

*Chas Williams*

HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES  
February 19, 1983

The House Labor and Employment Relations Committee convened at 7 a.m. on February 19, 1983 in Room 224K of the State Capitol with Chairman J. Melvin Williams presiding and with all members present except Rep. Hannah and Thoft, who were excused. Chairamn Williams opened the meeting to a hearing on HB 835.

HOUSE BILL 835

REPRESENTATIVE LES NILSON, District 37, chief sponsor, said the bill would require railroads to provide first aid training and equipment, communication equipment when hauling hazardous materials and have employee sanitation facilities on each train. But he said the bill is too close to the transmittal date to work out problems so he requested the bill be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on the bill. Being none he closed the hearing on this bill and opened the hearing on HB 823.

HOUSE BILL 823

REPRESENTATIVE KELLY ADDY, District 62, chief sponsor, said there is a senate bill that covers the same area which has passed through that house so he requested the bill be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on this bill. Being none, he closed the hearing on this bill and opened the hearing on HB 810.

HOUSE BILL 810

REPRESENTATIVE JOE HAMMOND, District 24, chief sponsor, said the people who requested the bill no longer want it so he asked that it be tabled.

Chairman Williams asked if there were any proponents present who wished to speak on the bill. Being none, he closed the hearing on this bill and opened the hearing on HB 826.

HOUSE BILL 826

REPRESENTATIVE ORVAL S. ELLISON, District 73, said this bill would allow the chief of police to set work periods other than established in the law.

AL BROCKWAY, Assistant Chief of Police of Helena, said they support the bill with two amendments. The two amendments were changing the word "shall" to "may" on page 1, line 12; and inserting the words "a minimum of" after "given" on page 1, line 20. He said the bill would give more flexibility in scheduling work weeks for police officers, would not add more hours per year nor less days off than the present law, and give bargaining units a chance to bargain for shifts.

R. NADIEN JENSEN, AFSCME, said with these amendments she becomes a proponent.

THOMAS SCHNEIDER, MPEA, said they had come in to oppose the bill and they are still not sure. He said he would like to see a direct reference for those who are covered by union contracts or will be that their work periods can be established in the collective bargaining agreement.

There were no opponents.

REPRESENTATIVE ELLISON closed.

Questions were asked by the committee. Rep. Driscoll asked if the police were covered under HB 281. Rep. Dozier said they were. John Scully was asked to respond and said they were covered but this bill does it in a different way. He felt it was best to go forward with both bills.

Chairman Williams closed the hearing on this bill and opened the meeting to a hearing on HB 850.

#### HOUSE BILL 850

REPRESENTATIVE JERRY DRISCOLL, District 69, chief sponsor said this is a right-to-know bill. He said it provides a mechanism for people in a workplace and citizens to know what kind of chemicals are being used in manufacturing and stored in the workplace. He had a suggested amendment on page 4, line 20, following "distribution" to insert "(11) "Store" means to deposit in one location in the state for over 72 hours."

JIM MURRY, Executive Secretary, Montana State AFL-CIO, spoke in strong support of the bill and a copy of his testimony is Exhibit 1 of the minutes.

HOWARD ROSENLEAF, Business Manager, Carpenters Local 88, Anaconda, spoke in support and a copy of his testimony is Exhibit 2 of the minutes.

SUSAN COTTINGHAM, Montana Environmental Information Center, spoke in support. She passed to the members a fact sheet on this bill, Exhibit 3, and discussed different points from this sheet.

JOE LAMSON, Montana Democratic Party, spoke in support. He said the Democratic platform has a strong plank favoring this kind of legislation.

R. NADIEN JENSEN, AFSCME, spoke in support and a copy of her testimony is Exhibit 4 of the minutes.

JIM MAYES, Operating Engineers, Local #400, spoke in support. A copy of his testimony is Exhibit 5 of the minutes.

ARLYN PLOWMAN, United Cement, Lime Gypsum and Allied Workers' Local #239, spoke in support and a copy of his testimony is Exhibit 6 of the minutes.

JON MOTL, Common Cause, said the problem with a lot of these potentially harmful substances is that they are invisible. If they could be seen or smelled precautions would be taken. He said this bill will provide information to people that they want and need.

MIKE WALKER, Montana State Council of Professional Firefighters, spoke in support and a copy of his testimony is Exhibit 7 of the minutes.

MORRIS GULLICKSON, United Brotherhood of Railroad Workers, said they support the bill as amended.

STACY FLAHERTY, Women's Lobbyist Fund, spoke in support and a copy of her testimony is Exhibit 8 of the minutes.

LARRY LLOYD, Department of Health, spoke in support. He said many workers are ignorant of the toxic effects and the protective measures they need to practice to protect themselves. He said they are receiving requests for information on an almost daily basis so there is a need for knowledge within the work place. He said these chemicals need to be known by their generic names by the employees and employers so if an emergency arises they will know what protective measures should be taken.

REPRESENTATIVE JOE BRAND, District 28, spoke in support. He recounted an experience he had as a conductor on a freight train. There was a derailment of ten cars one of which contained hazardous materials but no one knew what. He said they did receive a message to stay away from it but not before they had worked around it. He strongly recommended that information on what is being hauled be given to the workers so precautions can be taken if need be.

JUDY OLSON, Montana Nurses Association, asked to have them go on record as supporting this bill. She said it is a real frustration to try to treat a patient when you don't know what they have been exposed to.

REPRESENTATIVE ROBERT BACHINI, District 7, wished to go on record as supporting the bill.

REPRESENTATIVE BOB DOZIER, District 61, wished to go on record as supporting the bill.

BILL BRASHER, BNRRCO, spoke as an opponent. He said the transportation of hazardous or toxic materials is highly regulated by the federal government. He said the Department of Transportation requires each shipper of any toxic or hazardous substance to clearly identify the car or vehicle with placards and the employees doing the transporting are to be instructed on what they are handling and what to do in the case of an emergency. He said the conductor of a train has a list of each and every car, what they contain and their placement. He said that list states if a car has a hazardous material and where located and tells what chemical it is and what action needs to be taken in case of an emergency. He said Rep. Brand hasn't been with the railroad for several years and may not be aware of these safety precautions. He said they do make full disclosure to their employees. He said they are also told who to contact in case of an emergency.

He added that this bill would have an effect on every employer in the state - whether the corner auto repairman or the beauty parlor beautician. All use solvents or chemicals of some kind. Each will need to make a record. He felt this was an onerous requirement for the entire business community. He said the fine of \$1,000 a day is also a severe penalty and should have some provision for those who unintentionally may violate it.

BEN HAVDAL, Montana Motor Carriers, spoke as an opponent. He said hazardous material is also moved by trucks. He said they agree with the comments made by Mr. Brasher that pertain to the transportation aspect of hazardous material in the bill. He said the hazardous material handling program under the Department of Health has existing regulations that are extensive and restrictive. He said they do strive to comply with these regulations. He said they oppose the transportation application of this legislation.

LARRY WIENBERGER, Montana University System, spoke as an amender. He said the difficulty the university system would have with the bill is the application to their laboratories. He said there has not been an opportunity for the bill to be reviewed by the folks on the campus as yet. He said the labs have as many as 3,000 chemicals and this could result in 10,000 during research. He said supplying a massive printout of these wouldn't provide a great deal of information to any individual. He wasn't sure how much it would help the fire department. He suggested an amendment to remove teaching and research labs and their associated storerooms from the bill. He said the physical plant operations would still be covered.

REPRESENTATIVE DRISCOLL closed. He said page 5, new section 3 exempts employers who are using normal products that the normal general public uses. It exempts products covered by the food, drug and cosmetics act and other acts. It does cover the employer who buys his chemical in 55 gallon drums. He said the intent of the bill is to find out what this stuff is and how to protect yourself.

In response to a question Mr. Weinberger said this does not stop exposure to any substance but provides a list of what is there. He felt a long list of lab chemicals would not be much of a help, as there would be too much of a list.

Rep. Driscoll asked if Mr. Brasher recalled the train wreck at Billings. Mr. Brasher referred him to D. W. SCOTT, Burlington Northern Railroad. Rep. Driscoll asked him if the manifesto containing all the information was made available at the time of the wreck. Rep. Driscoll said it was not and the firefighters on hand had no idea of what was involved and it was fortunate that lives were not lost in that incident.

Mr. Brasher responded to a question concerning full disclosure with part loads. He said the shipper is required to disclose that information to them and it is placed on the manifesto. He said if the shipper does not disclose this information, they can't disclose to the employee. He handed for the committee to see a copy of a manifesto and this is Exhibit 9. Mr. Havdal also responded to this question that part shipments are properly placarded and identified.

Mr. Murry responded to a question that since the Burlington Northern and other shippers meet their standards so well in handling dangerous materials they should have nothing to fear. He said they have expressed the fear this will severely affect the smaller businessman, but he said there is no one from that community in opposing the bill and expressing the concern that the Burlington Northern representative is expressing for them.

Mr. Brasher left for the committee's examining a federal regulation book titled Hazardous Materials Regulations of the Department of Transportation by Air, Rail, Highway, Water and Military Explosives by Water including Specifications for Shipping Containers. He also left a copy of the U.S. Department of Transportation's book Hazardous Materials, a 1980 Emergency Response Guidebook, which list substances, their ID and guide numbers and suggested emergency actions to take.

Leaving written testimony favoring amending the bill was Sandra P. Mintyala, Exhibit 10.

Chairman Williams closed the hearing on this bill and opened the meeting to executive session.

#### EXECUTIVE SESSION

HOUSE BILL 309 Chairman Williams said this bill has received AND AS AMENDED DO PASS but a statement of intent is needed. Rep. Harper moved the statement of intent be adopted. Motion carried with Rep. Driscoll voting no.

HOUSE BILL 835 Rep. Dozier moved this bill be TABLED. The motion carried unanimously.

HOUSE BILL 823 Rep. Addy moved this bill be TABLED. The motion carried unanimously.

HOUSE BILL 810 Rep. Harper moved this bill be TABLED. The motion carried unanimously.

Chairman Williams closed the executive session and opened the meeting to a hearing on HB 795.

#### HOUSE BILL 795

REPRESENTATIVE ROBERT ELLERD, District 91, introduced this committee bill. He said money in the Interest and Penalty Fund from past-due contributions should be used for the Unemployment Compensation Fund and not used to purchase land or other properties. He said he did not want this to be a reflection on Mr. Hunter or the Department.

There were no proponents and no opponents.

REPRESENTATIVE ELLERD closed.

Questions were asked by the committee. Chairman Williams asked Mr. Hunter if this bill would interfere with the operation of the Department. Mr. Hunter said the bill will prevent the spending of the money for one-time capital expenditures. He

said it should have no effect on the day-to-day department activities.

Chairman Williams closed the hearing on this bill and opened the meeting to an executive session on the following bills.

#### EXECUTIVE SESSION

HOUSE BILL 795 Rep. Pavolovich moved DO PASS. The motion carried unanimously with the members present (absent were Reps. Hannah and Thoft). Rep. Ellerd will carry this bill on the floor.

HOUSE BILL 826 Chairman Williams asked Mr. Wright, the researcher, to explain the suggested amendments. These are on page 1, line 12, to strike "shall" and insert "may"; on page 1, line 16, following "compensation" to insert "if the members of the department are represented by a collective bargaining unit, the work period must be established in the collective bargaining agreement"; and on page 1, line 20, following "given" to insert "a minimum of."

A request was made to divide the amendments so Rep. Harper moved the first two amendments which had been suggested by Mr. Brockway. This amendment carried unanimously with all present (absent were Reps. Hannah and Toft). Rep. Driscoll moved the second amendment suggested by Mr. Schneider. This motion also carried unanimously with all present (same absent).

Rep. Ellerd moved AND AS AMENDED DO PASS. This motion carried with Rep. Pavlovich voting no. He said his reason was that they don't have a police chief but a sheriff. Absent were Reps. Hannah and Thoft.

HOUSE BILL 850 Rep. Driscoll moved to amend on page 4, line 20, by inserting "(11) 'Store' means to deposit in one location in the state for over 72 hours"; and to renumber. This motion carried unanimously with those present (absent were Hannah and Thoft).

Chairman Williams asked Mr. Wright to explain the amendment suggested by the university system representative. This amendment is on page 6, line 5, to strike "or"; and on page 6, line 8, following "seq" to insert: "; or (4) teaching, research, or testing laboratories and associated storerooms operated by bona fide educational institutions".

Chairman Williams said this does broaden the application and perhaps too much as we are including testing laboratories. Lab assistants in many of these are trained on the job to perform certain tasks and do not have the overall knowledge of the chemicals. He suggested just applying it to educational institutions doing testing and research.

Rep. Dozier said this wouldn't prohibit anyone but just give the workers the right to know what they are working with. He asked Ms. Cottingham what the actual requirements would be under this bill. Ms. Cottingham said the employer would develop a simple list of what is there and the quantities. He would obtain the safety data sheets from the manufacturer. She said it is a two step process. Ms. Cottingham responded to Rep. Farris' concern that students in a lab should also be aware of what they were working around, by saying she agreed they probably should be aware and questioned exempting them from the bill. Chairman Williams said there should be a qualified instructor in these situations to instruct and inform them. He said he had no problem with that part of the amendment.

Rep. Harper moved the amendment to exempt the bona fide teaching labs. He said the purpose of the bill is to protect the people in the working place and don't want the Senate to kill the bill because of the opposition of the university system.

Mr. Walker responded to a question that university teaching labs work with many chemicals in a confined area and since they are working with many unknowns they can be a hazard to many, many people and not just those in the lab. If the fire department needs to respond to a call for emergency measures, it would have some idea of how to proceed if the lab were to have a list of experiments undertaken on that day.

The question was called and the motion to adopt Rep's Harper's amendment passed with Reps. McCormick, Farris, Dozier and Driscoll voting no; Reps. Addy and Bachini abstained; and Reps. Thoft and Hannah were absent.

Rep. Driscoll moved the bill AS AMENDED DO PASS. This motion carried with Reps. Ellerd, Seifert, Jones and Miller voting no and absent were Reps. Hannah and Thoft.

Chairman Williams closed the executive session and opened the meeting to a hearing on HB 843.



HOUSE BILL 843

REPRESENTATIVE ROBERT MARKS, District 80, chief sponsor, said this bill allows employers and employees to participate in an unemployment insurance benefit-sharing program during times of general economic downturn. He said this program has been used successfully in California and Arizona. He said the concern there was that the cost to the insurance fund would be larger than normal but the opposite proved true. This is a way for an employer to keep his work force together during slack times and employees receive 90 to 95 percent of the wages they would have earned if working.

WAYNE PHILLIPS, spoke next as a proponent. He said he was a member of his local MEA and has had four years at the bargaining table for that unit. He said in drafting this bill they had checked the legislation used in the other states. He said it is a sincere effort to try to propose a program in Montana that would answer the needs of both management and labor - to help keep the work force together and yet provide as much employment money as possible. He said it is a new and complex idea.

JIM MURRY, said he sure hated to get up and oppose such a fine bill for workers but he said he found the bill to be confusing. He said he had just been able to get a copy and there was a number of things he didn't understand. A list of his questions is Exhibit 12.

EILEEN ROBBINS, Montana Nurses Association, said they have some of the same questions voiced by Mr. Murry. She asked if it would mean reduced benefits.

JIM MAYES, Local 400, IUDE, said they would like to go on record as opposing the bill.

REPRESENTATIVE MARKS closed. He said the bill is an honest attempt to keep people working. He said if there are problems concerning the time periods - amend to make it 26 - and amend any other area you feel needs it. He said it is a good bill and a good concept and he would like to see Montana be one of the leaders in developing this kind of program.

Questions were asked by the committee.

Rep. Smith asked how this would affect a man that works for him two days. Rep. Marks said he would get regular pay the two days worked and draw unemployment for the other three.

Rep. Dozier asked if the employee can make the choice. Mr. Murry said section 3 talks about the employer being able to make the choice of participating but he said the employee would have to go along with the choice.

Mr. Hunter responded to a question that he felt more clarification would be needed for them to be able to administer the program.

Rep. Marks asked if Mr. Hunter would be willing to develop a work share program. Mr. Hunter said there are some major questions we have before we can draft the amendments we would need to make the program work. He asked how different this was then the partial benefit program now on the books.

Mr. Driscoll expressed concern about the worker that quits rather than take reduced hours. Would his termination be considered for good cause so he could collect unemployment compensation.

Rep. Smith said he could see some possibilities for this program. He wondered if it would be possible to work this out on an equitable basis.

Chairman Williams closed the hearing on this bill and opened the meeting to executive session on the following bills.

#### EXECUTIVE SESSION

HOUSE BILL 777 Rep. Harper moved to amend on page 1, lines 20 and 21, to strike "necessary personnel equipment" and insert "personal safety equipment necessary to satisfy federal or state safety standards particular to that occupation." The motion carried unanimously with those present (absent were Hannah, Jones, Thoft).

After discussion Rep. Harper moved this amendment: page 1, line 25, following "(1)" to insert "and may make reasonable requirements for use and to prevent loss or destruction of the equipment." This motion carried with Reps. Ellerd and Seifert voting no (same absent).

Rep. Addy moved the bill AS AMENDED DO PASS. This motion carried with Reps. Ellerd, Smith and Seifert voting no and absent were Reps. Hannah, Jones and Thoft.

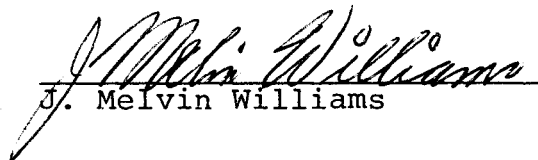
HOUSE BILL 843 Chairman Williams said philosophically he felt this bill contains an idea that may be developed, but he said he agreed with Mr. Hunter that a lot of time would need to be spent to see how it relates to present law.

Rep. Addy moved to TABLE the bill. The motion carried with Reps. Ellerd and Miller voting no and absent were Reps. Hannah, Seifert, Jones and Thoft.

Chairman Williams said we had overlooked the statement of intent when voting on HB 850. Rep. Driscoll moved the statement of intent (Exhibit 13). Motion carried unanimously with those present (same absent).

Meeting adjourned at 10 a.m.

Respectfully submitted,

  
J. Melvin Williams

Emelia A. Satre, Sec.

## RELATIONS

SPONSOR ADDY

22 23 24



## HOUSE EMPLOYMENT RELATIONS

BILL HB 826

DATE 2/19

SPONSOR                      ELLISON

FORM CS-22

WITNESS STATEMENT

Name Al Brockway Committee On Labor  
 Address 524 E. 6<sup>th</sup> Helena Date 19 Feb 83  
 Representing Chief of Police assoc. Support X  
 Bill No. HB 826 Oppose \_\_\_\_\_  
 Amend yes

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. To give more flexibility in scheduling work weeks for Police officers.
2. Present law which allows 5 work days and 2 off does not allow for a change of days off.
3. Present law does not allow for bargaining <sup>scheduling</sup> for changes.
4. HB826 will not add more hours per year nor less days off than the present law.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name R. Nadrian Jensen Committee On Labor  
Address Helena, MT Date 2-19-83  
Representing AFSCME Support X  
Bill No. HB 826 Oppose \_\_\_\_\_  
Amend X

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



VISITOR'S REGISTER  
LABOR AND EMPLOYMENT  
RELATIONS

HOUSE

COMMITTEE

BILL HB 850

DATE 2/19

SPONSOR DRISCOLL

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Andreas Jensen	Helena	AFSCME	X	
Jim Mayers	Helena	LOCAL 400 IUE	X	
Susan Cottingham	Helena	Mt. Env. Info Ctr	X	
Allen Plummer	Bozeman	CEMENT WORKERS	X	
Wyatt Frost	Bozeman	Cement Workers	X	
Billings	Billings	B&N R.R. Co.		X
BRASHER	"	"		X
DW Scott	"	"		X
Tom Dowling	Helena	Mont. R.R. Assn		X
John Delano	"	Mont R.R.		X
M. Hulcher	LIVINGSTON, MT.	UNITED TRANSPORTATION UNION	X	
JOE LAMSON	HELENA	MT. DEMOCRATIC PARTY	X	
Janette Mott	Helena	Common Cause/Mt	X	
Larry Wambury	Helena	Mt. Univ. Sys.-Amend		X
Nick Walker	226 Wallace	Mt. St. Council Firefighters	X	
Lacy Flaherty	Helena	Wagner's Lobbyist Fund	X	
John Walsh	Butte MT	LOCAL 2083 Butte Police	X	
Howard Rowley	Bozeman MT	Mont. St. Council R.R.	X	
Ben Harday	Helena	Mt. Motor Carriers		X Transp.
Jim Murry	Helena	Mont. AFL-CIO	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*Russell*

AMENDMENT TO HOUSE BILL 850

- page four -

line 20: Insert after "distribution"

" (11) "store" means to deposit in one location in the state for over 72 hours."

line 21: Delete "11"; add "12"



Box 1176, Helena, Montana

JAMES W. MURRY  
EXECUTIVE SECRETARY

ZIP CODE 59624  
406/442-1708

TESTIMONY OF JIM MURRY ON HOUSE BILL 850, HEARINGS OF THE HOUSE COMMITTEE  
ON LABOR AND EMPLOYMENT RELATIONS, FEBRUARY 19, 1983

I am Jim Murry, executive secretary of the Montana State AFL-CIO.

I am here to testify in strong support of House Bill 850. This bill provides that employers disclose information about the identity and health hazards of certain substances found in the workplace. It also provides that emergency personnel be given this information in an emergency.

This bill provides essential safeguards for the health and well-being of workers and of the general public. Workers are exposed to thousands of substances which contain toxic or hazardous chemicals. More than 100,000 American workers die every year from occupational diseases. Health professionals estimate that as many as 45 percent of all cancers are caused by carcinogens --- cancer-causing agents --- in the workplace. Health professionals estimate that as many as nine out of ten occupational diseases are preventable.

Montana workers have a right to know about the chemicals and industrial agents with which they work. They have a right to know the effects on their health, right now and in the long run. They have the right to know how to recognize them and guard against exposure. They have the right to know the effects on their spouses and children.

There are short-term symptoms that do not show up until years later. The knowledge of what chemicals are being used and what the short term and long range effects may be is vital for the prevention of occupational disease. It is also vital in allowing health professionals to make prompt and accurate diagnosis and give proper treatment.

According to the Division of Workers' Compensation of the state's Department of Labor and Industry, there were 327 reported accidents in Fiscal Year 1982 which involved hazardous substances. These accidents occurred in a wide variety of industries including agriculture, mining, construction, manufacturing, transportation, trade, services and government. The Division also notes that they receive numerous requests from both the private and government sectors regarding potential health threats from agents and substances used at the workplace, but these are not classified as formal complaints. Their routine inspections of government operations and on-site consultation programs also reveal potential health threatening situations.

The Montana State AFL-CIO is convinced that there are many more illnesses and health problems resulting from the exposure to hazardous substances than are reported to the Workers' Compensation Division. We are convinced that this is because the lack of knowledge regarding these substances prevents accurate diagnosis and reporting.

For example, chemical exposure can cause such diverse symptoms as central nervous system disorders, problems with physical coordination, erosion of teeth or unexplained weakness or fatigue. The exposure can cause serious health problems for workers' spouses or children, too. These problems can include premature or still births to the wives of workers, or cancer in the workers' children. The harmful effects can be both physical and emotional. It is doubtful that workers or their families experiencing some of these health problems are knowledgeable enough about exposure to chemicals to inform their doctors of the possible cause of the problem.

This bill will help prevent serious health problems for workers, their families and the public. It will aid in prompt and accurate medical diagnosis and treatment.

We urge you to vote for House Bill 850.

*Exhibit 2*

LOCAL UNION No. 88

# United Brotherhood of Carpenters and Joiners of America



(original stationary had union "bug")

ANACONDA, MONT., February 19, 1983

House Bill 850

House Committee on Labor and Employment Relations

I am Howard Rosenleaf, business manager for Carpenters Local 88, Anaconda. Our members are supporting House Bill 850, because we believe that it will help prevent the health problems that workers experience from exposure to dangerous substances.

I'd like to tell you about one such experience. I had a friend who was burying a 50-gallon container of beryllium with a caterpillar, when the container broke. He inhaled the fumes. Within one month he experienced nosebleeds, nausea, dizziness, and weight loss. He was on and off work for the next year. His weight dropped from 220 pounds to 110 pounds and he died at work in the seat of his caterpillar.

The saddest thing of all is that he was never warned of the dangers of this chemical, and what was even more frightening was that he never knew what was happening to him. Now that we have some information about dangerous chemicals, we realize what caused his death. But there are still too many substances we are not informed about.

This bill will allow us to know about the dangers we face, how to prevent them and how to get treatment. We can prevent needless suffering and death like my friend experienced.

I ask that you vote in favor of House Bill 850.

Thank you.

## RIGHT TO KNOW

## HOUSE BILL 850

## DISCLOSURE OF HAZARDOUS OR TOXIC SUBSTANCES ACT

Commonly known as the RIGHT TO KNOW BILL, HB 850 would require employers who use, store, process or manufacture toxic or hazardous substances to disclose to workers or potentially affected citizens, upon request, the common names and health and safety hazards of these substances. This disclosure is based on the premise that employers and employees have the right and a need to know the properties and potential hazards of substances to which they may be exposed. This knowledge is essential to reducing the incidence and cost of occupational disease and workplace accidents.

HOUSE BILL 850, sponsored by Representative Jerry Driscoll (D- Billings) would provide important information to those who might suffer acute or chronic health problems or who might be seriously injured from exposure to hazardous or toxic materials used in the workplace.

HOUSE BILL 850 also gives emergency personnel such as firefighters critically needed protection by providing this same information to local fire departments and in the case of emergency such as a derailment, necessary information on hazardous materials is provided to the emergency officer in charge.

HOW HOUSE BILL 850 WORKS:

----- Under federal OSHA requirements many manufacturers of toxic chemicals now compile and provide Material Safety Data Sheets (MSDS) to workers. This sheet provides an important informational profile of the particular hazardous substances -- the health effects, use, hazards, possible symptoms of over-exposure, safe handling procedures, personal protection equipment and emergency treatment procedure. An employer in Montana using these substances maintains a MSDS for each toxic chemical in the workplace and supplies this information to any employee or nearby citizen who requests it. (Section 4)

----- The employer also compiles a simple list of all toxic or hazardous substances used or stored in the workplace, posts the list in the work area (Section 7) and submits a copy to the Department of Health, (Occupational Health Bureau) and to the local fire departments and workers only upon request. (Section 4)

----- In the event of an accident in the course of transporting hazardous or toxic substances, manifests or other pertinent information such as hazard sheets, must be made available upon request to authorized emergency personnel.

----- Legitimate trade secrets are strictly protected. (Section 10)

----- Workers rights to obtain this information or to refuse to perform dangerous work until the information is provided are protected. (Section 5)

----- **EXEMPTIONS:** Any chemical regulated under Federal Insecticide, Fungicide, and Rodenticide Act, consumer products and ingredients regulated under the Montana Food and Drug and Cosmetic Act.

WHY MONTANANS NEED HOUSE BILL 850

In recent years, tremendous quantities of chemicals essential to our modern industrial society have been produced and are being used and transported daily. Public exposure to these chemicals -- in the workplace and in our communities -- has increased significantly, often resulting in tragic accidents and devastating impacts. For every dramatic incident that makes the newspapers, how many more there are thousands of workers being slowly and unknowingly poisoned by the exposure to unknown dangers. The cost of fighting a fire or cleaning up a toxic spill.

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Although workplace hazards and exposure levels are currently regulated by the federal Occupational Safety and Health Administration, the Reagan administration has moved to significantly weaken worker protection. Proposed new regulations would not only require very strict proof of what a toxic chemical is but would eliminate the right to know requirement and let manufacturers provide this important information at their own discretion.

Many states are having enacted or are now considering legislation that would fill this gap by restoring workers' right to know about the hazards of chemicals they are working with. RIGHT TO KNOW legislation has been passed in Maine, Michigan, West Virginia, Wisconsin, California, Connecticut, New York, and is currently being considered in over 20 other states and localities.

Montana workers are exposed to potentially thousands of hazardous chemicals in their workplace. Many chemicals used in factories and plants eventually find their way into the air and the water supply, and seriously affect the health of our communities.

Most workplace chemicals are labeled only with their trade names, not with their actual contents. Many hazardous substances are transported through our state labeled only with trade names, and without vital information on how to deal with spills, leaks or explosions. When you go the grocery store, you can read all the ingredients listed on the label of any item you buy -- that's required by law. But there is no legal requirement that employers tell us what chemicals workers breathe in every day, or what these chemicals are doing to the health of workers, affected citizens or emergency personnel.

Montanans have the right to know the hazardous substances they are exposed to in order to prevent accidents and illnesses or to obtain prompt and accurate diagnosis and treatment.

#### POTENTIAL COSTS

The preliminary report from the state's Budget Office project minimum costs. There is a possibility that an additional FTE for the state's Occupational Health Bureau may be needed.

#### YOUR STRONG SUPPORT

FOR THIS IMPORTANT PIECE OF LEGISLATION

IS NEEDED AND GREATLY APPRECIATED !!

V O T E   Y E S   O N H O U S E   B I L L   8 5 0

WITNESS STATEMENT

Name R. Nadiean Jensen Committee On Labor  
Address Helena, MT Date 2-19-83  
Representing AFSCME Support X  
Bill No. HB 850 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Testimony handed in.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



# MONTANA STATE COUNCIL No. 9

Ex. 4

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
Affiliated With A.F.L.-C.I.O.



Gerald W. McEntee  
International President

William E. Lucy  
International Secretary-Treasurer

## COUNCIL OFFICERS

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Butte, MT 59701  
Phone: 792-4816

Anita Davis, Secretary  
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Deer Lodge, MT 59722  
Phone: 846-3308

George E. McCammon, Treasurer  
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Townsend, MT 59644  
Phone: 266-3592

February 19, 1983

## VICE-PRESIDENTS

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William McMullin  
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Phone: 252-4093

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Phone: 494-4720

## COUNCIL STAFF

Headquarters  
600 N. Cooke  
Helena, MT 59601  
Phone: 442-1192

R. Nadiean Jensen  
Executive Director

George F. Hagerman  
Field Representative

Sharon Donaldson  
Field Representative

Dennette McLane  
Office Secretary

## TESTIMONY OF R. NADIEAN JENSEN ON HOUSE BILL NO. 850 BEFORE THE HOUSE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

I am R. Nadiean Jensen, Executive Director for Montana State Council #9, American Federation of State, County and Municipal Employees, AFL-CIO. My Union supports House Bill No. 850, which gives workers the right to know the chemicals and hazardous substances they are working with.

AFSCME represents workers in a variety of occupations.

All of them are exposed in one way or another to hazardous substances. I would like to point out a few examples to you.

We represent hospital workers. They are exposed to a variety of toxic chemicals ranging from compounds for sterilizing equipment to strong cleaning compounds.

Members who are custodial workers are exposed to heavy amounts of ammonia. These compounds can cause health problems, including allergic reactions, skin irritations and breathing difficulties. Eventually those problems may become chronic and severe.

Members of city crews are exposed to massive doses of chlorine at city water treatment plants, which can cause extreme eye and airway irritation. Members of highway crews are at times called on to clean up toxic spills and have no knowledge of what these spills contain, in order to take necessary precaution.

It is clear that immediate and obvious health problems, such as chemical burns or eye irritation can be recognized and treated immediately. What is not clear, because workers do not know about them, are the more subtle and long range complications resulting from chemical exposure.

We believe that this knowledge would help prevent illness and accidents and also lead to better diagnosis and treatment.

We urge you to vote for House Bill No. 850.

Respectfully Submitted,

R. Nadiean Jensen, Executive Director  
Montana Council #9, AFSCME, AFL-CIO

Ex. 5

# International Union of Operating Engineers

LOCAL 400

Affiliated with AFL-CIO

Montana

JOHN SLATTERY  
President

D. F. "DAVE" JOHNSTON  
Vice President

LOUIS LAYMAN  
Treasurer

RALPH REID  
Rec. Corres. Secretary



BILL BURLINGAME  
Business Manager &  
Financial Secretary

HEADQUARTERS  
2737 Airport Road  
Helena, Montana 59601  
Telephone: (406) 442-9597

## TESTIMONY OF JIM MAYES ON HOUSE BILL 850, BEFORE THE HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE, FEBRUARY 19, 1983

I am Jim Mayes, representing the Operating Engineers, Local #400. I am also here to speak on behalf of the Montana State Building and Construction Trades Council. We support House Bill 850, which will provide important information to our workers about the hazards of the substances they are exposed to.

Our members work with a great many hazardous substances and toxic chemicals. Because most of them are manufactured under trade names, we are often not aware of their chemical compositions or the health hazards they can cause. In many cases our employers are not aware of the potential problems involved. This bill would provide that information to employers and to workers, so that preventive measures could be taken for worker protection.

Many of our workers are exposed to asbestos, but they are not aware of it. Therefore they do not take precautions when working around it. Asbestos can cause severe lung injury and cancer of the lungs, stomach, and colon.

Carpenters are frequently exposed to resin and glue which causes possible brain damage.

A common problem for Operating Engineers is exposure to exhaust fumes, which can cause permanent damage to the nervous system and damage to the liver and kidneys, as well as possible cancer.

The point is that most of these illnesses can be prevented with accurate information and adequate protections. This bill would provide that information for the benefit of Montana Workers. Please vote for House Bill 850. Thank you.

WITNESS STATEMENT

Name ARLYN PLUMMAN Committee On LADDER  
Address BOZEMAN Date 2-19-83  
Representing CEMENT WORKERS Support X  
Bill No. 850 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. SEE WRITTEN STATEMENT

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Ex. 6

**UNITED CEMENT, LIME AND GYPSUM WORKERS  
LOCAL UNION NO. 239 AFL-CIO  
THREE FORKS, MONTANA**

ARLYN PLOWMAN

NAME OF WRITER

Box 804

ADDRESS

Three Forks, Montana 59752

CITY, STATE AND ZIP

TESTIMONY OF ARLYN PLOWMAN BEFORE THE HOUSE LABOR COMMITTEE - FEBRUARY 19, 1983

HOUSE BILL 850

-----

Chairman, members of the committee, my name is Arlyn Plowman and I am representing the United Cement, Lime Gypsum and Allied Workers' Local #239, Three Forks.

We feel very strong about this bill. We introduced a resolution to the last Montana State AFL-CIO convention asking the Montana labor movement to join with us in our effort to give Montana workers the RIGHT TO KNOW.

Our resolution read as follows:

WHEREAS, for a safe and healthy life, workers, their unions and their communities must know about the hazards and potential hazards in the workplace and environment; and

WHEREAS, history teaches that we cannot depend upon our employers, management or corporations to protect us from toxic and hazardous substances; and

WHEREAS, the Reagan Administration reduced the less than optimum "right-to-know" OSHA standards of the Carter Administration; and

WHEREAS, the "right-to-know" standards being offered by the Reagan Administration are a fraud and cruel hoax;

THEREFORE BE IT RESOLVED, that the Montana State AFL-CIO take the necessary and appropriate action by political and other action supporting the enactment of adequate "right to know" legislation and regulation at the local, state, and federal level to make it possible for Montana workers and communities to protect their health, their safety and their environment.

SUBMITTED BY UNITED CEMENT, LIME, GYPSUM AND ALLIED WORKERS #239, AFL-CIO  
CONVENTION VOTED CONCURRENCE.

We were very happy when the Montana State AFL-CIO's 26th Annual Convention unanimously adopted our resolution. We hope you will do the same.

Thank you.

## WITNESS STATEMENT

Name Mike Walker Committee On labor  
 Address 226 Wallace Date 2/18/83  
 Representing Montana State Council of Professional Fire Fighters Support X  
 Bill No. HB 850 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## Comments:

1. This piece of legislation would make it
2. possible for fire departments to monitor
- the various hazardous materials within their
3. respective communities.

4. It would enable us to notify hospitals of all potential chemical & toxic hazards resting within the confines of our communities. This would enable the hospitals to develop a preparedness plan geared to the actual emergency cases that may be received.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Ex. 8

WOMEN'S LOBBYIST FUND

TESTIMONY OF THE WOMEN'S LOBBYIST FUND BEFORE HOUSE LABOR COMMITTEE IN  
SUPPORT OF HB 850

The Women's Lobbyist Fund supports HB 850 for disclosure of hazardous or toxic substances to workers and communities. Ever since the Karen Silkwood incident in Oklahoma, women's groups across this country have been concerned about and involved in the efforts to pass "right to know" legislation. For women, according to Time magazine (March 19, 1979, pg35) the Silkwood incident and the Kerr-McGee Corporation were a case "of an industry seeking profits while endangering its employees and nearby communities".

In their activities on providing information on hazardous materials, women's groups have focussed on health risks especially during childbearing years and those passed on from parents to children. These risks include reduced fertility in men and women, increased birth defects in children, higher rates of miscarriages, concentrated levels of toxins in nursing infants, and latent cancer in children. Because women make up the bulk of low paid, parttime, transient workers -- they are particularly likely to be exposed to hazardous materials by those companies which are not responsible employers.

WITNESS STATEMENT

Name BILL BRASHER Committee On NAT. Resources  
Address 1003 1ST NW BANK Bldg Date \_\_\_\_\_  
Representing BNRRCO Support \_\_\_\_\_  
Bill No. HB 850 Oppose ✓  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



NOTION NO TRAIN PLACEMENT ERRORS WERE DETECTED FOR HAZARDOUS MATERIALS ONLY. OTHER PLACEMENT RESTRICTIONS MAY APPLY. ACCURACY OF HAZARDOUS MATERIAL PLACEMENT ERROR DETECTION DEPENDS SOLELY ON THE ACCURACY OF REPORTINGS TO COMPASS.

TRAIN 01092 17

HAZARDOUS MATERIAL HANDLING INSTRUCTIONS 02/18/83 2144 PST

5 BEHIND POWER ACFX 25326

ARSENIC TRIOXIDE, SOLID (ARSENIC, WHITE, SOLID ARSENOUS ACID, SOLID)

CLASSIFICATION: POISON B, CORROSIVE

COMMODITY NUMBER IS: 4923115

ENVIRONMENTALLY HAZARDOUS SUBSTANCE (RQ-5000/2270)

ARSENIC TRIOXIDE, SOLID IS A WHITE AMORPHOUS POWDER. IT IS SLIGHTLY SOLUBLE IN WATER AND IS NON COMBUSTIBLE. IT IS CORROSIVE TO METALS IN THE PRESENCE OF MOISTURE AND IS TOXIC BY INGESTION.

IF MATERIAL INVOLVED IN FIRE

EXTINGUISH FIRE USING AGENT SUITABLE FOR TYPE OF SURROUNDING FIRE

(MATERIAL ITSELF DOES NOT BURN OR BURNS WITH DIFFICULTY.)

USE WATER IN FLOODING QUANTITIES AS FOG

USE FOAM, CARBON DIOXIDE OR DRY CHEMICAL

IF MATERIAL NOT INVOLVED IN FIRE

KEEP MATERIAL OUT OF WATER SOURCES AND SEWERS

NEUTRALIZE SPILLED MATERIAL WITH CRUSHED LIMESTONE, SODA ASH, OR LIME

PERSONNEL PROTECTION

AVOID BREATHING DUSTS, AND FUMES FROM BURNING MATERIAL

KEEP UPWIND

AVOID BODILY CONTACT WITH THE MATERIAL

WEAR FULL PROTECTIVE CLOTHING

DO NOT HANDLE BROKEN PACKAGES WITHOUT PROTECTIVE EQUIPMENT

WASH AWAY ANY MATERIAL WHICH MAY HAVE CONTACTED THE BODY WITH COPIOUS

AMOUNTS OF WATER OR SOAP AND WATER

WEAR SELF-CONTAINED BREATHING APPARATUS

WHEN FIGHTING FIRES INVOLVING THIS MATERIAL

ENVIRONMENTAL CONSIDERATIONS - LAND SPILL

DIG A PIT, POND, LAGOON, HOLDING AREA

TO CONTAIN LIQUID OR SOLID MATERIAL

COVER SOLIDS WITH A PLASTIC SHEET

TO PREVENT DISSOLVING IN RAIN OR FIRE FIGHTING WATER

ENVIRONMENTAL CONSIDERATIONS - WATER SPILL

ADD CALCIUM HYPOCHLORITE

NEUTRALIZE WITH AGRICULTURAL LIME (SLAKED LIME), CRUSHED LIMESTONE, OR SODIUM BICARBONATE

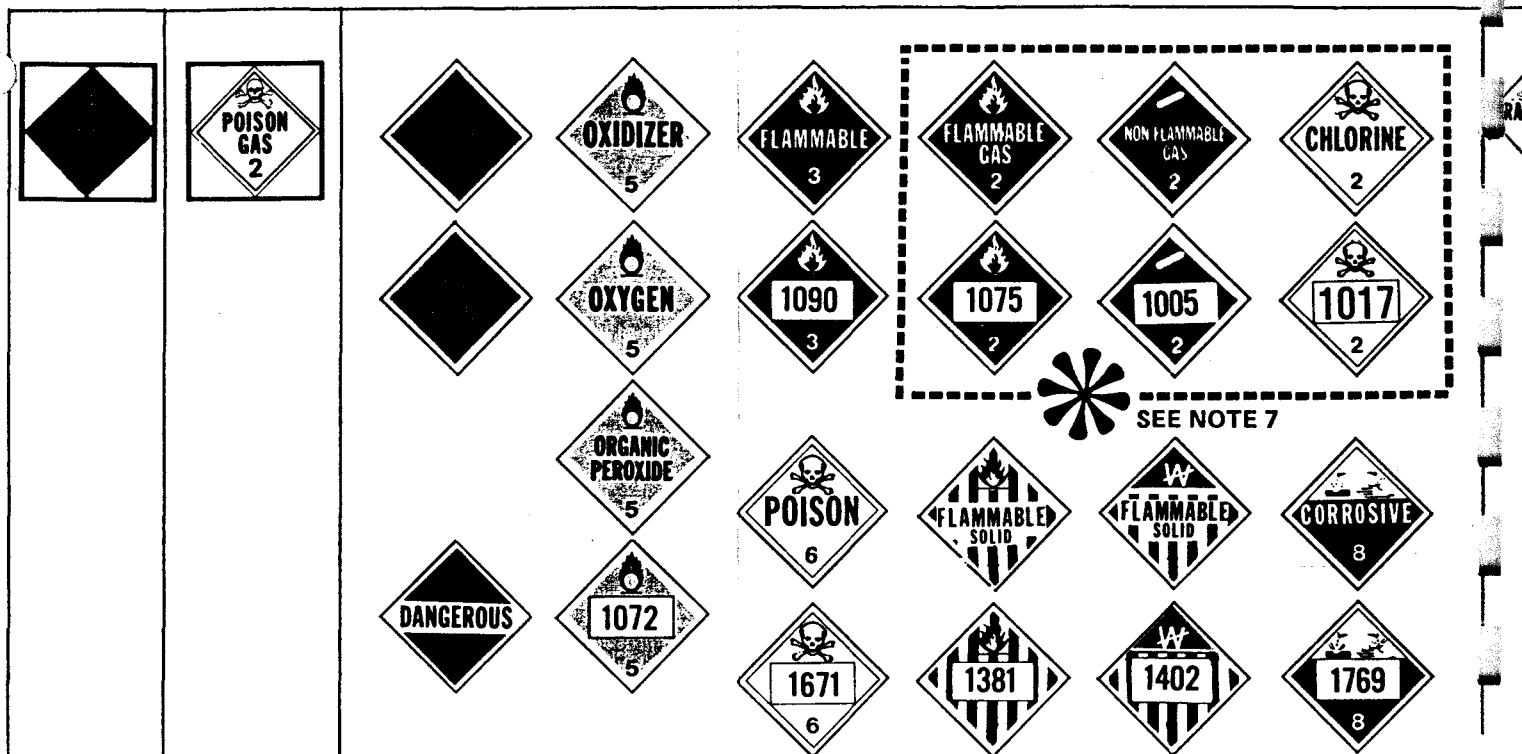
ADD FERRIC CHLORIDE (FECL3)

ADJUST PH TO NEUTRAL (PH=7)

USE MECHANICAL DREDGES OR LIFTS

TO REMOVE IMMOBILIZED MASSES OF POLLUTANTS AND PRECIPITATES

# TRAIN PLACEMENT - SWITCHING



Cars placarded:	Cars placarded:	Tank	— LOADED PLACARDED CARS —	TOFC/COFC	Other than TOFC/COFC or Tank
			<b>POSITION IN TRAIN RESTRICTIONS</b>		
•	•	•	Must not be nearer than the sixth car from the engine occupied caboose or passenger car		
•	•	•	When train length does not permit, must be placed as near the middle of train as possible but not nearer than the second car from the engine, occupied caboose or passenger car		
•	•	•	Engine, occupied caboose or passenger car		
• (1)	• (1)	• (1)	Car occupied by guard or escort		
•	•	•	Loaded plain flat car		
• (2)	• (2)	• (2)	Loaded bulkhead flat car		
• (3)	•	• (4)	Loaded TOFC/COFC flat car		
•	•	• (5)	Car loaded with vehicles		
• (2)	• (2)	• (2)	Open top car with shiftable load		
•	•	•	Car with internal combustion engine in operation. Car with any heating apparatus or any lighted stove, heater or lantern.		
•	•	•	Car placarded EXPLOSIVES A	•	•
•	•	•	Car placarded POISON GAS	•	•
•	•	•	Car placarded RADIOACTIVE	•	•
•	•	•	Any loaded placarded car (other than COMBUSTIBLE or same placard)		
			<b>SWITCHING RESTRICTIONS</b>		
•	•		Must not be cut off in motion or be impacted by cars rolling under their own momentum	•	
•			Must be separated from engine by at least one non-placarded car		
		•	Where use of hand brakes is necessary, must not be cut off in motion until preceding car is clear of lead; also, restricted car		

\* NOTE 7:  
SWITCHING  
REGIONS. BE  
OR SPECIAL IN

# RESTRICTIONS FOR PLACARDED CARS

	Empty placarded tank cars:	Cars placarded :	

Identification numbers preceded by "UN" or "NA" as applicable are required on all shipping papers of hazardous materials except explosives.

1 T/C PROPANE FLAMMABLE GAS, UN 1075

(or)

1 T/C FUEL OIL, COMBUSTIBLE LIQUID, NA1993

Each number represents a commodity or group of commodities; the system is not specific. The numbers are for emergency response and have no application for railroad operation. Identification numbers shown on this sheet are examples.

The identification numbers must also be displayed on both sides and both ends of tank cars loaded with hazardous materials. The numbers may be displayed on orange panels along with a standard placard or on an alternate placard with the identification number in the center of the placard.

Tank car shipments classified "ORM-E" require display of the identification numbers but not placards.

Alternate placards are identified by:

COLOR & SYMBOL  
4-DIGIT I.D. NUMBER  
U.N. CLASS NUMBER

NOTE: The lower quadrant of the combustible placard is white which distinguishes it from the flammable placard.

NOTE: Cars with same placards may be placed next to each other.

(1) A placarded rail car must be next to and ahead of any car occupied by the guards or technical escorts accompanying this car. However, if a car occupied by guards or technical escorts is equipped with a lighted heater or stove, it must be the fourth car behind any car placarded EXPLOSIVES A.

(2) Restriction applies only when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

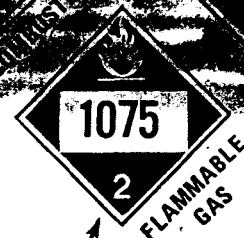
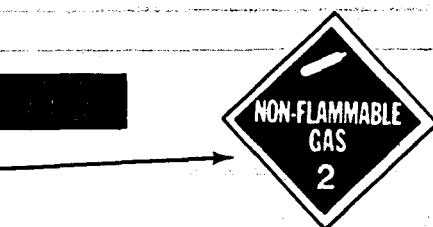
(3) Cars placarded EXPLOSIVES A may be placed next to each other.

(4) Restriction applies only to loaded flatbed or open top trucks and trailers and to loaded trucks and trailers without securely closed doors.

(5) Restriction does NOT apply to a car loaded with vehicles secured by a device designed for that purpose and permanently installed on the car and of a type generally accepted for handling in interchange between railroads.

(6) Cars placarded RADIOACTIVE must not be placed next to car loads of undeveloped film.

NO RESTRICTIONS



## U.N. CLASS NUMBERS

1. EXPLOSIVES
2. GASES
3. FLAMMABLE LIQUIDS
4. FLAMMABLE SOLIDS
5. OXIDIZING MATERIALS
6. POISONOUS AND INFECTIOUS
7. RADIOACTIVE
8. CORROSIVE
9. MISCELLANEOUS (other regulated material)

COMPRESSED GASES HAVE RESTRICTIONS ON SOME ORNED BY BULLETINS

MISSING PLACARDS MUST BE REPLACED. LOCATIONS WHERE CARS ARE INSPECTED SHALL HAVE A SUPPLY FOR THIS PURPOSE. IDENTIFICATION NUMBERS SHALL BE ADDED TO ALTERNATE PLACARDS WITH A BLACK MARKING PEN. CORRECT NUMBERS SHALL BE

**BURLINGTON  
NORTHERN  
RAILROAD**

# INSTRUCTIONS FOR HANDLING HAZARDOUS MATERIALS

B.N. Form 15907 3/82

## ACTION TO BE TAKEN BY TRAIN AND ENGINE CREWS

When derailment or incident occurs in which hazardous materials may be involved:

- Except to effect rescue, keep everyone, including employees, at a safe distance pending determination of chemicals involved.
- Notify train dispatcher (yardmaster in terminal areas) advising portion of train or cars involved. From waybills, consist or other data source, determine appropriate precautions in the event there has been a product release.
- Inspection of trains or cars should be undertaken with caution. If a release of hazardous materials is evident, the area must not be entered except by person(s) with proper protective equipment.
- If flammable liquids or gases are involved and personal safety allows, remove or extinguish all sources of ignition in the area.
- When practicable to accomplish without personal risk, determine position of tank cars (upright, on side, on top, etc.), specific information about tank damage (length, depth of dents, gouges, etc.), location and extent of leakage (hole in end, dome, drip, 1/2 inch stream, vapor, etc.) and tank car specification (example: DOT 112J340W)

### BE SPECIFIC WHEN REPORTING DAMAGE/LEAKAGE INFORMATION

- When personal safety allows, take necessary action to prevent spilled material from entering lakes, streams or sewers, if possible.

NOTE: Computer generated data does not indicate hazardous materials in TOFC/COFC shipments, certain mixed loads, or residue remaining in empty tank cars. Such cars in a derailment may be as dangerous as other shipments. Information for such cars must be obtained from the waybill.

## EXCERPTS FROM D.O.T. REGULATIONS

For complete Department of Transportation regulations applying to railroad operation, refer to tariff BOE 6000-B (or subsequent issues) or B.E. Pamphlet 20.

### DEFINITIONS:

"PLACARDED CAR" means a rail car which is placarded as required in part 172 of the regulations with one or more of the placards depicted on the reverse side.

"TRAIN" means one or more engines coupled with one or more rail cars, except during switching operations or where the operation is that of classifying and assembling rail cars within a railroad yard for the purpose of making or breaking up trains.

§ 174.59 Marking and placarding of rail cars. No person may transport a rail car carrying hazardous materials unless it is marked and placarded as required by this subchapter. Placards and car certificates lost in transit must be replaced at the next inspection point and those not required must be removed at the next terminal where the train is classified.

Placards shall be displayed on each side and each end of:

- (1) Rail cars containing any amount of hazardous material.
- (2) Each trailer/container containing any amount of explosives A or B, poison gas, flammable solid (dangerous when wet) or radioactive material.
- (3) Each trailer/container containing 1000 lbs. or more of any other hazardous material.

§ 174.24 Shipping Papers. (a) No person may accept for transportation by rail any hazardous material unless he has received a shipping paper prepared in the manner specified in subpart C of Part 172 of the regulations, (outlined in 174.25 (b) and (c));

Paragraph (a) does not apply to a material classed as an ORM-A,B,C, unless it is a:

- (1) Hazardous substance or,
- (2) Hazardous waste.

§ 174.25 Additional Information on waybills, switching orders and other billing.

(a) Each waybill, switching ticket, switching order or shipping order used as a waybill for a rail car required to be placarded must also contain the placard endorsement specified for the hazardous material or class concerned, on the face of the waybill near the car number.

(b) When the initial movement of a loaded rail car required to be placarded is a switching operation, the switch order, switching receipt or switching ticket, and all copies thereof, prepared by the shipper, or by the carrier under the shipper's written authority, must contain the following:

- (1) The shipping description consisting of—
  - (i) The proper shipping names specified for the material in § 172.101 or 172.102 (when authorized) of this subchapter;
  - (ii) The hazard class specified for the material in the same table;
  - (iii) The identification number (preceded by "UN" or "NA" as appropriate) prescribed for the material in the same Table; and
  - (iv) The total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description;

(2) Except when a certified bill of lading is tendered to the carrier, the shipper's certification and signature specified in § 172.204 of this subchapter.

(3) The placard notation.

(4) For any entry for a material that is a hazardous substance, the letters "RQ" entered either before or after the basic description.

(c) For an empty tank car that previously contained a hazardous material, other than combustible liquid, or unless the tank car has been reloaded with a material not subject to this subchapter, or has been sufficiently cleaned of residue and purged of vapor to remove any potential hazard, the billing must show the word(s) "EMPTY" or "EMPTY: Last Contained," followed by the basic description of the hazardous material last contained in the tank car, and the word, "PLACARDED." For example, "EMPTY: SULFURIC ACID, Corrosive Material, UN 1830 Placarded," or "EMPTY: Last Contained SULFURIC ACID, Corrosive Material, UN 1830. Placarded."

§ 172.205 Hazardous waste manifest.

(a) No person may offer, transport, transfer, or deliver a hazardous waste (waste) unless a hazardous waste manifest (manifest) is prepared, signed, carried, and given as required of that person by this section.

(e) A copy of the manifest bearing all required dates and signatures must be—

- (2) Carried during transportation in the same manner as required by this subchapter for shipping papers,
- (3) Given to a person representing the designated facility receiving the waste.

(f) If a shipment is delivered to the waste facility by railroad, manifest information may be included on the waybill in lieu of complying with paragraph (e) (2) of this item.

(2) The delivering carrier shall obtain receipt for waste shipment that includes date and handwritten signature of person representing the facility.

§ 174.26 Notice to train crews of placarded cars.

(a) At each terminal or other place where trains are made up or switched by crews other than train accompanying the outbound movement of cars, the carrier shall execute consecutively numbered notices showing the location in each train of each rail car placarded EXPLOSIVE A or POISON GAS. A copy of each notice must be delivered to the train and engine crew concerned, and a copy thereof showing delivery to the train and engine crew must be kept on file by the carrier at each point where the notice is given. At points where train or engine crews are changed, the notice must be transferred from crew to crew. See paragraph (b) of this section for other placarded cars.

(b) The train crew must have a document indicating the position in the train of each loaded placarded car containing hazardous materials, except when the position is changed or the placarded car is placed in the train by a member of the train crew. A train consist may be used to meet this requirement.

(c) A member of the train crew of a train transporting hazardous materials must have in his possession a copy of the shipping papers for the shipment of hazardous materials being transported showing the information required by §§ 172.202 and 172.203 of this subchapter.

### SWITCHING AND TRAIN PLACEMENT

Regulations for handling placarded cars in switching and placement in train are described in items 174.83 thru 174.93. These requirements are outlined by the chart on the reverse side of this form.

#### § 174.8

#### INSPECTION

(b) At any point where a train is required to be inspected each loaded placarded rail car and each rail car immediately adjacent thereto must be inspected. The cars may continue in transit only when the inspection indicates that the cars are in a safe condition for transportation. (See §§ 174.9 and 174.10). The inspection of a rail car other than a tank car or a rail car containing Class A explosives must include a visual inspection for obvious defects of the running gear and any leakage of contents from the car and to determine whether all required placards are in place and conform to the information given on the train consist or other shipping document as required by § 174.26(b).

(c) For inspection requirements applicable to rail cars containing Class A explosives, see §§ 174.10 and 174.104.

#### § 174.9 Inspection of tank cars.

(a) Each loaded placarded tank car must be inspected by the carrier before acceptance at the originating point and when received in interchange to see that they are not leaking and that the air and hand brakes, journal boxes, and trucks are in proper condition for service.

(b) An empty tank car which previously contained a hazardous material and which is tendered for movement or received in interchange must have all manhole covers, outlet valve reducers, outlet valve caps, outlet valve cap plugs, end plugs, and plugs or caps or other openings securely in their proper places, except that heater coil inlet and outlet pipes must be left open for drainage.

#### § 174.10 Inspection of cars at interchange.

(a) Each rail car containing explosives requiring **EXPLOSIVES A** placards (see § 174.104) which is offered by a connecting line must be visually inspected externally by the receiving line. If practicable, the receiving carrier should also inspect the lading. The car may not be forwarded until all discovered violations have been corrected.

(b) If the car shows evidence of or if there is any reason to suspect that it has received rough treatment, the lading must be inspected and placed in proper condition before the car is permitted to proceed. When interchange occurs and the inspection is performed after daylight hours, electric flashlights should be used and naked lights may not be used.

(c) A shipment of hazardous materials offered by a connecting carrier must comply with this subchapter, and the revenue waybill, freight bill, manifest of lading, card waybill, switching order, transfer slip ticket, or other billing, must bear the placard notation and endorsement prescribed by § 174.25 of this subpart.

(d) A car containing packages of hazardous materials other than explosives may not be offered in interchange if the packages are in a leaking condition.

(e) In the case of a tank car which has developed small leaks in the course of its movement to an interchange point and which requires a short movement to effect delivery for unloading by the consignee, the movement may be made if it can be made safely adhering to the precautions prescribed by § 174.50.

**ATTACH TO BLANK PAGE  
IN BACK OF SPECIAL  
INSTRUCTIONS.**

## WITNESS STATEMENT

Name Sandra P. Mintyala Committee On \_\_\_\_\_  
 Address Hill Edge Route, Lewistown, PA Date 2-19-83  
 Representing Mister M Disposal Support \_\_\_\_\_  
 Bill No. 850 Oppose \_\_\_\_\_  
 Amend X

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- Comments: We operate a garbage pickup & landfill.
1. We are concerned about the disposal of unmarked containers of hazardous
  2. wastes that our company could be called upon to handle. I am sure
  3. in many cases the drums of hazardous waste are disposed of in smaller unmarked quantities.
  4. at our landfill people haul their own wastes also and our employees could be exposed unknowingly by people disposing of items that even they do not know what the substance is. This could be cleaning out a premises that previous tenant had left full of stored wastes, possibly unlabeled.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Ex. 11

February 17, 19 83

MR. SPEAKER:

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS, HAVING UNDER CONSIDERATION HOUSE BILL 309, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT  
HOUSE BILL 309

It is the intent of the legislature that when the Board of Personnel Appeals adopts rules to implement HB 309, that it review the present rules for the Departments of Highways and Fish, Wildlife, and Parks and determine the extent to which those rules may be applicable to all state employees. It is further the intent of the legislature that the rules be adopted to provide timely and efficient proceedings while otherwise assuring that employees receive procedural due process and fairness throughout.

## HOUSE

HB 795

COMMITTEE

DATE 2/19

BILL HB 795

SPONSOR COMMITTEE BILL

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## HOUSE EMPLOYMENT RELATIONS

HB 843

DATE 2/19

**MARKS**

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

1. Is the Unemployment Rate in Section 4 an insured or total unemployment rate? If total, is it seasonally or not seasonally adjusted, preliminary or revised?
2. Total unemployment rate is measured monthly usually for the week of the 12th. Since the preliminary rate doesn't come out until the end of the following month (revised comes out the end of the 2nd month - except December, in which case add an extra month for preliminary and revised), is the decision to award a claimant an extra 20 weeks of benefits based on an unemployment rate 6-8 weeks old?
3. If claimant is monetarily eligible for 26 weeks of benefits, would he instead only receive 20 weeks under this proposal?
4. If a claimant is monetarily eligible for 8, 10, 12, 16, or 18 weeks of benefits, will he instead receive 20 weeks (or possible 40) under this proposal?
5. Is it true that those claimants earning an hourly wage equal to or less than what is required to receive the maximum benefit amount (@ \$7.90/hour) will receive a benefit check less than what they would receive under the current partial benefits law (and the percentage decrease in that check would vary from 86% of their partial benefit amount to 67% depending on the part-time hours they report)?
6. Is it true that the total benefit dollars a claimant could receive under this proposal will be less than under the current partial benefit provisions except in cases where the claimant would receive 40 weeks of benefits?
7. Is it true that the only claimants who would receive a benefit check greater than what they would receive under current partial benefits provisions are those claimants earning a wage greater than the wages necessary to receive the maximum WBA and having part-time hours of 20 hours or more?
8. Will claimants receive EB during and EB period? If so, will they receive EB after their first 20 week entitlement? After they exchange their EB entitle, then can they draw an additional 20 weeks? Will the rate used to determine whether they draw an additional 20 weeks be based on the month in which their EB entitlement expired or the month in which their original 20 week period expired?
9. Will the ER's rate be reduced for only the period when the program is in effect or for an entire rate year? What if the ER's program occurs during the last three months of the year when the wages earned by his employees are probably no longer taxable?
10. If the program tends to award less benefits to claimants than under current partial benefit provisions, doesn't the ER's reserve ratio improve because less benefits are charged to his account? Why, then, does he also receive a reduced rate under this proposal?

WITNESS STATEMENT

Name JIM MAYES Committee On \_\_\_\_\_  
Address 2737 AIRPORT Rd Date 2/19  
Representing Local 400 T U O I E Support \_\_\_\_\_  
Bill No. 843 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

850 EX. 13  
Driscoll

STATEMENT OF INTENT

\_\_\_\_\_ Bill No. \_\_\_\_\_ [LC 2074]

A statement of intent is required for this bill because it extends the duties and rulemaking authority of the Board of Health and Environmental Sciences as defined in Title 50, chapter 70, for the purpose of implementing the provisions of this bill.

Sections 4 through 10 require employers to provide specific information and data on hazardous substances in the workplace to employees, fire officials, the Department of Health and Environmental Sciences, and in certain instances to affected citizens. It is necessary that rules and guidelines for implementing and enforcing these provisions be established.

# STANDING COMMITTEE REPORT

February 19, 19 83

## SPEAKER:

MR. ....

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **795**

First reading copy (white)  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE USE OF MONEY  
ACCRUED TO THE UNEMPLOYMENT INSURANCE TRUST FUND FROM INTEREST  
AND PENALTIES ON PAST-DUE CONTRIBUTIONS; AMENDING SECTIONS 39-51-406  
AND 39-51-1301, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **795**

DO PASS

# STANDING COMMITTEE REPORT

February 19, 19 83

MR. **SPEAKER:**

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **826**

First reading copy ( white )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ESTABLISHMENT BY THE CHIEF OF POLICE OF THE WORK PERIOD FOR POLICE OFFICERS AND OTHER POLICE DEPARTMENT PERSONNEL; AMENDING SECTIONS 7-23-4118, 7-32-4119, AND 39-3-406, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **826**

be amended as follows:

1. Page 1, line 12.

Strike: "shall"

Insert: "may"

2. Page 1, line 16.

Following: "compensation"

Insert: "; if the members of the department are represented by a collective bargaining unit, the work period must be established in the collective bargaining agreement"

3. Page 1, line 20.

Following: "given"

Insert: "a minimum of"

**AND AS AMENDED**

**DO PASS**

**XXXX**  
**DO PASS**

# STANDING COMMITTEE REPORT

February 19, 1963

MR. **SPEAKER:**

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **HOUSE** Bill No. **850**

First reading copy (white)  
Color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE EMPLOYERS TO DISCLOSE TO EMPLOYEES AND AFFECTED CITIZENS THE IDENTITY AND HEALTH HAZARDS OF CERTAIN SUBSTANCES FOUND IN THE WORKPLACE AND TO REQUIRE THAT IN AN EMERGENCY INVOLVING HAZARDOUS OR TOXIC SUBSTANCES INFORMATION ON THOSE SUBSTANCES BE MADE AVAILABLE TO EMERGENCY PERSONNEL; AMENDING SECTIONS 50-70-109 AND 50-70-118, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **850**  
**be amended as follows:**

1. Page 4.

Following: line 20.

Insert: "(11) "Store" means to deposit in one location in the state for over 72 hours."

Remember: following subsections

2. Page 6, line 3.

Strike: "or"

3. Page 6.

Following: ~~line 4~~

Insert: "; or (4) teaching, research, or testing laboratories and associated storerooms operated by bona fide educational institutions"

**AND AS AMENDED**

DO-PASS

STATEMENT OF INTENT ATTACHED

MR. SPEAKER:

WE, YOUR COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS, HAVING  
UNDER CONSIDERATION HOUSE BILL NO. 850, FIRST READING COPY (WHITE)  
ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT  
HOUSE BILL NO. 850

A statement of intent is required for this bill because it extends the duties and rulemaking authority of the Board of Health and Environmental Sciences as defined in Title 50, chapter 70, for the purpose of implementing the provisions of this bill.

Sections 4 through 10 require employers to provide specific information and data on hazardous substances in the workplace to employees, fire officials, the Department of Health and Environmental Sciences, and in certain instances to affected citizens. It is necessary that rules and guidelines for implementing and enforcing these provisions be established.