

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10171 ADMINISTRATIVE REGULATION REVIEW



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4-10-02

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LABOR,

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HEALTH

ALASKA STATE LEGISLATURE

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Administrative Regulation Review Committee

AGENDA

Wednesday 04/10/02, House State Affairs Committee Room # 102, 8:30 am

08 AAC ____ Proposed Regulations on Occupational Safety and Health including Ergonomics

***This Hearing will be teleconferenced**

Title 29--Labor

CHAPTER XVII--OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910--OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1910.1	Purpose and scope.
1910.2	Definitions.
1910.3	Petitions for the issuance, amendment, or repeal of a standard.
1910.4	Amendments to this part.
1910.5	Applicability of standards.
1910.6	Incorporation by reference.
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- 1910.101 Compressed gases (general requirements).
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- 1910.109 Explosives and blasting agents.
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- 1910.119 Process safety management of highly hazardous chemicals.
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- 1910.122 Table of contents.
- 1910.123 Dipping and coating operations: Coverage and definitions.
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- 1910.139 Respiratory protection for M. tuberculosis.
- 1910.141 Sanitation.
- 1910.142 Temporary labor camps.
- 1910.144 Safety color code for marking physical hazards.
- 1910.145 Specifications for accident prevention signs and tags.
- 1910.146 Permit-required confined spaces.
- 1910.147 The control of hazardous energy (lockout/tagout).
- 1910.151 Medical services and first aid.
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- 1910.156 Fire brigades.
- 1910.157 Portable fire extinguishers.
- 1910.158 Standpipe and hose systems.
- 1910.159 Automatic sprinkler systems.
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 1910.243 Guarding of portable powered tools.
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 1910.253 Oxygen-fuel gas welding and cutting.
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1910.402	Definitions.
1910.410	Qualifications of dive team.
1910.420	Safe practices manual.
1910.421	Pre-dive procedures.
1910.422	Procedures during dive.
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1910.424	SCUBA diving.
1910.425	Surface-supplied air diving.
1910.426	Mixed-gas diving.
1910.427	Liveboating.
1910.430	Equipment.
1910.440	Recordkeeping requirements.
1910.441	Effective date.

SITE: ANCHORAGE LIO

COMMITTEE: JARR

DATE: 4-10-02

SUBJECT OF MEETING:

UPDATE #:



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Y or N**

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Email address:			
<input checked="" type="checkbox"/> Frank Dillon		AK Trucking Assoc	Y
Email address:			
Meena Kohler		AVEC	Y
Email address:			
Email address:			
Email address:			
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ALASKA STATE LEGISLATURE

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Scheduled to appear

~~Ed Flanagan- Comm. DOL~~

Rick Mastriano-Dir. Labor Standards and Safety Division, DOL

On-line

✓ ~~Frank Dillion- AK Truckers Assoc.~~ 9:00

Steve Trosper- Teamsters Safety Representative

Chris Ross- Alaska Safety Advisory Council

Marylou Jovich Industrial Hygiene Consultant

Mary Shields-Northwest technical Services

*This Hearing will be teleconferenced



SITE: MATSU LIO

SUBJECT OF MEETING:

Proposed Regs Occupational Safety & Health/Ergonomics

COMMITTEE: JARR

DATE: 04/10/02

UPDATE #:

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Kay Slack		KSlack Associates Inc	Y
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

CLIP OF THE WEEK

Government to Offer Workplace Guidelines

Akron Beacon Journal (OH) circ: 142,685, *Fort Lauderdale Sun-Sentinel* circ: 274,963, *Lexington Herald-Leader* circ: 114,427, *Kansas City Star* circ: 275,735, *Orlando Sentinel* circ: 269,546, *Austin American-Statesman* circ: 193,258, *Philadelphia Inquirer* circ: 404,860, *Allentown Morning Call* (PA) circ: 128,765, *Columbus Ledger-Enquirer* (GA) circ: 48,714, *Belleville News-Democrat* (IL) circ: 53,742, *Stamford Advocate* (CT) circ: 29,046

By **LEIGH STROPE** | AP Labor Writer
April 5, 2002

WASHINGTON -- Labor Department officials said Friday they will develop voluntary guidelines for certain industries to reduce workplace injuries, a move sure to please businesses that had lobbied hard against more sweeping regulations.

"This plan is a major improvement over the rejected old rule because it will prevent ergonomics injuries before they occur and reach a much larger number of at-risk workers," Labor Secretary Elaine Chao said in a prepared statement.

Chao has been criticized by Democrats for failing to quickly develop an agency wide plan for reducing repetitive-stress injuries in the workplace, after a high-profile repeal of Clinton-era regulations last year by a Congress then controlled by Republicans. Those regulations would have required employers to make changes to reduce worker injuries related to ergonomics, and in some cases compensate injured workers.

"Small businesses are already among the safest places to work," said Dan Danner, senior vice president of the National Federation of Independent Businesses, praising the new policy. "The way to make them even safer is to work with small-business owners in a helpful way, rather than playing an adversarial, threatening role..."

The four-part plan by the Occupational Safety and Health Administration includes:

- * A move by OSHA to develop voluntary guidelines aimed at certain industries and certain tasks. OSHA officials expect to release the guidelines in about six months, and also plan to encourage other businesses and industries to develop their own policies.

Officials plan to look at injury and illness rates for various industries to determine which ones could benefit from such guidelines.

- * Targeted enforcement. The agency will not focus its enforcement efforts on employers that have implemented "effective" ergonomics programs or "who are making good-faith efforts to reduce ergonomics hazards..."

Chapter 18.60. SAFETY

***ADMINISTRATIVE CODE.

For occupational safety and health division, see 8 AAC, part 4.

Sec. 18.60.010. Legislative intent.

(a) The legislature finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, the people of the state in terms of loss of production, wage loss, medical expenses, and disability compensation payments.

(b) For these reasons it is found and declared necessary to undertake a program to reduce the incidence of work-related accidents and health hazards in the state.

Sec. 18.60.020. Regulations.

(a) The Department of Labor and Workforce Development shall issue the orders and adopt the regulations necessary to carry out the purposes of AS 18.60.010 - 18.60.105.

(b) Upon adopting a regulation or standard, or granting any variance under this chapter, the commissioner shall include a statement of the reasons for the action, forward a copy to the OSHA Review Board, cause a copy to be published in newspapers, and submit a news release to the electronic news media in the state so as to receive statewide coverage.

Sec. 18.60.030. Duties of Department of Labor and Workforce Development.

The Department of Labor and Workforce Development shall

(1) study ways and means for prevention of accidents to persons on the streets and highways, in and on the water, in aircraft usage, in homes, on the farms, at schools, in industrial and commercial plants, and in public places;

(2) plan and execute safety programs, including educational campaigns, designed to reduce accidents in every field of activity;

(3) work in cooperation with official and unofficial organizations and instrumentalities in the state that are interested in the promotion of safety so that possible resources can be marshalled and utilized to reduce the menace of accidental death and injury;

(4) work toward obtaining better observance and enforcement of laws governing street and highway traffic, and assist in bringing about, wherever feasible, the application of modern engineering measures for the prevention of traffic accidents;

(5) confer with the public agencies responsible for safeguarding the people against accidents, and especially with the Department of Transportation and Public Facilities, the Department of Public Safety, the Department of Education and Early Development, the Department of Natural Resources, the Department of Health and Social Services, and the heads or representatives of federal departments and agencies operating in the state particularly concerned with safety programs and accident prevention;

(6) establish and enforce occupational safety and health standards that prescribe requirements for safe and healthful working conditions for all employment, including state and local government employment, and the requirements are to be at least as effective as those requirements adopted by the United States Secretary of Labor under 29 U.S.C. 655 (Sec. 6 of P.L. 91-596);

(7) require an employer to maintain records and submit reports to the department which records and reports are necessary or appropriate for the enforcement of AS 18.60.010 - 18.60.105 and to maintain records and submit reports to the United States Secretary of Labor in the same manner and to the same extent as set out in federal law and regulations;

(8) require an employer to maintain records and submit reports appropriate for use in developing information regarding the causes and prevention of occupational accidents and illnesses;

(9) require an employer to make periodic inspections when necessary to carry out the record and reporting requirements of (7) and (8) of this section;

(10) participate in occupational safety and health programs if it finds they are necessary to meet the occupational health and safety needs of the state;

(11) execute on behalf of the state agreements or contracts necessary or desirable to enable the state to participate in occupational safety and health programs, and to receive and expend funds made available for programs of the state;

(12) annually publish a list of toxic and hazardous substances and physical agents;

(13) maintain a current set of OSHA form 20's or equivalent information for toxic and hazardous substances and for physical agents, and other information relevant to toxic and hazardous substances and physical agents;

(14) assist employers, upon request, to develop employee safety education programs and to identify and obtain information on toxic and hazardous substances and physical agents.



ALASKA

Statement to the Administrative and Regulation Review Committee

Department of Labor Draft Workplace Safety Regulations

April 10, 2002

NFIB/Alaska opposes implementation of new state regulations regarding ergonomics. The National Federation of Independent Business has been very active at the federal level in fighting ergonomics regulations that are particularly burdensome to small business.

Last Friday, April 5, 2002, the US Department of Labor announced a Comprehensive Plan on Ergonomics to address musculoskeletal disorders in the workplace. A brief summary of the Occupational Safety & Health Administration's approach is attached to this statement along with an Associated Press news clip on the subject. NFIB/Alaska feels this plan should be allowed to work before taking additional action at the state level.

While we do not want to see additional safety mandates from the state, NFIB/Alaska supports any efforts by the Alaska Department of Labor to provide helpful information and guidance to businesses in prevention of musculoskeletal disorders.

Recent Ergonomics Chronology

On November 14th, 2000, OSHA issued its Final Ergonomics Program Standard that became effective January 16, 2001. On March 7, 2001 the Senate voted 56-44 to repeal the ergonomics rule under the Congressional Review Act. The next day, the House voted 223-206 to repeal the rule. On March 20, 2001 the President signed Senate Joint Resolution 6, repealing the ergonomics rule. Last summer, the Department of Labor held a series of public forums on ergonomics at several Universities and met with stakeholder groups to discuss various views on the subject. Out of that work, OSHA developed the approach announced on April 5th.

Preliminary Comments on Draft Department of Labor Regulations

The Department of Labor draft regulations for ergonomics, indoor air quality and workplace violence require **all employers** to develop and implement a written safety and health program including a site specific job hazard and risk assessment. Daily inspections of equipment and activities are required as well as documented, certified training for all employees. Documented monthly safety meetings for all employees are mandatory. The workplace hazard assessment must be updated at least annually through

a written certification process. The certification of hazard assessments must be retained by the employer for a period of five years and be available on request to DOL representatives for examination and copying. The employer is required to investigate and document all workplace injuries and implement corrective measures to prevent future injuries. **These rules apply to all types and all sizes of businesses.** The specific requirements for the ergonomics section is even more detailed with specific training required for a whole list of potential ergonomic hazards.

These regulations would put a costly burden on small business. The time involved in creating the written detailed plans and hazard assessments alone would be very expensive. Training, inspection, and documentation of all aspects of the requirements add even more cost to business. The paperwork burden does little to actually reduce ergonomic injuries but greatly increases the cost of doing business.

NFIB/Alaska opposes implementation of these draft rules.

Submitted on behalf of NFIB/Alaska by Thyes Shaub

Subj: **Clip of the Week**
Date: 4/5/02 1:21:06 PM Pacific Standard Time
From: Kristin.Lofstrom@NFIB.ORG
File: 4.5.02.doc (24064 bytes) DL Time (TCP/IP): < 1 minute
Sent from the Internet (Details)

CLIP OF THE WEEK

Government to Offer Workplace Guidelines

Akron Beacon Journal (OH) circ: 142,685, Fort Lauderdale Sun-Sentinel circ: 274,963, Lexington Herald-Leader circ: 114,427, Kansas City Star circ: 275,735, Orlando Sentinel circ: 269,546, Austin American-Statesman circ: 193,258, Philadelphia Inquirer circ: 404,860, Allentown Morning Call (PA) circ: 128,765, Columbus Ledger-Enquirer (GA) circ: 48,714, Belleville News-Democrat (IL) circ: 53,742, Stamford Advocate (CT) circ: 29,046

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U.S. Department of Labor
Occupational Safety & Health Administration

www.osha.gov



OSHA Effective Ergonomics: Strategy for Success

A Four-Pronged, Comprehensive Approach

Effective ergonomics is part of OSHA's overall strategy for reducing workplace injuries and illnesses. Injuries and illnesses related to ergonomics, often called musculoskeletal disorders (MSDs), are on the decline in the workplace; OSHA's goal is to accelerate that decline.

Secretary of Labor Elaine Chao made a commitment in April 2001 to develop a comprehensive approach to ergonomics. To fulfill that commitment, OSHA conducted three public forums around the country in July 2001, collecting 368 written comments and hearing 100 speakers; met with stakeholder groups and individuals to discuss various views on the issue; analyzed the comments and recommendations; reviewed relevant and helpful information from other sources, including the past ergonomics docket; studied the various options; and researched various alternative approaches.

Out of that work, OSHA developed a four-pronged comprehensive approach to ergonomics that the agency believes will quickly and effectively address MSDs in the workplace. This approach is based on the principles outlined by the Secretary for an effective approach to ergonomics: preventing injuries; using sound science in formulating a strategy; providing incentives for cooperation between OSHA and employers; maximizing flexibility and avoiding a one-size-fits all approach; creating a feasible program, especially for small businesses; and ensuring clarity, including short, simple, common-sense solutions.

The four segments of OSHA's strategy for successfully reducing injuries and illnesses from MSDs in the workplace are:

Guidelines

- OSHA will develop industry-or-task-specific guidelines for a number of industries based on current incidence rates and available information about effective and feasible solutions. This work will take into account guidelines and best practices already developed, including OSHA's own Meatpacking Guidelines, issued in 1990.
- OSHA will encourage other industries to develop ergonomic guidelines to meet their own specific needs.
- The goal is to encourage industry to implement measures as quickly as possible to reduce work-related MSDs. OSHA expects to start releasing guidelines in selected industries in six months.

Enforcement

- OSHA's primary goal is the reduction of injuries and illnesses in the workplace.
- Employers must keep their workplaces free from recognized serious hazards under the OSH Act's General Duty Clause. This includes ergonomic hazards.
- OSHA will not focus its enforcement efforts on employers who have implemented effective ergonomic programs or who are making good-faith efforts to reduce ergonomic hazards.
- OSHA will conduct inspections for ergonomic hazards and issue citations under the General Duty Clause and issue ergonomic hazard alert letters where appropriate. OSHA will conduct follow-up inspections or investigations within 12 months of certain employers who receive ergonomic hazard alert letters.
- OSHA has announced a National Emphasis Program in the nursing home industry to guide inspections of nursing homes, and to focus significant efforts on addressing ergonomic hazards related to patient lifting.
- OSHA will conduct specialized training of appropriate staff on ergonomic hazards and abatement methods and designate 10 regional ergonomic coordinators and involve them in enforcement and outreach.
- OSHA will address ergonomic hazards in its national emphasis program, notifications, and inspections of employers in the Site Specific Targeting program, and will offer assistance to those employers in this group who have a high percentage of MSDs.

Outreach and Assistance

- OSHA will provide assistance to businesses, particularly small businesses, and help them proactively address ergonomic issues in the workplace. OSHA will also provide advice and training on the voluntary guidelines and implementation of a successful ergonomics program.
- OSHA will target its Fiscal Year 2002 training grants to address ergonomics and other agency priorities, including support for the development of ergonomic training materials and the direct training of employers and employees to promote a better understanding of ergonomic risks and the prevention of MSDs.
- OSHA will develop a complete and comprehensive set of compliance assistance tools, including Internet-based training and information, to support understanding of guidelines and how to proactively define and address ergonomic problems.
- OSHA will provide courses at its 12 nonprofit educational partner organizations, known as Education Centers, for private sector and other federal agency personnel, and will develop and utilize distance learning to make training materials available to a wider audience.
- OSHA will focus on developing new partnerships to implement and highlight the value and effectiveness of voluntary ergonomic guidelines and will use its existing partnership programs to facilitate the development of guidelines. **Voluntary Protection**

Programs (VPP) sites will be used to help model effective ergonomic solutions. VPP volunteers will mentor other worksites, and provide training assistance.

- OSHA will also develop new recognition programs to highlight the achievements of worksites with exemplary or novel approaches to ergonomics.
- As part of the Department of Labor's cross-agency commitment to protecting immigrant workers, especially those with limited English proficiency, the new ergonomics plan includes a specialized focus to help Hispanic and other immigrant workers, many of whom work in industries with high ergonomic hazard rates.

Research

- While there is a large body of research available on ergonomics, there are many areas where additional research is necessary, including gaps identified by the National Academy of Science (NAS). OSHA will serve as a catalyst to encourage researchers to design studies in areas where additional information would be helpful.
- OSHA will charter an advisory committee that will be authorized to, among other things, identify gaps in research related to the application of ergonomics and ergonomic principles to the workplace. This advisory committee will report its findings to the Assistant Secretary and to the National Institute for Occupational Safety and Health (NIOSH).
- OSHA will work closely with NIOSH and through the National Occupational Research Agenda process to encourage research in needed areas.

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Last Updated April 5, 2002

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DATE: January 15, 2002 NO: 02-01

CONTACT: Rich Mastriano PHONE: (907) 269-4914

Department of Labor and Workforce Development**News Release****LABOR DEPT. WANTS PUBLIC INPUT ON DEVELOPING GENERAL SAFETY,
HEALTH PROGRAMS*****Regs being developed include ergonomics, indoor air quality, workplace
violence***

The Alaska Dept. of Labor and Workforce Development is scheduling meetings statewide to solicit public input on regulations being developed for general safety and health programs, including ergonomics, indoor air quality, and workplace violence for Alaska's workplaces.

"We're holding public meetings before we even start the formal rule-making process because one of the areas we hope to address is ergonomics, which generated a lot of controversy at the federal level last year," said Labor Commissioner Ed Flanagan.

"We hope to work cooperatively with Alaska employers, unions, health professionals, and other interested persons to develop an Alaska solution to a problem which costs employers and workers millions of dollars per year in compensation, lost wages, and lost productivity," Flanagan said, "not to mention the toll it takes on workers and their families.

Other areas, which the department plans to address in the regulations, include re-establishing a requirement for written safety and health programs, indoor air quality in workplaces, and workplace violence.

"Our proposed approach to these issues is to require an assessment of workplaces to identify job hazards and risk assessments, and establishing guidelines for dealing with identified hazards," said Labor Standards and Safety Division Director Rich Mastriano.

The department will evaluate and incorporate public input from these meetings into draft regulations, which will be proposed in a formal rule-making process later this year. Further public notice and opportunity for public comment will occur in accordance with the Administrative Procedure Act at that time. The proposed regulations can be downloaded or viewed [online](#).

The first meeting is scheduled for Wednesday, January 16, in Anchorage, 5-7 PM at the State Lab Conference Room, 4500 Boniface Parkway.

Subsequent meetings are scheduled for January 23 in Fairbanks, at the Borough Chambers, 809 Pioneer Road from 5-7 PM, and January 31 at Centennial Hall in Juneau from 5:30 to 7:30 PM. A teleconference has been scheduled on Monday, February 4, 2-4 PM for those who cannot attend any of the meetings in person but would like to comment.

For more information about the meetings, or if you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Becky Oliva, Occupational Safety and Health Section, at (907) 269-4939. To participate in the teleconference, contact Becky Oliva at (907) 269-4939 for the bridge

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PUBLIC MEETING

To discuss regulations being developed by the
AK DEPT. OF LABOR & WORKFORCE DEVELOPMENT
for general safety & health programs
(including ergonomics, indoor air quality, workplace violence)
for AK workplaces.

Thursday, January 31 5:30-7:30pm
Centennial Hall, Egan Room
101 Egan Drive

For info call:
DOL Occupational Safety & Health Section
(907) 468-4885

*Thanks, Vincent 586-3740/9097
FAX
2/14*



POSITION ON PROPOSED LABOR STANDARDS AND SAFETY REGULATIONS

Date: March 18, 2002

Background: The State of Alaska Department of Labor has proposed regulations that will require every employer to develop and implement a written safety and health program including a site specific job hazard and risk assessment. The proposed regulation reads in part: "whenever operations change, new processes are added, or job tasks change, a survey of the work-site shall be conducted to identify new or previously unnoticed risk factors and deficiencies . . ." Additionally, the regulation establishes stringent training requirements on ergonomics issues. ABC of Alaska urges the Department of Labor to withdraw the proposed regulations and revisit the methodology being considered to improve the life-safety of Alaska's workers. This position is based on the following concerns:

Ergonomics:

- 1) The U.S. Department of Labor is reviewing the issue of ergonomics and is scheduled to issue a report in the near future. Proposed federal ergonomics regulations were discarded due in large part to the fact that ergonomics science is still in its infancy. Alaska does not have the unique need to promulgate regulations that go beyond the federal standards, or are so pressing that they cannot wait for the federal standards.
- 2) Physical job factors are only one of at least three components that contribute to the type of injuries incurred by the risks identified in the proposed plan. The relationship of risk factors including the social aspects of employment (including job satisfaction) and the psychological and physical characteristics of the individual including age, gender and personal habits are little understood. A study by the National Academy of Sciences (NAS) indicates that further study is required before promulgation of any ergonomic standard.
- 3) ABC is concerned that any proposed ergonomics regulation applied to construction would divert safety resources from industry hazards which deserve more attention, such as fall, electrocutions, struck-by and caught in between hazards- the "focus four" hazards - and others.

Accident Prevention Programs and Hazardous Assessment requirements:

- 1) The work-site safety plan requirements included in these regulations do not take the constantly changing nature of the construction job-site into consideration. It would be impossible for any contractor to be in compliance with the regulation as currently written.
- 2) The paperwork requirements of the proposed regulation, which include daily checklists of all work sites in the state to be retained for five years, are overly burdensome and costly to implement.

E-mail dated 02/11/02

The Dep't of Labor Safety and Health are proposing new regulations in the following areas: 1. Accident prevention & hazard assessment, 2. Ergonomics, 3. Violence in the workplace, 4. Indoor Air quality.

After reading the proposed regulations, I suggest you cut some of the funding available for the Department of Labor Safety and Health. OSHA already has most of these regulations in place and to add an additional layer of State requirements is duplicitous and expensive. As a small business owner, I don't have the staff or the time to cross all the additional "t's" and dot all the additional "i's" that will be required. I would venture to say that the majority of business owner's today do their best to make sure that the work environment for their employees is a safe place to work. The specter of workman's comp claims alone is enough to police this area. We don't need additional regulations from another government entity taking resources away from us that we could direct towards making our businesses better at building and maintaining a healthy economy. Please review the Department of Labor Safety & Health and encourage them not to add these additional regulations.

Thank you for your time,

Steve Sommerfeld, President
Alaska Pure Water Products

Sec. 18.60.075. Safe employment.

(a) An employer shall do everything necessary to protect the life, health, and safety of employees including, but not limited to

(1) complying with all occupational safety and health standards and regulations adopted by the department;

(2) furnishing and prescribing the use of suitable protective equipment, safety devices, and safeguards as are prescribed for the work and work place;

(3) adopting and prescribing control or technological procedures, and monitoring and measuring employee exposure in connection with hazards, as may be necessary for the protection of employees; and

(4) furnishing to each employee employment and a place of employment that are free from recognized hazards that, in the opinion of the commissioner, are causing or are likely to cause death or serious physical harm to the employees.

(b) An employee shall comply with occupational safety and health standards and all regulations issued under AS 18.60.010 - 18.60.105 that are applicable to the employee's own actions and conduct.

(c) [Repealed, Sec. 9 ch 72 SLA 1973].

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CHAPTER _____, OCCUPATIONAL SAFETY AND HEALTH is amended to read:

ARTICLE _____. SAFETY AND HEALTH PROGRAM STANDARD

Section

- _____. Accident prevention programs and hazard assessment requirements
- _____. Scope
- _____. Accident prevention programs
- _____. Training and education
- _____. Hazard assessment requirements

Section

- _____. Ergonomics
- _____. Violence in the workplace
- _____. Indoor air quality

8 AAC _____. ACCIDENT PREVENTION PROGRAMS AND HAZARD

ASSESSMENT REQUIREMENTS. The provisions of secs. _____ of this article implement AS 18.60.010, AS 18.60.020, AS 18.60.030 and AS 18.60.075. These sections provide for implementation of accident prevention programs and hazard assessment in the workplace.

(a) Each employer shall develop and implement a written safety and health program including a site specific job hazard and risk assessment. The program shall provide for frequent and regular inspections of the job sites, employee work duties, materials, and equipment to be made by competent persons designated by the employer.

(b) An employer having one or more caution areas is required to comply with

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8 AAC _____, 8 AAC _____ or 8 AAC _____. An employer who has made a reasonable determination that caution area jobs do not exist is not required to comply with 8 AAC _____, 8 AAC _____ or 8 AAC _____.¹

(c) Definition. For the purposes of this section:

(1) "caution area" means those areas of work where accidents and injuries have occurred and/or hazards are present in the workplace;

(2) "competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(Eff. ____/____/____, Register _____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030
AS 18.60.075

8 AAC _____. SCOPE. This section covers all workplaces in Alaska, including private and public entities.

(Eff. ____/____/____, Register _____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

¹ Note: This substantive language was extracted from the ergonomics section and brought forward to the mandatory section of these regulations so as to apply to all sections.

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8 AAC _____. ACCIDENT PREVENTION PROGRAMS: (a) The employer shall establish and maintain a written accident prevention program. The program shall provide that personnel knowledgeable of the regulations and the hazards in the workplace make daily inspections of equipment and activities. The employer shall also ensure that immediate action is taken to eliminate all hazards.

(b) Categories to address in accident prevention programs include:

- (1) general safety and health issues;
- (2) ergonomics;
- (3) violence in the workplace;
- (4) indoor air quality

(c) The employer shall investigate and document all workplace accidents and injuries.

The employer shall implement corrective measures to prevent future injuries.

(Eff. ____/____/____, Register _____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

8 AAC _____. TRAINING AND EDUCATION: (1) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and activities and the standards pertaining to their job. The training shall be documented. Certification of training shall be retained in employee personnel files by the employer for at least five years.

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- (2) documented monthly safety meetings for all employees are required;
- (3) each affected employee shall demonstrate an understanding of the training specified before being allowed to perform their work;
- (4) when the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill to perform the duties, additional training must be provided and documented;
- (5) employers shall instruct their employees to report to them at the earliest possible time or within 24 hours any accidents, hazardous conditions or the onset of symptoms occurring at a workplace; ²

(Eff. ____/____/____, Register ____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

8 AAC _____. **HAZARD ASSESSMENT REQUIREMENTS:** (a) The employer shall perform an initial workplace hazard assessment and at least annually, review and update changes through a written certification that identifies the workplace evaluated and

- (1) describes any caution areas found;
- (2) identifies the person certifying that the evaluation has been performed and signs such document;
- (3) lists the date(s) of the hazard assessment;

² Derived primarily from the Ergonomics Standard of North Carolina, sect .0604 (a)

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(4) identifies new process changes and/or new equipment in place.

The certification of hazard assessment must be retained by the employer for a period of five years and be available on request to employees, employee representatives, and Department of Labor & Workforce Development representatives for examination and copying.

(b) The employer shall investigate and document all workplace accidents and injuries.

The employer shall implement corrective measures to prevent future injuries.

(c) For the purposes of this section, "caution area" means those areas of work where accidents and injuries have occurred and/or hazards are present in the workplace.

(Eff. ____/____/____, Register ____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

8 AAC _____ ERGONOMICS. The purpose of this rule is to reduce employee exposure to specific workplace hazards that can cause or aggravate work-related musculoskeletal disorders. An employer must reduce hazards in the workplace when these exist. Doing so will prevent work-related musculoskeletal disorders such as tendinitis, carpal tunnel syndrome and low back disorders. This rule is not designed to prevent injuries from slips, trips, falls, or being struck by or caught in-between objects. Employers shall initiate training and hazard abatement programs as described in (a) through (f) of this section or implement programs that are at least as effective.

(a) Objectives:

(1) to reduce back and upper extremity musculoskeletal injuries;

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(2) to maintain an effective ergonomics program which identifies the nature and location of any ergonomic-related problem and implements measures to reduce or eliminate them;

(3) to effectively address ergonomic issues during planning, engineering, revision, or purchasing of new facilities, operations, equipment, or products, and during the formulation or revision of processes or procedures;

(b) Work-site analysis:

(1) a work-site analysis shall be completed by all employers to recognize, identify "potential caution areas", and correct ergonomic hazards in the workplace;

(2) at least annually or whenever operations change, new processes are added, or job tasks change, a survey of the work-site shall be conducted to identify new or previously unnoticed risk factors and deficiencies; the survey will also assess the effects of changes on the work processes;

(3) these reviews, studies and analyses of work-sites will be conducted by a competent person or persons knowledgeable of the work processes; the review shall be made available to employees, employee representatives and to the department of Labor and Workforce Development representatives.

(c) Ergonomic hazard prevention and control:

(1) identified ergonomic hazards shall be addressed by one or more of the following control methods:

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- (A) engineering controls;
- (B) work practice controls;
- (C) Personal protective equipment;
- (D) Administrative controls;

(d) Training and Education:

(1) training shall be performed during new employee initial orientation as well as on-the-job training when newly assigned or reassigned, and shall be done annually; the employer may provide ergonomic awareness education or may rely on education provided by another employer or organization;

(2) training shall be conducted to sufficiently inform employees about ergonomic hazards to which they may be exposed and the training must be documented;

(3) the potential risk factors, their causes and early symptoms shall be included;

(4) specific on-the-job training shall consist of identifying potential ergonomic hazards associated with the task; this training shall include the following hazards:

- (A) awkward posture;
- (B) high hand force;
- (C) highly repetitive motion;
- (D) repeated impact;
- (E) heavy, frequent or awkward lifting;
- (F) moderate to high hand-arm vibration;

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(e) Program Review and Evaluation:

(1) Employers may use effective alternative methods; the employer must be able to demonstrate that the alternative methods, taken as a whole, are as effective as the requirements of this standard in reducing the work-related musculoskeletal disorder hazards of each job, and provide for employee education, training and participation;

(2) a program review shall be conducted by the competent person or persons at least annually;

(3) program evaluation shall include, at minimum, the following:

(A) review of submitted ergonomic checklists;

(B) review of training topics, lesson plans, and how these address caution area issues noted on assessment documents;

(C) review of job analysis for any task putting employees at risk for developing work-related musculoskeletal disorders.

(f) Definition. For the purposes of this section,

(1) "awkward posture" means

(A) working with hands above the head, or elbows above the shoulder, more than two hours total per day;

(B) working with the neck or back bent more than 30 degrees (without support and without the ability to vary posture) more than two hours total per day;

(C) squatting more than two hours total per day;

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(D) kneeling more than two hours total per day.

(2) "caution area" means those areas of work where accidents and injuries have occurred and/or hazards are present in the workplace;

(3) "duration (i.e. two hours)" refers to the total amount of time per day employees are exposed to the risk factor, not how long they spend performing the work activity that includes the risk factor;

(4) "high hand force" means:

(A) pinching an unsupported object weighing two or more pounds per hand, or pinching with a force of four or more pounds per hand, more than two hours total per day (comparable to pinching half a ream of paper);

(B) gripping an unsupported object weighing 10 or more pounds per hand, or gripping with a force of 10 or more pounds per hand, more than two hours total per day (comparable to clamping light duty automotive jumper cables onto a battery);

(5) "highly repetitive motion" means

(A) repeating the same motion with the neck, shoulders, elbows, wrists, or hands, (excluding keying activities) with little or no variation every few seconds more than two hours total per day;

(B) performing intensive keying more than four hours total per day;

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(6) "musculoskeletal disorders – work related" means an injury or disorder of the muscle, tendons, ligaments, joints, nerves, blood vessels or related soft tissue including a sprain, strain or inflammation that may be caused or aggravated by work;³

(7) "repeated impact" means using the hand or knee as a hammer more than 10 times per hour more than two hours total per day;

(8) "heavy, frequent or awkward lifting" means

~~A~~ (A) lifting objects weighing more than 75 pounds once per day or more than 55 pounds more than 10 times per day;

(B) lifting objects weighing more than 10 pounds if done more than twice per minute more than two hours total per day;

(C) Lifting objects weighing more than 25 pounds above the shoulders, below the knees or at arms length more than 25 times per day;

(9) "moderate to high hand-arm vibration" means:

(A) using impact wrenches, carpet strippers, chain saws, percussive tools (jack hammers, scalers, riveting or chipping hammers) or other hand tools that typically have high vibration levels more than 30 minutes total per day;

(B) using grinders, sanders, jig saws or other hand tools that typically have moderate vibration levels more than two hours total per day;

³ Note: this definition was derived from the NC ergonomic standard

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(10) "potential ergonomic caution areas" means typical work activities that are a regular and foreseeable part of the job and occur on more than one day per week, and more frequently than one week per year;

(11) "competent person" Competent person means a person who, because of training and experience, is capable of identifying hazardous or dangerous conditions and training employees to identify such conditions.

(Eff. ____/____/____, Register ____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

8 AAC ____. **VIOLENCE IN THE WORKPLACE.** The purpose of this standard is for employers to provide a safe and healthful workplace through an effective workplace violence prevention program adapted to the needs and resources of the place of employment. This program is performance-oriented and the implementation will be based upon an establishment's hazard analysis. Although not every incident can be prevented, many can, and the severity of injuries sustained by employees reduced. This regulation is intended to protect workers from violence in the workplace as it relates to dealing with the general public. Adopting practical measures such as those outlined in (a) through (g) can significantly reduce this serious threat to worker safety.

(a) The objectives of the program is to protect the health and safety of all employees, improve safety in the workplace, reduce unsafe conditions and practices, and eliminate or reduce worker exposure to conditions that lead to death or injury from violence.

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(b) The components to be addressed through management commitment and employee involvement are work site analysis, hazard prevention and control, and safety and health training and should include the following:

(1) a commitment to worker safety and health;

(2) assigned responsibility for the various aspects of the workplace violence prevention program to ensure that all managers, supervisors, and employees understand their responsibilities;

(3) a system of accountability;

(4) a program of medical and psychological counseling and debriefing for employees experiencing or witnessing physical assaults and other violent incidents;

(5) commitment to support and implement appropriate recommendations.

(d) Employee involvement enables workers to develop and express their own commitment to safety and health and provide useful information to design, implement, and evaluate the program. Under this program, an employee:

(1) understands and complies with the workplace violence prevention program and other health and safety measures;

(2) participates in an employee complaint or suggestion procedure covering safety and security concerns;

(3) provides prompt and accurate reporting;

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(4) takes part in continuing education programs that cover techniques to recognize escalating agitation, assaultive behavior, or criminal intent, and is able to demonstrate appropriate responses;

(e) A written program for job safety and security that is incorporated into the organization's overall safety and health program is required. This prevention program shall include clear goals and objectives to prevent workplace violence that is adaptable to situations in each work place. The prevention program and startup date shall be communicated to all employees. The workplace violence prevention program shall include and the employer shall:

- (1) create and disseminate a clear policy of zero tolerance for workplace violence;
- (2) assure that no reprisals are taken against the employee who reports or experiences workplace violence;
- (3) language which encourages employees to promptly report incidents and to suggest ways to reduce or eliminate risks; records of incidents are required and must be kept on file with the employer for 3 years;
- (4) a comprehensive plan outline for maintaining security in the workplace, which might include establishing a liaison with law enforcement and others who can help identify ways to prevent and mitigate workplace violence;
- (5) assigned responsibility and authority for the program to individuals with appropriate training and skills;

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(6) employers shall provide training and training materials that outline security policies, safety and security procedures, and personal safety and crime avoidance techniques. Initial training shall be updated or renewed as needed; upon completion, an employee is required to sign off on the date, time and place of training; the training document will be placed in the employee's personnel file.

(Eff. ____/____/____, Register ____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

8 AAC _____, INDOOR AIR QUALITY STANDARD (a) As set out under AS 18.60.075, and the application and procedures contained in 8 AAC 61.1010 and 8 AAC 61.1100, this applies to indoor air quality in buildings occupied by employees during their regular working hours.

(b) The employer shall develop and implement a written program and designate a person responsible for assuring compliance with this standard. The designated person shall assure that at least the following actions are implemented and documented:

(1) a preventive maintenance schedule is established and followed in accordance with the manufacturer's recommendations or with accepted practice for the HVAC system. Scheduled maintenance of the HVAC system includes checking and/or changing air filters, checking and/or changing belts, lubrication of equipment parts, checking the functioning of

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motors and confirming that all equipment is in operating order; damaged or inoperable components shall be replaced or repaired as appropriate; additionally, any reservoirs or parts of this system with standing water shall be checked visually for microbial growth;

(2) use general or local exhaust ventilation where housekeeping and maintenance activities involve use of equipment or products that could reasonably be expected to result in hazardous chemical or particulate exposures above the applicable Permissible Exposure Limit (PEL) as set out in AS 18.60.075 and implemented under 8 AAC 61.1010 and 8 AAC 61.1100, to employees working in other areas of the building or facility;

(3) when the carbon dioxide level exceeds 1000 parts per million, the employer shall check to make sure the HVAC system is operating properly; if it is not, the employer shall take necessary steps as set out in 8 AAC _____ (1);

(4) if contamination of make-up air supply is identified and results in chemical or particulate exposures above the PEL (Permissible Exposure Limit) as set out in AS 18.60.075, then the make-up inlets and/or exhaust air outlets shall be relocated or the source of the contamination eliminated; sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages/lots, loading docks and street traffic;

(5) assuring that the buildings without mechanical ventilation are maintained so that windows, doors, vents, stacks and other portals designed or used for natural ventilation are in operable condition.

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(c) Control of specific contaminant sources:

(1) when general ventilation is inadequate to control air contaminants emitted from point sources within the work spaces to below the applicable permissible exposure level, as set out in 8 AAC 61.1010 and 61.1100, the employer shall implement other control measures such as local-source-capture exhaust ventilation or an equivalent substitution;

(2) the employer shall control microbial contamination in the building by promptly repairing water leaks that can promote growth of biologic agents, or by promptly drying, replacing, removing, or cleaning damp or wet materials; the employer shall take measures to remove visible microbial contaminants in ductwork, humidifiers, other HVAC and building system components, or on building surfaces, such as carpeting and ceiling tiles, when found during regular or emergency maintenance activities or during visual inspections.

(d) Air quality during renovation and remodeling. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities above allowable levels shall be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in occupied buildings shall be isolated and dust and debris shall be confined to the renovation or construction area.

(c) Recordkeeping

(1) the employer shall maintain a record of maintenance performed on the building air handling systems;

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(2) the maintenance records shall be retained by the employer for at least three years and be available on request to employees and employee representatives and department representatives for examination and copying;

(f) Definitions: The following words and terms, when used in this standard, have the following meaning unless the context clearly indicates otherwise.

(1) "air contaminants" refers to substances contained in the vapors from paint, cleaning chemicals, pesticides, solvents, particulate, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace;

(2) "building-related illnesses" describes specific medical conditions of known etiology that can be documented by physical signs and laboratory findings; such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomial infections, humidifier fever, Legionnaires' disease, and the signs and symptoms characteristics of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins;

(3) "building systems" includes the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility that may impact indoor air quality;

(4) "department" means the Department of Labor and Workforce Development;

(5) "designated person" means a person who has been given the responsibility by the employer to take necessary measures to assure compliance with the standard;

(6) "employee" means a person working for an employer;

(7) "employer" means a person or business employing a person for work;

(8) "HVAC system" means the collective components of the heating, ventilation and air-conditioning system including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers;

(9) "HVAC system commissioning report" means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent;

(10) "incidence" means a happening or occurrence that takes place greater than two or more times in one year;

(11) "office building" means a building in which administrative and/or clerical activities are conducted; examples of facilities and/or operations, which are not office buildings, include schools, repair shops, garages and print shops;

(12) "renovation and remodeling" means building modifications involving activities that include but are not limited to: removal or replacement of walls, roofing, ceilings, floors, carpet, and components such as moldings, cabinets, doors, and windows, paintings, decorating, demolition, surface refinishing, and removal or cleaning of ventilation ducts.

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(Eff. ____/____/____, Register ____)

Authority: AS 18.60.010 AS 18.60.020 AS 18.60.030

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NON-MANDATORY INDEX

The following methods shall be considered a non-mandatory index:

(1) engineering controls, where feasible, should be accomplished by designing or modifying the process, work station, work method, and tools to reduce or eliminate the risk factors;

(2) work practice controls should include proper training and monitoring for the techniques used in lifting, use of pneumatic/power tools, hand tools, changing the order of work, rotating employee to other jobs or other work methods which will reduce stress and strain on extremities;

(3) personal protective equipment should be selected with ergonomic risk factors in mind; the following factors should be considered when selecting personal protective equipment;

(A) proper fit. For example: gloves that are too thick or that fit improperly may reduce blood circulation, contribute to slippage, and require excessive grip strength; gloves should facilitate grasping of the tools needed for a particular job while protecting the employee from injury.

(B) protection from extreme heat or cold is necessary to minimize stress on skin and joints;

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(C) selected personal protective equipment should not contribute to extreme postures and excessive forces;

(4) administrative controls reduce the duration, frequency, and severity of exposures to ergonomic risk factors; administrative control methods include:

(A) during heavy lifting, where mechanical or lifting devices are not available or practical, the number of employees assigned to the task should be increased;

(B) use of a preventative maintenance program for mechanical/power tools and equipment to verify they are in proper working order and within manufacturer's specifications;

(C) when feasible, adjust the type, size, weight, or temperature of item(s) handled and/or speed of product lines;

(D) when feasible, work hardening, exercises, stretches, and work breaks should be provided to reduce the impact of ergonomic risk factors.⁴

⁴ Derived from NC Ergonomic Standard sect. .0604 (b) (1)