

Arch A. Moore, Jr.
Governor



David K. Heydinger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH
CHARLESTON 25305

NOTICE OF PUBLIC HEARING

1985 SEP - 5 PM 11:00
SECRETARY OF STATE
FILED

Pursuant to Section five, Article three, Chapter twenty-nine of the Code of West Virginia, the West Virginia Department of Health shall convene a public hearing at 1:30 p.m. on October 8, 1985, in Conference Room 522 of the Department of Health, 1800 Washington Street, East, Charleston, West Virginia for the purpose of taking comments pertaining to the filing of a proposed rule, Hazardous Substances, West Virginia Director of Health Legislative Rules, Chapter 16-31, Series 1, 1986. The proposed rule is related to the Community Right to Know Act passed by the 1985 Legislature. It establishes the list of hazardous substances which are to be reported to the Health Department and to certain local authorities, if stored in quantities greater than fifty-five gallons or five hundred pounds. This rule is presently in effect as an emergency rule.

Any citizen or other interested party may appear in person to present comments. Any citizen or other interested party may submit written comments to the Regulatory Services Program of the West Virginia Department of Health, by mail to 1800 Washington Street, East, Charleston, West Virginia 25305 or in person at Room 7, Second Floor, P & G Building, 2019 Washington Street, East, Charleston, West Virginia not later than 4:30 p.m., October 8, 1985. All comments, written and oral, will be made part of the public record of comments received and will be considered as a part of the public hearing. The Department requests that parties wishing to comment make an effort to submit written copies of their comments in order to facilitate review of the comments.

The issues to be heard shall be limited to the proposed and above-mentioned rule. Copies of the proposed rule may be obtained from the address heretofore appearing or by telephoning 304-348-3223 or from the Office of the Secretary of State, Capitol Complex, Charleston, West Virginia 25305, telephone 345-4000.

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FISCAL NOTE FOR PROPOSED RULES

Rule Title: Hazardous Substances

Type of Rule: X Legislative Interpretive Procedural

Agency: Department of Health Address 1800 Washington St. E.
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 108,572	\$
Personal Services				\$ 87,397	
Current Expense				\$ 33,175	
Repairs and Alterations				\$ 0	
Equipment				\$ 8,000	
Other				\$ 0	

2. Explanation of above estimates.

The cost estimates in this fiscal note relate to the overall implementation of the West Virginia Community Right to Know Act as a whole and not solely to this specific regulation.

There are currently no funds allocated in the current [FY 86] budget for the implementation of the Community Right to Know Act. The Department of Health is attempting to partially implement this legislation within its current budget by borrowing services from other programs and activities.

The Department of Health has prepared a proposal for an Improvement Level Decision Package for the FY 1986-87 Appropriation Request which embodies the \$ 108,572 estimate. This will provide a staff of two professional positions, including a Toxicologist and a Research Analyst, and a secretarial support position. The staff would provide a storage and retrieval system for an estimated 184,000 pages of material safety data sheets, and assist community residents access and interpret this material.

3. Objectives of these rules:

The proposed regulation implements Section 4(a) of the West Virginia Community Right to Know Act which requires the Director of Health to develop a list of hazardous substances from specific lists in three publications cited by the act and to provide this list and certain definitions to any employer upon request. The Director of Health was given absolutely no discretion regarding the content of this list.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government

This rule will generate no revenues.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific Groups of Citizens.


This rule imposes no burdens in addition to those specified directly by the Community Right to Know Act. Great care was taken in the development of this regulation to provide aids to industries in their compliance with the Act. The Index by CAS Number in section 6 was developed to reduce the costs to industry in identifying hazardous substances on this list. Since the Director of Health has absolutely no discretion regarding which substances are included on this list, the economic impact cannot be further reduced without an amendment of the Act.

C. Economic Impact on Citizens/Public at Large

This rule imposes no burdens in addition to those specified directly by the Community Right to Know Act.

Date August 30, 1985

Signature of Agency Head or Authorized Representative


David K. Heydinger, M.D.
Director of Health