

**From:** Carleson, Mark  
**Sent:** Monday, April 29, 2013 5:01 PM  
**To:** Smith, Steve C.@DIR; Horowitz, Mike@DIR  
**Cc:**  
**Subject:** Proposed Amendments to Section 5194 T8 CCR

Hi Steve and Mike:

Hope that all is going well...

It's my understanding that the Public Agency Safety Managers Association (PASMA) recently sent you folks a letter outlining some concerns with proposed "GHS inspired" revisions to section 5194 of Title 8. As a member of PASMA and as the Safety Manager for a County that has a fairly large contingent of First Responders (i.e. a multi-thousand member law enforcement department), I wanted to add my two-cents worth to the discussion...

PASMA's concerns were outlined as follows:

*"Embedded within the new GHS classification system is a new system of classifying/identifying hazardous materials. This new system is not aligned with the current NFPA and HMIS labeling system. The NFPA labeling system, which is based on NFPA 704, has been a cornerstone of hazard communication for over 20 years, and it is a system that has been used by first responders such as Fire and Police agencies for over 50 years. For GHS labels, the greater the severity, the lower the hazard number; whereas with the NFPA/HMIS labels, the greater the severity, the higher the hazard number.*

*NFPA has stated the following in regards to the potential for confusion because of the conflict between the GHS and NFPA numbering systems, "NFPA believes that the numbered hazard categories resulting from implementation of GHS will cause confusion among traditional users of the HMIS or NFPA hazard rating and labeling systems..."*

*It is our understanding that Cal/OSHA will allow employers to label secondary containers with either the existing NFPA or HMIS numbering system or the new GHS numbering systems. We are concerned on several fronts for the confusion and danger this will create for First Responders. If Firefighters respond to either a structure fire or hazmat incident, and upon arrival at the business they identify containers that are labeled (1-1-1) under the GHS number system, they may grossly underestimate the hazard based on their training and experience using the NFPA/HMIS numbering system which should carry a rating of 4-4-4. This misidentification based on the new GHS label could result in poisonings, severe burns, and overexposures to health hazards, and a multitude of severe injuries and illnesses.*

PASMA goes on to recommend the following editorial remedy:

*For the safety of First Responders and workers at the site, and in order to reduce the potential for confusion from improper labeling, we recommend that the following language be added to Section 5194. "Manufacturers, importers, or employers are prohibited from printing GHS Numerical Categories on container labels and any label which may be placed on a secondary container. GHS numerical categories are only permitted on Safety Data Sheets." We urge the Division to adopt our proposed language which will eliminate the potential for confusion among First Responders and other employees".*

I have not had the opportunity to study the proposed revisions to the standard to the extent that would allow for an informed endorsement of PASMA's suggested remedial language, however, I do concur that a change to the numbering system (as outlined by PASMA) that basically turns the current numbering system on its head has the potential to create an unnecessary catastrophe for first responders. To the extent that the effect of the proposed revisions comport with PASMA's interpretation, I wanted to add my voice as one who is concerned that the revision could have an unintended adverse effect on employee safety.

I'm confident that the Division will ensure that any revisions in this area will in no way increase the potential hazard for a group of employees that have a hard enough job as it is. I know that the Division has a difficult task in trying to reconcile all of the various positions/suggested revisions etc...from a wide variety of stakeholders; hopefully, to the extent that this issue truly involves an "unintended consequence", I'm hopeful that it's one that everybody can agree on addressing.

Thank you for your consideration.

Mark

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