcohol *Synergism of sedative effects (varies with class of drug)
Ethylenediamines methapyrilene (Brexin; Histadyl E.C.) tripelennamine (Pyrilbensamine)	
Alkylamines brompheniramine maleate (Dimetane; Dimetapp) chlorpheniramine maleate (Allerest; Coricidin; Novahistine)	
Phenothaizaines promethazine (Phenergan; Synaglos)	

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
ANTIHYPERTENSIVE AGENTS	
Alpha-methyldopa (Aldomet)	*Increased CNS depression
Guanethidine (Esimil; Ismelin)	*Synergistic postural hypotensive effect may produce dizziness, fainting spells, and blackouts
Rauwolfia alkaloids deserpidine (Enduronyl; Harmonyl) reserpine (Butiserpazide; Hydromox; Serpasil)	*Increased CNS depression
Paragyline (See ANTIDEPRESSANTS, Monoamine Oxidase Inhibitors)	
ANTI-INFECTIVE AGENTS (including those commonly called antibiotics)	
Chloramphenicol (Chlormycetin)	*Possible disulfiram-like reaction
Griseofulvin (Fulvacin U/F)	*Augments sedative effects of alcohol; mechanism unknown
Metronidazole (Flaggyl)	*Possible disulfiram-type reaction
Nitrofurans furazolidone (Furoxone; Tricofuron) nifuroxime (Furacin Otic; Tricofuron)	*Furazolidone synergizes alcohol by MAO and microsomal enzyme inhibition
Penicillin	*No known reactions
Others	*There are too many to be specific in this chart. Ask your doctor when given the prescription.

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
CENTRAL NERVOUS SYSTEM STIMULANTS	
Cocaine--"Coke"	*No interactions have been reported
Amphetamines (Benzedrine)--"Bennies" (Biphetamines)--"Black Beauties; "Speed"	*Antagonizes CNS depression
Dextroamphetamines (Dexedrine)--"Dexies"; (Eskatrol) Methylphenidate (Ritalin) Caffeine (Contained in certain pain killers) (Aspirin Phenacetin Caffeine capsules; Empirin; No-Doz) (soft drinks; coffee)	*No motor coordination improvement--as with alcohol alone
Nicotine (cigarettes)	*Clinical importance not established
HALLUCINOGENS	
Cannabis (Marijuana)--"Pot", THC; "Hash"	*Additive effect *Mental and motor impairment
Lysergic acid diethylamind--"LSD"; "Acid"	*Reported but questionable precipitation of LSD flashbacks
Mescaline--"Mesc" Psilocybin--"Mushrooms"	*No reported drug interaction
ORAL CONTRACEPTIVES	
(Norinyl; Ortho-Novum; Orval) "B.C. Pills"	*No reported drug interaction

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
SEDATIVE-HYPNOTICS	
Barbiturates--"Downs"	*Enhanced CNS and respiratory depression
amobarbital (Amytal)	*Cross-tolerance to sedative effect among sedative-hypnotics and with alcohol
butabarbital (Butisol)	
pentobarbital (Nembutal)	*Potentially lethal combination in large doses
penobarbital (Luminal and various others)	*Nausea
secobarbital (Seconal)--"Reds"	
Non-barbiturates	
chloral hydrate (Felsules; Nocted)--"Mickey Finn"	*Vomiting
chloralbetaine (Beta-Chlor)	
ethochlorvynol (Placidyl)	
glutethimede (Doriden)	
methaqualone (Quaalode; Sopor)--"Rorer"	
carbromal (Carbrital)	
flurazepam (Dalmane -- see "MINOR TRANQUILIZERS")	
TRANQUILIZERS (also used as muscle relaxants)	
Minor	*Caution should be used when driving or operating machinery
chlordiazepoxide (Librium, Lebritabs)	*At social drinking levels, there is no synergism of CNS depression
diazepam (Valium)	*At more than social drinking levels, increased sedation and CNS depressant effects
oxazepam (Serax)	*Cross-tolerance to sedative effect**
hydroxyzine (Atarax; Vistaril)	*Additive or synergistic increase of CNS depressant effect of alcohol
meprobamate (Esquanil; Miltown)	
typamate (Solacen; Tybatran)	

**Effect is most likely to occur where chronic consumption of alcohol is evident.

DRUG	POSSIBLE EFFECTS OF COMBINING DRUG WITH ALCOHOL
TRANQUILIZERS (cont'd.)	
Major Phenothiazines chlorpromazine (Thorazine) prochlorperazine (Compazine) trifluoperazine (Stelazine) thioridazine (Mellaril) perpheanzine (Trilafon) butyrophenones haloperidol (Haldol)	*Additive CNS depression (sedation) *Impairment of muscle coordination and judgment
VITAMINS	*No reported drug interaction; in alcoholism, however severe malnutrition is often noted
MISCELLANEOUS	
Antimalarials quinine (Atabrine, Mepacrine)	*Drug inhibits acetaldehyde oxidation, blocks alcohol metabolism *Disulfiram-like reaction
Disulfiram (Antabuse)	*Nausea *Vomiting *Death when intoxicated *NEVER administer to a person without his/her full knowledge or if he/she is intoxicated
Muscle relaxants (see MINOR TRANQUILIZERS)	

ALCOHOL-DRUG INTERACTION CHART

REFERENCES

Brechmer, Edward M. and Editors of the Consumer Reports. Licit and Illicit Drugs. Boston: Little, Brown, and Company, 1972.

Hartshorn, Edward A. Handbook of Drug Interactions. Cincinnati: Donald E. Francke, 1970. Available from: Drug Intelligence and Clinical Pharmacy, University of Cincinnati, Cincinnati, Ohio, 45221.

Levine, Ruth R. Pharmacology: Drug Actions and Reactions. Boston: Little, Brown, and Company, 1973.

Martin, Eric W. Hazards of Medication. Philadelphia: J.B. Lippincott Company, 1971.

Swidler, Gerald. Handbook of Drug Interactions. New York: Wiley-Interscience, Division of John Wiley and Sons, Inc., 1971.

Texas Pharmaceutical Association. Alcohol, Drugs, and You. (A slide/tape Presentation). Austin: Texas Pharmaceutical Association.

Alcohol affects the body in the following order:

1. Reduces inhibitions
2. Impairs judgement
3. Impairs reactions
4. Impairs coordination

The following danger signals are not meant to represent all possible signs but give you an idea of the many different signs of intoxication.

1.	REDUCED INHIBITIONS	loud speech, bravado, being overly friendly, drinking alone, changing from a loud voice to a quiet one and vice-versa.
2.	IMPAIRED JUDGEMENT	complaining about the strength of the drinks, changing consumption rate, ordering doubles, argumentative, using foul language, careless with money, buying rounds for strangers or the house, irrational statements, belligerent.
3.	IMPAIRED REACTIONS	unable to light cigarette, having more than one cigarette lit at a time, eyes glassy or lack of focus, loss of train of thought, slurred speech.
4.	IMPAIRED COORDINATION	unable to pick up change, spilling drink, can't find mouth with glass, unable to sit straight on chair or bar stool, swaying, drowsy, stumbling, has trouble moving around objects in path, bumps into things, falling.

REMEMBER

Alcohol is alcohol. Its form (beer, wine, liqueur, or liquor) doesn't matter at all, it still packs the same punch. Alcohol also has a delayed effect, which means that it may take 30 to 90 minutes for the alcohol to be absorbed into the bloodstream.

1 ounce of 100 proof liquor

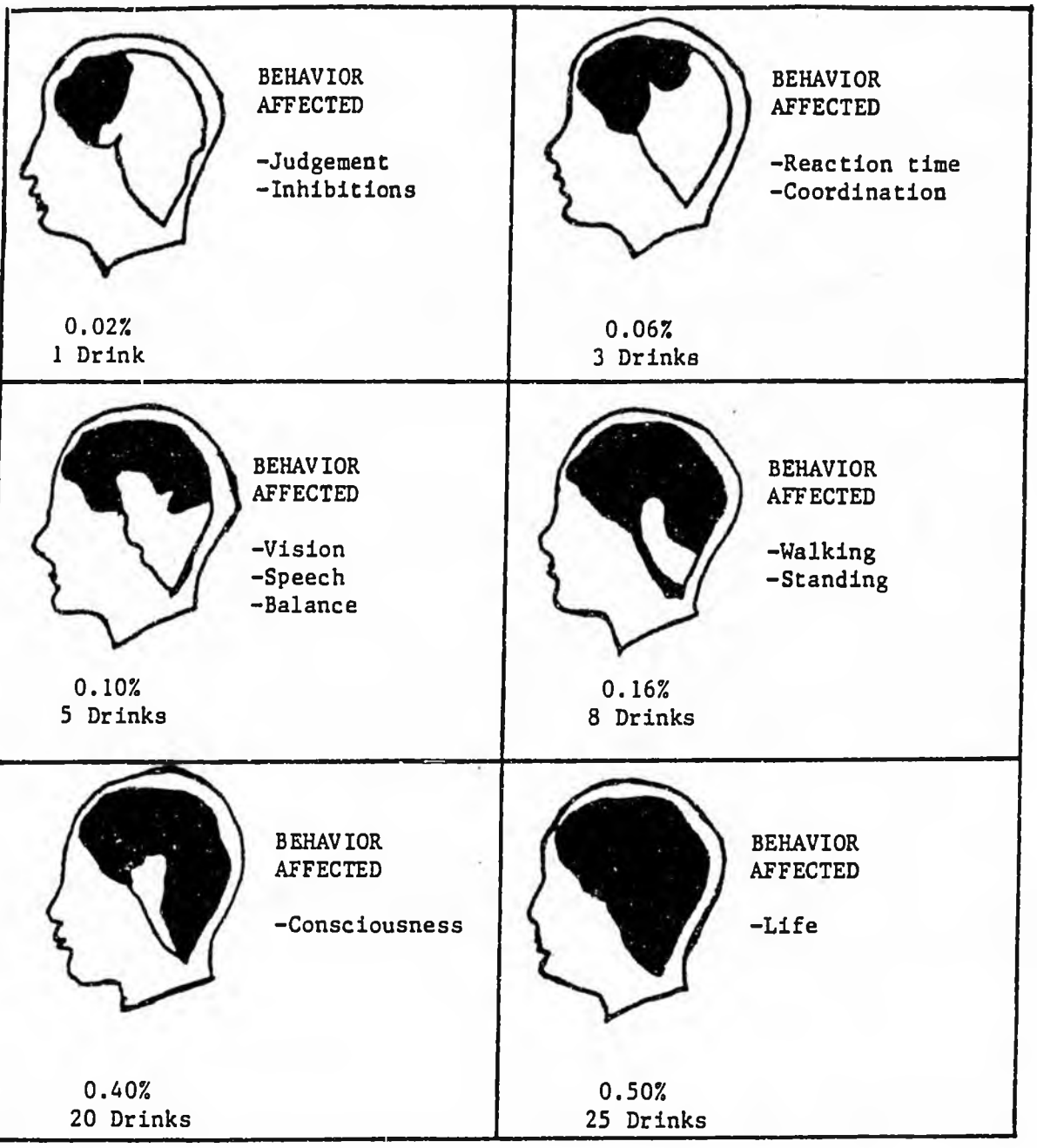
=

6 ounces of table wine

=

12 ounce glass beer

BLOOD ALCOHOL LEVEL AND BEHAVIORAL EFFECTS ON 150 lb. PERSON



-The blacked out part of the brain represents the area affected during a one-hour time period.
-One drink represents 1 ounce of 86 proof alcohol.
-This chart is based on a 150 pound man who could be considered a normal drinker

"SIR" Method:

S - Size them up

I - Interview them

R - Rate them

S -- 1) Size people up (weight, sex, body type)

I -- 2) Initial interview:

a) Mood.

b) Rate of drinking.

c) Whether they've been drinking or not.

d) Strength of drinks (know what you're serving).

e) Stress.

f) Try to determine if they're on medication or drugs.

g) Have they eaten?

h) Fatigue and age.

R -- 3) Pick-up cues:

a) Signs of intoxication (refer to Appendix B).

b) Rate people like a stoplight (green, yellow, red)

LEVELS:

Green - OK to drink.

Yellow - Marginal, watch closely.

Red - No drinking.

4) Establish the amount to be served before first drink.

5) When a customer reaches yellow:

a) Slow down the service and deliberately take time to and from the drink station.

b) Slow down their rate of drinking or get them something to eat.

c) Offer alternatives - water, coffee, food.

POTENTIALLY EFFECTIVE PROCEDURES

EMPLOYEES:

- Count drinks;
- Chat briefly with people ordering drinks (to see if they might already be at the point of intoxication);
- Do not serve a patron previously served by a co-worker without checking with the co-worker first;
- Know and post general limits for drinking;
- Slow down the speed of service when the patron is drinking and ordering rapidly;
- Deter buying of rounds or at least delay service when there is more than one drink per person on the table or bar;
- Do not serve a new drink without taking away glass from the last drink;
- If possible, when someone is obviously intoxicated, take their drink away;
- Beware of customers ordering multiple drinks, especially in the latter part of the evening;
- Collect all glasses prior to the last call and,
- When in doubt, don't serve.

MANAGEMENT:

- Back up servers who have cut someone off;
- Establish house limits;
- Keep a list of the signs of obvious intoxication at the bar;
- Have coffee available at the bar;
- Post sign about third party liability on the premises;
- Make sure new employees are trained and that all employees maintain an awareness of the legal facets of serving;

- Retrain on a periodic basis;
- Know and post general limits of drinking;
- Deter or eliminate pitcher service; and
- Post a sign stating policy of not serving intoxicated patrons.

Examples of methods to stop service:

1) "I'd appreciate it if you didn't order another drink."
2) "Listen, why don't you make this one coffee (tomato juice, water)?"
3) "Sometimes we can't always do what we want."
4) "I have to think about my license, you have to think about yourself and what could happen."
5) "I hope we can help each other and not get burned."
6) "I just can't afford it and I don't want to see you get hurt."
7) "You and I didn't make the rules, but we're stuck with them."

Potentially Effective Management Policies:

1) Have coffee available at all times.
2) Know and post the general limits of drinking:
   a) On the menu.
   b) In a conspicuous place.
3) Keep the signs of obvious intoxication readily available for employee's to consult.
4) Make sure new employees are properly trained.

FIGHT PREVENTION GUIDELINES

A. DON'T furnish weapons for use in fights.

1. Pool cues are the number 1 weapon in bar fights
2. Large, heavy ashtrays should be avoided
3. Consider beer cans instead of bottles
4. Knives, clubs, swords should not be part of wall displays

B. PREVENT FIGHTS, don't stop them.

1. Notice the signs that trouble is brewing and take immediate action
2. If you can't calm them down or get one of them to leave, call the police

C. If a fight breaks out:

1. Move other customers to safety, if necessary
2. Don't ask customers to help break it up
3. Call Police first, not the owner
4. Avoid physical contact with combatants unless there is a life-threatening situation
5. If weapons appear, stay out of it

D. General rules:

1. Never have a gun, club, or other weapon in the bar
2. Employees should never take sides or enter into a fight between customers
3. Your best customer will claim intoxication to excuse his participation in a fight -- thereby setting you up for liability
4. Once someone is barred, they should stay barred: "Once a trouble-maker, always a trouble-maker"
5. Take notes after a fight: witness names, events leading up to the fight, state of intoxication, etc.

SAMPLE POLICY FOR FLOOR MANAGER

1. Erase the term bouncer from your vocabulary, use doorman, floor manager, assistant manager, etc.
2. Floor managers have no law enforcement authority, other than he/she is an agent of the owner.
3. Any physical contact by a floor manager can be considered an assault.
4. An owner's only rights are to ask a person to leave or to refuse entry.
5. Floor managers may legally obstruct doors.
6. Floor managers may be personally liable for any personal/physical confrontation.
7. Owners should instruct floor managers that his/her job is not to physically eject customers.
8. Be sure floor managers are not in charge of the bar (Manager or decision maker).
9. Consider a smaller person with a good demeanor.
10. Should have the authority to "bar" people.
11. He/she should be a problem solver not a bouncer.
12. Good floor managers can see problems not seen by others.

POLICY ON THE SERVICE OF ALCOHOLIC BEVERAGES

THIS ESTABLISHMENT has a firm policy concerning the selling or furnishing of alcoholic beverages to the public. All employees must strictly observe this policy. Any infraction may result in the immediate dismissal of the employee who is in violation, and of any other employee who reasonably could have prevented the violation but failed to do so.

1. Alcoholic beverages will be dispensed or served only by designated employees who have been properly trained to do so, specifically in the following two areas:

   a. The procedures for conducting diligent inquiry as to the age of patrons;

   b. The methods by which to determine whether a patron is visibly intoxicated.

2. Alcoholic beverages will not be served to any patron of this establishment unless the employee who dispenses or serves such patron has properly determined that:

   a. The patron is of legal age to consumealcoholic beverages and

   b. The patron is not visibly intoxicated, or close to being visibly intoxicated.

3. If any patron of this establishment is not of legal age to consume alcoholic beverages, all employees shall exercise due diligence to ascertain that said underage patron does not possess or consume any alcoholic beverage, regardless of how it was obtained by said patron.

4. If any patron should enter this establishment in a visibly intoxicated condition, or despite our best efforts should become visibly intoxicated while in this establishment:

   a. "Loitering"on the premises by said patron will not be permitted;

   b. Everyreasonable effort will be madeto prevent saidpatronfrom drivingan automobile, and alternativetransportationto his home will be arranged if reasonably possible;

   c. If no other alternative exists, the "good Samaritan" rule will apply: every legal effort will be made to allow the patron time to reduce his level of intoxication prior to his departure from the premises.

10.50.020 Consumption of alcoholic beverages in public places--Exceptions.

A. The manager may permit the consumption of alcoholic beverages in municipal buildings, facilities, parks and other municipal properties, pursuant to municipal regulations.

B. The manager may, pursuant to Chapter 3.40 of this code, promulgate municipal regulations relating to the lawful consumption of alcoholic beverages on municipal property. The regulations may:

1. state the specific municipal properties where the consumption of alcoholic beverages may be permitted by the municipal manager;

2. describe the qualifications of persons or organizations, and the permissible purposes, functions, or activities for which application to consume alcoholic beverages on municipal property is made;

3. empower the manager to set reasonable terms, limits, or conditions on the permitted consumption of alcoholic beverages on municipal properties consistent with the protection of the public health, safety and welfare;

4. provide for appropriate penalties, remedies, and securities as may be necessary to enforce the regulations and the provisions of this chapter. (new).

10.50.025 Sales on election day.

The provisions of AS 04.15.020(c) do not apply in the municipality, and intoxicating liquor may be given, sold or bartered in a licensed premises on election day. (CAC 5.08.070).

10.50.030 Standards governing Assembly protests to Alcoholic Beverage Control Board.

In the exercise of its powers under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer of alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below:

A. Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

See page two →

B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor Server Awareness Training Program approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance. (Note: This subsection effective December 1, 1985).

C. Operations procedures. If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.

D. Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license, restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

E. Notice of possible protest. If at any time there appears to be a readily identifiable pattern or practice of recurring violent acts or unlawful conduct in a licensed premises, the municipality may notify the licensee that he or she must submit and implement a plan for remedial action or be in jeopardy that a protest will be filed to any renewal, transfer of location or transfer of ownership sought by the licensee. If such notice if issued to the licensee, the Assembly in applying the standards set forth above shall consider (1) whether a plan has been submitted; (2) the reasonableness of any plan that has been submitted; and (3) the diligence and effectiveness of the licensee in implementing remedial measures. A notice as authorized by this subsection shall be forwarded to the applicant five days prior to the filing of a protest or to any other legal action against the licensee or others. (AO 85-128(S), AO 86-58 (as amended)).

SB 492

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/12/90 FURTHER: Finance

Date of 5-Day Notice: 3/1/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/6/90

L & C Committee considered SB 492

"An Act relating to the inspection of boilers and pressure vessels."

and recommended:

[✓] replace with _____ CS SB 492 (L+C) [ ] same title [✓] new title

[ ] attached amendment(s)

[ ] _____ letter of intent adopted

[✓] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

[ ] fiscal note(s) _____

Department(s)/Date:

[✓] zero fiscal note(s) Dept of Labor 3/5/90 (for SB 492 & CSSB 492 (L+C))

[ ] appropriation-no fiscal note

[ ] Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Jan Faits No Rec

Chair: Signature and Recommendation

6-2077H
Bannister
3/5/90

Original sponsor(s): SEN. FRANK, Coghill, Sturgulewski

IN THE SENATE BY THE LABOR & COMMERCE COMMITTEE

CS FOR SENATE BILL NO. 492 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the inspection standards for boilers and pressure vessels."

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

* Section 1. AS 18.60 is amended by adding a new section to read:

Sec. 18.60.315. INSPECTION STANDARDS. The 1989 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors constitutes the minimum boiler and pressure vessel inspection standard of the state for repaired or altered boilers and pressure vessels. The Department of Labor may adopt regulations for the maximum practical implementation of the manual and may grant an exception from a specific provision of the manual when the department determines that the implementation of the provision would be impractical.

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
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Capitol Fax 514

Alaska State Legislature

Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking & Economic Development

VICE-CHAIR
Community & Regional Affairs Committee

MEMORANDUM

TO: Senator Dick Eliason, Chairman
Labor & Commerce Committee

FROM: Senator Steve Frank

RE: Request for a hearing on SB 492 "An Act relating to the inspection of boilers and pressure vessels."

DATE: February 26, 1990

SB 492 would allow the Department of Labor to adopt by regulation the 1989 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors.

The Department does not have the authority to adopt this new code without statutory provision. Currently, the inspection standards do not have flexibility to accommodate older boilers and pressure vessels. However, the National Board Code allows the on site inspector some discretion in approving a boiler and to what level the boiler must be pressure tested.

Adopting the National Board Code through regulation will still allow the department to determine what portions of the National Code are appropriate for Alaska and those that are not, as well as giving industry the opportunity to comment on the proposed regulations.

The Department of Labor Supports this legislation as do private sector companies that would be given some relief from the current inflexible regulations.

Thank you for your consideration.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

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March 5, 1990

The Honorable Dick Eliason, Chairman
Labor & Commerce Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Eliason:

The Department has reviewed the draft committee substitute for Senate Bill 492 (L&C), which adopts the 1989 National Board Inspection Code Manual for boilers and pressure vessels.

We have worked closely with the sponsor on this bill, and support it.

Thank you.

Sincerely,

Eileen Plate
Special Assistant

EP:kh

07-G9LH

AMENDMENT

IN THE SENATE BY FRANK

TO: CS for SB 492 (L&C)

Page 1, line 13;
Delete: "repaired or altered"

Page 1, line 14;
After "Vessels"
Insert: "after they have received their initial inspection certificates from the Department of Labor"

Unocal Chemicals Division
Unocal Corporation
P.O. Box 575
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Telephone (907) 776-8121

UNOCAL 76

March 12, 1990
A-23-1990

Alaska State Legislature
P. O. Box V (MS3100)
Juneau, Alaska 99811

Dear Senators Frank, Coghill, and Sturgulewski:

Re: Senate Bill No. 492,
An Act relating to the inspection
of boilers and pressure vessels.

We, at Unocal Chemicals Division, Unocal Corporation are in full support of the adoption of the 1989 edition of the National Board Inspection Code as proposed in Senate Bill No. 492. The state of Alaska has adopted the ASME Codes which covers only new construction of boilers and pressure vessels, but the state of Alaska has never had a code which covers inspection and repair of boilers and pressure vessels.

Consequently, the Department of Labor has been trying to strictly apply the ASME Codes to the repair of boilers and pressure vessels. As a result, there have been many situations where this strict application of a construction code to a repair has been impractical or beyond reason.

Examples include the following: 1) welding of a non-pressure part such as an insulation support to a pressure part has been interpreted by the Department of Labor as requiring a hydrostatic pressure test of the entire pressure vessel at 150 percent of design pressure (unless a waiver is received), or 2) replacement of thin wall nozzle which has experienced corrosion with a thicker wall nozzle to provide more corrosion allowance is not permitted by the Department of Labor without a waiver because it is considered an alteration rather than a like-and-kind repair, or 3) welding of a plug into the end of a heat exchanger tube which has developed a leak has required a hydrostatic pressure test (unless a waiver has been received) even though the tube is completely internal to a pressure vessel.

This strict application of the ASME Construction Codes to the repair of boilers and pressure vessels has caused us a great deal of frustration and expense. While the Department of Labor will often bow to reason and grant a waiver, the process of obtaining a waiver can be quite time consuming. Also, if a waiver cannot be obtained because a repair must be made on a weekend, holiday, or after normal working hours, the repair can entail undue expense and additional down-time. The case-by-case waiver system used by the Department of Labor is frustrating in another way in that issuance of waivers has not been consistent,

i.e., sometimes a particular repair may be acceptable one time (depending on whom one talks to at the Department of Labor) but an identical repair another time may not receive a waiver.

We feel that the adoption of a nationally recognized repair code such as the National Board Inspection Code will provide the guidance the Department of Labor has been seeking and also alleviate many of the frustrations and unnecessary expenses experienced by industry.

However, we feel there are some changes to the wording of the bill that should be made. These changes are itemized below:

1) On lines 11 and 12, the phrase "with the National Board of Boiler and Pressure Vessel Inspectors and" should be deleted. The reason is that many boilers and pressure vessels have been manufactured in accordance with the ASME Construction Codes, but not registered with the National Board. These boilers and pressure vessels will still need to be inspected and repaired in accordance with a nationally recognized inspection and repair code. The National Board has provided a registration service where, for a fee, they would maintain on file a copy of the Manufacturers Data Report for a boiler or pressure vessel. If the owner lost his Manufacturers Data Report and if the manufacturer went out of business, a copy of the Manufacturers Data Report could be obtained from the National Board.

2) On lines 15 and 16, the phrase "as amended as the department determines necessary" should be deleted. The reason is that this empowers the Department of Labor to amend the National Board Inspection Code as they <u>want</u> to and there is no governmental system of checks and balances on the department to ensure that amendments are indeed necessary.

3) On line 17 the words "and repair" should be inserted following "inspection". (The National Board Inspection Code is a code for both inspection and repairs).

4) On lines 22 through 24, the phrase "as amended and interpreted as of December 31, 1983, and as amended as the department determines necessary" should be deleted. Amendments through 1983 do not apply if the 1989 ASME Construction Code is adopted. Amendments as the department "determines necessary" should be stricken for reasons given in 2) above.

5) On page 2, lines 1 and 2, the phrase "as amended as the department determines necessary" should be deleted for reasons given in 2) above.

The text of this bill should then read as shown in Attachment 1.

Cordially yours,

UNOCAL Corporation
Unocal Chemicals Division

William B. White
Plant Manager

dgf
Attachments 1 & 2

cc: DDKorver - LAHO
JRBuller - LAHO
DCHaring - Kenai
MRPeterson - Kenai
HMRooper - Kenai

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Anchorage, AK 99519-6612

Mr. Don Kloster
Senior Inspector
Alyeska Pipeline
1835 S. Bragaw
Anchorage, AK 99512

ATTACHMENT 1 - As UNOCAL believes bill should be worded.

Introduced: 2/12/90
Referred: L&C and Finance

6-2077A

BY SEN. FRANK, Coghill, Sturgulewski

IN THE SENATE

SENATE BILL NO. 492

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the inspection of boilers and pressure vessels."

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

* Section 1. AS 18.60 is amended by adding a new section to read:

Sec. 18.60.315. INSPECTION STANDARDS. (a) For boilers and pressure vessels that are registered with the state and that were built before the effective date of this Act, the Department of Labor shall adopt by regulation the 1989 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors as the minimum boiler and pressure vessel inspection and repair standard of the state.

(b) For boilers and pressure vessels built on or after the effective date of this Act, the Department of Labor shall adopt by regulation

(1) the 1989 edition of the American Society of

Mechanical Engineers' Boiler and Pressure Vessel Construction Code as the minimum boiler and pressure vessel inspection standard of the state during the construction of the boilers and pressure vessels and until the boilers and pressure vessels receive their initial inspection certificates from the Department of Labor;

(2) the 1989 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors as the minimum boiler and pressure vessel inspection standard of the state for the boilers and pressure vessels after they have received their initial inspection certificates from the Department of Labor.

Introduced: 2/12/90
Referred: L&C and Finance

6-2077A

ATTACHMENT 2 - As Senate Bill 492 is presently worded.

BY SEN. FRANK, Coghill, Sturgulewski

IN THE SENATE

SENATE BILL NO. 492

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the inspection of boilers and pressure vessels."

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* Section 1. AS 18.60 is amended by adding a new section to read:

Sec. 18.60.315. INSPECTION STANDARDS. (a) For boilers and pressure vessels that are registered with the National Board of Boiler and Pressure Vessel Inspectors and with the state and that were built before the effective date of this Act, the Department of Labor shall adopt by regulation the 1989 edition of the National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors, as amended as the department determines necessary, as the minimum boiler and pressure vessel inspection standard of the state.

(b) For boilers and pressure vessels built on or after the effective date of this Act, the Department of Labor shall adopt by regulation

(1) the 1980 edition of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Construction Code, as amended and interpreted as of December 31, 1989, and as amended as the department determines necessary, as the minimum boiler and pressure vessel inspection standard of the state during the construction of the boilers and pressure vessels and until the boilers and pressure vessels receive their initial inspection certificates from the Department of Labor;

(2) the 1989 edition of the National Board Inspection Code

Municipal Utilities System

March 2, 1990

Senator Steve Frank
Alaska State Legislature
P.O. Box V
Juneau AK 99811

Dear Senator Frank:

I have had the opportunity to review the Labor and Commerce Committee Substitute for Senate Bill No. 492. The original Senate Bill 492 and the Labor and Commerce Committee Substitute both address a present legislative need for the State of Alaska. The owners and users of pressure vessels throughout the state and the Department of Labor all recognize the necessity for adoption and use of the National Board Inspection Code Manual for boiler and pressure vessel inspectors. However, the legislative procedure has not existed which would allow the Alaska Department of Labor to administratively adopt applicable portions or all of the National Board Inspection Code. The Committee Substitute for Senate Bill No. 492 clearly paves the way and provides the necessary vehicle the Department of Labor needs to continue to perform a valuable service to the citizens of Alaska.

I heartily support the Labor and Commerce Committee Substitute for Senate Bill No. 492 and certainly hope that the remaining necessary steps are completed and fruitful so as to allow the bill to become a very useful piece of legislation.

Sincerely,

Marty M. Lanum
Fairbanks Municipal Utilities System
Electric Utility Superintendent

bj

Introduced by: Deputy City Manager - Utilities
Department: Electric
Date: October 10, 1989

PUB RESOLUTION NO. 89 558, As Amended

A RESOLUTION RECOMMENDING THAT THE STATE OF ALASKA ADOPT THE MOST RECENT EDITION OF THE NATIONAL BOARD INSPECTION CODE AS THE CODE FOR ALASKA DEPARTMENT OF LABOR TO USE FOR THE OPERATION, TESTING AND REPAIR OF PRESSURE VESSELS.

WHEREAS, the State of Alaska, Department of Labor, currently uses the ASME Boiler and Pressure Vessel Code as the enforcement code for the construction, operation and repair of new and existing boilers; and

WHEREAS, this code was intended only for the construction of new units, and 40 of the 50 states use the National Board Inspection Code as the code for the operating inspection, testing and repair of existing boilers such as those at the Fairbanks MUS power plant; and

WHEREAS, adoption of this code will avoid considerable needless expense when MUS repairs and rehabilitates its power plant boilers which is necessary to come into air quality inspection that is required by the State of Alaska in order to use the older boilers at their maximum efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC UTILITIES BOARD OF THE MUNICIPAL UTILITIES SYSTEM as follows:

Section 1. The Public Utilities Board recommends that the State of Alaska adopt the most recent edition of the National Board Inspection Code as the code for the Alaska Department of Labor to use for the operation, testing and repair of pressure vessels.

Section 2. That a copy of this Resolution be sent to the Commissioner of the Alaska Department of Labor, to Governor Steve Cowper and to the Fairbanks Legislative Delegation.

PASSED and APPROVED this 7th day of November, 1989.

ROBERT J. SUNDBERG, Chair

ATTEST:

SAM HELMS, Secretary

Alaska Boiler and Pressure Vessel Inspector's Association
c/o W. C. Lunsford, Chairman
P. O. Box 100360 - PMC
Anchorage, Alaska 99510-0360

Mr. Jim Sampson
Commissioner of Labor
P.O. Box 21149
Juneau, AK 99802-1149

Subject: Alaska Boiler and Pressure Vessel Code

Dear Commissioner:

At the special meeting on 2/8/90, the Alaska Boiler and Pressure Vessel Inspector's Association members voted unanimously to recommend and support the adoption of the National Board Inspection Code, 1989 Edition (NB-23) into Title 8, Part 4, Chapter 80 of the Alaska Administrative Code (8AAC80) for repairs or alterations to boilers or pressure vessels.

We feel that this would better meet the intent of Alaska Statutes (AS 18.60.180) which require the Department of Labor to formulate rules and regulations for repairs and alterations in addition to new construction. Our recommendation follows generally accepted nationwide engineering standards and practices for repairs and alterations. Please note that the ASME codes which are currently used for this cannot meet this claim for repairs and alterations.

The Association is comprised of inspectors who hold NB authorization, as well as representatives from shops that have an ASME Code Stamp or State letter of authorization, for welded repairs or alterations to boilers or pressure vessels.

We encourage your prompt approval by adoption of the 1989 Edition of NB-23 into the Alaska Administrative Code.

Sincerely,

W. Chris Lunsford

W. C. Lunsford, Chairman
Representing the Members of ABPVIA

wcl/vmo

cc: Mr. Tom Stewart, Director,
Labor Standards and Safety
P. O. Box 107021
Anchorage, AK 99510-7021

Mr. Don Cather, Chief
Mechanical Inspection
Department of Labor
3301 Eagle Street, Pouch 7-020
Anchorage, AK 99510

The Honorable Steve Cowper
Governor of Alaska
P. O. Box A
Juneau, AK 99811-0101

Alaska Boiler and Pressure Vessel Inspector's Association
Distribution

Mr. Mark Peterson
Senior Inspector
UNOCAL Chemicals
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Mchanical Inspection
Alaska Department of Labor
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Anchorage, AK 99510

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Mr. Joe Trotter - PMC
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Natchiq/APC
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Revised: 2/21/90

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Anchorage, AK 99512

Revised: 2/22/90

ALASKA PULP CORPORATION
4600 SAWMILL CREEK ROAD
SITKA, AK 99835-9801

January 24, 1990

The Honorable Richard Eliason
Alaska State Senate
Room 417, Capitol
P.O. Box V
Juneau, Alaska 99811

Dear Senator Eliason:

Some time ago, I spoke to you about urgent need for Alaska adopting a Uniform Boiler and Pressure Vessel Safety bill.

There is a good deal of interest statewide on this issue because of the arbitrary and constantly changing interpretation of the current law by the Department of Labor. As an example, Department of Labor has required proof testing on boilers and pressure vessels after even very minor repairs. This practice leads to premature leaking and is a step backwards as a safety practice. Boiler manufacturers, insurance underwriters, and the National Board disagree with the State's implementation of this practice of proof testing.

The Municipality of Fairbanks Utilities is currently drafting a bill, and we understand that that bill will be forwarded to the Legislature very shortly.

There is widespread support around the State for this law change. Fundamentally, it would adopt National standards and implement a boiler and pressure vessel law similar to what is currently in use in most of the other states. The current Alaska law was adopted in 1955, which was before the time when there was much in the way of pressure vessel or industrial application in the State.

In any event, we hope that you will be able to support the law revisions when the bill is drafted and gets to your committee.

Very truly yours,

ALASKA PULP CORPORATION

Franklin C. Roppel
Executive Vice President

FCR:lc

cc: John Dapcevich

TELEX 32 8763
TELECOPIER 907 747 5688
TELEPHONE 907 747 2211

ALASKA PULP CORPORATION
4600 SAWMILL CREEK ROAD
SITKA, AK 99835-9801

February 17, 1990

Senator Richard Eliason
Alaska State Legislature
P O Box V
Juneau, AK 99811

Dear Senator Eliason:

RE: Hearings on Senate Bill No. 492; Adoption of the National Board Inspection Code

I am enclosing a position argument on why relief is sought by Senate Bill No. 492. The material was prepared and copied to me by Andrew Snyder, Western Regional Quality Assurance Manager for General Electric. In case you have not seen this, you may be interested in its content.

Sincerely Yours,

G. L. Bowen, Ph. D., P.E.
Chief Engineer
Alaska Pulp Corporation

Subject: State of Alaska Requirement to Hydro to 1.5 time MAWP after Repair of Boilers or Pressure Vessels.

Purpose: Provide Code Data and logical information to convince the State of Alaska to govern repairs to the NBIC, and allow for operating pressure or MAWP hydro test after repair without AI's on site attendance.

References:

1. AS 18.60.180

2. Letter To: Weld Repair firms holding "Letter of Authorization"
   Alaska Boiler Inspection Commission Holders
   Dated: October 20, 1989
   Author: Don Cather, Chief, Mechanical Inspection, State of Alaska.

3. ASME Boiler and Pressure Vessel Code 1986 Edition 1989 Addenda
   Section I, Power Boilers, (Forward)
   Section VIII Div. 1 Unfired Pressure Vessels (Forward)

4. National Board Inspection Code 1987 Edition
   Preamble:
   Purpose and Scope of the National Board Inspection Code.:

5. ASME Boiler and Pressure Vessel Code 1986 Edition 1989 Addenda
   Section VII, Recommended Guidelines for the Care of Power Boilers,
   (Sub Sec C7) Repairs, Alterations, and Maintenance

6. National Board Inspection Code 1987 Edition
   R-200
   R-201
   R-201
   R-301.3
   R-301.3.1
   R-308
   R-308.1
   R-308.2
   R-308.3
   I-303.23
   I-502.10

Information Presentation:

AS 18.60.180 REGULATIONS. The Department of Labor shall formulate definitions, rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers and for the safe and proper construction, installation, and repair of unfired pressure vessels. The definitions and regulations must be based upon and shall follow the generally accepted

nationwide engineering standards, formula, and practices established for boiler and unfired pressure vessel construction and safety. The Department of Labor may adopt the existing published codification of these definitions and regulations, known as the Boiler Construction Code of the American Society of Mechanical Engineers, and may adopt the amendments and interpretations made and published be that society. The Department of Labor shall adopt amendments and interpretations to the code immediately upon their adoption by the American Society of Mechanical Engineers so that the definitions and regulations at all times follow generally accepted nationwide engineering standards.

Comment: It is this authors opinion that a general theme is set by the underlined sections of the above law. I believe the intent is to follow generally accepted nationwide engineering standards, formula, and practices established for boiler and unfired pressure vessel construction and safety.

Letter: To: Weld Repair firms holding "Letter of Authorization"
Alaska Boiler Inspection Commission Holders
Dated: October 20, 1989
Author: Don Cather, Chief, Mechanical Inspection, State of Alaska.

Paragraph 2)

Clarification of the requirements for pressure testing of a Boiler or Vessel after a repair or alteration has been requested:

All weld repairs or alterations to boilers or vessels which entail a complete weld penetration of the shell or tube will be hydrostaticlly pressure tested at 1.5 working pressure.

Comment: Subsequent conversations with Tom Laret, Assistant Chief, State of Alaska, inquiring as to the basis of the hydrostatic test of 1.5 MAWP after a repair to a boiler or pressure vessel. Mr. Laret informed the author that the 1.5 MAWP hydrotest was a requirement of the ASME Boiler and Pressure Vessel Code and AS 18.60.180.

Position: It is the opinion of this author that the requirement of the State of Alaska to conduct a 1.5 MAWP hydrostatic test after repairs to a boiler or a unfired pressure vessel is not in keeping with the intent or general theme of the Alaska State Law AS 18.60.180 and is a misapplication of the ASME Boiler and Pressure Vessel Code as stated below:

ASME Boiler and Pressure Vessel Code 1986 Edition 1989 Addenda
Section I, Power Boilers, (Forward)
Section VIII Div. 1 Unfired Pressure Vessels (Forward)

The American Society of Mechanical Engineers set up a committee in 1911 for the purpose of formulating standard rules for the construction of steam boilers and other pressure vessels. The committee is now called the Boiler and Pressure Vessel Committee.

The Committee's function is to establish rules of safety governing the design, fabrication, and inspection during construction of boilers and pressure vessels and interpret these rules when questions arise regarding their intent.

Comment: In order to remain in keeping with nationwide standards for boilers and pressure vessels inservice, the National Board Inspection Code should be the standard, not ASME B&PVC Section 1 PG-99, PW-54, or Section VIII Div 1 UG-99.

National Board Inspection Code 1987 Edition

Preamble:

The National Board of Boiler and Pressure Vessel Inspectors is an organization comprised of Chief Inspectors of states and cities of the United States, and provinces of Canada and is organized for the purpose of promoting greater safety to life and property by securing concerted action and maintain uniformity in the construction, installation inspection and repair of boilers and other pressure vessels and their appurtenances, thereby assuring acceptance and interchangeability among Jurisdictional Authorities responsible for the administration and enforcement of various sections of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

Purpose and Scope of the National Board Inspection Code.:

The ASME Boiler and Pressure Vessel Code establishes rules of safety governing the design, fabrication and inspection during construction of boilers and pressure vessels.

It is the purpose of the NATIONAL BOARD INSPECTION CODE to maintain the integrity of such boilers and pressure vessels after they have been placed in service by providing rules and guidelines for inspection after installation, repair, alteration and rerating, thereby helping to insure that these objects may be continued to be safely used.

Note: The State of Alaska, Don Cather is a member of the National Board.

ASME Boiler and Pressure Vessel Code 1986 Edition 1989 Addenda
Section VII, Recommended Guidelines for the Care of Power Boilers,
(Sub Sec C7) Repairs, Alterations, and Maintenance

C7.100 Repairs and Alterations

This Subsection provides guidance to the owner or user of power boilers

for welded repairs and alterations to boiler pressure parts, in accordance with most jurisdictional authority requirements. Welded repairs should be in accordance with the rules of the National Board Inspection Code.

National Board Inspection Code 1987 Edition

R-200 Definition of Terms
R-201 Repair

A repair is any work necessary to restore the boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

R-301.3 Duties of the Inspector
R-301.3.1 Repairs: Before the acceptance of a repair, the inspector shall satisfy himself that the welding was done in accordance with R-302 below, witness any pressure test he may require (see R-308, page 48) and assure that the other functions he deems necessary to assure compliance with the requirements of this code, have been preformed.

R-308 Pressure Test
R-308.1 Repairs

The inspector may require a pressure test after the completions of a repair to a boiler or pressure vessel.

R-308.2 Alterations

A pressure test as required for new construction shall be applied. Subject to the acceptance of the jurisdiction, an alternate test may be used.

R-308.3 Requirement

Pressure test shall be carried out in accordance with I-303.23, page 22 or I-502.10 page 36 as applicable.

I-303.23 Hydrostatic Test.

a. If an inspector requires additional information regarding a leak in a boiler or the extent of a possible defect, he may require that a hydrostatic test be performed.

b. To determine tightness, the hydrostatic test pressure need be no greater than the set pressure of the safety valve having the lowest setting.

c. The hydrostatic test pressure shall not exceed 1 1/2 times the maximum allowable working pressure (MAWP).....

Comment: Subsection c. is precautionary as if you were to exceed 1.5 (MAWP) you would have to provide engineering calculations to prove non detrimental effect on the pressure parts.

I-502.10 Pressure Test

a. When there is doubt as to the extent of the defect or detrimental condition found in a pressure vessel, the inspector may require a pressure test. A pressure test normally need not be made as part of a periodic inspection. However, a test shall be made when unusual, hard to evaluate forms of deterioration possibly affecting the safety of the vessel are disclosed by inspection and also after certain repairs.

b. To determine tightness, the test pressure need be no greater than the set pressure of the relief valve having the lowest setting.

c. The pressure test pressure should not exceed 1 1/2 times the maximum allowable working pressure (MAWP).....

Comment: Subsection c. is precautionary as if you were to exceed 1.5 (MAWP) you would have to provide engineering calculations to prove non detrimental effect on the pressure parts

40 states. See next page

Summary

All other states accepts the National Board Inspection Code for repairs. Further, hydro testing after repairs is in accordance with NBIC R-308.1, where as the inspector may require a hydro and general practice is to require a hydro to I-303.23 b. and I-502.10 b. ie. test to operating pressure. Additionally, witness of the hydrotest by the inspector for repairs of a routine nature is not generally done, as per NBIC Chapter III C. ,R-301.1.1, R-308.1

NATIONAL BOARD SURVEY

The National Board has surveyed its members regarding their requirements and stamping for boilers and pressure vessels covered by these jurisdictions. The findings are as follows:

NB MEMBERS	STAMPING	REPAIR STAMPS		
Alaska	BP ASME			
Arizona	BP ASME/NB			
Arkansas	BP ASME/NB		VR	NR
California	BP ASME/NB			
Colorado	BP ASME	R		
Connecticut	BP ASME/NB		VR	
Delaware	BP ASME/NB	R	VR	NR
Florida	B ASME/NB	R	VR	NR
Georgia	BP ASME/NB	R	VR	
Hawaii	BP ASME/NB	R	VR	
Illinois	BP ASME/NB			
Indiana	BP ASME			
Iowa	BP ASME/NB	R		
Kansas	BP ASME/NB**	R	VR	NR
Kentucky	BP ASME/NB			
Louisiana	BP ASME/NB	R	VR	
Maine	BP ASME/NB**			
Maryland	BP ASME			
Massachusetts	BP ASME/NB	R		
Michigan	B ASME/NB			
Minnesota	BP ASME/NB	R	VR	
Mississippi	BP ASME			
Missouri	BP ASME/NB	R	VR	NR
Nebraska	B ASME/NB	R	VR	
Nevada	BP ASME/NB	R	VR	
New Hampshire	BP ASME			
New Jersey	BP ASME/NB**			NR
New York	BP ASME/NB	R	VR	
North Carolina	BP ASME/NB	R		
North Dakota	BP ASME/NB		VR	
Ohio	BP ASME/NB	R	VR	NR
Oklahoma	BP ASME/NB			
Oregon	BP ASME/NB			
Pennsylvania	BP ASME			

NB MEMBERS	STAMPING	REPAIR STAMPS		
Rhode Island	BP ASME/NB	R	VR	NR
Tennessee	BP ASME/NB	R	VR	NR
Texas	B ASME/NB			
Utah	BP ASME/NB		VR	
Vermont	BP ASME	R		
Virginia	BP ASME/NB			
Washington	BP ASME/NB	R	VR	
West Virginia	BP ASME/NB**	R	VR	
Wisconsin	BP ASME/NB	R	VR	NR
Chicago, IL	BP ASME			
Detroit, MI	BP ASME/NB			
Los Angeles, CA	BP ASME/NB		VR	
Memphis, TN	BP ASME	R		
Milwaukee, WI	BP ASME/NB	R	VR	NR

CANADIAN MEMBERS

NB MEMBERS	STAMPING	REPAIR STAMPS
Alberta	BP ASME*	
British Columbia	BP ASME*	
Manitoba	BP ASME*	
New Brunswick	BP ASME*	
Newfoundland & Labrador	BP ASME/NB*	
Nova Scotia	BP ASME*	
Ontario	BP ASME*	
Prince Edward Island	BP ASME*	
Quebec	BP ASME*	
Saskatchewan	BP ASME*	

Not NB States

*ASME or must use procedure of the Canadian province to ensure equivalent safety standards.
**ASME/NB or must use state special procedure to ensure equivalent safety standards.

B = Boilers P = Pressure Vessels

Each individual jurisdiction should be contacted directly if further information or explanation is required.

Continued on next page

FAX TRANSMITTAL MEMO

TO: GARY BOWLIN
DEPT: _____ FAX #: 907 745 5588
FROM: DOC MATTHEWS PHONE: 614 888 8320
CO: NAT'L BD FAX #: 614 847 1828
Post-it™ brand fax transmittal memo 7671

NO. OF PAGES

References:

ALASKA STATUTES
TITLE 18. CHAPTER 60. ARTICLE 3.
BOILERS.

Section
- 180. Regulations
- 190. Effect of regulations
- 200. New boilers and unfired pressure vessels
- 210. Exemptions
- 220. Duties of the Department of Labor
- 230. Appointment of deputy inspectors
- 240. Appointment and qualifications of special inspectors
- 250. Compensation for special inspectors prohibited
- 260. Duty of special inspectors
- 270. Report of inspection
- 280. Right of inspection
- 290. Examination for deputy and special inspectors
- 300. Revocation or suspension of state commission
- 310. Replacement of lost or destroyed certificate or commission
- 320. Inspection of boilers and unfired pressure vessels
- 330. Rules of inspection
- 340. Inspection certificates
- 350. Suspension of inspection certificate
- 360. Inspection fees
- 370. Appeals
- 380. [Repealed 1963 -- Creation of boiler fund]
- 390. Inspection certificate required
- 395. Licensing of boiler operators

AS 18.60.180. REGULATIONS. The Department of Labor shall formulate definitions, rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers and for the safe and proper construction, installation and repair of unfired pressure vessels. The definitions and regulations must be based upon and shall follow the generally accepted nationwide engineering standards, formula , and practices established for boiler and unfired pressure vessel construction and safety. The Department of Labor may adopt the existing published codification of these definitions and regulations, known as the Boiler Construction Code of the American Society of Mechanical Engineers, and may adopt the amendments and interpretations made and published by that society. The Department of Labor shall adopt amendments and interpretations to the code immediately upon their adoption by the American Society of Mechanical Engineers so that the definitions and regulations at all times follow generally accepted nationwide engineering standards. (§ 1(c) ch 132 SLA 1955)

AS 18.60.190. EFFECT OF REGULATIONS. (a) The regulations adopted by the Department of Labor have the force and effect of law. However, the regulations applying to the construction of new boilers and unfired pressure vessels do not prevent their installation until the regulations become mandatory as provided in (b) of this section.

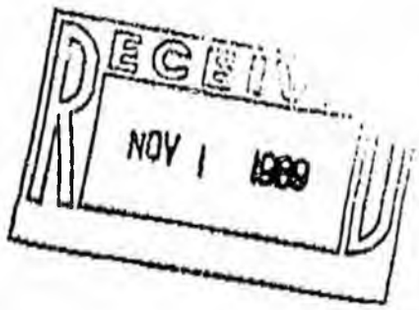
(b) Amendments in the regulations are permissive immediately upon adoption and become mandatory 12 months after adoption. (§ 1(d) ch 132 SLA 1955)

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF LABOR

LABOR STANDARDS & SAFETY DIVISION
MECHANICAL INSPECTION SECTION



October 20, 1989

To: Weld Repair firms holding
"Letter of Authorization"
Alaska Boiler Inspection
Commission Holders

IR-5

The following information should clarify several points of the welding tracer program and make it work more efficiently:

1) The State of Alaska is the authorized inspector for all weld alterations or repairs. When prior Department approval is received, an Insurance Company inspector, Owner-User inspector, or the repair firm's Authorized Inspector may be used. All repairs or alterations and ensuing tests must be witnessed by an authorized inspector, unless PRIOR arrangements have been made to waive those inspections. These arrangements will be so noted on the tracer.

   To waiver an inspection, each weld repair or alteration will be addressed on its own merit. To obtain a waiver, the weld repair concern must be able to outline the procedures that will be used in making the repairs, including the preliminary, interpass and final nondestructive testing; and must advise this office of the welder doing the work. The final Repair Reporting form prepared by the repair firm must also document all of these procedures.

2) Clarification of the requirements for pressure testing of a Boiler or Vessel after a repair or alteration has been requested:

   All weld repairs or alterations to boilers or vessels which entail a complete weld penetration of the shell or tube will be hydrostatically pressure tested at 1.50 working pressure. Lined hot water heaters will be hydro-tested as outlined in the ASME code.

   Unique circumstances will be addressed on an individual basis by the Chief Inspector.

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3) "Alterations" means any physical change to a boiler or pressure vessel as described on the Manufacturers' Data Report which affects the pressure containing capabilities of the boiler or pressure vessel. Non-physical changes, such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel, shall be considered an alteration.

4) As a note of interest, neither the NB-23 nor the API-510 are controlling references for the repairs of boilers or pressure vessels. They are advisory only. Regulations which address the use of National Board Inspection Code (NB-23) or American Petroleum Institute (API-510) will be promulgated in the near future.

Sincerely,

Don Cather
Chief
Mechanical Inspection

0348j

ASME Code
Section I & VIII

FOREWORD

The American Society of Mechanical Engineers set up a committee in 1911 for the purpose of formulating standard rules for the construction of steam boilers and other pressure vessels. This committee is now called the Boiler and Pressure Vessel Committee.

The Committee's function is to establish rules of safety governing the design, fabrication, and inspection during construction of boilers and pressure vessels, and to interpret these rules when questions arise regarding their intent. In formulating the rules, the Committee considers the needs of users, manufacturers, and inspectors of pressure vessels. The objective of the rules is to afford reasonably certain protection of life and property and to provide a margin for deterioration in service so as to give a reasonably long, safe period of usefulness. Advancements in design and material and the evidence of experience have been recognized.

The Boiler and Pressure Vessel Committee deals with the care and inspection of boilers and pressure vessels in service only to the extent of providing suggested rules of good practice as an aid to owners and their inspectors.

The rules established by the Committee are not to be interpreted as approving, recommending, or endorsing any proprietary or specific design or as limiting in any way the manufacturer's freedom to choose any method of design or any form of construction that conforms to the Code rules.

The Boiler and Pressure Vessel Committee meets regularly to consider revisions of the rules, new rules as dictated by technological development, Code Cases, and requests for interpretations. Requests for interpretation must be addressed to the Secretary in writing and must give full particulars in order to receive consideration and a written interpretation (see Mandatory Appendix covering preparation of technical inquiries). Proposed revisions to the Code resulting from inquiries will be presented to the Main Committee for appropriate action. The action of the Main Committee becomes effective only after confirmation by letter ballot of the Committee and approval by ASME.

Proposed revisions to the Code approved by the Committee are submitted to the American National Standards Institute and published in *Mechanical Engineering* to invite comments from all interested persons. After the allotted time for public review and final approval by ASME, revisions are published annually in Addenda to the Code.

Code Cases may be used in the construction of components to be stamped with the ASME Code symbol beginning with the date of their approval by ASME.

After Code revisions are approved by ASME, they may be used beginning with the date of issuance shown on the Addenda. Revisions become mandatory as minimum requirements six months after such date of issuance, except for boilers or pressure vessels contracted for prior to the end of the six-month period.

Manufacturers and users of components are cautioned against making use of revisions and Cases that are less restrictive than former requirements without having assurance that they have been accepted by the proper authorities in the jurisdiction where the component is to be installed.

Each state and municipality in the United States and each province in Canada that adopts or accepts one or more Sections of the Boiler and Pressure Vessel Code is invited to appoint a representative to act on the Conference Committee to the Boiler and Pressure Vessel Committee. Since the members of the Conference Committee are in active contact with the administration and enforcement of the rules, the requirements for inspection in this Code correspond with those in effect in their respective jurisdictions. The required qualifications for an Authorized Inspector under these rules may be obtained from the administrative authority of any state, municipality, or province which has adopted these rules.

The Boiler and Pressure Vessel Committee in the formulation of its rules and in the establishment of maximum design and operating pressures considers materials, construction, methods of fabrication, inspection, and safety devices. Permission may be granted to regulatory bodies and organizations publishing safety standards to use a complete Section of the Code

by reference. If usage of a Section, such as Section IX, involves exceptions, omissions, or changes in provisions, the intent of the Code might not be attained.

Where a state or other regulatory body, in the printing of any Section of the Boiler and Pressure Vessel Code, makes additions or omissions, it is recommended that such changes be clearly indicated.

The National Board of Boiler and Pressure Vessel Inspectors is composed of chief inspectors of states and municipalities in the United States and of provinces in Canada that have adopted the Boiler and Pressure Vessel Code. This Board, since its organization in 1919, has functioned to uniformly administer and enforce the rules of the Boiler and Pressure Vessel Code. The cooperation of that organization with the Boiler and Pressure Vessel Committee has been extremely helpful.

It should be pointed out that the state or municipality where the Boiler and Pressure Vessel Code has been made effective has definite jurisdiction over any particular installation. Inquiries dealing with problems of local character should be directed to the proper authority of such state or municipality. States, provinces, municipalities, or other regulatory bodies may, if there is any question or doubt as to the proper interpretation, refer the question to the Boiler and Pressure Vessel Committee.

The Specifications for base materials given in Section II, Parts A and B, are identical with or similar to those of The American Society for Testing and Materials. When reference is made in an ASME Material Specification to an ASTM Specification for which a companion ASME Specification exists, the reference shall be interpreted as applying to the ASME Material Specification. Specifications for welding materials given in Section II, Part C, are identical with or similar to those of the American Welding Society. Not all materials included in the ASME Material Specifications in Section II have been adopted for Code use. Usage is limited to those materials and grades adopted by at least one of the other Sections of the Code for application under rules of that Section. All materials allowed by these various Sections and used for construction within the scope of their rules shall be furnished in accordance with ASME Material Specifications contained in Section II except where otherwise provided in Code Cases or in the applicable Section of the Code. Materials covered by these Specifications are acceptable for use in items covered by the Code Sections only to the degree indicated in the applicable Section. Materials for Code use should preferably be ordered, produced, and documented on this basis; however, material produced under an ASTM Specification may be used in lieu of the corresponding ASME Specification, provided the requirements of the ASTM Specification are identical (excluding editorial differences) or more stringent than the ASME Specification for the Grade, Class, or Type produced and provided that the material is confirmed as complying with the ASTM Specification. Material produced to an ASTM specification with requirements different from the requirements of the corresponding ASME Specification may also be used in accordance with the above, provided the material manufacturer or vessel manufacturer certifies with evidence acceptable to the Authorized Inspector that the corresponding ASME Specification requirements have been met. Material produced to an ASME or ASTM Material Specification is not limited as to country of origin.

When required by context in this Section, the singular shall be interpreted as the plural, and vice-versa; and the feminine, masculine, or neuter gender shall be treated as such other gender as appropriate.

Publication of the SI (Metric) Edition of the ASME Boiler and Pressure Vessel Code was discontinued with the 1986 Edition. Effective October 1, 1986, the SI Edition was withdrawn as an ASME Boiler and Pressure Vessel Code document.