CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

Advancing public policy to improve the health and safety of workers and the community.

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April 26, 2013

Re: Globally Harmonized System - Update to Hazard Communication

Dear Deborah:

The California Industrial Hygiene Council (CIHC) wishes to take this opportunity to express its appreciation to the Cal-OSHA Division of Occupational Safety and Health (DOSH) and the Cal-OSHA Standards Board in proposing a practical approach to the revision of California's Hazard Communication (HazCom) Standard by including hazard determination and communication requirements of the recently revised Federal Standard which incorporates the international Globally Harmonized System (GHS). We do, however, have a few comments regarding these revisions which we hope will be considered by both DOSH and the Standards Board prior to formal regulatory proposals.

Founded in 1990, the CIHC represents the occupational and environmental health profession in California and is affiliated with the American Industrial Hygiene Association (AIHA), an 11,000 member national organization, as well as the International Occupational Hygiene Association (IOHA), which represents the global community of Occupational Hygiene organizations in over 34 countries. The CIHC is comprised of occupational and environmental health and safety professionals who are members of the five California AIHA Local Sections represented on the CIHC Board of Directors. As such, our members and their organizations are vitally interested in and impacted by regulatory changes to this critically important occupational health and safety standard.

The intent of GHS was triggered by the United Nations a decade ago to establish global harmonization of chemical hazard determinations, descriptions, definitions, and chemical labeling and hazard information. We are pleased that, in its Horcher process, DOSH has presented language to the Standards Board which, with a few exceptions, directly incorporated the language and requirements of the Federal HazCom Standard (which incorporates the GHS). However, we note that the proposed language also includes definitions and terminology not in the Federal Standard, as well as specific language formerly in the Federal Standard (now removed, but still retained in the California version). Proposed California language which does not recognize an international concensus loses the intent of harmonization.

We are specifically concerned that:

- California's proposed deviations from the Federal Standard will create confusion among employees faced with addressing label and safety data sheet (SDS) information from non-California chemical manufacturers which is not consistent with terms or information presented by their California counterparts;

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- California manufacturers will be at a disadvantage in having to prepare label and SDS information which is not consistent with the Federal Standard;
- The effectiveness of employee training may be diminished for California employees due to use of health and safety-related terminology in California which is not consistent with that used by out of state chemical suppliers; and
- The "weight of evidence" vs "one scientific study" needs to be seriously considered in any final standard California adopts. The international scientific community has weighed strongly in favor of the "scientific weight of evidence" approach.

As such, we encourage both DOSH and the Standards Board to adopt the Federal Standard language *verbatim* in those sections where the intent of the California standard is identical to the Federal Standard (e.g. those sections subject to Horcher).

The CIHC recognizes that, because the existing California HazCom Standard is more stringent than the current Federal Standard in some of its provisions, it may be necessary and appropriate to retain these increased protections where required by existing laws or when needed to avoid significant diminishment of current protections provided to California employees. The Division will be considering such issues as part of the deliberations associated with the "non-Horcher" process of incorporating those Federal Standard provisions which are considered less stringent or less protective than existing California requirements. Where such differences occur, it is our belief that every effort should be made to utilize terminology and definitions consistent with the Federal Standard, and, to the extent feasible, incorporate language *verbatim* from the Federal Standard for the same reasons as those articulated above.

We strongly believe that the major intent of these changes is to harmonize the hazard determination and communication elements of this standard with other federal and international regulatory bodies. As such, every effort should be made to utilize terminology and definitions in the non-Horcher provisions which are consistent with and identical to those of the Federal Standard.

Because of our interest regarding this matter, CIHC intends to be actively engaged during the upcoming Advisory Committee Hearings on the non-Horcher adoption of the Federal HazCom Standard requirements. If you have any questions, please do not hesitate to contact us or one of our Board members.

Most Sincerely,

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