Testimony

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Cal/OSHA Standards Board

On the Matter of the Adoption in California of the Federal Hazard Communication Standard,
implementing
the Globally Harmonized System of Classification and Labeling (GHS)

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Mr. Chairman, members of the Board, thank you for the opportunity to provide brief remarks today regarding the adoption in California of the new Federal Hazard Communication Standard under the Globally Harmonized System of Classification and Labeling.

My name is Dr. Michael Wilson. I'm the Director of the Labor Occupational Health Program at UC Berkeley. I am also the Associate Director for Integrative Sciences of the Berkeley Center for Green Chemistry.

I speak to you today as an individual and as a UC Berkeley public health scientist. My remarks do not necessarily reflect the views of the University of California or any of its agents.

I want to make three points today regarding the importance of retaining the single study requirement in California. My primarily request today is that the Board support the Division's request *not* to Horcher the Federal proposal verbatim but to defer key aspects of the proposed standard—including the single study issue—to a more transparent and deliberative process.

Three points:

A) A single study is important worker and public right to know; it can be of great importance for health protection, and therefore I think requiring disclosure of the findings of a single study is clear that California's existing standard is *more* protective than the proposed Federal standard.

In essence, it is more protective to require chemical companies to disclose the findings of a single study than to allow them to withhold this information from buyers and from workers. For this reason alone, it would be improper to Horcher the Federal standard verbatim.

Examples: A single study can be an important early indicator of a problematic chemical (show BPA and 1-BP).

B) Secondly, the findings of a single study are important to California businesses.

1) The demand for chemical hazard information is coming increasingly from downstream businesses that purchase and use chemical products. The opposition to releasing this information comes primarily from chemical producers and chemical product formulators who are rational economic actors who naturally want to sell their products—existing products, some of which—let's be clear—are hazardous to workers and consumers.

2) It's important that the Board side today with California businesses that are taking steps to identify and reduce the use of hazardous chemical products in their supply chains. These businesses (which include HP, Whole Foods, Kaiser Permanente, Staples, Dignity Health, Seagate and others that I listed for you in my letter of November 14) are seeking to know *more*—not less—about the hazards of the chemical products they are purchasing and putting on their shelves or putting in the hands of their workers (see http://www.bizngo.org/ and http://www.bizngo.org/participants.php)

3) This is because downstream businesses—not the chemical producers—carry the long-term liabilities associated with the chemical products they purchase.

4) So, for example, if you run a hospital or other facility and are seeking to purchase an effective cleaning product, you want one that will not produce asthma in your staff. You want one that will not cause burning in the eyes of patients or family members. You would also want a product that does not contain carcinogenic or reproductive health hazards.

5) You naturally want the safest product that will meet your needs, and the information to make those kinds of decisions is best communicated on the SDS by the producer. When you choose the safest product, you improve worker health and safety, and you reduce your liability portfolio.

6) In sum, if there is a single study that uses contemporary scientific methods and demonstrates that a chemical ingredient is hazardous, it's important that your business knows that.

3) Finally, the GHS itself allows for some amount of interpretation on the part of implementing bodies. I refer you to section 3.6.2.6 pertaining to carcinogenicity.

> *It is realized that some regulatory authorities may need flexibility beyond that developed in the hazard classification scheme. For inclusion into Safety Data Sheets, positive results in any carcinogenicity study performed according to good scientific principles with statistically significant results may be considered.*

This is important for California, where the state's EPA has recognized that there are large gaps in chemical hazard information in the market, and that it is an appropriate role of government to take steps to ensure that those gaps are filled.

California has been moving over the last 10 years toward *improving* information in the market for businesses, the public and workers, on chemical hazards, not taking information away. This is illustrated most recently by SB 509 (Simitian) Chemical Information Clearing House and AB 1879 (Feuer) implementing legislation for the Safety Consumer Products Regulations.

Markets require information to function (as the economist Joseph Stiglitz has pointed out) (and we know by common sense) that in the area of hazardous chemicals, this information has critical implications for downstream businesses in California, for public health, and for worker health and safety.

By voting to provide a means for retaining California's one-study requirement and other aspects as outlined by the Division, the Board will be preventing an erosion of health standards in the state; it will be providing our businesses with important purchasing information; and it will be consistent with the original intent of the GHS and with the larger trajectory of California's chemicals policy efforts.

Thank you very much for your time and I would be happy to take any questions.

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