

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 4

Amend section 5194 to read:

§5194. Hazard Communication.

(a) (Reserved)

(b) Scope and Application.

(5) This section does not apply to:

(C) Wood or wood products including lumber which will not be processed, where the manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (non-excluded hazardous substances which are used in conjunction with wood or wood products, or are known to be present as impurities in those materials, and wood which may be subsequently sawed or cut, generating dust, are covered by this section);

(d) Hazard Determination.

(3) The manufacturer, importer, or employer evaluating substances shall treat any of the following sources as establishing that the substances listed in them are hazardous:

(C) ~~1991-1992~~ Threshold Limit Values for Chemical Substances in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

The manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the substances in these source lists in accordance with the requirements of the standard.

(4) Manufacturers, importers, and employers evaluating substances shall treat any of the following sources as establishing that a substance is a carcinogen or potential carcinogen for hazard communication purposes:

(A) National Toxicology Program (NTP), ~~Sixth~~ *Annual Report on Carcinogens*, ~~1991~~ (latest edition).

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(B) International Agency for Research on Cancer (IARC) *Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man*, Vols 1-53 and Supplements 1-8. World Health Organization (latest editions).

(f) Labels and Other Forms of Warning.

(10) Manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a substance shall revise the labels for the substance within three months of becoming aware of the new information. Labels on containers of hazardous substances shipped after that time shall contain the new information. If the substance is not currently produced or imported, the manufacturer, importer, distributor, or employer shall add the information to the label before the substance is shipped or introduced into the workplace again.

(g) Material Safety Data Sheets.

(2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages as well) and shall contain at least the following information:

(G) Whether the hazardous substance is listed in the National Toxicology Program (NTP) ~~Sixth~~ *Annual Report on Carcinogens* (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) *Monographs*, Vols 1-53 and Supplements 1-8 (latest editions), or by OSHA;

(6) Manufacturers or importers shall ensure that distributors and purchasers of hazardous substances are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the purchaser shall obtain one from the manufacturer, importer, or distributor

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as soon as possible. The manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous substance in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(h) Employee Information and Training.

(1) Employers shall provide employees with effective information and training on hazardous substances in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Information and training may relate to general classes of hazardous substances to the extent appropriate and related to reasonably foreseeable exposures of the job.

NOTE: Authority cited: Sections 50.7, 142.3 and 6398, Labor Code. Reference: Sections 50.7, 142.3 and 6361-6399.7, Labor Code; Sections 25249.6, 25249.7, 25249.8, 25249.10, 25249.11, 25249.12 and 25249.13, Health and Safety Code; *California Lab. Federation v. Occupational Safety and Health Stds. Bd.* (1990) 221 Cal.App.3d 1547 [271 Cal. Rptr. 310]; and *United Steelworkers of America v. Aughter* (3d Cir. 1985) 763 F.2d 728.

Appendix A to Section 5194

Health Hazard Definitions (Mandatory)

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982 1988)--irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

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For purposes of this section, any substances which meet any of the following definitions, as determined by the criteria set forth in Appendix B are health hazards. However, this is not intended to be an exclusive categorization scheme. If there are available scientific data that involve other animal species or test methods, they must also be evaluated to determine the applicability of the HCS (Hazard Communications Standard, section 5194).

1. Carcinogen: A substance is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC) ~~Monographs, Vols 1-53 and Supplements 1-8~~, and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the ~~Sixth~~ *Annual Report on Carcinogens* published by the National Toxicology Program (NTP) (latest edition) or,

NOTE: Authority cited: Sections 142.3 and 6398, Labor Code. Reference: Sections 142.3 and 6361-6399.7, Labor Code; and *United Steelworkers of America v. Auchter* (3d Cir. 1985) 763 F.2d 728.