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Mr. Mike Horowitz
Senior Safety Engineer/Industrial Hygienist
Cal/OSHA Research and Standards Unit
1515 Clay, Suite 1901
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RE: Globally Harmonized System (GHS) update to Section 5194, Hazard Communication

Dear Mr. Horowitz:

The California Labor Federation writes regarding Cal/OSHA's proposal to align California's Hazard Communication Standard – and other Title 8 standards – with those of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

Activists from a variety of communities fought long and hard for the right-to-know (RTK) about hazards at work and in other aspects of our lives and environments. In California, that struggle has a long and honorable history that inspired others in the U.S. and other countries. This reflects a consensus that the RTK is a basic human right – for workers and other members of the public.

The Globally Harmonized Standard (GHS) is a recent result of the international RTK movement. The full international agreement has significant improvements to the legal RTK for U.S. workers and their employers, and for many others around the world. Simply put, we support upholding the spirit of the GHS: provide more information to protect workers, the public, and the environment. Providing less is not in compliance with the agreement, nor federal or state health and safety laws.

In the spirit of continuous improvement of the current system, we support some general principles in the international agreement, as set out in its fourth edition (the “purple book”), with which all the parties agreed. The principles were one of the first items in the long process, and included:

- (a) *the level of protection offered to workers, consumers, the general public, and the environment should not be reduced as a result of harmonizing the classification and labeling systems;*
- (b) *the hazard classification process refers principally to the hazards arising from the intrinsic properties of substances and mixtures, whether natural or synthetic; and*
- (c) *the comprehension of chemical hazard information, by the target audience, e.g. workers, consumers and the general public should be addressed...*”

We also support our brothers and sisters from other unions and from the health and safety community as a whole in making the following specific recommendations:

1. Source Lists

We count on those who prepare material safety data sheets and labels to tell us the truth about the hazards of the chemicals in their products. We need the information to make informed decisions and use our rights, and our employers need the information to decide if they want to buy the product and how to use it. Without this information, neither workers nor employers can make informed decisions about workplace health and safety.

Too often, we receive confusing and/or misleading data sheets and labels. With no standardized formats outlined in either the previous federal standard or the current California one, the sheets and labels effectively lack information significant to workers' health. Our employers and members do not have the technical training or easy access to scientific reports to figure out if something affects their ability to have healthy children or lead healthy lives.

Therefore, we support the continued use of "source lists," including an updated Director's List (The Hazardous Substances List, T8 CCR, Section 339). These lists are consistent with the principles of the GHS. They help to ensure honesty, consistency, accuracy, and quality in data sheets and labels.

Ideally, Cal/OSHA would add more lists that cover the full range of hazard categories in the GHS (i.e., beyond carcinogenicity and reproductive effects). The proposed California Safer Consumer Product Regulations (aka the "green chemistry" regs) uses a list of lists of toxic substances from authoritative bodies around the world; section 69502.2 is a good place to start to look for additions to the current HazComm source lists. We also think it makes sense to include the Prop 65 list of chemicals that might be harmful to people.

2. One Positive Study

We want to know if researchers discover health hazards associated with a chemical, that is why "one positive study conducted in accordance with established scientific principles" is important to us.

We want our employers to know that such a study is out there, so they can decide if they will use, or continue to use, that product and how. If they do use the product, we want to know about the one study so that our members can exercise their right to refuse unsafe or unhealthy work, push for less toxic products, and/or insist that we are properly protected.

Cal/OSHA also needs to protect the one study language so that this information is available to treating physicians should we require medical care as a result of exposure. Such information must be clearly indicated on the data sheet, and the information should be easy to find.

3. Testing

Someone preparing data sheets and labels cannot classify chemicals for hazards without knowing what those hazards are. If tests need to be done to get that information, companies that want to sell their product should be responsible for getting the tests done. Otherwise, the data sheets and labels are of not much use to us or our employers.

Cal/OSHA should require testing for physical hazards, and health hazards. It needs to require tests to ensure that all the ingredients are listed. Companies also should be required to list on their data sheets what kinds of tests have and have not been done for each type of health hazard

listed in the GHS international agreement. That is the only way we will know what information is missing or not available.

4. Mixture Percentages

We need as much information as possible about the ingredients in mixtures – especially the contents. It is crucial for honest, transparent, and effective right-to-know systems.

The best solution is to declare all ingredients. If this is not possible yet, we want to be sure that chemicals that cause cancer, reproductive effects, allergies, and mutagenic changes are listed at their lowest detection level, which the National Institute for Occupational Safety and Health (NIOSH) used for years.

We also worry about endocrine disruptors. These toxins have effects on many body systems (not just the reproductive organs) at minute concentrations, unlike other chemicals for which “the dose makes the poison.” They cannot be treated like other chemicals when it comes to cut-off points for hazard warnings on MSDSs. The cut-offs for these kinds of chemicals also should be their lowest detection level, not an arbitrary and out-of-date percentage.

5. Time to Revise Labels

It is unethical – and illegal, in some countries – to delay providing new chemical hazard information to customers, workers, and the public. Far too often, we have “late lessons from early warnings” about toxic substances. The cost is tremendous for all affected, especially workers and their families. Labels and data sheets should be revised “promptly,” as the GHS agreement says.

6. Training

Workers and employers require detailed rules and guidance regarding training about these new sheets and labels. This training should be integrated with a company’s Illness and Injury Prevention Program, and all aspects of the training should be documented.

We also need training in the language that individual workers understand best. This means that MSDSs and labels should be available in languages other than English, particularly Spanish.

Finally, we will continue to monitor this process. We will recruit our friends and allies to support California workers and employers who want and need the effective and prevention-oriented RTK regulation they deserve. We see these protections as basic rights that should not be undermined or dismissed for any reason.

Thank you for all of your work on this critical issue.

Sincerely,



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Legislative Advocate
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