

State of Alaska Occupational Safety and Health



18(b) Occupational Safety and Health Plan

**18 (B) OCCUPATIONAL SAFETY AND HEALTH PLAN
FOR THE STATE OF ALASKA**

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THE OCCUPATIONAL SAFETY AND HEALTH PLAN
FOR THE
STATE OF ALASKA

1. Preface

The Williams-Steiger Occupational Safety and Health Act of 1970 charged the U.S. Department of Labor with the responsibility for establishing a program assuring “so far as possible every working man and woman in the nation, safe and healthful working conditions, and preserving our human resources.”

Congress included in the Act of 1970, a provision, Section 18(b), under which “any state which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any safety or health issue, shall submit a State Plan.”

On December 8, 1972, the Governor of the State of Alaska issued a letter of intent to support state legislation for the State to assume responsibility for the development of a state plan for the enforcement of safety and health standards within the state. The Governor designated the Alaska State Department of Labor as the responsible agency to develop and administer the Alaska occupational safety and health program. The Commission of the Department of Labor was appointed as designee. The Commissioner exercises all the powers and performs all the duties prescribed for the occupational safety and health program established by state Plan agreement and criteria of 29 CFR 1902.4(b) and 29 CFR 1902.4(c).

2. Introduction

A. Purpose

The purpose of this Plan is to implement the provisions and intent of the Williams-Steiger Occupational Safety and Health Act of 1970, PL 91-596, 91st Congress, under Section 18(b) and (e) of the Act, which provides that any state may assume responsibility for the development and enforcement of occupational safety and health standards related to issues covered by corresponding standards promulgated under Section 6 of the Act.

B. Scope of Plan

The Alaska State Plan covers all occupational safety and health “issues” as defined in 29 CFR 1902.2(c)(1), with the exception of the following worksites and industries:

*Maritime employment (29CFR Part 1915, shipyard employment; Part 1917, marine terminals; Part 1918, longshoring; Part 1919, gear certification) as well as provisions of the general industry standards (29 CFR Part 1910) appropriate to hazards found in these employments.

*Marine-related private sector employment at worksites on navigable waters such as floating seafood processing plants, marine construction, employments on artificial islands and diving operations in accordance with section 4(b)(1) of the Federal Act.

*Private sector worksites located within the Annette Islands Reserve of the Metlakatla Indian Community and within the Mount McKinley National Park.

*Federal agencies whose employees work for the United States.

*Work sites where employees are protected by government agencies under the Atomic Energy Act of 1954 (42 U.S.C. 2021).

*Worksites where employee working conditions are regulated by Federal agencies other than the U.S. Department of Labor under the provisions of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1527, 29 U.S.C. 653 (b)(1)).

An “issue” is considered to be an industrial, occupational or hazard grouping which is at least as comprehensive as a corresponding grouping for which OSHA has promulgated a regulation, standard or rule.

The State Plan applies to all private and public employers and employees in all industries (see exclusions above) subject to the jurisdiction of the Alaska Department of Labor pursuant to Alaska Statutes, Section 19.60.030(6) which gives the authority for it to 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.

C. Authority

This plan is developed under the terms of a written agreement between the State of Alaska and the U.S. Department of Labor, by which the State of Alaska Department of Labor, as designee, filed notice of intent to submit a Developmental State plan by September 17, 1972.

D. Definitions

The following terms are used in this document:

“AKOSH” means the Alaska Occupational Safety and Health program.

“Assistant Secretary” means the Assistant Secretary for Occupational Safety and Health, United States Department of Labor.

“Commissioner” means the Commissioner of the Alaska Department of Labor.

“Department” means the Alaska Department of Labor.

“Director” means the Director of Labor Standards and Safety of the Alaska Department of Labor.

“Issue” means an occupational standard, code, regulation, rule, or statute for an industrial, occupational or hazard grouping.

“OSHA” means the Federal Occupational Safety and Health Administration.

“Secretary” means the Secretary of Labor, United States Department of Labor.

3. Plan Narrative

A. Legal Authority

- (1) Enabling Legislation and Amendments: Legislation to support the Alaska State Occupational Safety and Health Program (AKOSH) comparable to the Federal Occupational Safety and Health Act was enacted by the Alaska state Legislature in 1973 as Senate Bill No. 46. The Bill was signed into law by Governor William Egan on April 25, 1973 and became effective on July 24, 1973. The legislation was approved by the United States Assistant Secretary of Labor for Occupational Safety and Health on July 31 1973 with final approval appearing in the Federal Register on August 10, 1973.

Since 1973 the Alaska Occupational Safety and Health Statutes have been amended in 1976, 1982, 1983 and 1992. In 1976 provisions were added to require that the Commissioner submit a news release to the electronic news media in the state whenever the Commissioner promulgates any regulation or standard, or grants any variance; to allow substitution of training in the safety principles and codes and standards for up to three years of the five years of experience required for qualifications of safety inspectors; and to require employers to report within 24 hours after receipt of information that an accident occurred that is fatal to one or more employees. In 1982 an Executive Order changed the designation of the Division given the responsibility of carrying out the Alaska Occupational Safety and Health program from Division of Occupational Safety and Health to division of Labor Standards and Safety to reflect a reorganization that occurred in 1981. In 1983, provisions dealing with employer’s responsibility to provide information and training on toxic and hazardous substances were added to the Statutes. In 1992, AS 18.60.085 and AS 18.60.095 were revised to increase by seven fold the maximum civil penalties authorized under the Alaska OSH Statutes. This change was made in order to bring Alaska’s OSH statutes into compliance with the Federal OSH Act which had been revised in November, 1990 by Omnibus Budget Reconciliation Act of 1990 to increase by seven fold OSHA penalties.

- (2) Governor’s Support. A letter of support was issued on December 8, 1972 by Governor William A. Egan as required by 29 CFR 1902.2(b) for developmental state plans where legislative changes are required. (See letter in Appendix A.1)
- (3) Designation of Agency and Authority. In a March 15, 1971 letter to J.D. Hodgson, Secretary of Labor of the United States Department of Labor, Governor William A. Egan, designated the Alaska Department of Labor as the state agency responsible for developing and implementing an 18(b) (developmental) state plan conforming with the Occupational Safety and Health Act (See Appendix A.2).

Revised July, 1992

- (4) Department of Law Determination. In an opinion dated December 1972, from Attorney General John E. Havelock to Department of Labor Commissioner Henry A. Benson, the Alaska Department of Law determined that the Act relating to the establishment and enforcement of Occupational Health and Safety Standards does not conflict with the Alaska constitution or any law of the State of Alaska. (See Appendix A.3)
- (5) Department of Labor. The Department of Labor, under the Governor of the State of Alaska consists of four divisions: an Administrative Services Division; Employment Security Division; Workers' Compensation Division; and Labor Standards and Safety Division. The Alaska Occupational Safety and Health program is within the Labor Standards and Safety Division.
- (6) Commissioner of Labor. The Commissioner of Labor, appointed by the Governor, is responsible under the State's Occupational Safety and Health law to establish and enforce occupational safety and health standards that are at least as effective as those promulgated by the United States Secretary of Labor under Paragraph 6 of Public Law 91-596; to require employers to maintain and submit injury and illness records and other records as necessary for the enforcement of the Alaska Occupational Safety and Health Law; and to conduct studies and work with other agencies, organizations and instrumentality's to foster safety and health and reduce accidents.
- (7) Director, Division of Labor Standards and Safety. The Commissioner appoints the Director of Labor Standards and Safety who shall have charge and supervision of the Alaska Occupational Safety and Health program. The director shall exercise all the powers and perform all the duties prescribed for the Commissioner by law in relation to the enforcement, amendment, alteration, change, and making additions to the laws, regulations, statutes, and policies for the Alaska Occupational Safety and Health program.
- (8) Final Approval/Determination of Alaska State Plan. Alaska received certification on September 9, 1977 in accordance with 29 CFR 1902.34 that it had completed on or before October 1, 1976 all developmental steps specified in the plan as approved on July 31, 1973. On September 26, 1984, the Alaska plan was granted final approval in accordance with section 18(e) of the Act and the procedures in 29 CFR 1902. OSHA granted 18(e) certification after that State met the "fully effective" compliance benchmark as established in 1980, and was satisfactorily providing reports to OSHA through participation in the Federal-State Unified Management Information System. Based on the evaluation Report for FY 1983 and available FY 1984 date, and after opportunity for public comment and an informal public hearing held on June 7, 1984 in Anchorage, Alaska, the Assistant Secretary determined that in actual operations, the State of Alaska Occupational Safety and Health program is at least as effective as the Federal program in providing safe and healthful employment and places of employment and meets the criteria for final state plan approval in section 18(e) of the Act. Final approval means that concurrent Federal enforcement authority was relinquished by OSHA.

Alaska is required to maintain a State program which is at least as effective as operations under the Federal program and to allocate sufficient safety and health enforcement staff to meet the benchmark for state staffing established by the U.S. Department of Labor.

- (9) Jurisdiction: Under the 18(e) certification, AKOSH has jurisdiction over all places of employment in Alaska except the issue of private sector maritime employment, operations of private sector employers within the Metlakatla Indian community on the Annette Islands, operations of private sector employers within the boundaries of the McKinley National Park, and worksites located on the navigable waters including artificial islands.
- (10) Agreements with other Agencies: Although the commissioner and Director works with other agencies and individuals from time to time as needed to promote improved understanding and/or enforcement of safety and health principles or regulations, at the present time there are no formal agreements or memorandums of understanding between the Department and other state agencies related to worker safety and health.
- (11) Public Information and Disclosure. Public information requests are handled in accordance with the provision of the Alaska “Inspection and Copying of Public Records” Act. Alaska Statutes AS 09.25.110-120 and Alaska Administrative Regulations, 6 AAC 95.010-900. The Department has also issued ADMCL 1-18 to provide guidance on how to meet the policies and procedures set out in the law and regulation. These policies provide guidelines for responding to public record requests and publications. All requests for inspection records are generally coordinated through the Administrative Assistant in the Anchorage AKOSH office. AKOSH’s legal counsel with the Alaska Department of Law provides assistance when there are questions as to interpretation of the disclosure law and regulation.
- (12) Coverage of Public Employees. AKOSH provides the same coverage of public employees as it does private employees. Public employers are subject to citation and penalties and public employees have the right to file both safety and health complaints and discrimination complaints. The authority to inspect state and local government employment is set out in AS 18.60.030(6) and was enforced by a legal opinion issued by the Alaska Department of Law on March 27, 1980. (see Appendix A.4)

B. Regulations and Standards

- (1) Inspections. 29 CFR 1902.4(c) requires that the State will provide for inspection of covered work places in the State, including inspections in response to complaints. The Alaska Occupational Safety and Health Statutes, AS 18.60.083 authorizes a representative of the department of enter without delay and at reasonable time a factory, plant, establishment, construction site, or other area, work place or environment where work is performed by an employee of an employer to inspect and investigate a place of employment to assure that its occupational safety and health regulations and standards are being met. Furthermore, AS 18.60.088 authorizes the department to conduct an inspection when it receives a complaint from an employee about an occupational safety or health hazard at the work place.

In order to carry out its responsibility to inspect covered work places, AKOSH has adopted regulations in the Alaska Administrative Code (AAC) that set out its policies, procedures, and methods that govern these inspections. The occupational safety and health standards are also adopted by reference in the AAC. These regulations are set out in Title 8, Chapter 61, Section .010 through .960. (See Appendix B.2)

The Alaska Compliance Manual (Chapter III) contains detailed procedures and requirements necessary for the conduct of inspections and enforcement of AKOSH regulations. AKOSH also provides guidelines on procedures to be used during an inspection in its “Technical Manual” and uses a system of Program Directives and Interpretation Memos to keep field personnel up to date until these procedures can be incorporated into the compliance manual.

- (2) Recordkeeping: 29 CFR 1902.3(k) requires that the State Plan shall provide assurances that employers covered by the State will maintain records and make reports to the Assistant Secretary in the same manner and to the same extent as if the Plan were not in effect. Alaska Statutes 18.60.030 (y) requires an employer 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.

29 CFR 1902.3(1) requires that a State Plan provide assurances that the designated agency make such reasonable reports to the Assistant Secretary in such form and containing such information as he or she may from time to time require. Reporting will also include data and information on the extent the agency has attained goals of specific inspection and voluntary compliance activities within the state. Further reports shall include information pertaining to work-related deaths, injuries, and illnesses in employment and places of employment covered by the plan. The State provides statistics of program operations by entering data on both compliance and consultative and training activities into OSHA’s Integrated Management Information System (IMIS) and provides data concerning occupational injuries and illnesses by participating in the Bureau of Labor Statistics (BLS) annual survey of occupational injury and illnesses.

- (3) Variance (Application and Procedures): 29 CFR 1902.4(b)(iv) requires that state plans provide state authority for the granting of variances from state standards. Alaska Statutes Section 18.60.077 provides the required state authority for processing variances. Regulations setting forth the procedures an employer must follow and the method the State will process a variance are set out in the AAC, Title 8, Chapter 61, Section 320 through 400. A variance is a modification of a standard granted to a specific employer. A variance permits a deviation from the scope limit, or performance condition of a specific standard. The Commissioner may grant a variance where the employer provides evidence that the alternate method that will be used to protect employees will result in equivalent or “as effective as” protection for employees as that provided by the standard.
- (4) Appeals: 29 CFR 1902.4 (c)(2)(xii) requires that state plans provide for an employer to have the right of review of violations alleged by the State, abatement periods, and proposed penalties and for employees or their representatives to have an opportunity to participate in review proceedings by such means as providing for administrative or judicial review, with an opportunity for a full hearing on the issue. Alaska Statutes

18.60.093 provides employers a right to contest (appeal) a citation issued by the State and employees or their representative a right to contest the period of time fixed in the citation for abatement of a violation and to receive a full hearing on the contest by the Occupational Safety and Health Review Board.

Alaska Statutes 18.60.057 establishes a three member Occupational Safety and Health Review Board to hear and make decisions on contests or appeals. The members are appointed by the Governor of the State. One member represents labor, on industry, and the third represents the public.

Furthermore, Alaska Statutes 18.60.097, affords a person affected by the order of the OSHA Review Board or the Department the right to obtain a review of the Board's order by filing a notice of appeal in Alaska Superior Court.

The procedures used by the Occupational Safety and Health Review Board are set out in the AAC, Title 8, Chapter 61, Section 160-220 and the procedures to be used by employers and employees and their representatives to file a contest are set out in AAC, Title 8, Chapter 61, Section 150. Furthermore, Title 8, Chapter 61, Section 170 requires the Board to follow Rules of Civil Procedures. A copy of these rules are set out in Appendix B.3.

The Alaska program also allows an employer, employee or representative of employees to request an informal conference within 15 working days of receipt of citation with the Director or his designee to discuss the issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. If an employer requests an informal conference, the State will hold such a conference, whenever possible, before the end of the 15 day period. The notice of contest must be in writing.

It should be noted that an employee or representative may only contest abatement dates. An employer may file a contest on all items on the citation.

An employer has the right to file a notice of contest without requesting an informal conference. However, if an informal conference is required, the Director or his designee may informally settle the case before it is sent to the OSHA Review Board as a formal notice of contest.

If the employer (or employee and their representatives in the case of abatement dates) decides to file a notice of contest, the case will be sent to the OSHA Review Board for a hearing and decision.

- (5) Discrimination: 29 CFR 1902.4(c)(2)(v) requires the State to provide necessary and appropriate protection to an employee against discharge or discrimination in terms and conditions of employment because he has filed a complaint, testified, or otherwise acted to exercise rights under the Act for himself or others. Alaska Statutes Section 18.60.089 prohibits a person from discharging or discriminating against an employee because the employee has filed a complaint or instituted or caused to be instituted a proceeding related to the enforcement of occupational safety and health or because an employee has exercised on behalf of himself or others a right afforded under the Alaska Occupational Safety and Health Statutes.

AAC, Title 8, Chapter 61, Section 430-530 sets out the rights of an employee and the procedures to be used to file a discrimination complaint.

The State employs an investigator whose primary duty is to investigate discrimination complaints. If the investigator determines that a complaint meets the criteria set out in Statutes and regulations as to what constitutes a discriminatory action, a full investigation of the complaint is initiated. After the investigation is completed, the investigator will make a recommendation to the Director on the merits of the complaint. If the complaint is meritorious, the case is transmitted to the Alaska Department of Law for filing of a complaint in Superior Court to require the employer to provide the employee the relief requested. If the complaint is considered non-meritorious, the Director informs the complainant in writing of this decision. The complainant has a right under Alaska Administrative Code, to appeal the Director's decision to the commissioner.

- (6) Standards: 29 CFR 1902.4(b) contains several indices to measure a State plan's standards. These include the following:
- (a) State standards with respect to specific issues must be at least as effective as the standards promulgated under Section 6 of the Act relating to the same issues. Alaska has adopted as effective as OSHA standards for all issues except for cotton dust exposure, which does not exist in Alaska. (See Appendix B.4 for copies of the AKOSH safety and health standards.)
 - (b) The State must provide an adequate method to assure that its standards will continue to be at least as effective as Federal Standards. The State adopts all new or revised Federal Standards. As soon as an OSHA adopted final rule is published in the Federal Register, the State starts its promulgation procedure to adopt the new or revised standard.
 - (c) The State must provide a procedure for the development and promulgation of standards which allows for the consideration of pertinent factual information and affords interested persons, including employees, employers and the public, an opportunity to participate in such procedures. The Alaska Administrative Procedures Act, AS 44.62, (see Appendix B.5) requires that the following steps be taken before a standard is adopted:
 - *A public notice be issued at least 30 days before adoption and published in a newspaper of general circulation or in a trade journal or some other publication that reaches the persons affected by the regulation or standard. The public notice must be sent to persons who have expressed an interest in the regulations and the agency must either hold an oral hearing or allow for written public comments so that interested parties have the opportunity to comment on the proposed regulation or standard.
 - (d) The State must provide for prompt and effective standards setting actions for the protection of employees against new and unforeseen hazards by such means as the authority to promulgate emergency temporary standards. Alaska Administrative Procedures Act, AS 44.62 gives State agencies the authority to adopt emergency regulations if a threat to the public peace, health, safety, or

general welfare requires immediate action. An emergency regulation can be adopted without following the usual procedures of publishing notice, waiting for public comment, and obtaining approval from the Department of Law. An emergency regulation becomes effective immediately upon the Commissioner filing it with the Lieutenant Governor. An emergency regulation is effective for 120 days. During these 120 days, an agency can start the normal promulgation process to make a regulation permanent.

- (e) The State standards must contain appropriate provision for the furnishing of employees of information regarding hazards in the work place, including information about suitable precautions, relevant symptoms, and emergency treatment in case of exposure, by means as labeling, posting, and where appropriate, medical examination at no cost to employees, with the results of such examinations being furnished only to appropriate State officials, and, if the employee so requests, to his physician. The State has adopted various standards and regulations that provide the above rights and protection to employees. These include the “Hazard Communication” standard, “Access to Medical Records” regulations, and the subchapter 4, “Occupational Health and Environmental Control Code” that covers the requirements for the various hazardous chemicals and physical agents.
 - (f) The State standard provides, where appropriate, specific provisions for the protection from exposure to hazards, by such means as containing appropriate provision for use of suitable protective equipment and for control or technological procedures with respect to such hazards including monitoring or measuring such exposure. The State has adopted all Federal OSHA standards related to employee protection listed above.
- (7) State Regulations and Standards with no comparable OSHA Regulations and Standards: The State has adopted several regulations and standards with no comparable OSHA Regulations and Standards.
- (a) *State Regulations.* The major “State Only” regulations adopted in the Alaska Administrative code deal with several worker training and certification requirements that are administered by the State program. These are the “Asbestos Abatement Certification” requirements set out in 8 AAC 61.600 through .790, and the “Explosives Handlers Certification” requirements set out in 8 AAC 62.010 through .070. The asbestos abatement and hazardous painting certifications require persons wishing to receive such certification to attend training courses that are approved by the State while the explosives handlers certification requires a person wishing to receive such certification to have appropriate experience and to pass a written test. Federal grant monies are not expended by the State in administering and enforcing these two worker certification programs.
 - (b) *State occupational safety and health standards.* The State has also adopted specific occupational safety and health standards for petroleum and for highline, tractor, truck and aerial logging which OSHA covers with either its general industry or construction standards. In addition to these specific industry standards, the State has revised some OSHA standards and have added some

provisions to both the general industry, construction and special industry standards. These differences are evaluated by OSHA and to date have been deemed “as effective as” those adopted by OSHA. It should be noted that Alaska used its own numbering system for its standards and publishes a set of code books that are only available through the State program.

- (8) Posting Requirements / State Poster: 29 CFR 1902.4(c)(2)(iv) requires states to provide that employees be informed of their protection and obligations under the Act, including the provisions of applicable standards, by such means as the posting of notices or other appropriate sources of information. Title 8, Chapter 61, Section .950 of the Alaska Administrative Code requires that employers post and keep posted a notice or notices, to be furnished by the department, informing employees of the rights and obligations provided by the Alaska Occupational Safety and Health statutes. The State has developed a “Safety and Health Protection on the Job” poster (DOSH 2003) that sets out all of the employee rights and responsibilities. This poster is available at no cost to all employers in the state. (See Appendix B.6 for the current AKOSH “Safety and Health Protection on the Job” poster.)

C. Enforcement Policy and Procedures

- (1) Legal Authority: 29 CFR 1902.3(g) requires a State plan to contain satisfactory assurances that the designated agency has or will have, the legal authority necessary for the enforcement of its standards. Alaska Statute 18.60.030(5) gives the State the statutory authority to enforce occupational safety and health standards that prescribe requirements for safe and healthful conditions for all employment, including state and local government employment. Furthermore, Alaska Statute 18.60.083 gives a representative of the department the right to enter a place where work is performed by an employee of an employer to inspect and investigate a place of employment and all pertinent conditions, structures, machines, devices, equipment and materials, and to question privately an employer, owner, operator, agent, or employee. The procedures used by the department in carrying out the authority to inspect places of employment is codified in AAC Title 8, Chapter 61, Section .020 through .070.
- (2) At Least As Effective OSHA Regulations and Standards: 29 CFR 1902.3(d)(1) requires that the State Plan enforce State standards which are, or will be, at least as effective as that provided by the Act, and provide assurances that the State’s enforcement program will continue to be at least as effective as the Federal program. Alaska Statute 18.60.030 requires that the department establish and enforce occupational safety and health standards that are at least as effective as those requirements promulgated by the United States Secretary of Labor under Paragraph 6 of Public Law 91-596.
- (3) Abatement: 29 CFR 1902.3(d)(2) requires that a State Plan assure that employers comply with all applicable State occupational safety and health standards covered by the plan. Alaska Statute AS 18.60.091 provides that State with authority to issue citations for violations of applicable State occupational safety and health standards and requires the State to fix a reasonable time for abatement of the violation.
- (4) Employer/Employee Responsibilities: Section 5 of the Federal Act requires each employer to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or

serious physical harm to his employees and to comply with occupational safety and health standards promulgated under this Act. This Section also requires each employee to comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to the Act which are applicable to his own actions and conduct. Alaska Statute 18.60.075(a) contains the same employer responsibilities as Section 5(a) of the Act and 18.60.075(b) sets out the same employee responsibilities as Section 5(b) of the Act.

- (5) Employee Access to Information and Records: 29 CFR 1902.4(c)(2)(vi) requires State Plans to provide that employees have access to information on their exposure to toxic materials or harmful physical agents and receive prompt information when they have been or are being exposed to such materials or agents. Title 8, Chapter 61, Section 260 requires employers to retain such records and Section 270 allows employees access to these records.
- (6) Inspection Programming (Scheduling): 29 CFR 1902.3(d)(1) requires State programs to have a program for enforcement of State standards which is at least as effective as that provided in the Act. A major component of such a program is a method for inspection programming. The State Plan uses the following two methods for inspection programming:
 - (a) **Programmed Inspection**: The State conducts programmed (scheduled) inspections primarily in the “high hazard” sectors of employment. An industry is considered “high hazard” when its occupational injury incidence rate equals or is higher than the national incidence rate for all industries. The “high hazard” program is supplemented by two State specific safety programmed inspection “local emphasis” programs that includes industries (not on the high hazard list) which have an occupational injury and illness lost workday incidence rate and a health programmed inspection “local emphasis” program that includes industries (not on the high hazard list) whose inspections history indicates an experience of violations. The State prioritizes selection of employers to be inspected from the “high hazard” and “local emphasis” list by using data from the Alaska Workers’ Compensation program which identifies employers who have reported 10 or more loss time injuries during the previous year. Any employer who is on this list but who is not on the “high hazard” or “local emphasis” scheduling systems described above, are also scheduled for programmed inspections.
 - Revised 4/7/93
 - (b) **Unprogrammed Inspections**: The State also is required by statute and regulations to conduct unprogrammed inspections in response to certain employee actions and/or work place conditions. By priority these include:
 - (i) *Imminent Danger*: If a representative of the department concludes that a condition or practice exists in a place of employment which constitutes a danger which could reasonably be expected to immediately cause death or serious physical harm, an inspection is conducted as soon as possible and no later than 24 hours after the department representative becomes aware of such a condition. If an imminent danger situation exists, the department’s representative has the right under Alaska Statute 18.60.096 to require the employer to take immediate corrective action to avoid,

correct, or remove the imminent danger. This could include the closure of the entire work place or that portion in which the imminent danger exists.

- (ii) *Fatality / Catastrophe Investigations:* The department investigates all industrial accidents that result in a fatality or in serious injuries to employees. Employers are required by Alaska Statute 18.60.058 to report to the department an employment accident which is fatal to one or more employees or which results in the overnight hospitalization to one or more employees. A report must be made by the employer no later than 24 hours after receipt by of information that the accident has occurred.
 - (iii) *Employee Complaints:* Alaska Statute 18.60.088 and Title 8, Chapter 61, Section 080 afford employees or a representative of employees the right to request that the department conduct an inspection if they believe a violation of a safety or health standard exists that threatens physical harm. When the department receives such complaints, it determines its validity and the seriousness of the hazard in the complaint. If the complaint is valid it is scheduled for inspection. Complaints that allege an imminent danger are inspected within 24 hours; complaints that allege a serious hazard are inspected within five working days; and complaints that allege other-than-serious hazard are inspected within 30 working days.
 - (iv) *Referrals:* The department also conducts inspections based on referrals from within its own agency or from some other government agency or organization. A referral is distinguished from a complaint by the source providing information on the alleged hazard. If the source is a government agency or another organization such as the media, which does not represent the employees who are exposed to the alleged hazard, it is considered a referral. A referral can also originate within the program if a safety compliance officer refers a serious hazard to a health compliance officer and vice versa. The priority for responding to referrals is the same as that used to respond to complaints.
 - (v) *Follow up inspections:* AKOSH will conduct follow up inspections where the employer fails to provide notification that abatement of the hazard has been completed and on all willful and failure to abate violations. Also it has instituted a grading system for compliance officers to designate work sites that should receive a follow up inspection. This system is based not only on the gravity and number of violations but also on the compliance officer's knowledge of the employer's attitude towards correcting hazards and protecting employees.
- (7) Inspection Procedures: 29 CFR 1902.3 and 1902.4 sets out several indices of effectiveness that the State Plan must meet in its inspection procedures. These include the following:

- (a) Prohibition Against Advance Notice. 29 CFR 1902.3(f) requires that State plan to contain a prohibition against advance notice of inspection. Alaska Statute 18.60.085 prohibits unauthorized notice of a department safety or health inspection. A person who gives unauthorized notice of a safety or health inspection, upon conviction, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than 180 days, or by both.
- (b) Right of Entry and Inspection. 29 CFR 1902.3(e) requires the State plan to contain adequate assurance that inspectors will have a right to enter and inspect covered work places. Alaska Statute 18.60.083 provide the right for a representative of the department to enter, without delay and at reasonable time a work place or environment where work is performed by an employee of an employer to inspect and investigate all pertinent working conditions, structures, machines, devices, equipment and materials.
- (c) Employee Representative. 29 CFR 1902.4(c)(2)(ii) requires State Plans to provide an opportunity for employees and their representatives to accompany the State representative during the physical inspection of the work place and to bring to the attention of the State possible violations of safety and health standards before, during and after the inspection. If there is no authorized representative, the State representative may consult with a reasonable number of employees during the inspection in lieu of having a representative of employees accompany him or her during the physical inspection of the work place. Alaska Statute 18.60.087 and Title 8, Chapter 61, Sections .050 and .070 provide employees and their representatives the right to accompany him or her during the physical inspection of the work place. Alaska Statute 18.60.087 and Title 8, Chapter 61, Sections .050 and .070 provide employees and their representatives the right to accompany a representative of the department during the physical inspection of the work place and to inform the representatives of violations of safety and health standards and requires the department to consult with a reasonable number of employees concerning matters of safety and health in the work place where there is no authorized employee representative.
- (d) Restraining Order: 29 CFR 1902.4(c)(2)(vii) requires states to have procedures for the prompt restraint or elimination of any conditions or practices which could reasonably be expected to cause death or serious physical harm immediately or before imminence of such danger can be eliminated through the enforcement procedures normally used by the State. Alaska Statute 18.60.096 and Title 8, Chapter 61, Section 100 of the Alaska Administrative Code, authorizes the commissioner to issue a restraining order to avoid, correct, or remove an imminent danger hazard.
- (e) Trade Secrets. 29 CFR 1902.4(c)(2)(vii) requires State plans to provide adequate safeguards to protect trade secrets. Alaska Statute 18.60.099 and Title 8 Chapter 61, Section 60.060 of the Alaska Administrative Code require the department to keep trade secrets confidential and outlines the procedures the Department will use to assure confidentiality.
- (f) Sanctions. 29 CFR 1902.4(c)(2)(x) requires State programs to promptly notify employers and employees of alleged violations of standards by issuing citations

and advising the employer of any proposed sanctions, i.e. monetary penalties, that the citations may carry. Alaska Statute 18.60.091 allows the department to issue citations to an employer who violated a safety and health law, regulation or standard and requires the employer to post a copy of the citation at or near each place the violation, referred to in the citation, occurred, so that employees are also notified of the citation. The department must issue the citation no later than 180 days following the discovery of the violation by the department. Alaska Statute 18.60.095 provides the authority for the department to issue monetary penalties to employers for violations of a standard, rule, or regulation promulgated by the department.

(8) Compelling Compliance: 29 CFR 1902.4(c) has several indices of effectiveness that a State plan must have to compel compliance with its safety and health laws, regulations, and standards. These are:

- (a) Authority: 29 CFR 1902.4.(c)(2)(ix) requires that the State agency have the necessary legal authority for the enforcement of standards, by such means as provisions for appropriate compulsory process to obtain necessary evidence or testimony in connection with inspection and enforcement proceedings. Alaska Statute 18.60.083(a) authorizes a representative of the department to enter a work place to conduct an inspection and 18.60.083(b) authorizes the department to issue subpoenas compelling the attendance of witnesses and the production of papers and records in connection with inspection and enforcement proceedings.
- (b) Methods (Citations/Notice of Violations/General Duty): 29 CFR 1902.4(c)(2)(x) requires State plans to provide prompt notice to employers and employees when an alleged violation of standards has occurred, by such means as the issuance of a written citation to the employer and posting of the citation at or near the site of the violation. Further, State plans must provide for advising the employer of any proposed sanctions, by such means as a notice to the employer by certified mail within a reasonable time of any proposed sanctions. Alaska Statute 18.60.091 requires the department to issue citations for violations; requires that each citation be in writing and describe with particularity the nature of the violation; and requires that the citation fix a reasonable time for abatement of the violation.

In lieu of a citation, AS 18.60.091 also allows the department to issue a notice with respect to minor violations which has no direct or immediate relationship to safety or health.

AS 18.60.091(b) requires the employer to post the citation at or near each place the violation referred to in the citation occurred. If the hazard is not covered by an occupational safety and health standard but is a recognized hazard that can cause serious injury, the State can issue a General Duty clause violation using the authority set out in AS 18.60.075(4) which requires that an employer furnish to each of his employees employment and a place of employment which are free from recognized hazards which, in the opinion of the commissioner, are causing or are likely to cause death or serious physical harm to employees.

- (9) Informal Review: In addition to the formal review process set out in Item 3.B(4) of the State Plan, the AKOSH provides for an informal review of alleged violations. Title 8, Chapter 61, Section 155 allows an affected employer, employee or representative of employees to request an informal conference with the director or his designee for the purpose of reviewing and discussing any issue raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The employer must request an informal conference within 15 working days of receipt of a citation. The Director or designee holding the informal conference may change the citation, proposed penalty or abatement date based on the information received at the informal conference.
- (10) Protection Against Discrimination: 29 CFR 1902.4(c)(2)(v) requires the State to provide necessary and appropriate protection to an employee against discharge or discrimination. Alaska Statutes Section 18.60.089 and Title 8, Chapter 61, Sections 430-530 provide such protection to employees.
- (11) Management Systems: One of the provisions required under the criteria used for final approval of the State Plan is that it maintain a Management Information System as required under 29 CFR 1952.243(c). The Management Information System consists of the following:
- (a) IMIS – AKOSH participates in OSHA’s Integrated Management Information system (IMIS) which is a computer program developed to support the systematic management of information. The State uses the management reports available from IMIS to schedule inspections; to manage and supervise staff so that the department can meet its productivity and work quality objectives; to assure abatement of hazards by employers and to schedule follow up inspections as appropriate; and to assure efficient operations of the paper flow in the office so that citations and reports can be produced and sent to affected employers and employees in a timely fashion.
 - (b) Internal Review. AKOSH uses a combination of case file reviews and on-the-job evaluations (OJE) to assure that field inspectors are following proper procedures when conducting inspections and to assure that they are properly recognizing and classifying work place hazards. It is AKOSH policy that a supervisor performs at least one OJE annually for each field inspector. The case file reviews are supplemented by special studies as necessary. In addition to this internal review system, the results of OSHA monitoring of the program is used to correct any problems and shortcomings that are identified. (See Appendix C for most recent annual OSHA evaluation including State response of AKOSH program.)
 - (c) Planning Systems. When budgets are prepared for both state and OSHA purposes, objectives for the coming year are developed. The Director reviews progress towards accomplishments of these objectives on a monthly and quarterly basis and adjusts them as appropriate.

D. **Voluntary Compliance.** In addition to enforcing occupational safety and health standards, AKOSH provides safety and health training to employer and employee organizations and consultative visits, upon request, to work places to assist employers voluntarily comply with state safety and health standards and develop safety and health programs for their employees. AKOSH per 29 CFR 1908.1, has a cooperative agreement with OSHA under sections 7(c)(1) and 21 (c) of the OSH Act to provide consultative services to employers.

- (1) Authority. Title 8, Chapter 61, Section 410-425 of the Alaska Administrative Code provides AKOSH with the authority to provide consultative and training services to employers. When an employer requests such a visit he or she must take the necessary action to control or eliminate a serious violation, which is discovered during an on-site visit. If the employer fails to correct the serious violation within the time specified by the consultant, the affected place of employment may be referred to the compliance section for an enforcement inspection. Furthermore, Section 420(d) gives and AKOSH consultant or trainer the authority to issue a restraining order if, during the visit, the consultant or trainer discovers an imminent danger situation. If this occurs, AKOSH will conduct a compliance inspection of the work place. The policy and procedures for conducting a consultative inspection are set out in the AKOSH Voluntary Compliance Manual.
- (2) Training and Education (Employer/Employee): The Consultation and Training Unit provides safety and health training both to AKOSH staff and to employer and employee organizations.
 - (a) Internal. AKOSH has a program to provide appropriate administrative, management, and technical training to all of its staff. A training plan is developed each year for each staff member to assure that the employee receives the basic instruction necessary for him or her to properly do their job and to keep them updated on new techniques and technologies. For compliance staff, the State has issued DOSH Program Directive 87-5 that sets out the policy and guidelines for implementation of a technical training program for AKOSH compliance personnel. (See Appendix D-1)
 - (b) External. The Consultative and Training Unit provides occupational safety and health training upon request to employer and employee organizations. The unit has two employees who provide training full time and the other consultants provide training as part of their consultative visits. One of the two training positions is a “logging training specialist” who works exclusively with the logging industry. This program was undertaken because the logging industry has the highest occupational injury and illness rate in the state, and a similar program in the State of Washington has proven that safety and health training is one of the keys in lowering the injury rate in this industry.
- (3) Consultation. The Consultation and training Unit provides on-site consultation, upon request to employers. In order to encourage employers to request this service, AKOSH promotes this service. This promotion has included direct solicitation by staff, by the development and distribution of promotional materials, by speaking at professional and business conferences and media campaigns. These campaigns have been successful and the majority of employers in the state are aware of the consultative services that AKOSH provides. Small employers in high hazard industries are given priority for this

service. In addition to on-site consultation, consultants and trainers provide off-site consultation and information. Such off-site services may be provided to persons who visit AKOSH's offices for information or advice, over the telephone, or in response to written requests for information.

E. Personnel

- (1) Affirmative Action – Equal Employment Opportunity: The State of Alaska, per Alaska Statutes AS 44.19.441-449 (Appendix E-1), is an equal employment opportunity employer and it is against State Statutes for any agency or official of the State to discriminate against an applicant for employment or an employee on the basis of sex, race, national origin, or age. The State also has an affirmative action plan to encourage the recruitment and hiring of females and minorities who may be underrepresented in the state's work force. The requirement that the Governor for the State of Alaska establish an equal employment opportunity program and adopt an annual affirmative action plan for the executive branch of state government is set out in Alaska Statute AS 44.19.444. All registers of qualified applicants for a state position have a designation as to whether the job class has an underutilization of females or a minority class or classes. Persons in the underutilized classes must be considered for the position.
- (2) Merit System Rules: Article 6 of the Alaska Constitution requires that the State Legislature establish a system under which the merit principle will govern the employment of persons by the State. Alaska Statute AS 39.25 establishes the merit system and Title 2, Chapter 7, Sections .005 through .999 of the Alaska Administrative Code sets out the merit system rules that apply to all employees of the State. (See Appendix E-2) The Alaska merit system standards were found to be in accordance with Federal merit system standards on May 18, 1976. (See Appendix E-3) In addition to merit system rules, all AKOSH staff are covered by collective bargaining agreements between the employee organizations that represent them and the State.
- (3) Adequately Trained Staff: AKOSH's agreement with OSHA requires it to have adequately trained staff to conduct compliance inspections and consultative visits. This is assured because the safety compliance officer (or safety consultant) position and the industrial hygienist position are both journeymen positions and applicants who meet the minimum qualifications must have the training and experience to conduct inspections. (See Appendix E-4 for position classification.) The State recognizes that its field staff must be able to recognize hazards in all industries and therefore, it develops an annual training program for each safety compliance officer, safety consultant and industrial hygienist to assure that they receive training in areas where they lack experience or training. The training program for compliance personnel is outlined in DOSH Program 87-5.
- (4) Organizational Chart: AKOSH is organized into four basic units; Compliance; Consultation and Training; Data Input and Clerical; and Standards. The Director of Labor Standards and Safety has overall management responsibility for AKOSH. The Compliance unit is managed and supervised by a Chief who is assisted by two Assistant Chiefs; the Consultation and Training unit is managed and supervised by a Chief; the Data Input and Clerical unit is managed and supervised by an Administrative Assistant; and the Standards section is managed and supervised by an Administrative Officer. The Administrative Officer also provides administrative support to the Director. This

administrative support includes preparations of the state budget request, preparation of federal grant requests, and response to all OSHA plan changes that require state responses. AKOSH has offices in Juneau, Anchorage, Ketchikan, Kenai, Kodiak, and Fairbanks. (See Appendix E-5 for the most current organizational chart.)

- (5) Benchmark: As set out in 29 CFR 1952.243, AKOSH was required to meet the “fully effective” compliance staffing as one of the criteria to receive final approval under Section 18(e) of the Act. The State’s compliance benchmark is for four safety compliance officers and five industrial hygienists (Appendix E-6). AKOSH has met this staffing benchmark since it received final approval in 1984. AKOSH has a staff of 11 safety compliance officers and five industrial hygienists.

F. Fiscal Resources

- (1) Adequate State Funding (General Fund): The State Administration and State Legislature since the program started in 1973 has provided adequate state monies to match available federal funding. The State budget is prepared for a fiscal year that runs from July 1 of one year to June 30 of the next year. It is prepared by the Department and must be approved by the governor who submits it to the Legislature. The Legislature must appropriate the general fund monies and provides authorization for the department to request a certain level of federal funds.
- (2) 23(g) Federal Grant: The State receives 50 percent federal matching monies for its compliance, training and public sector consultation programs. The federal fiscal year runs from October 1 of one year to September 30 of the next. (See Appendix F-1 for the most recent 23(g) grant application.) In addition to the 23 (g) grant, the State also receives federal 7(c)(1) monies for its private sector consultation program. This program requires a 10 percent state match to receive 90 percent federal monies.
- (3) Bureau of Labor Statistic (BLS) Funding: The Department also receives a 50 percent matching grant to conduct the annual BLS survey for occupational injuries and illnesses. This program is not organizationally part of the AKOSH section. The survey is conducted by the Research and Analysis Section of the Division of Administrative Services.
- (4) Fees and other Consideration Under 18(b): AKOSH, in addition to collecting penalties for violations of safety and health standards, also charges a \$75 fee for a three year Explosives Handlers Certificate. However, no federal funds are used to administer and enforce these programs. (No certification fee is charged for asbestos abatement worker certification.) All monies collected for AKOSH penalties, and certificate fees are deposited in the State’s General Fund.

G. Operation and Procedure Manuals

- (1) Safety Operations Manual: The State has adopted an operations manual similar to OSHA’s Field Operations Manual (FOM). It is called the “Compliance Manual” and is patterned after the FOM. The State’s Compliance Manual contains the policies and procedures that the State uses to operate its compliance program. It is revised periodically to assure that it remains “as effective as” OSHA’s FOM. (See Appendix G-1)

- (2) Technical Manual: The State has adopted OSHA's Technical Manual with appropriate state reference as its Technical Manual. (See Appendix G-2)
- (3) Integrated Management Information System (IMIS) Manual: The State uses OSHA's IMIS Manual to follow IMIS procedures and complete IMIS forms. (See Appendix G-3)
- (4) AKOSH Program Directives: AKOSH instituted a numbered directive system, titled AKOSH Program Directives, to respond to Federal OSHA instructions of initiation of new policies and procedures not contained in the FOM. Program Directives are issued whenever OSHA issues an instruction that requires a response from the State. (See Appendix G-4)
- (5) AKOSH Interpretation Memos: AKOSH instituted a numbered interpretation memos system to respond to Federal OSHA instructions that interpret OSHA standards. (See Appendix G-5)
- (6) Voluntary Compliance Manual: AKOSH has adopted a policy and procedure manual for its consultation and training program. Most of the manual contains various directives that the State must follow per its cooperative agreement with OSHA under 29 CFR 1908. (See Appendix G-6)
- (7) Chemical Information Manual: AKOSH has adopted without any changes the Chemical Information Manual used by OSHA. A copy of this manual may be obtained from OSHA.

H. Records and Reports

- (1) Integrated Management Information System (IMIS): AKOSH participates in the OSHA IMIS computer program. All inspection data is entered into a microcomputer in its Anchorage office and transmitted at least once a week to the OSHA host computer. The AKOSH uses its microcomputer database to prepare the OSHA standard weekly and monthly management reports and to prepare some special reports. These reports are used by first line supervisors and administrators to keep track of work being performed by field staff, to schedule inspections, to determine abatement by employers, to schedule follow up inspections as appropriate, and to respond to various inquiries from employers and employees, the public, state administrators, and state legislators about information concerning the program. IMIS data and reports are also used to conduct special studies and to answer inquiries that develop during OSHA monitoring of the State program.
- (2) Participation in Bureau of Labor Statistics (BLS) Program: The Department participates in the BLS annual survey of occupational injury and illness program and develops injury and illness statistics for the State. The information generated from the survey is used by AKOSH to schedule inspections of the most hazardous industries in Alaska. The survey is conducted by the Research and Analysis Section, which is part of the Department's Administrative Services Division. In addition to BLS data, AKOSH has access to injury and illness data on individual companies within the hazardous industries identified by the BLS survey.

- (3) Records/Reports Required by U.S. Secretary of Labor: AKOSH provides program records and reports required by the U.S. Secretary of Labor through IMIS, and the Administrative Services Division of the Department prepares and provides the fiscal records and reports. AKOSH will also provide, upon request, any new or one time records or reports that are needed by the U.S. Secretary of Labor.
- (4) Records/Reports Required by the State: AKOSH prepares a monthly and quarterly report for the Commissioner to indicate the activity accomplished by the program and to keep program managers and the Commissioner informed on whether it is meeting its yearly program objectives as set out in both the State and Federal budgets.
- (5) Records Retention and Disposal: The State uses the following records retention and disposal schedule and procedures.

Authority to establish a records retention and disposal schedule is set out in Alaska Statutes 40.21.010-150.

- (a) Compliance Inspection Files: Paper files are retained for the current and previous year in the Anchorage office. The files are then microfilmed and the microfilm files are retained for 30 years.
- (b) Consultation Visit Files: Paper files are retained for the current and previous year in the Anchorage office. The files are then microfilmed and the microfilm files are retained for 30 years.
- (c) Fatality and Accident Investigations Files: Paper files are retained for three years in the Anchorage office and then sent to the State Archives where they are retained for 10 years.
- (d) Standards and Regulations Files: Paper files are retained for three years in the Juneau office and then sent to the State Archives where they are retained for three years.
- (e) Variance Files: The files for variances that are active are retained permanently in the Juneau office. Other files pertaining to variances, i.e. variances that have been denied or are no longer active, are retained for one year in the Juneau office and then sent to the State Archives where they are retained for four years.
- (f) Subject and Correspondence Files: The Juneau files are retained in the office for three years and the Anchorage files are retained in that office for two years.
- (g) Compliance Manuals, AKOSH Program directives, Interpretation Memos, and other administrative directives are retained in the Juneau and Anchorage offices until they are canceled or superseded by a revision.

I. State Plan Change Supplements

- (1) Federal Initiated Changes: AKOSH responds to all Federal initiated changes. These changes are acknowledged within the time period required by OSHA with an explanation on what action the State plans to take, and a corresponding change is made, within the time period specified by OSHA, to the State's policy, procedure, standard or

regulation as appropriate. For policy and procedure changes, a change to its Compliance Manual, Technical Manual, DOSH Program Directive or Interpretation Memo as appropriate is sent for advisory opinion to OSHA. Once the change has been reviewed and approved by OSHA, it is then published in final form and sent to staff for information and appropriate action. Standards and regulations must be adopted following the procedures set out in the Alaska Administrative Procedures Act, AS 44.62. See Item 3.B(6) of the Plan for an explanation of these procedures.

- (2) State Initiated Changes: When the State makes a change to its Plan that is not in response to a Federal initiated change, it follows the procedures set out in 29 CFR 1953 and STP 2.22A. A proposed plan change supplement is transmitted to OSHA for information and approval within the time frames required under 29 CFR 1953.4.

(Note: See Appendix I-1 for the most recent quarterly reports prepared by OSHA Region X which lists the status of the State response to Federal plan changes and the status of State initiated changes, and Appendix I-2 for the most recent OSHA status report on AKOSH standards.)

- J. **Federal Registers (Applicable to Plan)** Appendix J-1 contains Federal Register (FR), Vol. 42, No. 177, dated September 13, 1977, which certifies the completion of the Alaska Plan's developmental steps, and FR Vol. 49, No. 190, dated February 28, 1984 which announces that the Alaska Plan has been determined to be fully effective and approved under 18(e) of the Act.

- K. **State Programs With No Corresponding OSHA Program.** The State administers and enforces two worker certification programs that have no corresponding OSHA equivalent. The two programs are funded by "state only" monies. They are:

- (1) Explosives Handlers Certificate: Alaska Statutes 08.52.010 - .050 and Title 8, Chapter 62, Section .010 through .070 requests all persons emplacing explosives for detonation; installing primers, fuses, wires or other means of detonation; or detonating explosives to have an explosives handlers certificate. (See Appendix K.1) The certificate covers persons who do the above tasks with explosives in connection with excavation, tunnel, quarry, earth removal or construction projects. Persons who work in mines are specifically excluded from this certificate requirement. In order for a person must have at least six months experience as a check tender, driller, or helper of a certificate holder and must pass an examination administered by AKOSH. The certificate is effective for three years and can be renewed on or before the expiration date. AKOSH charges a fee of \$75 for the three-year certificate. There are approximately 400 persons who have a current Explosives Handler's certificate. This program has been in effect since 1955 and predates the Alaska Occupational Safety and Health Act of 1973.
- (2) Asbestos Abatement Certificate: Alaska Statutes 18.31.200 through .500 and Title 8, Chapter 61, Section 61.600 through .790 requires that persons performed, directly supervising, or monitoring asbestos abatement work must be certified. (See Appendix K.2) In order to receive certification a person must take at least a 32 hour training course that has been approved by AKOSH and pass a written and practical examination that is given by the approved training vendor or organization. AKOSH does not charge a fee for the certificate. The certificate is good for three years. A person may renew the

certificate by taking an eight-hour refresher course every three years. This program was initiated in 1985 and approximately 3,200 persons are currently certified.

L. **Laboratory Services.** The State does not operate its own laboratory; rather it has a contract with a nationally accredited commercial laboratory to analyze the samples taken during an inspection. The contract is currently held by NHS, Inc., a subsidiary of Hanford Environmental Health Foundation, of Richland, Washington. (See Appendix L.1 for the most recent laboratory contract.) The laboratory is fully accredited by the American Industrial Hygiene Association and has satisfactorily performed in the Proficiency Analytical Testing Programs (PAT). The laboratory meets the OSHA procedures set out for laboratories in 29 CFR 1907.1 through 1907.12. NHS Inc. has had the contract for laboratory services with AKOSH since 1978. The current contract will run through June 30, 1993. The contract goes out for competitive bid every three years. On occasion, AKOSH will use a local laboratory in Alaska to analyze bulk samples of asbestos when it is necessary to determine if there is asbestos at a work place within hours so that employees can be protected as soon as possible.

M. **Appendices.** The following Appendices are attached to the Plan:

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| Appendix to Section A | A.1. Letter of Intent by Governor |
| | A.2. Letter of Delegation by Governor |
| | A.3. Department of Law Determination |
| Appendix to Section B | B.1. Legislation (Alaska Occupational Safety and Health Act) |
| | B.2. Alaska Administrative Code Related to Occupational Safety and Health, 8 AAC 61.010 - .960 |
| | B.3. Alaska Civil Rules of Procedures (OSHA Review Board) |
| | B.4. AKOSH Occupational Safety and Health Standards |
| | B.5. Alaska Administrative Procedure Act on Promulgating Regulations |
| | B.6. AKOSH "Safety and Health Protection on the Job" poster |
| Appendix to Section C | C.1. Annual OSHA Evaluation Including State Response of AKOSH Program |
| Appendix to Section D | D.1. DOSH Program Directive 87-5 , "Training Operations Program for Occupational Safety and Health Section Compliance Personnel" |
| Appendix to Section E | E.1. Affirmative Action Statutes |
| | E.2. Alaska Personnel Rules (Merit System) |

	E.3.	Letter Certifying State of Alaska Merit System
	E.4.	Position Classifications
	E.5.	Organizational Chart
	E.6.	Agreed on Staffing Benchmark for AKOSH.
Appendix to Section F	F.1.	Most Recent 23 (g) Grant
Appendix to Section G	G.1.	Compliance Manual
	G.2.	Technical Manual
	G.3.	Integrated Management Information System Manual
	G.4.	AKOSH Program Directives
	G.5.	AKOSH Interpretation Memos
	G.6.	Voluntary Compliance Manual
Appendix to Section I	I.1.	OSHA Quarterly Status Report on State and Federal Changes
	I.2.	OSHA Quarterly Status Report on AKSO Standards
Appendix to Section J	J.1.	Federal Register (FR) Vol. 42, No. 177 – Alaska; Certification of Completion of Developmental Steps
	J.2.	FR Vol. 49, No 190 – Alaska State Plan; Final Approval Determination
Appendix to Section K	K.1.	Explosives Handlers Statutes
	K.2.	Asbestos Abatement Worker Statutes
Appendix to Section L	L.1.	Contract for Laboratory Services